2.02 SELF-ORGANIZED COUNTY (adopted September 21, 1999)

Sec. 59.10(1), Wis. Stats. authorizes county government to self-organize for greater local control and flexibility in the organization and administration of county government. Self-organization would provide flexibility in determining concurrent or staggered terms for supervisors, method of compensation for supervisors and method of filling mid-term vacancies of the County Board. It would be advantageous for Waupaca County to become a self-organized County pursuant to Sec. 59.10(1), Wis. Stats. Waupaca County therefore elects to be self-organized pursuant to Sec. 59.10(1), Wis. Stats.

2.05 WAUPACA COUNTY ETHICS CODE (adopted April 20, 1993)

A. Declaration of Policy

The proper operation of County government demands that:

1. County officials and employees are independent, impartial and responsible to the people;

2. Decisions are made in the proper channels of the County governmental structure;

3. County offices should not be used for personal gain;

4. County business should be conducted in such a way so as to reinforce the public's confidence in its integrity.

In recognition of these fundamental principles, there is hereby created a code of ethics.

B. Purpose

The purpose of this code is to establish standards of conduct for all County officials and employees by identifying those acts or actions that are not compatible with the best interest of the County. Because representatives of the County are drawn from society, they cannot and should not be without all personal and economic interest in the decisions and policies of government. Citizens who serve as County officials and employees retain their rights as citizens to personal and economic interests.
County officials and employees have a right to:

1. Engage in employment and professional or business activities, other than official duties, in order to support themselves and their families;

2. Maintain continuity in their professional or business activities;

3. Maintain investments or activities which do not conflict with specific provisions of this code.

The provisions of this code, and such rules and regulations which may be established are to be interpreted in the context of the above principles and are deemed to be in the best interest of the public.

C. Responsibility of Public Office

County officials and employees are agents of public purpose and hold office to serve the public interest. They are bound to uphold the Constitution of the United States, the Constitution of the State of Wisconsin, and to carry out efficiently and impartially all laws of the United States, the State of Wisconsin and Waupaca County. Further, they are bound to observe in their official acts, the standards of ethics set forth in this code and to faithfully discharge the duties of their office. The public interest and County image must be their primary concern.

D. Coverage

This code governs all County officials, whether elected or appointed, paid or unpaid, including members of boards, committees and commissions, department heads or other County employees that have management, purchasing and other discretionary duties.

E. Exemptions

Political contributions, which are reported under Chapter 11, Wis. Stats., are exempt from the provisions of this code.

F. Definitions

1. Person. Any individual, corporation, partnership, joint venture, association or organization.

2. Financial Interest. Any interest which yields directly or indirectly, a monetary benefit to the County officer or employee or to any person employing or retaining services of the County officer or employees.
3. Anything of Value. Any money or property, favor, service, payment, advance forbearance, loan or promise of future employment of any amount, but DOES NOT INCLUDE such things as compensation and expenses paid by the State or County, fees, honorariums and expenses, unsolicited advertising or promotional materials such as pens, pencils, note pads, calendars, informational or educational materials of unexceptional value, plaques, other advertising giveaways or any other thing which is not likely to influence the judgment of individuals covered by this code.

4. Privileged Information. Any written or oral material related to County government which has not become part of the body of public information and which is designated by Statute, court decisions, lawful orders, ordinances, resolution or custom as privileged or confidential.

5. Official. All County department heads or directors, County Supervisors and all other County elected officers, except Judges and District Attorneys.

6. Employee. All persons filling an allocated position of County government and all members of boards, committees and commissions except those individuals included in Section 6.5.

7. Immediate Family. Any official's or employee's spouse or family member who contributes more than one-half of the support of the official or receives that level of support from the official or employee.

8. Unexceptional Value. Any item which has no resale potential and is promotional in nature.

9. Unsolicited Item of Insignificant Value. Item not requested by the official employee having no resale potential and promotional or educational in nature.

G. Fair and Equal Treatment

1. Use of Public Property. An official or employee shall not use or knowingly permit the use of County services or County-owned vehicles, equipment or materials for unauthorized non-governmental purposes or for unauthorized personal convenience or for profit, unless such services or use are available to the public generally.

