

VILLAGE OF NEWBURG

ORDINANCE NO. 01-2019

AN ORDINANCE TO ADOPT A CODE OF ETHICS AND ESTABLISH AN ETHICS COMMISSION FOR THE VILLAGE OF NEWBURG PURSUANT TO APPLICABLE WISCONSIN STATUTES

SECTION I. PURPOSE

WHEREAS, the Village Board having previously established an Employee Handbook in which a Code of Ethics was approved by Resolution No. 14-2018; and

WHEREAS, this Code of Ethics Policy governs all Village of Newburg employees and officials both elected and appointed; and

WHEREAS, Section 7 of this policy requires the creation of an Ethics Committee, appointed by the Board President, subject to confirmation by the Board; and

WHEREAS, this Committee's creation and initial appointments are to be established by ordinance.

NOW THEREFORE, the Village Board of the Village of Newburg, Wisconsin, does hereby create Sections 30.04(G) and 36.06 of the Municipal Code adopting a Code of Ethics for the Village of Newburg to read:

SECTION II. CREATE

30.04(G) Ethics Committee

(1) MEMBERSHIP. The Ethics Committee shall consist of 5 citizen members, none of whom shall be an officer or employee of the Village. The members of the Committee shall be appointed by the President, subject to confirmation by the Board, for staggered 2 year terms.

(2) POWERS AND DUTIES.

(a) All hearings held by the Committee shall be either recorded mechanically or by a court reporter and the original transcript or recording of said hearings shall be filed with the Village Clerk. At all proceedings under this paragraph, except as provided in (b), the Village Attorney shall serve as legal counsel to the Committee.

(b) Upon a complaint by the Village Board, the Village Attorney may represent either the Board or the Committee and special counsel may be

retained to represent the other as appropriate. Compensation for such special counsel shall be established by the Board and paid by the Village.

(3) The Ethics Committee may make recommendations with respect to amendments to the Code of Ethics.

(4) The Ethics Committee shall serve as the ethics board pursuant to sec. 19.59, Wis. Stats.

36.06 Code of Ethics

1. DECLARATION OF POLICY. The proper operation of democratic government requires that public officials and employees be independent, impartial and responsible to the people; that government decisions and policy be made in proper channels of the government 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 a Code of Ethics for all Village officials and employees, whether elected or appointed, paid or unpaid, including members of Village Clerk's Offices, committees and commissions of the Village. The purpose of this code is to establish guidelines for ethical standards of conduct for all such employees and officials by setting forth those acts or actions that are incompatible with the best interests of the Village and by directing disclosure by such officials and employees of private financial or other interests in matters affecting the Village.

2. 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 the Village and 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. Their conduct in both their official and private affairs should be above reproach so as to foster respect for all government.

3. DEDICATED SERVICE. All officials and employees of the Village should be loyal to the objectives expressed by the electorate and the programs developed to attain these objectives. Appointive officials and employees should adhere to the rules of work and performance established as the standard for their positions by the appropriate authority. 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 the officially recognized confidentiality of their work.

4. FAIR AND EQUAL TREATMENT.

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

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

5. CONFLICT OF INTEREST.

(A) FINANCIAL AND PERSONAL INTEREST PROHIBITED. No Village 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 his official duties in the public interest contrary to the provisions of this subchapter or would tend to impair his independence of judgment or action in the performance of his official duties.

(B) DEFINITIONS. As used in this subchapter, the following words shall be defined as indicated:

(1) Financial Interest. Any interest which shall yield, directly or indirectly, a monetary or other material benefit to the officer or employee or to any person employing or retaining the services of the officer or employee.

(2) 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.

(3) Person. Natural person, corporation, partnership, joint venture, association, company, firm, enterprise, trust or other legal entity.

(C) SPECIFIC CONFLICTS ENUMERATED.

(1) Incompatible Employment. No Village official or employee shall engage in or accept private employment or render service for private interest when such employment or service is incompatible with the proper discharge of his official duties or would tend to impair his independence of judgment or action in the performance of his official duties unless otherwise permitted by law and unless disclosure is made as hereafter provided.

(2) Disclosure of Confidential Information. No official or employee shall, without proper legal authorization, disclose confidential information concerning the property, government or affairs of the Village, nor shall he use such information to advance the financial or other private interest of himself or others.

