

2018 OA-009

AMENDING CHAPTER 9 OF THE DANE COUNTY CODE OF ORDINANCES,  
REGARDING THE APPOINTEES TO ADMINISTRATIVE AGENCIES AND REQUIREMENTS  
TO FILE A STATEMENT OF ECONOMIC INTEREST

The County Board of Supervisors of the County of Dane does ordain as follows:

ARTICLE 1. Unless otherwise expressly stated herein, all references to section and chapter numbers are to those of the Dane County Code of Ordinances.

ARTICLE 2. Section 9.03(1) is amended and renumbered to read as follows:

(c) *Appointee* refers to a person appointed to an administrative agency, or appointed to any position by the county executive or county board, who is neither an elected county officeholder nor a county employee.

(e) (d) *Board* shall mean the Dane County Ethics Board created by section 15.22 of the Dane County Code of Ordinances.

(d) (e) *Business* shall mean any corporation, partnership, proprietorship, firm, enterprise, franchise, association, organization, self-employed individual or any other legal entity which engages in profit-making or nonprofit-making activities.

(e) (f) *Candidate* shall mean any person who files nomination papers or a declaration for county elective office under ss. 8.10(5), 8.15(4) or 8.20(6), Wis. Stats., or any person whose nomination for appointment to county elective office is pending.

(f) ~~*Citizen or citizen member* refers to a person appointed to an administrative agency, or appointed to any position by the county executive or county board, who is neither an elected county officeholder nor a county employee.~~

ARTICLE 3. Section 9.04 is amended to read as follows:

**9.04 APPLICATION OF CHAPTER.** (1) This ordinance shall apply to all county officials, and county employees, and appointees.

(2) ~~Notwithstanding (1), the financial disclosure requirements shall not apply to county employees outside of the ten highest salary ranges in the managerial and professional salary schedule except that it shall apply to all employees serving under contract, to all employees who serve at the discretion of the county executive and to all managerial and professional level employees appointed by the county board chairperson.~~

ARTICLE 4. Section 9.10 is amended to read as follows:

**STATEMENT OF POLICY.**

(1) The proper operation of democratic government requires that county officials, and employees, and appointees be independent, impartial and responsible to the people; that government decisions and policy be made in the 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 for all County of Dane officials, and employees, and appointees. The purpose of this code is to establish guidelines for ethical standards of conduct for all such officials, and employees, and appointees, to set forth those acts or actions that conflict with the best interests of the county and conflict with or are incompatible with the proper discharge of duties and required independence of judgment, and to direct disclosure by county officials, appointees, and managerial employees of substantial financial interests in matters affecting the county. The provisions and purpose of this code and such rules and regulations as may be established are hereby declared to be in the best interests of the County of Dane.

52 (2) The county board hereby reaffirms that each county official, ~~and~~ employees, and appointee  
53 holds his or her position as a public trust, and any intentional effort to realize personal gain  
54 through official conduct is a violation of that trust.

55 (3) The various provisions of this section constitute only the preamble of the Ethics Code,  
56 establishing the board's underlying purpose in formulating the provisions that follow but do not,  
57 standing alone, constitute the basis for any substantive finding of a violation of the code.  
58

59 ARTICLE 5. Section 9.11 is amended to read as follows:

60 **9.11 RESPONSIBILITY OF PUBLIC OFFICE.** County officials, ~~and~~ employees, and  
61 appointees are agents of public purpose and hold office for the benefit of the public. They are  
62 bound to uphold the Constitution of the United States and the Constitution of this State and to  
63 carry out impartially the laws of the nation, state and county. They are bound to discharge  
64 faithfully the duties of their office regardless of personal considerations, recognizing that the  
65 public interest must be their primary concern. County officials, ~~and~~ employees, and appointees  
66 shall adhere to the rules of work and performance established as the standard for their positions  
67 by the appropriate authority. They shall not exceed their authority or breach the law or ask  
68 others to do so, and shall work in full cooperation with others unless prohibited from so doing by  
69 law or by officially recognized confidentiality of their work.  
70

71 ARTICLE 6. Section 9.21 is amended to read as follows:

72 **9.21 CONDUCT REGULATED.**

73 (1) No county official, ~~or~~ employees, or appointee shall engage in any act which is violative of s.  
74 19.59, Wis. Stats.

75 (2) The definition of *immediate family* in s. 9.03(1)(m) shall be used to apply s. 19.59, Wis.  
76 Stats., to county officials, ~~or~~ employees, or appointees pursuant to this section.  
77

78 ARTICLE 7. Section 9.26 is amended to read as follows:

79 **9.26 CONDUCT REGULATED; USE OF INFORMATION GAINED IN COURSE OF OFFICIAL**  
80 **DUTIES.** No county official, ~~or~~ employees, or appointee may intentionally use or disclose  
81 information gained in the course of or by reason of her or his official position or activities in any  
82 way that could result in the receipt of anything of value for herself or himself, for a member of  
83 her or his immediate family, or for any other person or legal entity if the information has not  
84 been previously communicated to the public or is not a public record.  
85

86 ARTICLE 8. Section 9.27 is amended to read as follows:

87 **9.27 IMPERMISSIBLE USE OF PUBLIC OFFICE.** No county official, ~~or~~ employees, or  
88 appointee shall use or attempt to use his or her public office or employment to influence or gain  
89 unlawful: benefits, advantages or privileges, personally or for others. The use of county  
90 equipment and property including, but not limited to, county owned vehicles, cameras,  
91 projectors, audio systems, copy machines, fax machines, telephones and uniforms is prohibited  
92 for use for both partisan and non-partisan political activity. Use of county property which is  
93 available and accessible to the general public is not considered a violation of this ordinance.  
94

95 ARTICLE 9. Section 9.28 is amended to read as follows:

96 **9.28 CONDUCT REGULATED; REPRESENTATION BY ELECTED OFFICIAL BEFORE**  
97 **COUNTY ENTITIES.** (1) No elected official shall appear on behalf of private interests for  
98 compensation, before any county entity nor represent private interests in any action or  
99 proceeding against the county.

