



Sawyer County

Agenda

Ethics Committee Meeting
Thursday, June 15, 2023 @ 5:00 PM
Sawyer County Board Room

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1. CALL TO ORDER

- a. To view or participate in the **virtual meeting** from a computer, iPad, or Android device, please go to <https://us06web.zoom.us/j/85791098182>. You can also use the dial in number for listening only at [1-312-626-6799](tel:1-312-626-6799) with the Webinar ID: 85791098182, passcode 27. If additional assistance is needed, please contact the County Clerk's Office at 715-634-4866 prior to the meeting. If you are on a computer, click the "Raise Hand" button and wait to be recognized. If you are on a telephone, dial *9 and wait to be recognized.

2. ROLL CALL

3. CHAIR/VICE CHAIR ELECTION (DISCUSSION AND POSSIBLE ACTION)

4. REVIEW CURRENT ETHICS POLICY

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- a. [EthicsPolicy9-2022](#)

5. ETHICS COMMITTEE REPORTING PROCESS TO BOARD OF SUPERVISORS

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- a. [Sawyer County Ethics Complaint Form](#)

6. REVIEW AND CONSIDER CONFLICTS OF INTEREST/DISCLOSURE FORM (DISCUSSION AND POSSIBLE ACTION)

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- a. [Statement of Economic Interest Sawyer County](#)

7. REVIEW RECENT ETHICS COMPLAINTS AND CORPORATION COUNSEL DETERMINATIONS

- a. Consider motion to convene in closed session pursuant to Wis. Stat. ss. 19.85(1)(f) "Considering financial, medical, social or personal histories or disciplinary data of specific persons, preliminary consideration of

specific personnel problems or the investigation of charges against specific persons except where par. (b) applies which, if discussed in public, would be likely to have a substantial adverse effect upon the reputation of any person referred to in such histories or data, or involved in such problems or investigations,” to wit: to discuss the results of counsel’s review and determination of Ethics Complaint dated March 31, 2023 and Ethics Complaint dated April 14, 2023. The Ethics Committee will reconvene in open session immediately following the closed session, and may have discussion and take official action on matters discussed in closed session.

- b. Motion to adjourn closed session and reconvene open session.

8. DISCUSSION AND POTENTIAL ACTION ON MATTERS DISCUSSED IN CLOSED SESSION - RECENT ETHICS COMPLAINTS AND COUNSEL DETERMINATIONS

9. ADJOURNMENT

10. CORRESPONDENCE, REPORTS FROM CONFERENCES AND MEETINGS

DISCLAIMER:

A quorum of the County Board of Supervisors or of any of its committees may be present at this meeting to listen and observe. Neither the Board nor any of the committees have established attendance at this meeting as an official function of the Board or committee(s) or otherwise made a determination that attendance at the meeting is necessary to carry out the Board or committee’s function. The only purpose for other supervisors attending the meeting is to listen to the information presented. Neither the Board nor any committee (other than the committee providing this notice and agenda) will take any official action with respect to this noticed meeting.

Copy sent via email to: County Clerk and News Media.

SAWYER COUNTY CODE OF ETHICS

(1) STATEMENT OF POLICY:

All officials and employees of Sawyer County hold their office or position for the benefit of the public. The proper operation of democratic government requires that:

- County officials and employees be impartial and responsible to the people;
- Government decisions and policy be made in proper channels of the governmental structure;
- Public office is not used for personal gain; and
- County operations facilitate the retention of public confidence in the integrity of its government.

In recognition of these goals, the County establishes a Code of Ethics for all County employees and officials in order to assist them in identifying and avoiding those acts or actions that may conflict with the best interests of the County and create a substantial and material conflict between personal interests and public responsibilities. No County official or employee shall engage in any act which violates Wis. Stat. § 19.59, *Code of Ethics for Local Government Officials, Employees and Candidates*, Wis. Stat. Chap. 946, *Bribery and Official Misconduct*, or this ordinance.

This ordinance covers *all* employees and *all* County officials, whether elected or appointed, including all members of boards, committees and commissions. This policy also covers *all* candidates for county office. Nothing herein contained is intended to deny to any individual the rights granted by the Constitution of the State of Wisconsin and the Constitution of the United States, state or federal laws, or bargaining agreements.

