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**RESOLUTION # 45 - 2012**

Resolution offered by Supervisor Bob Martini.

**Resolved by the Board of Supervisors of Oneida County, Wisconsin:**

**WHEREAS**, pursuant to resolution #42-2012 the Oneida County Board Supervisors adopted a Code of Conduct for all Supervisors to abide by; and

**WHEREAS**, many County Board Supervisors wanted a “conflict of interest” clause added to the Code of Conduct; and

**WHEREAS**, Corporation Counsel was instructed to draft the conflict of interest language for the Code of Ethics; and

**WHEREAS**, Corporation Counsel proposes that the following language be added to the Code of Ethics:

*Conflict of Interest.*

*County board members are bound by several state statutes ,codes, and case law that prohibit conflicts of interest or the appearance of conflicts of interest in the exercise of their duties as County Board Supervisors*

*(a) Receipt of Gifts, Gratuities, and Preferential Treatment Prohibited. An official shall not solicit or accept anything of value whether in the form of a gift, service, loan or promise from any person which may impair independence of judgment or action in the performance of official duties. Nor shall an official or employee accept from any person or organization, directly or indirectly, preferential treatment or any thing of value without full payment, if it could reasonably be expected to influence a vote, a contract, or could reasonably be considered as a reward for any governmental action or inaction.*

*(b) Exception. It is not a conflict of interest for an official or to receive:*

- 1. An unsolicited gift or gratuity of insignificant value, or*
- 2. Anything given to him or her independent of his or her position as an official or employee.*

*(c) Business Interest. An official shall not engage in any financial transaction which:*

- 1. Is incompatible with the proper discharge of official duties for the benefit of the public,*
- 2. Is contrary to the provisions of this code, or*
- 3. May impair independence of judgment or action in the performance of official duties.*

**NOW, THEREFORE, BE IT RESOLVED**, by the Oneida County Board of Supervisors that the language listed above at lines 16-36 is hereby adopted and made part of the Code of Ethics for County Board Supervisors.

Vote Required: Majority = \_\_\_\_\_ 2/3 Majority = \_\_\_\_\_ ¾ Majority = \_\_\_\_\_

The County Board has the legal authority to adopt: Yes \_\_\_\_\_ No \_\_\_\_\_ as reviewed by the Corporation Counsel, \_\_\_\_\_, Date:

Approved by the \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_ , 2012.

52 Offered and passage moved by: \_\_\_\_\_  
53 Supervisor

54  
55 Seconded by:  
56  
57 \_\_\_\_\_  
58 Supervisor

- 59 \_\_\_\_\_ Ayes
- 60 \_\_\_\_\_ Nays
- 61 \_\_\_\_\_ Absent
- 62 \_\_\_\_\_ Abstain
- 63 \_\_\_\_\_ Adopted

64  
65  
66  
67  
68 by the County Board of Supervisors this \_\_\_\_\_ day \_\_\_\_\_, 2012.

69  
70 \_\_\_\_\_ Defeated

71  
72  
73 \_\_\_\_\_  
74 Mary Bartelt, County Clerk                      Ted Cushing, County Board Chair

75  
76 **ONEIDA COUNTY BOARD CODE OF CONDUCT**

77  
78 **I. Preamble**

79  
80 The citizens and businesses of Oneida County, Wisconsin, are entitled to have fair,  
81 ethical and accountable local government, which has earned the public's full  
82 confidence for integrity. In keeping with Oneida County's commitment to its  
83 citizens, the effective functioning of representative democratic government  
84 requires elected county board supervisors comply with both the letter and spirit of  
85 the laws and policies affecting the operations of government; that elected county  
86 board supervisors be independent, impartial and fair in their judgment and actions;  
87 that public office be used for the public good, not for personal gain; and that public  
88 deliberations and processes be conducted openly, unless legally confidential, in an  
89 atmosphere of respect and civility.

90  
91 To this end, the Oneida County Board of Supervisors has adopted this Code of  
92 Conduct for county board supervisors to assure public confidence in the integrity  
93 of local government and its effective and fair operation.

