

CHAPTER 30. CODE OF ETHICS.

30.01. Declaration of Policy.

- (a) The proper operation of city government demands that:
 - (1) City officials and employees be independent, impartial and responsible to the people;
 - (2) Decisions be made in the proper channels of the city governmental structure;
 - (3) City offices should not be used for personal gain;
 - (4) City business should be conducted in such a way so as to re-enforce the public's confidence in its integrity.
- (b) In recognition of these fundamental principles, there is hereby created a code of ethics.

30.02. Purpose. The purpose of this code is to establish ethical standards of conduct for all city officials and employees by identifying those acts or actions that are not compatible with the best interest of the city. Because representatives of the city are drawn from society, they cannot and should not be without all personal and economic interest in the decisions and policies of government. Citizens who serve as city officials and employees retain their rights as citizens to personal and economic interests. Therefore, the standards of ethical conduct for city officials and employees must distinguish between minor and inconsequential conflicts which are unavoidable in a free society and those conflicts which are substantial and material. City officials and employees have a right to:

- (a) Engage in employment and professional or business activities, other than official duties, in order to support themselves and their families;
- (b) Maintain continuity in their professional or business activities;
- (c) Maintain investments or activities which do not conflict with specific provisions of this code.
- (d) The provisions of this code, and such rules and regulations which may be established, are to be interpreted in the context of the above principles and are deemed to be in the best interest of the public.

30.03. Responsibility of Public Office. City officials and employees are agents of public purpose and hold office to serve the public interest. They are bound to uphold the Constitution of the United States, the Constitution of the State of Wisconsin and to carry out efficiently and impartially all laws of the United States, the State of Wisconsin and the City of Ashland. Further, they are bound to observe in their official acts, the standards of ethics set forth in this code and to faithfully discharge the duties of their office. The public interest must be their primary concern.

30.04. Coverage. This code governs all city officials, whether elected or appointed, paid or unpaid, including members of boards, committees and commissions, department heads or other city employees that have management, purchasing and other discretionary duties.

30.05. Exemptions. Political contributions which are reported under Chapter 11, Wis. Stats., are exempt from the provisions of this code.

30.06. Definitions.

(a) Person. Any individual, corporation, partnership, joint venture, association or organization.

(b) Financial Interest. Any interest which yields, directly or indirectly, a monetary or other material benefit to the City officer or employee or to any person employing or retaining services of the city officer or employee.

(c) Anything of Value. Any money or property, favor, service, payment, advance forbearance, loan or promise of future employment, but DOES NOT INCLUDE such things as compensation and expenses paid by the city, fees, honorariums and expenses, unsolicited advertising or promotional material such as pens, pencils, notepads, calendars, informational or educational materials of unexceptional value, plaques, other advertising giveaways or any other thing which is not likely to influence the judgment of individuals covered by this code.

(d) Privileged Information. Any written or oral material related to city government which has not become part of the body of public information and which is designated by statute, court decision, lawful orders, ordinances, resolution or custom as privileged.

(e) Official. All city department heads or directors, City Councilors, and all other elected or appointed city officers.

(f) Employee. All persons filling an allocated position of city employment and all members of boards, committees, and commissions and those individuals included in Sec. 30.06(e), Wis. Stats.

(g) Immediate Family. An official's or employee's spouse or family member who contributes more than one-half of the support of the official or receives that level of support from the official or employee.

30.07. Fair and Equal Treatment.

(a) Use of Public Property. An official or employee shall not use or knowingly permit the use of city services or city-owned vehicles, equipment, materials for unauthorized non-governmental purposes or for unauthorized personal convenience or for profit, unless such services or use are available to the public generally and consistent with practices and policies of the city.

(b) Obligations to Citizens. An official or employee shall not grant any special consideration,

treatment or advantage to any citizen beyond that which is available to every other citizen. This section does not affect the duty of city councilors to diligently represent their constituency.

30.08. Conflict of Interest.

(a) Receipt of Gifts and Gratuities Prohibited. An official or employee shall not accept anything of value whether in the form of a gift, service, loan or promise from any person which may impair his or her independence of judgment or action in the performance of his or her official duties.

(b) Exception. It is not a conflict of interest for an official or employee to receive a gift of gratuity that is an unsolicited item of insignificant value or anything which is given to them independent of their position as an official or employee.

(c) Business Interest. An official or employee shall not engage in any business or transaction or act in regard to any financial interest, direct or indirect, which:

(1) Is incompatible with the proper discharge of his or her official duties for the benefit of the public;

(2) Is contrary to the provisions of this code; or

(3) May impair his or her independence of judgment or action in the performance of his or her official duties.