(2) DEFINITIONS:

- a. "ANYTHING OF VALUE" means any money or property, favor, service, payment, advance, forbearance, loan, or promise of future employment, but does not include compensation and expenses paid by the County, fees and expenses which are permitted and reported under § 19.56, *Honorariums, Fees and Expenses*, or *Political Contributions* reported under Wis. Stats. Chapter 11, or hospitality extended for a purpose unrelated to County business by a person other than an organization. Wis. Stat. § 19.42 (1). "Anything of value" does not include coffee mugs, pens, paper supplies, calendars or other such items often provided at seminars or training sessions. For purposes of this policy, "anything of value" is defined as an object with a likely value in excess of \$25.00. When in doubt about the value of an item, the employee or official should discuss the matter with Corporation Counsel, who may, upon request, provide a written legal opinion. If an unsolicited item of value is received by an employee or official, the gift should be reported to his/her supervisor or Corporation Counsel for proper disposition and documentation.
- b. "ASSOCIATED" when used with reference to an organization, includes any organization in which an individual or a member of his or her immediate family is a director, officer or trustee, or owns or controls directly or indirectly, and severally or in the aggregate, at least 10% of the outstanding equity or

of which an individual or a member of his or her immediate family is an authorized representative or agent. Wis. Stat. § 19.42 (2).

- c. "CANDIDATE" means every person for whom it is contemplated or desired that votes be cast at any election held for a County office within this County, whether or not the person is elected or nominated, and who either tacitly or expressly consents to be so considered. A person does not cease to be a candidate, for purposes of compliance with this policy, after the date of an election and no person is released from any requirement or liability otherwise imposed under this policy by virtue of the passing of the date of the election.
- d. "EMPLOYEE" means all persons filling an allocated position of County employment and all members of boards, committees and commissions not included in definition of "Official," below.
- e. "IMMEDIATE FAMILY" means an individual's spouse and an individual's relative by marriage, lineal descent or adoption who receives, directly or indirectly, more than one-half of his or her support from the individual or from whom the individual receives, directly or indirectly, more than one-half of his or her support. Wis. Stat. § 19.42 (7).
- f. "OFFICIAL" means the County Administrator, Supervisors and all other County elected officers, including candidates for County supervisor or any other County elective office, except judges.
- g. "PRIVILEGED INFORMATION" means 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 decision, lawful orders or custom as privileged and includes, but is not limited to, information disclosed in a closed session meeting.

(3) CONDUCT RELATED:

- (a) Impermissible Use of Public Office. No official or employee may use his or her public position or office to obtain financial gain or anything of substantial value for the private benefit of himself or herself or his or her immediate family, or for an organization with which he or she is associated. Wis. Stat. § 19.59(1)(a).

Exception: This provision does not prohibit a local public official from using the title or prestige of his or her office to obtain campaign contributions that are permitted and reported as required under Wis. Stat. ch. 11. Wis. Stat. § 19.59(1)(a).

- (b) Donation, Solicitation, or Acceptance of "Anything of Value." No official or employee may solicit or accept from any person, directly or indirectly, anything of value if it could reasonably be expected to influence the official's or employee's vote, official actions or judgment, or could reasonably be considered as a reward for any official action or inaction on the part of the official or employee. This paragraph does not prohibit an official or employee from engaging in outside employment, except as set forth in paragraph (3)(e)(5) below. Wis. Stat. § 19.59(1)(b).
- (c) Prohibited Voting Practice and Influence. No official or candidate may, directly or by means of an agent, give, or offer or promise to give, or withhold, or offer or promise to withhold, his or her vote or influence,

or promise to take or refrain from taking official action with respect to any proposed or pending matter in consideration of, or upon condition that, any other person make or refrain from making a political contribution, or provide or refrain from providing any service or other thing of value, to or for the benefit of a candidate, a political party, any person who is subject to a registration requirement under Wis. Stat. § 11.05, or any person making a communication that contains a reference to a clearly identified official or to a candidate. Wis. Stat. § 19.59(1)(br).

(d) Additional Conduct Regulated. No official or employee shall:

1. Take any official action substantially affecting a matter in which the official, employee, a member of his or her immediate family, or an organization with which the official or employee is associated has a substantial financial interest. Wis. Stat. § 19.59(1)(c)1.
2. Use his or her office in a way that produces or assists in the production of a substantial benefit, direct or indirect, for the official or employee, one or more members of the official's or employee's immediate family, either separately or together, or an organization with which the official or employee is associated. Wis. Stat. § 19.59(1)(c)2.
 - a. This does not prohibit an official or employee from taking an action concerning the lawful payment of salaries or employee benefits or reimbursement of actual and necessary expenses, or prohibit an official from taking official action with respect to any proposal to modify a county ordinance. Wis. Stat. § 19.59(1)(d).
3. Use County equipment, property, or services for personal benefit.
4. Engage in or accept private employment or render service for private interests 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 permitted by law.
5. Without lawful authority, knowingly disclose privileged information to any person not lawfully authorized to receive such privileged information. No official or employee shall use privileged information to advance his or her financial or personal interest or that of his or her immediate family.

