

CITY OF MARSHFIELD, WISCONSIN POLICIES AND PROCEDURES

1. COMMON COUNCIL

4. FINANCIAL

2. ADMINISTRATIVE

5. PUBLIC WORKS

3. PERSONNEL

6. PARKS AND RECREATION

CHAPTER: Employee Conduct and Relations

SUBJECT: Ethical Standards of Public Officials

POLICY NUMER: 3.340

PAGES: 8

APPROVAL DATE: April 25, 2000

PERMANENT DELETION DATE:

APPROVED BY:

PRIMARY RESPONSIBILITY: City Administrator, City Attorney

SPECIAL NOTE: This policy/procedure manual does not in any way constitute an employment contract and the City of Marshfield reserves the right to amend this manual at any time subject only to the approval by the Common Council.

1) STATEMENT OF PURPOSE.

- a) The proper operation of democratic government requires that public officials and employees be independent, impartial and responsible to the people; that government decisions and policy be made in proper channels of the governmental structure; that public office not be used for personal gain; and that the public have confidence in the integrity of its government. In recognition of these goals, there is hereby established a Code of Ethics Policy for all city officials and employees, whether elected or appointed, paid or unpaid, including members of boards, commissions and committees of the city.
- b) The purpose of this Code of Ethics is to establish guidelines for ethical standards of conduct for all such officials and employees by identifying those acts or actions that are considered incompatible with the best interests of the city and by directing disclosure by such officials and

employees of private financial or other interests in matters which may affect performance of their responsibilities to the city. The Common Council believes that a Code of Ethics for the guidance of elected and appointed officials and employees will help them avoid conflicts between their personal interests and their public responsibilities, will improve standards of public service and will promote and strengthen the faith and confidence of the citizens of this city in their elected and appointed officials and employees. The Common Council hereby reaffirms that each elected and appointed city official and employee holds his or her position as a public trust, and any intentional effort to realize substantial personal gain through official conduct is a violation of that trust. The provisions and purpose of this Code of Ethics, and such rules and regulations as may be established, are hereby declared to be in the best interests of the city.

2) DEFINITIONS.

- a) The following definitions shall be applicable in this policy:
 - i) Public Official. Means those persons serving in statutory elected or appointed offices provided for in Chapter 62 of the Wisconsin Statutes, and all members appointed to boards, commissions, committees, and authorities established or appointed by the Mayor and/or Common Council pursuant to this Policy, whether paid or unpaid.
 - ii) **Public Employee**. Means any person excluded from the definition of a public official who is employed by the city.
 - iii) **Anything of Value**. Means any gift, favor, loan, service or promise of future employment, but does not include reasonable fees and honorariums, or the exchange of seasonal, anniversary or customary gifts among relatives and friends.
 - iv) **Business**. Means any corporation, partnership, proprietorship, firm, enterprise, franchise, association, organization, self-employed individual or any other legal entity which engages in profit-making activities.
 - v) **Personal Interest**. Means the following specific blood or marriage relationships:
 - 1. A person's spouse, mother, father, child, brother, sister, guardian, parent-in-law, son-in-law, daughter-in-law, brother-in-law, or sister-in-law, or
 - 2. A person's relative by blood or marriage who receives, directly or indirectly, more than one-half (1/2) support from such person or from whom such person receives,

directly or indirectly, more than one-half (1/2) of his support.

- vi) **Significant Interest**. Means owning or controlling, directly or indirectly, at least ten percent (10%) or Five Thousand Dollars (\$5,000.00) of the outstanding stock of any business.
- vii) **Financial Interest**. Any interest which shall yield, directly or indirectly, a monetary or other material benefit to the officer or employee or to any person employing or retaining the services of the officer or employee.

3) STATUTORY STANDARDS OF CONDUCT.

- a) There are certain provisions of the Wisconsin Statutes which should, while not set forth herein, be considered an integral part of any Code of Ethics. Accordingly, the provisions of the following sections of the Wisconsin Statutes, as from time to time amended, are made a part of this Code of Ethics and shall apply to public officials and employees whenever applicable, to wit:
 - i) Sec. 946.10. Bribery of Public Officers and Employees.
 - ii) Sec. 946.11. Special Privileges from Public Utilities.
 - iii) Sec. 946.12. Misconduct in Public Office.
 - iv) Sec. 946.13. Private Interest in Public Contract Prohibited.

4) RESPONSIBILITY OF PUBLIC OFFICE.

a) Public officials and employees are agents of public purpose and hold office for the benefit of the public. They are bound to uphold the Constitution of the United States and the Constitution of the State of Wisconsin and carry out impartially the laws of the nation, state and city, to observe in their official acts the highest standards of morality and to discharge faithfully the duties of their office regardless of personal considerations, recognizing that the public interest must be their primary concern.

