



# Dane County Code of Ethics



Presented By  
Dane County Office of  
Corporation Counsel

# Ethics

## ❖ Purpose

- ❖ preventing undue influence, self dealing and avoiding the appearance of impropriety.
- ❖ Help the public to gain confidence

## ❖ Sources

- ❖ State Law & County Ordinances

## ❖ Rules

- ❖ Straightforward..But modern day experiences create a lot of questions.

# Ethics

## ❖ Who?

- ❖ Ethics Rules apply to county officials and county employees

## ❖ What?

- ❖ In general, Rules seek to prevent county officials/employees from
  - ❖ using their office or position for personal gain,
  - ❖ ignoring conflicts of interests
  - ❖ Being inappropriately influenced

# Ethics

## **Wis. Stat. 19.59 (“Code of ethics for local government officials”):**

### ❖ You Cannot Use Your Office For Private Gain

- ❖ You may not use your office for personal financial gain or for **“anything of value”** or for the gain of your immediate family, or for an associated organization. Wis. Stat. 19.59(1)(a)

### ❖ You Cannot Offer or Receive Anything of Value

- ❖ You may not solicit or accept from any person, **anything of value** if it could reasonably be expected to influence a vote or an action. Wis. Stat. 19.59(1)(b)

- ❖ Our ordinances define “anything of value” as anything \$13 and above or \$39 yearly.

# Ethics

## ❖ You Cannot Take Action on A Matter Which You Have a Financial Interest

- ❖ You may not vote or take any official action if you or your immediate family, or affiliated organization has **a substantial financial interest** in the matter. Wis. Stat. 19.59(1)(c)(1)
  - ❖ “substantial financial interest” is defined as anything that must be placed on a financial disclosure form
- ❖ You may not use your office to create a substantial benefit for yourself, your **immediate family** or an organization you are **associated** with. Wis. Stat. 19.59(1)(c)(2)
  - ❖ “immediate family” means spouse or domestic partner, or any relative who receives ½ or more of support from the officer or who provides ½ or more support.
  - ❖ “associated with an org” means one where you or your immediate family serves as a director, trustee, etc. or controls at least 10% of its equity or serves as an authorized representative

# Ethics

- ❖ You Cannot Take Action on A Matter Which You Have a Financial Interest
  - ❖ If you are faced with this, you must NOT:
  - ❖ participate in any discussion, deliberation or vote
  - ❖ & must ask to be recorded as abstaining.

# Ethics

- ❖ **DCO Ch. 9 is the Local Ethics Code. It incorporates Wis. Stat. 19.59, but adds**
  - ❖ You cannot engage in sexual harassment or discriminate on various bases. DCO 9.21
  - ❖ You may not use or 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) or any person or legal entity in receiving “anything of value.” DCO 9.26

# Ethics

- ❖ You may not use your office for influence or gain. DCO 9.27
  - ❖ Sometimes called the “Don’t You Know Who I Am?” Rule
- ❖ You may not use county property for either partisan/non-partisan political 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). DCO 9.27
- ❖ Section 9.28 DCO deals with Supervisors representing private interests before a County entity.
  - ❖ It is complicated, and has exceptions. Contact Corp Counsel with questions.

# Ethics

- ❖ You may not trade your vote for or against an item for the vote of another supervisor on a different item, or a modification to an OA or Res or the veto or non-veto of an item by the county executive. DCO 9.30(2)
- ❖ You may not accept “anything of value” (like 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. DCO 9.32(1)

BUT:

- ❖ You may take “actual and reasonable” speaker fees and expenses. DCO 9.32(2).
- ❖ There is also an exception for payments from political committees regulated by chapter 11 of WI statutes.

# Ethics

- ❖ You may not accept “anything of value” which consists of transportation, lodging, meals, food, or beverage, or reimbursement. DCO 9.32(3)
- ❖ BUT:
- ❖ You may accept these items if you can show that it was received primarily for the benefit of the county. Example: when received where the county would have to assume the costs otherwise. DCO 9.32(3).
  - ❖ There is also an exception to this for payments from political committees regulated by chapter 11 of WI statutes.

# Ethics

## Disclosures

- ❖ Section 9.36 explains the requirements you must follow if you receive anything of value, and how to disclose.
- ❖ DCO 9.60 & 9.61 deals with the Statements of Economic Interest
- ❖ ??? Under DCO 9.38, if you have a substantial financial interest in a matter pending before the body that you are a member of, you must disclose it before the body.
  - ❖ Substantial financial interest means anything you need to disclose under DCO 9.61

# Ethics

## Disclosures



# Ethics

ARTICLE 12. Section 9.38 is amended to read as follows:

**9.38 CONDUCT REGULATED; DISCLOSURE AND ABSTENTION BY COUNTY OFFICIALS.** (1) A county official ~~or employee~~ who has or whose immediate family member has a substantial financial or personal interest in a matter pending before the body of which ~~he or she is~~they are a member shall disclose the nature of the interest. The disclosure shall be made on the record before the body or, if there is no formal record, in writing to the body.

(2) ~~The~~A county official ~~or employee~~ shall abstain from discussing, deliberating and voting on the matter under consideration ~~not participate in any vote in which he or she if they~~ or an immediate family member has a substantial financial or personal interest to the extent that such interest conflicts or appears to conflict with their official duties or would impair or reasonably be expected to impair their independence of judgment or actions.

# Ethics

## No Private Interest In Public Contracts

- ❖ You cannot participate in the making of a contract in your capacity as a Board member if you have a direct or indirect financial interest in the contract. Wis. Stat. § 946.13(1)(a)
  - ❖ Abstaining from voting as we discussed will prevent a violation.

# Ethics

## No Private Interest In Public Contracts

- ❖ You cannot, in your private capacity, negotiate, bid or enter into a contract which you have a direct or indirect financial interest IF you are “authorized or required by law to participate in your public capacity in the making of that contract.” Wis. Stat. § 946.13(1)(b)
  - ❖ Abstaining won't prevent a prohibition so you must avoid it.
  - ❖ This is a criminal felony statute.

# Ethics

## Other Prohibitions...

- ❖ You cannot be employed or appointed to a new position or an office that was created during your term in office. Wis. Stat. § 66.0501(2)
- ❖ Misconduct in Office: Wis. Stat. §946.12
  - ❖ You cannot intentionally fail or refuse to perform a known mandatory, nondiscretionary duty within the required time period.
  - ❖ You cannot take any action that you know is forbidden by law to do in an official capacity
  - ❖ You cannot either act or by omission exercise a discretionary power inconsistent with the duties of the office in order to obtain a dishonest advantage..

# Ethics

- ❖ What is the nature of the decision?
  - ❖ If the decision involves applying the law to specific fact situations affecting individuals, such as an application for or revocation of a permit before a body, or disciplinary actions before a body, more stringent laws apply..
  
- ❖ Does the matter involve a public contract in which I have a direct or indirect financial interest?
  - ❖ These questions demand careful consideration..
  
- ❖ Does the action affect myself, a member of my family, or an organization with which my family member or I are associated?

# Ethics

## PRACTICAL ADVICE

- ❖ Use the age-old “Smell Test”
  - ❖ Does taking part in a vote or action in my role as a county official seem “off”
  - ❖ How would I like to read about my actions on this matter in the newspaper, or have it publicized in the media?
  
- ❖ Where to Turn For Help:
  - ❖ The Office of the Corporation Counsel
  - ❖ Dane County Ethics Board handles complaints, but can also provide an advisory opinion