(4) ADMINISTRATION OF ORDINANCE:

(a) Ethics Board. The Sawyer County Ethics Board ("Board") shall administer and enforce the Code of Ethics.

1. The Board shall consist of five members comprised of three County Board members and two citizen members who are residents of Sawyer County. All members of the Board shall be appointed by the County Administrator subject to County Board approval.
2. Board members shall serve staggered three-year terms and no Board member may serve more than two consecutive three-year terms. In cases where a member is appointed to serve out an unexpired term of a Board member, the appointed member may complete an unexpired term and then be appointed for two full terms.
3. Board members shall be compensated consistent with the compensation provided County Board members for service on a committee of the County Board.
4. The Corporation Counsel, or designee, shall provide legal assistance to the Board as the need arises.
5. The Board shall elect its own Chair and Vice Chair and shall otherwise conduct its affairs consistent with state and county laws, regulations and rules.
6. The Board shall be responsible for: (i) administering and enforcing the Sawyer County Code of Ethics; (ii) investigating complaints; and (iii) issuing advisory opinions.

(b) Complaints. Any individual, either personally or on behalf of an organization may submit a complaint regarding an alleged Code of Ethics violation to the office of County Administrator and County Clerk who will forward it to the Corporation Counsel or designee. If the County Administrator or County Clerk is the subject of the complaint, the submission shall be made to the County Board Chair who will then forward it to the Corporation Counsel or designee. If the Corporation Counsel is the subject of the complaint, the County Administrator and County Clerk will determine if hiring outside counsel is appropriate in terms of processing the complaint. All complaints shall be made in writing and include the following information:

1. Complainant's name, address, phone number, and County position, if any;
2. Name, address, and County position of person(s) named in complaint;
3. The specific policy or statutory provision which is alleged to have been violated;
4. Information supporting the allegation(s), including witnesses (providing both name and contact information).

(c) Preliminary Review and Investigation. Within ten (10) days of receipt of the complaint, Corporation Counsel (or designee) shall forward a copy of the complaint to the subject of the complaint. After sending notice to the respondent, Corporation Counsel (or designee) shall within thirty (30) days:

1. Determine whether the complaint alleges facts sufficient to constitute a violation of the Code of Ethics.
 - i. Corporation Counsel (or designee) may dismiss the complaint if it is determined that the

complaint does not allege facts sufficient to constitute a violation of the Code of Ethics and/or that the complaint was made for harassment purposes. The complainant and the respondent will be notified of case dismissal in writing.

ii. Corporation Counsel (or designee) may initiate an investigation of possible violation(s). Each person who is the subject of the investigation shall be notified in writing of the exact nature and purpose of the investigation and the actions or activities to be investigated. If, in the course of the investigation, Corporation Counsel (or designee) believes that a violation, other than the violation alleged in the complaint, may have occurred, the complaint may be amended by Corporation Counsel (or designee) to include such additional violation(s). If necessary, Corporation Counsel (or designee) may request the Chair of the Board issue a subpoena under Wis. Stat. § 885.01(3) for purposes of the investigation.

iii. No action may be taken on any complaint which is filed more than 90 days after the time of the alleged violation of the Ethics Code.

2. Determine whether the complaint is in compliance with statutory restrictions on filing of certain complaints during election cycles.
3. Schedule a hearing on the complaint before the Ethics Board, if necessary.

(d) Hearings. The Ethics Board shall schedule any hearing before it and give the subject of the complaint at least 20 days notice of the hearing date. Such hearings shall be conducted in accordance with the rules established by the Ethics Board. The Ethics Board will conduct the hearing with the Chair of the Board presiding.

1. Right to representation. During all stages of an investigation or proceeding conducted under this section, the subject of the complaint, or any person whose activities are under investigation, shall be entitled to be represented by counsel of his/her own choosing, at his or her own expense.
2. Due process. The subject of the complaint or his/her representative shall have an adequate opportunity to:
 - i. Examine all documents and records to be introduced at the hearing at a reasonable time before the date of the hearing, as well as during the hearing;
 - ii. Present witnesses;
 - iii. Establish all pertinent facts and circumstances; and
 - iv. Question or refute any testimony or evidence, including the opportunity to confront and cross-examine adverse witnesses.
3. Power to subpoena. In the conduct of any hearing or investigation, the Chair of the Board shall have the power to compel the attendance of witnesses and to issue subpoenas granted other boards and commissions under Wis. Stat. § 885.01(3).