5) DEDICATED SERVICE.

- a) Public officials and employees should adhere to the rules of work and performance established as the standard for their positions by the appropriate authority.
- b) Public officials and employees should not exceed their authority or act contrary to the requirements of federal, state, or local law or ask others to do so. They should work in full cooperation with other public officials and

- employees unless prohibited from doing so by law or by officially recognized confidentiality of their job responsibilities.
- c) Members of the city staff are expected to follow their appropriate professional code of ethics.

6) FAIR AND EQUAL TREATMENT.

- a) Use of Public Property. No public official or employee shall use or permit the unauthorized use of city-owned vehicles, equipment, materials or property for personal convenience or profit, except when the same are available to the public generally or are provided as city policy for the use of such pubic official or employee in the conduct of official business, as authorized by the City Administrator or authorized board, commission, or committee.
- b) Obligations to Citizens. No public official or employee shall grant any special consideration, treatment or advantage to any citizen beyond that which is available to every other citizen. No public official or employee shall use or attempt to use his position with the City to secure any advantage, preference or gain, over and above his rightful remuneration and benefits, for himself or for a member of his immediate family.
- c) Political Activity. No public employee shall, during the hours in which they are performing responsibilities and duties as a city employee, engage in any activity calculated to benefit a political party, partisan or nonpartisan organization, campaign committee or candidate seeking to influence the outcome of an election or referendum. This prohibition extends to the direct or indirect solicitation of campaign contributions, including in-kind contributions, and the use of city-owned building, facilities, vehicles, equipment, materials or other city property to influence the outcome of an election or referendum.

7) CONFLICT OF INTEREST.

- a) Financial and Personal Interest Prohibited.
 - i) No public official or employee of the city, whether paid or unpaid, shall engage in any business or transaction or shall act in regard to financial or other personal interest, direct or indirect, which is incompatible with the proper discharge of official duties in the public interest contrary to the provisions of this Policy or which would tend to impair independence of judgment or action in the performance of official duties.
 - ii) Any member of the Common Council who has a financial interest or personal interest in any proposed legislation before the Common

Council shall disclose on the records of the Common Council the nature and extent of such interest; such official shall not participate in debate or vote for adoption or defeat of such legislation. If the matter before the Council involves a member's individual concern or relationship with persons or issues involved, the member may participate in debate or discussion and vote on the matter following disclosure.

- iii) Any non-elected official, other than a public employee, who has a financial interest or personal interest in any proposed legislative action of the Common Council, or any board, commission, committee or authority upon which the official has any influence or input, or of which the official is a member, which body is to make a recommendation or decision upon any item which is the subject of the proposed legislative action, shall disclose on the records of the Common Council or the appropriate board, commission, committee, or authority the nature and extent of such interest. Such official shall not participate in debate or vote for adoption or defeat of such legislation.
- iv) Any public employee who has a financial interest or personal interest in any proposed legislative action of the Common Council, or any board, commission, committee, or authority upon which the employee has any influence or input, or of which the employee is a member, which body is to make a recommendation or decision upon any item which is the subject of the proposed legislative action, shall disclose on the records of the Common Council or the appropriate board, commission, committee, or authority the nature and extent of such interest. Such employee shall not participate in debate or vote for adoption or defeat of such legislation.
- b) Disclosure of Confidential Information. No public official or employee shall, without proper legal authorization, disclose confidential information concerning the property, government or affairs of the city, nor shall such information be used to advance the financial or other private interests of the official or employee or others.
- c) Gifts and Favors.
 - i) No public official or employee, personally or through a member of his immediate family, may solicit or accept, either directly or indirectly, from any person or organization, money or anything of value if it could be expected to influence the employee's official actions or judgments or be considered a reward for any action or inaction on the part of the official or employee.
 - ii) No public official or employee, personally or through a member of his immediate family, shall accept any gift, whether in the form of money,

service, loan, thing or promise, from any person which may tend to impair his independence of judgment or action in the performance of his duties or grant in the discharge of his duties any improper favor, service or thing of value. However, it is not a conflict of interest for any public official or employee to receive a gift or gratuity that is an unsolicited item of nominal intrinsic value such as a meal, and that is not intended to influence the official.