2. Obligations to Citizens. An official or employee shall not grant any special consideration, treatment or advantage to any citizen beyond that which is available to every other citizen. This section does not
affect the duty of County Supervisors to diligently represent their constituency.

H. Conflict of Interest

1. Receipt of Gifts and Gratuities Prohibited. An official or employee shall not accept anything of value whether in the form of a gift, service, loan or promise from any person which may impair his or her independence of judgment or action in the performance of his or her official duties.

2. Exception. It is not a conflict of interest for an official or employee to receive a gift or gratuity that is an unsolicited item of insignificant value.

3. Business Interest. An official or employee shall not engage in any business, transaction or act in regard to any financial interest, direct or indirect, which:

   a. is incompatible with the proper discharge of his or her official duties for the benefit of the public;

   b. is contrary to the provisions of this code; or

   c. may impair his or her independence of judgment or action in the performance of his or her official duties.

4. Employment. An official or employee shall not engage in or accept any private employment or render any services for a private interest when such employment or service is incompatible with the proper discharge of his or her official duties or which may impair his or her independence of judgment or action in the performance of his or her official duties unless otherwise permitted by law or unless disclosure is made as hereinafter provided.

5. Contracting. An official or employee or a business in which an official or employee holds a 10% or greater interest, may not enter into a contract with the county involving a payment or payments of more than $2,000.00 within a twelve-month period unless the official or employee has made a written disclosure of the nature and extent of such relationship or interest to the County Clerk and reported such interest to the County Board. Further, pursuant to Sec. 946.13, Wis. Stats., an official or employee is prohibited from participating in the formation of a contract(s) with Waupaca County involving the receipts or disbursements of more than $15,000.00 in any year.
6. Financial Interest in Legislation. A member of the County Board who has an estimated 10% or greater financial interest in any proposed action before the County Board shall disclose by submitting in writing the nature and extent of such interest to the County Clerk and the County Board prior to or curing initial discussion of such action. Any other official or employee who has a financial interest in any proposed action before the County Board and who participates in discussion with or gives an official opinion or recommendation of such interest to the County Board.

7. Disclosure of Privileged Information. An official or employee shall not knowingly disclose or permit the disclosure of privileged information to any person not lawfully authorized to receive such privileged information. An official or employee shall not use privileged information to advance his or her personal financial interest or that of his or her immediately family.

8. Gifts and Favors. An official or employee shall not accept, from any person or organization directly or indirectly, anything of value without full payment, if it could reasonably be expected to influence his or her vote, governmental actions or judgments or could reasonably be considered as a reward for any governmental action or inaction.

I. Compliance with State Statutes

A. Statutes Incorporated by Reference. The following Sections of the Wisconsin Statutes are hereby incorporated by reference and made a part of this Code of Ethics:

1. Sec. 19.01 - Oaths and Bonds

2. Sec. 19.21 - Custody and Delivery of Official Property and Records

3. Sec. 19.81-89 - Open Meetings of Governmental Bodies

4. Sec. 19.59 - Code of Ethics for Local Government Officials, Employees and Candidates

5. Sec. 111.36 - Sex, Sexual Orientation (Harassment)


B. Violation of Incorporated Statutes. Officials shall comply with the Sections of the Wisconsin Statutes incorporated in this code and failure to do so shall constitute a breach of this Code of Ethics.
J. Investigations and Enforcement

A. Advisory Opinions. Any person governed by this Code of Ethics may apply in writing to the County Corporation Counsel for an advisory opinion and shall be guided by an opinion rendered. The complainant shall present his or her interpretation of the facts at issue and of the applicability of provisions of this Code before advisory opinion is rendered. All opinions shall be in writing. Records of the Corporate Counsel’s opinion, opinion requests and investigations of violations shall be closed to public inspection, as required by Chapter 19, Wis. Stats. However, such records may be made public with the consent of the applicant.

