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3 **2022 OA-009**

4 AMENDING CHAPTER 9 OF THE DANE COUNTY CODE OF ORDINANCES,
5 REGULATING COUNTY OFFICIAL CONDUCT

6 The County Board of Supervisors of the County of Dane does ordain as follows:
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8 ARTICLE 1. Unless otherwise expressly stated herein, all references to section
9 and chapter numbers are to those of the Dane County Code of Ordinances.
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11 ARTICLE 2. Section 9.22 is created as follows:
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13 **9.22 CONDUCT REGULATED; HARASSMENT AND DISCRIMINATION.** No
14 county official in the performance of their duties, shall engage in sexual
15 harassment of any other person, as defined in Dane Co. Ord. s. 18.04(42), or
16 discriminate against any person on the basis of age, race, ethnicity, religion,
17 color, gender, disability, marital status, sexual orientation, national origin, cultural
18 differences, ancestry, physical appearance, arrest record, military participation,
19 or political beliefs.
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21 ARTICLE 3. Section 9.71 is amended as follows:
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23 **9.71 PROCEDURE BEFORE THE BOARD.** Upon receipt of a complaint, the
24 board shall:

25 **(1)** Send a copy to the Office for Equity and Inclusion if the complaint alleges a
26 violation of Dane Co. Ord. s. 9.22. The Office for Equity and Inclusion shall then
27 retain an outside law firm to conduct an investigation. The outside law firm shall
28 investigate the complaint and prepare a written report determining whether the
29 complaint was founded or unfounded. If the complaint is founded, the report shall
30 be submitted to the board who shall then proceed under (1m). If the complaint
31 regards any other violation of this ordinance, the board shall proceed directly
32 under (1m).
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34 **(1m)** Cause notice to be given to the respondent by regular mail within ten (10)
35 business days of receipt of the complaint by the chairperson. Such a notice shall
36 contain a specification of the charges against the respondent as well as a notice
37 that the respondent may file a written statement of his or her position with the
38 board. The respondent shall receive a copy of the complaint. Both complainant
39 and respondent shall receive a copy of the Dane County Ethics Board Policy and
40 Procedure Manual.
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42 ARTICLE 4. Section 9.90(1) is amended as follows:
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44 **9.90 SANCTIONS. (1)** Violation of any provision of this code should raise
45 conscientious questions for the official or employee concerned as to whether
46 voluntary resignation or other action is indicated to promote the best interests of

47 the County of Dane. If the ethics board determines that an official or employee
48 has violated any provision of this code, the board may, as part of its report to the
49 county board, make any of the following recommendations:

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51 **(a)** In the case of an official who is an elected county board supervisor, that the
52 county board consider sanctioning, censuring or expelling the person;

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54 **(b)** In the case of a citizen member, that the county executive or other appointing
55 authority consider removing the person from the administrative agency;

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57 **(c)** In the case of an employee, that the employee's appointing authority consider
58 imposing discipline, up to and including discharge of the employee.

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60 **(d) In the case of any other county official, that the appropriate authority under**
61 **ch. 17 or s. 59.17(7) of the Wisconsin Statutes consider removing the person**
62 **from their office.**

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64 *[EXPLANATION: This amendment makes it a violation of the Dane County*
65 *Ethics Code for a county official to sexually harass or discriminate against any*
66 *other person.]*