100 (a) This subsection shall not apply:

101 1. In a contested case which involves a party other than the county with interests adverse to  
102 those represented by the public official, ~~or~~ employee, or appointee; or

- 103 2. At an open hearing before a body other than the county board or a committee of the county  
104 board, at which a stenographic or tape record is maintained; or  
105 3. In a matter that involves only ministerial action by the department; or  
106 4. To representation by an elected official acting in his or her official capacity.  
107

108 ARTICLE 10. Section 9.32 is amended to read as follows:

109 **9.32 CONDUCT REGULATED; RECEIPT OF FEES AND EXPENSES. (1)** County officials,  
110 employees, ~~citizen-members~~ appointees and their immediate family members shall not receive  
111 and retain anything of value unless the activity or occasion is unrelated to the use of the  
112 county's time, information, facilities, equipment, services or supplies not generally available to  
113 all residents of the county. He or she shall show by clear and convincing evidence that the  
114 receipt of the thing of value did not arise from the recipient's holding or having held her or his  
115 position and was given or paid for a purpose unrelated to legislation, policies or issues being  
116 considered by or affecting the county.

117 (2) Such persons may accept and retain from persons or entities other than the county the  
118 cost of reimbursement of actual and reasonable expenses related to speaking engagements  
119 whether or not the same arise from their county roles or positions.

120 (3) County officials, employees and ~~citizen-members~~ appointees may accept and retain  
121 anything of value which consists of transportation, lodging, meals, food or beverage, registration  
122 fees, honoraria, or reimbursement therefor, if the official, employee or ~~citizen-member~~ appointee  
123 can show by clear and convincing evidence that the same was incurred or received primarily for  
124 the benefit of the county and not primarily for his or her private benefit or that of any other  
125 person. It is *prima facie* evidence that the acceptance of anything of value consisting of the  
126 enumerated items or services is primarily for the benefit of the county (a) when received by an  
127 official, employee or ~~citizen-member~~ appointee in connection with a speech or other  
128 presentation being given by the county official, employee or ~~citizen-member~~ appointee; (b) when  
129 received by an official, employee or citizen member attending a government-related function  
130 where the same or similar items or services are provided free of direct charge to all attendees;  
131 or (c) when received by an official, employee or citizen member in a situation where the county  
132 would have to assume the costs of the item or service if not otherwise provided. This section  
133 does not prohibit a person from taking any action concerning the lawful payment of salaries or  
134 employee benefits or reimbursement of actual and necessary allowable expenses.  
135

136 ARTICLE 11. Section 9.60 is amended to read as follows:

137 **9.60 STATEMENTS OF ECONOMIC INTEREST.**

138 ~~(1) All The following county officials, and county employees, and appointees shall file a~~  
139 ~~disclosure statement; except that county employees outside of the ten highest salary ranges in~~  
140 ~~the managerial and professional salary schedule need not do so.~~

141 (a) Elected officials.

142 (b) Candidates for county elected office.

143 (c) Department Heads.

144 (d) Employees hired under an employment contract.

145 (e) Appointees to an administrative agency or any position by the county executive, county  
146 board, or county board chairperson, or other person delegated by the county executive, county  
147 board, or county board chairperson.

148 ~~(2) Notwithstanding sub. (1), an employee hired under an employment contract shall file a~~  
149 ~~disclosure statement.~~

154 ARTICLE 12. Section 9.62 is amended to read as follows:

155 **9.62 FILING DATES FOR STATEMENT. (1)** Candidates for elected office shall file a disclosure  
156 statement not more than 14 days after the deadline for filing their respective nomination papers.

157 **(2)** All other Ppersons affected by this ordinance shall file a disclosure statement within 60  
158 days of the date of assuming office or beginning employment.

159 ~~**(3)** County officials appointed to administrative agencies shall file a disclosure statement no  
160 later than the first meeting of the administrative agency or within 30 days of confirmation by the  
161 county board, whichever comes first. Such statements shall expire as of April 30 of even  
162 numbered years unless the statement was filed within the 60 day period prior to the scheduled  
163 expiration date.~~

164 **(43)** In March of even numbered years the county clerk shall cause a notice to be sent to all  
165 officials and employees having a disclosure statement on file notifying them that updated  
166 statements are to be filed.

167 **(54)** The county clerk shall notify candidates for elected office of the provisions of this chapter at  
168 the time that nomination papers are filed.

169  
170  
171 *[EXPLANATION: This amendment revises who is required to file a Statement of Economic  
172 Interest and expands ethics ordinance requirements to appointees to administrative  
173 agencies and other positions.]*

174  
175  
176  
177