B. Complaints. The Corporation Counsel shall accept from any person a verified written complaint which states the name of the officer or employee alleged to have committed a violation of this Code and sets forth the material facts involved in the allegation. The Corporation Counsel shall forward a copy of the complaint to the accused officer or employee within ten (10) days. If no action on the verified complaint is taken by the Corporation Counsel within thirty (30) days, the complaint shall be dismissed.

1. Complaint of Alleged Criminal Activity. Should the Corporation Counsel receive a written or verbal complaint that a County employee is involved in unethical conduct that allegedly falls under criminal statutes and after review of the information presented, the Corporation Counsel believes that sufficient evidence exists that there is probable cause to believe that criminal activity has occurred, the Corporation Counsel shall present said information to the Legislative and Judicial Committee at their next scheduled meeting in closed session. The Legislative and Judicial committee shall review the information presented and direct:

a. That an independent investigator be retained to investigate further into the matter.

b. That the matter be referred to the District Attorney for review and possible prosecution.

C. Preliminary Investigations. Following the receipt of a verified complaint, the Corporation Counsel may make preliminary investigations with respect to alleged violation of this Code. A preliminary investigation shall not be initiated unless the accused officer or employee is notified in writing. The notice shall state the exact nature and purpose of the investigation, the individual’s specific action or activities to be investigated and a statement of such person’s due process rights.
D. Time Limitations. The Corporation Counsel shall investigate any complaint properly filed. However, no action may be taken on any complaint which is filed more than one year after a violation of the ethics code is alleged to have occurred.

E. Enforcement. If the Corporation Counsel finds that probable cause exists for believing the allegations of the complaint, the Corporation Counsel may, after consultation with the Legislative and Judicial Committee:

1. Request the officer or employee to conform his or her conduct to the Ethics Code;

2. Recommend that the County Board order the officer or employee to conform his or her conduct to the ethics code or recommend that the official or employee be censured, suspended or removed from office;

3. Refer the matter to the District Attorney to commence enforcement pursuant to the procedures and remedies of Sec. 19.59, Wis. Stats.

RULE 14 COMMITTEE DUTIES

A. Human Services Board: Per Wis. State Statute Section 46

B. Legislative, Judicial, Ethics, Safety & Security Committee
   (Adopted at 2.03(8)(b)(11), February 17, 1977)
   (Adopted as 2.03(8)(a), April 21, 1982)
   (Amended September 16, 2008)

1. The Legislative, Judicial and Ethics Committee and Safety and Security Committee is hereby combined into one committee to be appointed bi-annually by the Committee on Committees: Legislative, Judicial, Ethics, Safety & Security Committee.

2. The duties of the Committee shall be:

a. To advise the Chairperson and the Board of Supervisors of any pending state or federal legislation relating to or affecting the operation of County Government and to formulate recommendations on possible action relating to that legislation.

b. To prepare recommendations on behalf of the County Board regarding legislation currently pending in State Legislature and for serving as a liaison between the Waupaca County
Board of Supervisors and those State Legislators representing Waupaca County in the State Legislature.

c. To review legislative information received from WCA or any other sources, resolutions received from other counties, and to work with and seek input from the various County Department Heads and Personnel on legislative matters.

d. To represent Waupaca County at WCA meetings relating to legislative matters.

e. To review County Board standing rules and makes recommendations on the same to the Executive Committee for approval of submitting the same for Board consideration.

f. To review County Board members entitlements and make recommendations on the same to the Executive Committee for approval of submitting the same for board consideration.

g. To serve as the liaison between the Waupaca County Board of Supervisors, the Circuit Courts and District Attorneys for Waupaca County.

h. To review and make recommendations on the budgets and additional personnel requests from the District Attorney, the Circuit Court Judges and the Clerk of Court prior to their submittance to the Finance Committee.

i. To establish a Code of Ethics governing the Waupaca County Board of Supervisors.

j. The committee shall review and make recommendations to the Chairperson and the Board of Supervisors as relating to addressing and improving on all safety and security concerns relating to county owned facilities.

C. Human Resources Committee (Procedures in employment relations) (Adopted April 21, 1982, Adopted July 21, 1992) They have their own Policy and Procedures Booklet, not connected to an ordinance.