

ORDINANCE 22-_____

An Ordinance Establishing a Code of Ethics for County Officials and Creating an Ethics Board.

WHEREAS the Richland County Board of Supervisors believes public servants, including elected officials, should be held to the highest standards of ethical behavior; and

WHEREAS the Richland County Board believes that transparency is vital to ensuring that ethical behavior; and

WHEREAS the Richland County Board has found that Ordinance No. 06-28 is insufficient to achieve the goals of transparency and ethical behavior;

NOW THEREFORE BE IT RESOLVED the Richland County Board of Supervisors does hereby ordain as follows:

1. **Authority.** The authority for this Ordinance is 2019-2020 Wisconsin Statutes § 19.59. This Ordinance shall use the definitions found in Wis. Stat. § 19.42, with any instance of “local” referring at all times to Richland County.
2. **Repeals.**
 - A. Ordinance No. 06-28 and all of its amendments are repealed in their entirety, excepting those provisions repealing previous Resolutions and/or Ordinances.
 - B. The section of the Committee Structure Resolution headed “ETHICS COMMITTEE” and all amendments to it are repealed in their entirety, excepting those provisions repealing previous Resolutions and/or Ordinances.
3. **Effect on Current Committee Members.** Any member of the Rules and Resolutions Committee and Ethics Board established in Ordinance No. 06-28 serving at the time of its repeal shall finish the term of their appointment under that Ordinance on the Rules and Resolutions Committee and Ethics Board (“Committee”) established herein. At the end of their term they shall be subject to the Board’s appointment process as described below.
4. **Applicability.** The provisions of this Ordinance shall apply to the following:
 - A. All local public officials, candidates for public office, and County employees, unionized or non-unionized who work either full- or half-time for the County or are eligible for the State of Wisconsin’s retirement program and who are also eligible to participate in the County’s group health insurance program (“County Officials”).
 - B. To the extent allowed under Wis. Stat. § 19.59 the provisions of this Ordinance shall apply to the immediate family of all County Officials or candidates for County office.
5. **Code of Ethics.** County Officials shall adhere to the terms of the Code of Ethics for County Officials (“Code”), which shall consist of the following provisions:

- A. All provisions of Wis. Stat. § 19.59(1), incorporated herein by reference.
 - i. “Substantial value” as used in Wis. Stat. § 19.59(1)(a) shall be defined as .
 - B. County Officials shall file a Statement of Economic Interests (“SEI”) as described in Wis. Stat. § 19.44. For County employees, the SEI shall be filed the __ day of _____ of each year. For elected County Officials, the SEI shall be filed with their candidacy paperwork..
 - i. The County Clerk is directed to omit from any ballot any County Official who fails to file their SEI.
 - ii. The Treasurer is directed to withhold payment of salary or expenses from any County Official who fails to file their SEI.
6. **Committee.** There shall be a committee of the Board known as the Rules and Resolutions Committee and Ethics Board (“Committee”). The Committee shall operate in the following manner:
- A. The Committee shall consist of five members.
 - B. Members shall be appointed and confirmed via the normal procedure of the County Board.
 - C. The Committee shall have the following powers and duties:
 - i. The Committee shall review and recommend any changes regarding the Rules of the County Board and Committee Structure Resolution.
 - ii. The Committee shall review any Resolutions or Proposed Ordinances not sponsored by a committee for action by the County Board.
 - iii. The Committee shall ensure that the disposal or destruction of County records is done in accordance with the relevant Ordinance and Wis. Stat. § 19.21.
 - iv. The Committee shall administer and enforce the Code, which includes receiving, reviewing and investigating alleged violations and holding hearings on the same.
 - v. The Committee, with the assistance of Corporation Counsel, shall issue advisory opinions. Neither the identity of the opinion’s requestor nor the opinion shall be made public without the requestor’s consent. However, a summary of the opinion which does not disclose the identity of the requestor may be made public.
7. **Enforcement.** Enforcement of the Code shall proceed as follows:
- A. All alleged violations of the Code shall be prosecuted by the Corporation Counsel at the direction of the Committee.
 - B. The County shall create and make available through the Clerk’s office a complaint form. The form will be made available to all County Officials upon request. The form is only suggested and any complaint which complies with the conditions below shall be considered by the Committee.
 - C. A complainant shall file a written complaint containing the follow information:
 - i. The name of the alleged offender.
 - ii. The approximate date of the alleged offense.

iii. A description of the alleged offense and any supporting facts or evidence.

iv. (the name?)

v. The date the complaint is being submitted.

D. Complaints may be mailed to or filed with the Clerk's office.

E. Within 5 days of receipt the Clerk shall send copies of the complaint to the Committee.

F. After a complaint has been received by the Committee, the following procedure shall be followed:

i. Hold a closed session meeting on the complaint within 30 days of receiving it, wherein the Committee and Corporation Counsel shall decide whether to investigate the complaint further or dismiss the matter.

ii. If the Committee decides to investigate the matter further, it shall hear from the alleged violator; this matter shall be held in accordance with the Open Meetings Law, Wis. Stat. § 19.81-19.98.

iii. After investigating the matter and hearing from the alleged offender, the Committee shall decide if there has been a violation of the Code and the appropriate penalty to assess against the violator(s). The matter shall then be referred to the Corporation Counsel or the District Attorney for prosecution, as appropriate.

G. Nothing in the above procedures shall prevent the Committee from investigating an alleged violation of the Code pursuant to a motion made by a member of the County Board and adopted by the Committee.

8. Penalties. Penalties for violation of the Code include:

A. Withholding payment of salary or expenses from the violator, and/or

B. A forfeiture of not less than \$100 and no more than \$1,000 for each violation of the Code, plus Court costs.

9. Effective Date. This Ordinance shall be effective immediately upon its passage and publication.