(d) Employment. An official or employee shall not engage in or accept any private employment or render any service for a private interest when such employment or service is incompatible with the proper discharge of his or her official duties or which may impair his or her independence of judgment or action in the performance of his or her official duties unless otherwise permitted by law or unless disclosure is made as hereinafter provided.

(e) Contracting. An official or employee or a business in which an official or employee holds a 10% or greater interest, may not enter into a contract with the city involving a payment or payments of more than a \$2,000 amount within a twelve month period unless the official or employee has made a written disclosure of the nature and extent of such relationship or interest to the City Clerk and reported such interest to the City Council. Further, pursuant to Sec. 946.13, Wis. Stats., an official or employee is prohibited from participating in the formation of a contract(s) with the City of Ashland involving the receipts or disbursements in any one year of more than the maximum dollar amount set forth in that statute.

(f) Financial Interest in Legislation. Any member of the City Council who has a financial interest in any proposed action before the City Council shall disclose the nature and extent of such interest to the City Clerk and the City Council prior to or during the initial discussion of such action. Any other official or employee who has a financial interest in any proposed action before the City Council and who participates in discussion with or gives an official opinion or recommendation to the City Council shall first disclose the nature and extent of such interest to

the City Council.

(g) Disclosure of Privileged Information. An official or employee shall not knowingly disclose or permit the disclosure of privileged information to any person not lawfully authorized to receive such privileged information. An official or employee shall not use privileged information to advance his or her personal financial interest or that of his or her immediate family.

(h) Gifts and Favors. An official or employee shall not accept, from any person or organization directly or indirectly, anything of value without full payment, if it could reasonably be expected to influence his or her vote, governmental actions or judgments or could reasonably be considered as a reward for any governmental action or inaction.

30.09. Compliance with State Statutes.

(a) Statutes Incorporated by Reference. The following sections of the Wisconsin Statutes are hereby incorporated by reference and made a part of this Code of Ethics:

- (1) Sec. 19.01 (Oaths and Bonds).
- (2) Sec. 19.21 (Custody and Delivery of Official Property and Records).
- (3) Secs. 19.81 - 19.89 (Open Meetings of Governmental Bodies).
- (4) Sec. 19.59 (Codes of Ethics for Local Government Officials, Employees and Candidates).

(b) Violation of Incorporated Statutes. Officials shall comply with the sections of the Wisconsin Statutes incorporated in this code and failure to do so shall constitute a breach of this Code of Ethics.

30.10. Investigation and Enforcement.

(a) Advisory Opinions. Any person governed by this Code of Ethics may apply in writing to the City Attorney for an advisory opinion and shall be guided by any opinion rendered. The applicant shall present his or her interpretation of the facts at issue and of the applicability of provisions of this Code before the advisory opinion is rendered. All opinions shall be in writing. Records of the City Attorney's opinions, opinion requests and investigations of violations shall be closed to public inspection, as required by Chapter 19, Wis. Stats. However, such records may be made public with the consent of the applicant.

(b) Complaints. The City Attorney shall accept from any person a verified written complaint which states the name of the officer or employee alleged to have committed a violation of this Code and sets forth the material facts involved in the allegation. The City Attorney shall forward a copy of the complaint to the accused officer or employee within ten (10) days. If no action on the verified complaint is taken by the City Attorney within thirty (30) days, the complaint shall

be dismissed.

(c) Preliminary Investigations. Following the receipt of a verified complaint, the City Attorney may make preliminary investigations with respect to alleged violation of this Code. A preliminary investigation shall not be initiated unless the accused officer or employee is notified in writing. The notice shall state the exact nature and purpose of the investigation, the individual's specific action or activities to be investigated and a statement of such person's due process rights.

(d) Time Limitations. The City Attorney shall investigate any complaint properly filed with him or her. However, no action may be taken on any complaint which is filed more than one year after a violation of the Ethics Code is alleged to have occurred.

(e) Enforcement. If the City Attorney finds that probable cause exists for believing the allegations of the complaint, the City Attorney may:

- (1) Request the officer or employee to conform his or her conduct to the ethics code.
- (2) Recommend that the City Council order the officer or employee to conform his or her conduct to the ethics code or recommend that the official or employee be censured, suspended or removed from office.
- (3) Refer the matter to the District Attorney to commence enforcement pursuant to the procedures and remedies of Sec. 19.59 Wis. Stats.

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