- iii) A public official or employee is not to accept hospitality if, after consideration of the surrounding circumstances, it could reasonably be concluded that such hospitality would not be extended were it not for the fact that the guest, or a member of the guest's immediate family, was a city official or employee. Participation in celebrations, grand openings, open houses, informational meetings, seminars, training sessions, and similar events are excluded from this prohibition. This paragraph further shall not be construed to prevent candidates for elective office from accepting hospitality from citizens for the purpose of supporting the candidate's campaign.
- iv) Gifts received by a public official or employee, or his immediate family under unusual circumstances, shall be referred to the Common Council within ten (10) days of receipt for recommended disposition. Any person subject to this Policy who becomes aware that he is or has been offered any gift, the acceptance of which may constitute a violation of this Subsection, shall, within ten (10) days, disclose the details surrounding said offer to the Common Council. Failure to comply with this reporting requirement shall constitute an offense under this Policy.
- d) Representing Private Interests Before City Agencies or Courts.
 - i) Non-elected public officials and employees shall not appear on behalf of any private person (other than him or herself, his or her spouse or minor children) before any city agency, board, commission, committee, authority or the Common Council if the official or employee, or any board, commission, committee, or authority of which the official or employee is a member, has any jurisdiction, discretion or control over the matter which is the subject of such representation.
 - Elected public officials may appear before city agencies on behalf of constituents in the course of their duties as representatives of the electorate or in the performance of public or civic obligations. However, the disclosure requirements of Subsection (a) above shall be applicable to such appearances.
- e) Ad Hoc Committee Exceptions. No violation of the conflict of interest restrictions of this Section shall exist, however, where an individual serves

- on a special ad hoc committee charged with the narrow responsibility of addressing a specific issue or topic in which that individual, or the employer or a client of that individual, has an interest so long as the individual discloses to the Common Council that such interest exists.
- f) Contracts with the City. No public official or employee who, in his capacity as such officer or employee, participates in the making of a contract in which he has a private pecuniary interest, direct or indirect, or performs in regard to that contract with some function requiring the exercise of discretion on his part, shall enter into any contract with the city, unless specifically exempted pursuant to Sec. 946.13, Wis. Stats.
 - i) The provisions of this Subsection shall not apply to the designation of a public depository of public funds.
- g) Incompatible Employment. No public official or employee shall engage in or accept private employment, or render services for private interests, when such employment or service is incompatible with the proper discharge of his official duties or tends to impair his independence of judgement or action in the performance of his official duties. In the event the Mayor, Aldermen, public official or employee possesses a financial or personal interest in any business or transaction, a presumption of conflict of interest with his public duties may in some instances be removed by his disclosure of the nature and extent of such interest to the Common Council for the records of that authority.
- 8) ADVISORY OPINIONS. Any questions as to the interpretation of any provisions of this Policy on Ethics shall be referred to the City Attorney. Such requests shall be as detailed as possible and shall be made in writing. Advisory requests and opinions shall be kept confidential, except when disclosure is authorized by the requestor, in which case the request and opinion may be made public.

9) HIRING RELATIVES.

- a) This Section governs the proposed hiring of individuals for regular full-time or part-time work as city employees who are members of the immediate family of city employees or elected officials. Excluded from the provisions of this Section are seasonal or temporary employees. "Immediate family" includes those relatives by blood or marriage defined in the Section 2 (v) as personal interests.
- b) Hiring an immediate family member of any current public official or employee, where that current public official or employee is responsible for the supervision, direction or evaluation of the other, is discouraged and will be considered only if that individual has the knowledge and skills, experience or other job-related qualifications that warrant consideration for

the position. It is required that either the current employee or the relative seeking employment will make the personal interest relationship known to the hiring authority (department head, City Administrator, city board, commission, committee, authority, or Common Council) before a hiring decision is made; in every case, the decision to hire an immediate family member or former spouse will be subject to Finance, Budget, and Personnel Committee approval, with notice, before the new employee is permitted to begin work. Marriage between two (2) individuals already employed by the city or their relatives will not be considered a violation of this policy.

- c) This Section does not apply to non-elected officials who are asked to accept appointment as members of a city board, commission or committee; non-elected officials, however, will be expected to disqualify themselves from participation in matters under consideration which may affect the hiring, retention, classification or compensation of their immediate family if currently employed or being considered for employment by the city.
- 10) EMPLOYEES COVERED BY COLLECTIVE BARGAINING AGREEMENTS. In the event an employee, covered under a collective bargaining agreement, is allegedly involved in an Ethics Code violation, the terms and conditions set forth in the applicable collective bargaining agreement shall prevail in the administration and interpretation of this Code of Ethics Policy.
- 11)SANCTIONS. A determination that an employee's actions constitute improper conduct under the provisions of this policy may constitute a cause of suspension, removal from office or employment or other disciplinary action. Sanctions, including any disciplinary action, that may affect employees covered under a labor agreement will be consistent with the terms and conditions set forth in the applicable labor agreement.
- **12)POLICE OFFICERS AND FIREFIGHTERS.** When an ethics complaint has been filed against a police officer or firefighter or the Chief of either the Police or Fire Department, the procedure shall be had in accordance with the provision of Sec. 62.13, Wis. Stats.