

# Chapter 5

## Ethical Standards

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### Sec. 2-5-1 Definitions.

- (a) **Anything of value:** Any money or property, favor, service, payment, advance, forbearance, loan, or promise of future employment, but does not include compensation and expenses paid by the city, fees, and expenses which are permitted and reported under §19.56 of the Wisconsin Statutes, political contributions which are reported under Chapter 11 of the Wisconsin Statutes, or hospitality extended for a purpose unrelated to state business by a person other than an organization.
- (b) **Associated:** when used with reference to an organization, includes any organization in which a person or a member of his or her immediate family is a director, officer or trustee, or owns or controls, directly or indirectly, and severally or in the aggregate, at least 10% of the outstanding equity.
- (c) **Gift:** The payment or receipt of anything of value without valuable consideration.
- (d) **Organization:** Any corporation, partnership, proprietorship, firm, enterprise, franchise, association, trust
- (e) **Public Officer.** Those persons serving in statutory elected or appointed offices provided for in Chapter 62 of the Wisconsin Statutes, and all members appointed to boards, committees and commissions established or appointed by the Mayor, Chairperson and/or Common Council, whether paid or unpaid.
- (f) **Public Employee.** Any person excluded from the definition of a public officer who is employed by the City.

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#### **Sec. 2-5-2 Declaration of Policy.**

It is declared that high ethical standards among City officers and employees are essential to the conduct of good representative government and that a code of ethics for the guidance of public officers and employees will help them avoid conflicts with improved standards of public service and will promote and strengthen the confidence of the residents of the City in their public officers and employees. The purpose of this Chapter is to establish guidelines for ethical standards of conduct for all such City officers and employees by setting forth those acts or actions that are incompatible with the public interest and which compromise, or appear to compromise, public trust in the fairness, independence and integrity of City officers and employees and their official actions.

#### **Sec. 2-5-3 Statutory Standards of Conduct.**

The provisions of the following sections of the Wisconsin Statutes, as from time to time amended, are made a part of this Chapter and shall apply to all public officers and public employees whenever applicable, to wit:

- (a) **Section 946.10.** Bribery of Public Officers and Employees.
- (b) **Section 946.11.** Special Privileges from Public Utilities.
- (c) **Section 946.12.** Misconduct in Public Office.
- (d) **Section 946.13.** Private Interest in Public Contract Prohibited.

#### **Sec. 2-5-4 Specific Conflicts on Interest.**

- (a) **Use of Public Property.** No public officer or employee shall use or permit the use of City vehicles, equipment, materials or property for personal convenience or profit, except when such services are available to the public generally or are provided as City policy for the use of such officer or employee in the conduct of official business, as authorized by the Common Council or authorized board, commission or committee.
- (b) **Conflicts of Interest.** Except as provided herein, no public officer or public employee shall engage in any business transaction with the City, or have a financial or other personal interest, direct or indirect, which is incompatible with the proper discharge of their official duties or will tend to impair their independence or judgment or action in the performance of their official duties.
- (c) **Disclosure of Interest.** Any public officer or employee who has a substantial financial interest, including employment, in any business entity entering into, proposing to enter into or bidding on any transaction with the City, or as part of their official duties will be making an official decision or recommendation significantly affecting a business competitor, client or regular customer, shall disclose such interest to the membership of the Common Council (or committee, board or commission thereof, as appropriate) to be recorded in the minutes of that body. Upon such disclosure, it is advised that the public officer or employee abstain from voting on the matter and from participating in the discussion of the matter.

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- (d) **Representing Private Interests Before the Common Council or City Agencies.** No public officer or employee, including persons or firms engaged to provide professional services to the City, shall represent, for compensation, private interests before the Common Council or any City board, commission or committee without disclosure of the private business relationship and explicit consent of the Common Council.
- (e) **Disclosure of Confidential Information.** No public officer or employee shall, without proper authorization of the Common Council, disclose confidential information concerning the property, government or affairs of the City, nor shall they use such information to advance the financial or other private interest of themselves or others.
- (f) **Gifts and Favors.** No public officer or employee shall accept anything of value whether in the form of a gift, service loan or promise from any person, who, to their knowledge, has a direct financial interest in any transaction or official business with the City, which may tend to impair their independence of judgment or action in the performance of their official duties. However, it is not a conflict of interest for any public officer or employee to receive a gift or gratuity that is an unsolicited item of nominal intrinsic value, such as a meal, up to Ten Dollars (\$10.00) in value, and that is not intended to influence the official or employee.
- (g) **Disclosure of Interest in Legislation.** To the extent that a member of the Common Council or any public officer or employee of the City of Onalaska, whether paid or unpaid, participates in the discussion of or gives official opinion to the Council on any legislation before the Council, they shall publicly disclose the nature and extent of any direct or indirect financial or other private interest they have in such legislation.