(3) Gifts and Favors.

(a) No official or employee shall accept any gift with a value of more than \$25, whether in the form of service, loan, thing or promise, from any person if such person:

(1). Has or is seeking to obtain a contractual or other business or financial relationship with the Village or the Board; or

(2). Conducts operations or activities which are regulated by the Village or the Board; or

(3). Has interests which may be substantially affected by the Village or the Board.

(b) No official or employee shall accept such gifts having an aggregate value of more than \$50 in any calendar year from any person if such person:

(1). Has or is seeking to obtain a contractual or other business or financial relationship with the Village or the Board; or

(2). Conducts operations or activities which are regulated by the Village or the Board; or

(3). Has interests which may be substantially affected by the Village or the Board.

(c) No official or employee shall accept any gift, favor or thing of value that may tend to influence him in the discharge of his duties, or grant in the discharge of his duties any improper favor, service or thing of value.

(4) Representing Private Interests before Village Agencies or Courts. No official or employee shall appear on behalf of any private person, other than them self, their spouse or minor children, before any Village agency or municipal court. However, a member of the Board may appear before Village agencies on behalf of their constituents in the course of their duties as a representative of the electorate or in the performance of public or civic obligations.

(D) **CONTRACTS WITH THE VILLAGE.** No Village official or employee who, in his capacity as such official or employee, participates in the making of a contract in which he has a private pecuniary interest, direct or indirect, or performs in regard to that contract some function requiring the exercise of discretion on his part, shall enter into any contract with the Village unless, within the confines of §946.13, Wis. Stats., the contract is awarded through a process of public notice and competitive bidding.

(E) **DISCLOSURE OF INTEREST IN LEGISLATION.** Any member of the Board who has a financial interest or personal interest in any proposed legislation before the Board shall

disclose, on the records of the Board, the nature and extent of such interest. Any other official or employee who has a financial or personal interest in any proposed legislative action of the Board and who participates in discussion with or gives an official opinion or recommendation to the Board shall disclose on the records of the Board the nature of such interest.

6. HEARINGS; DETERMINATION. Upon the sworn complaint of any person alleging facts which, if true, would constitute improper conduct under the provisions of this section, the Ethics Committee shall conduct a public hearing in accordance with all Village law requirements of due process and, in written findings of fact and conclusions based thereon, make a determination concerning the propriety of the conduct of the subject official or employee.

7. ETHICS COMMITTEE.

(A) MEMBERSHIP. The Ethics Committee shall consist of 5 citizen members, none of whom shall be an officer or employee of the Village. The members of the Committee shall be appointed by the President, subject to confirmation by the Board, for staggered 2 year terms.

(B) POWERS AND DUTIES.

(1) All hearings held by the Committee shall be either recorded mechanically or by a court reporter and the original transcript or recording of said hearings shall be filed with the Village Clerk. At all proceedings under this paragraph, except as provided in (2), the Village Attorney shall serve as legal counsel to the Committee.

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(3) The Ethics Committee may make recommendations with respect to amendments to the Code of Ethics.

(4) The Ethics Committee shall serve as the ethics board pursuant to sec. 19.59, Wis. Stats.

8. PENALTY AND SANCTIONS. Violation of any provision of this subchapter may constitute a cause for suspension, removal from office or employment, or other disciplinary action.

SECTION III. MISCELLANEOUS

SEVERABILITY. The several sections of this Ordinance are declared to be severable. If any section or portion thereof shall be declared by a court of competent jurisdiction to be invalid, unlawful or unenforceable, such decision shall apply only to the specific section or portion thereof

directly specified in the decision, and shall not affect the validity of any other provision, sections or portions thereof of the Ordinance. The remainder of the Ordinance shall remain in full force and effect. Any other Ordinances whose terms are in conflict with the provisions of this Ordinance are hereby repealed as to those terms that conflict.

SECTION IV. EFFECTIVE DATE

This ordinance shall take effect immediately upon passage and posting or publication as provided by law.

Passed and adopted by the Village Board of the Village of Newburg, Washington and Ozaukee Counties, Wisconsin, this 17th day of January, 2019.

Jennifer L Strohmeyer, Village President

ATTEST:

Rick J Goeckner, MMC
Village Administrator/Clerk