4. Vote of the Board. Except as otherwise provided herein, a majority vote of the Board shall be required for any action taken by the Board.
- (e) Written Decision. Within thirty days (30) after the hearing, the Board, with Corporation Counsel's assistance, shall issue a written decision containing the findings of fact and the conclusions concerning the allegation(s) of Code of Ethics violation.
- (f) Violations and Penalties. If the written decision contains a finding of a violation of the Code of Ethics, the Board shall direct one or more of the following actions:
1. Order the officer or employee to conform his or her conduct to the Code of Ethics;
 2. Recommend to the County Board that the offending official or employee be censured, suspended, removed from office or employment or other disciplinary action;
 3. Impose upon the offending officer or employee a civil forfeiture of not less than \$100 nor more than \$1,000 for each violation;
 4. Refer the matter to the district attorney for enforcement proceedings pursuant to Wis. Stat. § 19.59.
- (g) Records. All records of the Board shall be open to public inspection at any time, except that to the extent allowed under the Public Records Law, the names of individuals and identifying matter which clearly discloses the identity of any individual shall be kept confidential, and copies of such records shall be altered to remove any such identifying information, except that no such alterations shall be made to disclosure statements.

(5) ADVISORY OPINIONS:

If any official or employee is requested or required to take action that may implicate the Ethics Code, the employee or official shall not take any action until he or she has prepared a statement as to his or her concern and possible conflict of interest, and provided a copy of this statement to his or her supervisor and to the Ethics Board. The employee or official may request either informal feedback or a formal, written Advisory Opinion on the matter, in order to determine whether corrective or mitigating action is appropriate.

Any person subject to the provisions of this ordinance, either personally or on behalf of an organization, may request a formal Advisory Opinion as to the interpretation of any provisions of the Code of Ethics and application of the Code of Ethics to any particular situation confronting the person.

Corporation Counsel (or designee) shall confer with the Ethics Board in the review, evaluation and drafting of all Advisory Opinions. Unless otherwise required under the Public Records Law, the Ethics Board may make an Advisory Opinion public with the written consent of the individual requesting the opinion or the organization/governmental body on whose behalf it is requested and may make public a summary of an Advisory Opinion after making sufficient alterations in the summary to prevent disclosing the identities of individuals involved in the opinion. A person who

makes or purports to make public the substance of or any portion of an Advisory Opinion requested by or on behalf of the person waives the confidentiality of the request for an Advisory Opinion and of any records obtained or prepared by the Ethics Board.

(6) DISCLOSURE OF ECONOMIC INTEREST:

The County Board may require candidates, officials and employees to file a disclosure statement of economic interests and/or a conflict of interest statement and establish a penalty for failure to file. It shall be a violation of this ordinance to knowingly omit or misstate required information on the disclosure statement.

(7) RETALIATION PROHIBITED:

Retaliatory acts taken against officials and employees for reporting a complaint, requesting an Advisory Opinion, or assisting in the investigation of an alleged Code of Ethics violation will not be tolerated by the County, is considered a violation of this ordinance and may subject the offender to appropriate disciplinary action.



Sawyer County Ethics Complaint Form

Return completed form to:

Sawyer County Clerk, 10610 Main Street, Hayward, WI 54843

lynn.fitch@sawyercountywi.gov and andy.albarado@sawyercountygov.org

Any individual, either personally or on behalf of an organization may submit a complaint regarding an alleged Code of Ethics violation to the office of County Administrator and County Clerk who will forward it to the Corporation Counsel or designee. If the County Administrator or County Clerk is the subject of the complaint, the submission shall be made to the County Board Chair who will then forward it to the Corporation Counsel or designee. If the Corporation Counsel is the subject of the complaint, the County Administrator and County Clerk will determine if hiring outside counsel is appropriate in terms of processing the complaint. All complaints shall be made in writing and include the following information:

<p><u>Section 1</u> - Complainant's name, address, phone number, and County position, if any -</p>	
<p><u>Section 2</u> - Name, address, and County position of person(s) named in complaint -</p>	
<p><u>Section 3</u> - The specific policy or statutory provision which is alleged to have been violated -</p>	
<p><u>Section 4</u> - Information supporting the allegation(s), including witnesses (providing both name and contact information) -</p>	
<p>Within ten (10) days of receipt of the complaint, Corporation Counsel (or designee) shall forward a copy of the complaint to the subject of the complaint. After sending notice to the respondent, Corporation Counsel (or designee) shall within thirty (30) days respond per Section 4, Administration of Ordinance, of the Sawyer County Code of Ethics.</p>	

Use additional paper, if necessary.