94  
95 **II. Act in the Public Interest**

96

97 Recognizing that stewardship of the public interest must be their primary concern,  
98 county board supervisors will work for the common good of the people of Oneida  
99 County and not for any private or personal interest, and they will assure fair and  
100 equal treatment of all persons, claims, and transactions coming before the Oneida  
101 County Board of Supervisors, boards, commissions, and committees. In addition,  
102 county board supervisors shall adhere to all statutes, ordinances and rules relating  
103 to the conduct of county business including, without limitation, Wis. Stat. § 19.59,  
104 *et seq.*

105

### 106 **III. Comply with the Law**

107

108 County board supervisors shall comply with the laws of the nation, the State of  
109 Wisconsin and the County of Oneida in the performance of their public duties.  
110 These laws include, but are not limited to: the United States and Wisconsin  
111 constitutions; laws pertaining to conflicts of interest, election campaigns, financial  
112 disclosures, employer responsibilities, and open government; and County  
113 ordinances and policies.

114

### 115 **IV. Conduct of County Board Supervisors**

116

117 The professional and personal conduct of county board supervisors must be above  
118 reproach and avoid even the appearance of impropriety. County board supervisors  
119 shall refrain from abusive conduct, personal charges or verbal attacks upon the  
120 character or motives of other county board supervisors, boards, commissions, and  
121 committees, the staff or public.

122

### 123 **V. Respect for Process**

124

125 County board supervisors shall perform their duties in accordance with the  
126 processes and rules of order established by the Board of Supervisors and boards,  
127 committees, and commissions governing the deliberation of public policy issues,  
128 meaningful involvement of the public, and implementation of policy decisions of  
129 the Board of Supervisors by County staff.

130

### 131 **VI. Conduct of Public Meetings**

132

133 County board supervisors shall prepare themselves for public issues; listen  
134 courteously and attentively to all public discussions before the body; and focus on  
135 the business at hand. They shall refrain from interrupting other speakers; making  
136 personal comments not germane to the business of the body; or otherwise

137 interfering with the orderly conduct of meetings.

138

139 **VII. Decisions Based on Merit**

140

141 County board supervisors shall base their decisions on the merits and substance of  
142 the matter at hand, rather than on unrelated considerations.

143

144 **VIII. Communication**

145

146 County board supervisors shall publicly share substantive information that is  
147 relevant to a matter under consideration by the Board of Supervisors or boards,  
148 committees and commissions, which they may have received from sources outside  
149 of the public decision-making process.

150

151 **IX. Confidential Information**

152

153 Unless otherwise required by law, county board supervisors shall respect the  
154 confidentiality of information concerning the property, personnel or affairs of the  
155 County. They shall neither disclose confidential information without proper legal  
156 authorization, nor use such information to advance their personal, financial or other  
157 private interests.

158

159 **X. Use of Public Resources**

160

161 County board supervisors shall not use public resources that are not available to the  
162 public in general, such as County staff time, equipment, supplies or facilities, for  
163 private gain or personal purposes.

164

165 **XI. Representation of Private Interests**

166

167 In keeping with their role as stewards of the public interest, county board  
168 supervisors shall not appear on behalf of the private interests of third parties before  
169 the Board of Supervisors or any board, committee, commission or proceeding of  
170 the County.

171

172 **XII. Advocacy**

173

174 County board supervisors shall represent the official policies or positions of the  
175 Board of Supervisors, boards, commissions or committees to the best of their  
176 ability when designated as delegates for this purpose. When presenting their

177 individual opinions and positions or otherwise speaking without the express  
178 direction or authorization of their body, county board supervisors shall explicitly  
179 state they do not represent their body or Oneida County, nor will they allow the  
180 inference that they do.

181

182 **XIII. Policy Role of County Board Supervisors**

183

184 The Board of Supervisors determines the policies of the County with the advice,  
185 information and analysis provided by the public, boards, commissions, and  
186 committees, and County staff. The Board of Supervisors delegates authority for the  
187 administration of the County to County staff.

