

CHAPTER 6
ETHICS CODE

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2-6-1 DECLARATION OF POLICY.

(1) The proper operation of democratic government requires that public officials and employees be independent, impartial and responsible to the people; that government decisions and policies be made in 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 in this Chapter a code of ethics for all Town of Burke officials and employees, whether elected or appointed, paid or unpaid, including members of boards, committees and commissions of the Town, as well as any individuals who are candidates for elective office as soon as such individuals file nomination papers with the Town. The purpose of this Ethics Code is to establish guidelines for ethical standards of conduct for all such officials and employees. The provisions and purpose of this Ethics Code and such rules and regulations as may be established are hereby declared to be in the best interests of the Town of Burke.

(2) The purpose of this Code is to have disclosure of private financial matters for elected officials, those seeking elected office, Plan Commission members, the Town Administrator/Clerk/Treasurer and Deputy Clerk/Treasurer and paid appointed officials which may cause a conflict with their official duties.

(3) Every official or employee, prior to assuming his/her duties, is required to file a statement that the person knows of no personal or financial interest which might disqualify the person from holding and/or exercising the duties of the office.

(4) No person required to file the statement pursuant to sub. (3) may receive any salary or compensation until such statement has been filed with the Town Clerk.

2-6-2 STATUTORY STANDARDS OF CONDUCT. There are certain provisions of the Wisconsin Statutes which should, while not set forth herein, be considered an integral part of any Code of Ethics. Accordingly, the provisions of the following sections of the Wisconsin Statutes, as from time to time amended, are made a part of this Code of Ethics and shall apply to public officials and employees whenever applicable, to wit:

- (1) Sec. 946.10. Bribery of Public Officers and Employees
- (2) Sec. 946.11. Special Privileges from Public Utilities.
- (3) Sec. 946.12. Misconduct in Public Office.
- (4) Sec. 946.13. Private Interest in Public Contract Prohibited.

2-6-3 RESPONSIBILITY OF PUBLIC OFFICE. Public officials and employees are agents of public purpose and hold office for the benefit of the public. They are bound to uphold the Constitution of the United States and the Constitution of this State and carry out impartially the laws of the nation, state and municipality, to observe in their official acts the highest standards of morality and to discharge faithfully the duties of their office regardless of personal considerations, recognizing that the public interest must be their prime concern.

2-6-4 DEDICATED SERVICE.

(1) Officials and employees should adhere to the rules of work and performance established as the standard for their positions by the appropriate authority.

(2) Officials and employees should not exceed their authority or breach the law or ask others to do so, and they should work in full cooperation with other public officials and employees unless prohibited from so doing by law or by officially recognized confidentiality of their work.

2-6-5 FAIR AND EQUAL TREATMENT.

(1) **USE OF PUBLIC PROPERTY.** No official or employee shall request or permit the unauthorized use of Town-owned vehicles, equipment, materials or property for personal convenience or profit.

(2) **OBLIGATIONS TO CITIZENS.** No official or employee shall grant any special consideration, treatment or advantage to any citizen beyond that which is available to every other citizen.

2-6-6 CONFLICT OF INTEREST.

(1) **FINANCIAL AND PERSONAL INTEREST PROHIBITED.** No official or employee, whether paid or unpaid, shall engage in any business or transaction or shall act in regard to financial or other personal interest, direct or indirect, which is incompatible with the proper discharge of official duties in the public interest contrary to the provisions of this Chapter or which would tend to impair independence of judgment or action in the performance of official duties.

(2) DEFINITIONS.

(a) Financial Interest. Any interest which shall yield, directly or indirectly, a monetary or other material benefit to the officer or employee.

(b) Personal Interest. Any interest arising from blood or marriage relationships or from close business or political associations, whether or not any financial interest is involved.

(c) Person. Any individual, corporation, partnership or joint venture.

(3) SPECIFIC CONFLICTS ENUMERATED.

(a) Incompatible Employment. No official or employee shall engage in or accept private employment or render services for private interest when such employment or service is incompatible with the proper discharge of official duties or would tend to impair independence of judgment or action in the performance of official duties, unless otherwise not prohibited by law and unless disclosure is made as hereinafter provided.

(b) Disclosure of Confidential Information. No official or employee shall, without proper legal authorization, disclose confidential information concerning the property, government or affairs of the Town, nor shall such information be used to advance the financial or other private interests of the official or employee or others.

(c). Gifts and Favors.