You may reference a copy of the full Sawyer County Code of Ethics at: _____



STATEMENT OF ECONOMIC INTEREST AND FINANCIAL DISCLOSURE

Disclosure form shall be filed as a public record in April of each year.

Submit to: County Clerk, 10610 Main St., Suite 10, Hayward, WI 54843

In case of a person holding or seeking elective office, in an election year [even numbered years] this statement is due prior to the end of business on the last day for filing nomination papers.

Provide additional information and explanations as required. If the answer to any question is "yes" please explain below with specificity.

THESE QUESTIONS SHOULD BE ANSWERED TO THE BEST OF YOUR KNOWLEDGE.

Definitions are found in Section 19.14(1) of the Municipal Code of Sawyer County.

"Immediate Family" means either a wife, husband, or any other person, including a domestic partner, who is a member of the immediate household or receives more than 50% of their support from such employee or official.

1. Are you or your spouse related to any Sawyer County employee?

YES NO

If yes, please explain to whom, what the relationship is and where that employee works. _____

2. To the best of your knowledge, does your or your spouse's employer or the employer of a member of your immediate family conduct business with Sawyer County?

YES NO

If yes, please explain who the employer is, the nature of the business, the dollar amount of the business and whether the business is continuous. _____

3. To the best of your knowledge, is your or your spouse's employer or the employer of any member of your immediate family regulated by Sawyer County [for example, by zoning, health, etc. regulations or licensing]?

YES NO

If yes, please explain who the employer is and the nature of the regulation. _____

4. To the best of your knowledge, do you know of any debt incurred by you, your spouse or member of your immediate family that is owed to any entity doing business with Sawyer County or is regulated by Sawyer County?

YES NO

If yes, please explain who the entity is. _____

5. To the best of your knowledge, are you, your spouse or any member of your immediate family on the Board of Directors of any entity [including a non-profit or not for profit corporation] that does business with Sawyer County?

YES NO

If yes, please identify the entity, the business that is associated with Sawyer County, the dollar amount of the business, whether the entity is for profit, non-profit or not-for-profit. _____

6. To the best of your knowledge, do you, your spouse or any member of your immediate family own stock or have any equity in any local [i.e., Sawyer County] entity doing business with Sawyer County? If yes, with who and what is the value?

YES NO

If yes, please explain. _____

7. To the best of your knowledge, have you, your spouse or any member of your immediate family received anything of value as defined in this Code from any party doing business with Sawyer County or regulated by Sawyer County?

YES NO

If yes, please explain. _____

8. To the best of your knowledge, have you reported all campaign contributions as required by Federal and State law?

YES NO

If not, please explain. _____

9. To the best of your knowledge, do you or your spouse, member of your immediate family, business associates own any real property that is regulated by Sawyer County land use, health or cabaret etc. regulations? Have you or your spouse been compensated or expect to be compensated for advocating on behalf of anyone, including clients, for the purpose of obtaining for them a permit or privilege or eligibility for anything of value from Sawyer County or a settlement of a claim or disposition of a criminal or municipal ordinance violation?

YES NO

If yes, please explain who or what is regulated and how, and who you advocated for and how. _____

10. To the best of your knowledge, do you or your spouse or any member of your immediate family have any claim against Sawyer County?

YES NO

If yes, please explain. _____

11. Are any delinquent taxes owed by you, your spouse or member of your immediate family to any federal, state or local gov?

YES NO

If yes, please explain to whom, how much and how long the taxes have been delinquent. _____

12. To the best of your knowledge, do you have any unpaid judgments?

YES NO

If yes, please explain to whom and how much. _____

Executed this _____ day of _____, 20____

Supervisor Signature

This document must be signed AND SWORN TO before a notary.

STATE OF WISCONSIN}

} ss

COUNTY OF SAWYER}

The undersigned, a notary public in and for said COUNTY, in the State aforesaid, DO HEREBY CERTIFY that _____ personally known to me to be the same person whose name is subscribed to the foregoing instrument, appeared before me this day in person and acknowledged that he or she signed and delivered said instrument as his or her free and voluntary act, for the uses and purposes therein set forth AND FURTHER THAT SAID INDIVIDUAL HAS SWORN TO THE VERACITY OF THE STATEMENTS CONTAINED THEREIN.

GIVEN under my hand and official seal this _____ day of _____, 20____.

Signature of Notary Public

(SEAL) Notary Public

Printed Name of Notary Public

My Commission expires _____ [is permanent].