### **Sec. 2-5-5 Nepotism.**

#### (a) Public Officers

- (1) A public officer may not use their public office to obtain employment of the officer's spouse or a dependent relative (§19.5(2); §19.59 (1)(a)). However, if the officer is not involved in the hiring, promotion or conditions of employment, a qualified spouse or dependent may be hired or promoted.
- (2) The State Board of Ethics recommends that officers do not advocate for or hire or promote, or exercise jurisdiction, supervision or direction over someone the officer is related to as a parent, grandparent, child, grandchild, sibling, parent-in-law, grandparent-in-law, brother-in-law, sister-in-law, uncle, aunt, niece, nephew, or spouse.

#### (b) Public Employees

- (1) The City of Onalaska permits members of the same family to work for the City. The City will not, however, consider or accept employment applications from individuals whose employment would result in a supervisor/subordinate relationship or a possible conflict of interest.
- (2) Relatives are defined as: parent, spouse, child, sibling, grandparent, grandchild, aunt, uncle, cousin, in-law or step-relative, or any person with whom the employee has a close personal relationship, such as a domestic partner, romantic partner, or co-habitant.
- (3) If a conflict develops during the course of employment, Human Resources will evaluate the situation on a case by case basis. If needed, supervision may be shifted to another supervisor to eliminate the conflict and/or one employee may have to transfer to another department or resign.

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#### **Sec. 2-5-6 Confidentiality of Public Officers or Employees.**

- (a) “Confidential information” is, at the time of a proposed disclosure, information where the City’s interests in its confidentiality or in the City’s effective functioning outweigh an interest in free speech to disclose same. Confidential information includes but is not limited to information where the disclosure is prohibited by common law, or state or federal law or statute unless the release of same is ordered pursuant to a lawful order of a court or the informed consent of the subject, as applicable; and, information that is subject to the exemptions of a governmental body to meet in open session under Wisconsin Statute Section 19.85 unless release is authorized by the legal custodian or other proper legal authorization is given. For purposes of this section information shall include knowledge imparted orally, recordings, and written documents or records marked confidential.
- (b) No officer or employee may intentionally use or intentionally disclose confidential information concerning the property, government or affairs of the City gained in the course of or by reason of their official position or activities, nor shall such officer or employee use such information to advance the financial or other private interests of such officer or employee or others.

#### **Sec. 2-5-7 Sanctions.**

- (a) A determination that a public official or public employee’s actions constitute improper conduct under the provisions of this chapter may constitute a cause for removal from office, termination of employment, suspension, reprimand, removal from committee assignment, sanctioning, censuring or other appropriate disciplinary action as permitted by law subject to any collective bargaining agreements or meet and confer resolution. As an alternative or in addition to the sanctions imposed herein, any person violating the provisions of this section shall be subject to a non-reimbursable forfeiture of no less than One Hundred Dollars (\$100.00) nor more than One Thousand Dollars (\$1,000.00) for each violation.

#### **Sec. 2-5-8 Advisory Opinions.**

- (a) Any individual, either personally or on behalf of an organization or governmental body, may request of the city attorney, an advisory opinion regarding the propriety of any matter to which the person is or may become a party. Any appointing officer, with the consent of a prospective appointee, may request of the city attorney an advisory opinion regarding the propriety of any matter to which the prospective appointee is or may become a party. The city attorney shall review a request for an advisory opinion and may advise the person making the request. Advisory opinions and requests therefore shall be in writing. It is prima facie evidence of intent to comply with this ordinance when a person refers a matter to the city attorney and abides by the advisory opinion, if the material facts are as stated in the opinion request. Except as provided in par. (b), the city attorney may not make public the identity of an individual requesting an advisory opinion or of individuals or organizations mentioned in the opinion.

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- (b) The city attorney replying to a request for an advisory opinion may make the opinion public with the consent of the individual requesting the advisory opinion or the organization or governmental body on whose behalf it is requested and may make public a summary of an advisory opinion issued under this subsection after making sufficient alterations in the summary to prevent disclosing the identities of individuals involved in the opinion. A person who makes or purpose to make public the substance of or any portion of an advisory opinion requested by or on behalf of the person waives the confidentiality of the request for an advisory opinion and of any records obtained or prepared by the city attorney in connection with the request for an advisory opinion.

### **Sec. 2-5-9 Enforcement and Collective Bargaining Agreements**

Any person having concerns or complaints related to these Ethical Standards can bring their concern or complaint to the Head of the Human Resources Department. Upon receipt of a concern or complaint, the Head of the Human Resources Department, the Mayor and the applicable Department Head or in the case of a concern or complaint with respect to a committee or committee member, the applicable Committee Chairman, shall meet to investigate and make a determination with respect to the concern or complaint and if necessary determine the appropriate level of disciplinary action. In the event that an employee, covered under a collective bargaining agreement, is allegedly involved in a violation of these Ethical Standards, the terms and conditions set forth in the applicable collective bargaining agreement shall prevail in the administration and interpretation of this Ethical Standards Chapter.

### **Sec. 2-5-10 Severability.**

If any provision of this Chapter is invalid or unconstitutional, or if the application of this Chapter to any person or circumstances is invalid or unconstitutional, such defect shall not affect the other provisions or applications of this Chapter which can be given effect without the defective provision or application.