1. No official or employee shall accept any gift, whether in the form of service, loan, thing or promise, from any person which may tend to impair his/her independence of judgment or action in the performance of his/her duties or grant in the discharge of his/her duties any improper favor, service or thing of value. Any official who receives, directly or indirectly, any gift or gifts having an aggregate value of more than One Hundred Dollars (\$100.00) within any calendar year from any person not a member of his/her immediate family who is known by said official or employee to be interested, directly or indirectly, in any manner whatsoever in business dealings with the Town upon which the official or employee has any influence or input or over which the official or employee has any jurisdiction, discretion or control, shall disclose the nature and value of such gifts to the Ethics Committee by January 20 next following the year in which the gift or gifts are received.

2. No official or employee may solicit or accept, either directly or indirectly, from any person or organization, money or anything of value if it could reasonably be expected to influence the employee's official actions or judgments or be considered a reward for any action or inaction on the part of the official or employee. Legal campaign contributions are exempt from the definition.

3. An official or employee is not to accept hospitality if, after consideration of the surrounding circumstances, it could reasonably be concluded that such hospitality would not be extended were it not for the fact that the guest, or a member of the guest's immediate family, was a Town official or employee. Participation in celebrations, grand openings, open houses, informational meetings and similar events are excluded from this prohibition. This paragraph further shall not be construed to prevent candidates for elective office from accepting hospitality from citizens for the purpose of supporting the candidate's

campaign.

4. Gifts received by an official or employee under unusual circumstances should be referred to the Ethics Committee within ten (10) days of receipt for recommended disposition.

(d) Representing Private Interests Before Town Agencies or Courts. No official or employee who is entitled to compensation by the Town shall appear on behalf of private interests before any agency of the Town. She/He shall not represent private interests in any action or proceeding against the interests of the Town. This paragraph shall not be construed as prohibiting the appearance of officials or employees when subpoenaed as witnesses by parties involved in litigation that also may involve the Town of Burke. A Town Board member may appear before Town Boards, Commissions, and Committees on behalf of constituents in the course of her/his duties as a representative of the electorate.

(e) Ad Hoc Committee. No violation of this section shall exist, however, where an individual serves on an ad hoc committee charged with the responsibility of addressing an issue or topic in which that individual, or the employer or a client of that individual, has an interest so long as the individual discloses to the Ethics Committee that such interest exists.

(5) CONTRACTS WITH THE TOWN. All Town officers or employees who have a substantial or controlling financial interest in any business entity, transaction or contract with the Town, or in the sale of real estate, materials, supplies or services to the Town, shall make known to the proper authority such interest in any matter on which she/he may be called to act in her/his official capacity. This paragraph is subject to the provisions and restrictions imposed in sec. 28.06(1) & (3)(a). She/He shall refrain from voting upon or otherwise participating in the transaction or the making of such contract or sale.

(6) DISCLOSURE OF INTEREST IN LEGISLATION.

(a) Any member of the Town Board who has a financial interest or personal interest in any proposed legislation before the Town Board shall disclose on the records of the Town Board or the Ethics Committee created by this Chapter the nature and extent of such interest.

(b) Any official or employee who has a financial interest or personal interest in any proposed legislative action of the Town Board or any board, commission or committee upon which the official or employee has any influence or input, or of which the official or employee is a member, that is to make a recommendation or decision upon any item which is the subject of the proposed legislative action shall disclose on the records of the Town Board or the appropriate board, commission, committee, or the Ethics Committee the nature and extent of such interest.

2-6-7 ADVISORY OPINION. Any questions as to the interpretation of any provisions of this Code of Ethics Chapter shall be referred to the Town Board, which, if it deems it necessary or appropriate, may request an advisory opinion from the Town Attorney.

2-6-8 SANCTIONS. Violation of any provisions of this Code should raise conscientious questions for the official or employee concerned as to whether voluntary resignation or other action is indicated to promote the best interests of the Town of Burke. Violation of any provision of this Chapter may constitute a cause for suspension, removal from office or employment, or other disciplinary action. As an alternative or in addition to the sanctions imposed herein, any person violating the provisions of this section shall be subject to a non-reimbursable forfeiture of not less than twenty-five dollars (\$25) nor more than two hundred dollars (\$200), plus costs.

2-6-9 DISTRIBUTION OF ETHICS CODE. The Town Administrator shall cause a copy of this Code of Ethics to be distributed to every public official and employee of the Town of Burke within thirty (30) days after enactment of this Chapter. Each public official and employee elected, appointed, or engaged thereafter shall be furnished a copy before entering upon his/her duties.