188

189 County board supervisors therefore shall not interfere with the administrative  
190 functions of the County or the professional duties of County staff; nor shall they  
191 impair the ability of staff to implement Board policy decisions.

192

193 **XIV. Independence of Board and Commissions**

194

195 Because of the value of the independent advice of boards, committees and  
196 commissions to the public decision-making process, county board supervisors shall  
197 refrain from using their positions to unduly influence the deliberations or outcomes  
198 of board, committee or commission proceedings.

199

200 **XV. Positive Work Place Environment**

201

202 County board supervisors shall support the maintenance of a positive and  
203 constructive work place environment for County employees and for citizens and  
204 businesses dealing with the County. County board supervisors shall recognize their  
205 special role in dealings with County employees and in no way create the perception  
206 of inappropriate direction to staff.

207

208 **VXI Conflict of Interest**

209

210 *County board members are bound by several state statutes , codes, and case law*  
211 *that prohibit conflicts of interest or the appearance of conflicts of interest in the*  
212 *exercise of their duties as County Board Supervisors*

213

214 *(a) Receipt of Gifts, Gratuities, and Preferential Treatment Prohibited. An official*  
215 *shall not solicit or accept anything of value whether in the form of a gift, service,*  
216 *loan or promise from any person which may impair independence of judgment or*

217 *action in the performance of official duties. Nor shall an official or employee*  
218 *accept from any person or organization, directly or indirectly, preferential*  
219 *treatment or any thing of value without full payment, if it could reasonably be*  
220 *expected to influence a vote, a contract, or could reasonably be considered as a*  
221 *reward for any governmental action or inaction.*

222 *(b) Exception. It is not a conflict of interest for an official or to receive:*

- 223 *1. An unsolicited gift or gratuity of insignificant value, or*
- 224 *2. Anything given to him or her independent of his or her position as an*  
225 *official or employee.*

226 *(c) Business Interest. An official shall not engage in any financial transaction*  
227 *which:*

- 228 *1. Is incompatible with the proper discharge of official duties for the benefit*  
229 *of the public,*
- 230 *2. Is contrary to the provisions of this code, or*
- 231 *3. May impair independence of judgment or action in the performance of*  
232 *official duties.*

233  
234

## 235 **XVII. Implementation**

236

237 As an expression of the standards of conduct for county board supervisors  
238 expected by the County, the Oneida County Supervisors Code of Conduct is  
239 intended to be self-enforcing. It becomes most effective when county board  
240 supervisors are thoroughly familiar with it and embrace its provisions.

241

242 For this reason, training on state and local ethical standards and this Code of  
243 Conduct shall be included in the regular orientations for new county board  
244 supervisors. County board supervisors entering office shall sign a statement  
245 affirming they have read and understood the Oneida County Supervisors Code of  
246 Conduct. In addition, the County Board of Supervisors shall annually review the  
247 Code of Conduct and shall consider recommendations from boards, committees  
248 and commissions to update it as necessary.

249

## 250 **XVIII. Compliance and Enforcement**

251

252 The Oneida County Supervisor Code of Conduct expresses standards of ethical  
253 conduct expected of county board supervisors. County board supervisors  
254 themselves have the primary responsibility to assure that ethical standards are  
255 understood and met, and that the public can continue to have full confidence in the  
256 integrity of government.

257  
258 Any county board supervisor may file a written statement regarding alleged  
259 violations of the Code of Conduct according to Oneida County's policy regarding  
260 the Dispute Resolution Committee.

261  
262 The Board of Supervisors may impose sanctions on county board supervisors  
263 whose conduct does not comply with the standards set forth in the Code of  
264 Conduct, such as reprimand, formal censure, or loss of committee assignment. The  
265 remedies provided herein are not exclusive of any other remedies available by law.

266  
267 A violation of this Code of Conduct shall not be considered a basis for challenging  
268 the validity of a Board of Supervisors decision.

