

COUNTY BOARD ORIENTATION

LEGAL Guidelines

These are very general guidelines. The law is far more complex. The best rule of thumb is to call Corporation Counsel's office with any questions.

A. Records

1. County Board Members are Records Custodians.
 - 16.083 Dane County Ordinances - every elected official is the legal custodian of his or her own records. The custodian may designate an employee of "his or her staff." County Board members typically do not have staff.
 - Our ordinances designate the County Board office as a place where citizens may make open records requests of supervisors.
2. Any record that can be construed to be related to your official duties or service as a Supervisor is a public "record" for purposes of open records law. You have an obligation to maintain the records and you must produce them in response to a valid open records request.
 - Even if the County has a copy of a record, once you have one, you are also a custodian of that record.
 - Certain records *may not or need not* be released for legal reasons (like law enforcement investigation materials or personnel records).
 - Emails and other electronic recordings are public "records," and are to be treated exactly the same as paper records.
 - There are special rules for personal email. These rules are relatively new and not (legally) well defined as yet.
 - The general rule is that records may be destroyed after seven years.

B. Meetings

1. All meetings related to government business must be open to the public, unless there is a legal reason for a closed session.
2. All meetings must be noticed – three days under the ordinance, two under State law.
3. Agendas must give the public as much notice as possible as to each item to be discussed. NO item not on the agenda may be discussed.
4. A quorum of members of a board or committee who may discuss county business is considered a "meeting" under the law. Such gatherings must be noticed.
5. This rule does not apply to collective bargaining, partisan caucus, chance social meetings, or conferences where nothing that intentionally impacts government business occurs.

6. Be careful – “*walking quorum*” is a trap. It does not matter whether you are discussing government business all at the same time or in the same place. If a quorum has such a discussion, it is a meeting. That means no discussion of government business serially, even by email.

C. Ethics - Chapter 9, Dane County Ordinances

Ethics rules are straightforward, and common sense should be your guide. If at all in doubt, call Corporation Counsel's office for guidance.

1. Political contributions are governed by State law, not the State or County ethics rules.
2. Section 19.59 of State law (“Code of ethics for local government officials”) sets forth ethics rules.
 - You may not use your office for financial gain or anything of “substantial value.” Our ordinances define “substantial value” as anything over \$13.00, or \$39.00 yearly.
 - This applies to you *and* your immediate family.
 - You cannot take anything from anyone if it could be reasonably expected it would influence a vote, or was a reward for a vote.
 - You may not promise or use a vote or any official action to gain any benefit as a candidate (for yourself or others).
 - You may not vote or take any official action if you or your immediate family has a substantial financial interest in the matter. (“substantial financial interest is defined as anything that must be placed on your financial disclosure form).
 - You may not use your office to create a substantial benefit for yourself, your immediate family or an organization you are affiliated with.
3. The county ethics ordinance prohibits certain actions:
 - You may not disclose information that you gained in the course of your service (unless it is in the public record) if it results in your (or immediate family) receiving “anything of value.”
 - You may not use your office for influence or gain.
 - You may not use county property for either partisan or non-partisan activity, unless the property is available for use by the public (there is a specific list of property that may not be used, but it is not inclusive).
 - Section 9.28 DCO deals with representation of private interests for compensation by a supervisor in areas related to county business. It is complicated, and has exceptions. *Best to contact Corporation Counsel's office if there are any questions.*

- You may not trade your vote for or against an item for the vote of another supervisor on a different item, or the veto or non-veto of an item by the county executive.
 - You may not take fees and/or expenses for an activity unless you can demonstrate the activity is not related to use of county time or materials and that there is no relationship to your office.
 - You may take “*actual and reasonable*” speaker fees and expenses.
 - There is an exception to this for payments from political committees regulated by chapter 11 of the State statutes.
4. Sections 9.36 and 9.38 of the ordinances explain disclosure and reporting requirements. 9.60 deals with the Statement of Economic Interest. The County Board office can help you with reporting.

There is a County Ethics Board that deals with complaints against elected officials. If you have a question as to the ethical implications of an action, you can request an “advisory opinion” from the Ethics Board. You can also request an advisory opinion from Corporation Counsel.

D. Lobbying - Chapter 8, Dane County Ordinances.

1. Lobbyists must disclose their interest when appearing before a board, committee or commission. There is a specific form for this that is available at all meetings.
2. Lobbyists must file disclosure forms under certain conditions.
 - If the lobbyist plans to contact two or more supervisors in a (six month) reporting period and spend more than \$500.00 on all lobbying in the period (includes indirect expenses such as lobbyist’s pay), the lobbyist must disclose and state that s/he understands the duty to file a financial disclosure statement.
 - Lobbyists whose principal has spent over \$500.00 in a reporting period (six months) must file a financial disclosure statement within thirty (30) days of close of the period – for each principal.
 - Lobbyists must obtain records of expenditures from principals and maintain them for three years.
3. The following are not considered “lobbying:”
 - Contacts with the supervisor from the district in which the lobbyist resides.
 - Sending written materials (including the originator’s name) sent on the same day to all supervisors, with three copies to the county clerk.
 - Sending organization newsletters.
 - Contacts made In the course of serving on a county board or committee.
4. Supervisors are *not* required to report contacts with lobbyists to the county clerk.

The Ethics Board takes and hears complaints against lobbyists.