269  
270 **ONEIDA COUNTY BOARD DISPUTE RESOLUTION COMMITTEE**

271  
272 The Oneida County Board of Supervisors has established the Board Dispute  
273 Resolution Committee to provide a mechanism for the orderly and peaceful  
274 resolution of any disputes that may arise under the Oneida County Board Code of  
275 Conduct. The Board Dispute Resolution Committee shall be formed only on an as-  
276 needed basis (as set forth below) and shall conduct itself according to the following  
277 rules.

278  
279 1. Any Board Dispute Resolution Committee convened shall consist of  
280 three (3) members appointed by the County Board Chair, all of whom must be  
281 current county board supervisors, consistent with the following: one (1) member  
282 chosen by the individual that filed the written statement (other than him or herself),  
283 one (1) member chosen by the individual alleged to have violated the Code of  
284 Conduct (other than him or herself) and the County Board Chair. If the County  
285 Board Chair is involved in the alleged incident as a complaining party, accused  
286 individual or witness, the First Vice Chair shall serve. If the County Board Chair  
287 cannot serve and the First Vice Chair is involved in the alleged incident as a  
288 complaining party, accused individual or witness, the Second Vice Chair shall  
289 serve. If the County Board Chair, First Vice Chair and Second Vice Chair are all  
290 unable to serve, the third Committee member shall be chosen by random drawing.

291  
292 2. Any county board supervisor having a good faith basis to believe that  
293 a fellow county board supervisor has violated the Oneida County Board Code of  
294 Conduct may file a written statement with the County Board Chair. Any written  
295 statement filed hereunder shall provide a recitation of the Code of Conduct rule  
296 alleged to have been violated and a detailed statement of all facts supporting the

297 allegation(s), including names of any and all witnesses having information relevant  
298 to the allegation(s). All statements must be signed and dated by the complaining  
299 county board supervisor.

300  
301 3. Within 10 days of receiving a written statement, the County Board  
302 Chair shall:

- 303
- 304 a. Acknowledge receipt of the statement to the complaining  
305 county board supervisor;
  - 306
  - 307 b. Provide a copy of the statement to the county board supervisor  
308 accused of having violated the Code of Conduct;
  - 309
  - 310 c. Ask the complaining party for the name of the current county  
311 board supervisor that the complaining party designates for the  
312 Board Dispute Resolution Committee; and
  - 313
  - 314 d. Ask the accused individual for the name of the current county  
315 board supervisor that the complaining party designates for the  
316 Board Dispute Resolution Committee.
  - 317

318 The County Board Chair shall appoint the members of the Board Dispute  
319 Resolution Committee as soon as possible, but in no event later than 20 days after  
320 the filing of the written statement. The County Board Chair shall have the ability  
321 to appoint members to the Committee at his/her discretion in the event the  
322 timelines above are not followed.

323

324 4. The Board Dispute Resolution Committee shall convene as soon as  
325 possible after appointment, but in no event later than 30 days after the filing of the  
326 written statement. The Committee may establish rules for proceeding on the  
327 complaint including, without limitation, asking for information from individuals  
328 with knowledge of the facts and circumstances surrounding the claimed infraction.

329

330 5. As soon as practical, but not later than 60 days following the filing of  
331 the written statement, the Committee shall issue a written report with a  
332 recommendation to the County Board as to whether an infraction of the Code of  
333 Conduct occurred and, if so, the appropriate remedy under the Code of Conduct.

334

335 6. If the Committee determines that a written statement is filed in bad  
336 faith, without foundation in fact or without foundation under the Code of Conduct,

337 the Committee may recommend that action be taken against the county board  
338 supervisor consistent with the Code of Conduct.

339

340 7. The County Board shall place the Committee's report on the agenda  
341 for the next scheduled County Board meeting.

342

343 8. At the County Board meeting at which the Committee's report is  
344 placed on the agenda, the County Board shall receive the report and consider  
345 action to be taken, if any, with respect to the report. The County Board is not  
346 bound by the Committee's recommendation.

347