

RESOLUTION # 42-2012

Resolution offered by Labor Relations Employee Services Committee.

Resolved by the Board of Supervisors of Oneida County, Wisconsin:

WHEREAS, the Labor Relations Employee Services Committee has met on several occasions to discuss the development of a Code of Ethics for County Board Supervisors, and

WHEREAS, the Phillips Borowski Law Firm has developed a policy and complaint procedure for a Code of Ethics for County Board Supervisors, and

NOW, THEREFORE, BE IT RESOLVED, by the Oneida County Board of Supervisors to adopt the attached Code of Ethics and Dispute Resolution procedure attached.

BE IT FURTHER RESOLVED, by the Oneida County Board of Supervisors that by adoption of this resolution it shall be deemed that there is no fiscal impact to the 2012 budget.

Vote Required: Majority = _____ 2/3 Majority = _____ 3/4 Majority = _____

The County Board has the legal authority to adopt: Yes _____ No _____ as reviewed by the Corporation Counsel, _____, Date: _____

Approved by the Labor Relations Employee Services Committee this 11th day of April, 2012.

Offered and passage moved by: _____ Supervisor
_____ Supervisor
_____ Supervisor
_____ Supervisor
_____ Supervisor

- _____ Ayes
- _____ Nays
- _____ Absent
- _____ Abstain
- _____ Adopted

by the County Board of Supervisors this 17th day April, 2012.

51 _____ Defeated

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54 _____
Mary Bartelt, County Clerk

_____ Ted Cushing, County Board Chair

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ONEIDA COUNTY BOARD CODE OF CONDUCT

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I. Preamble

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60 The citizens and businesses of Oneida County, Wisconsin, are entitled to have fair,
61 ethical and accountable local government, which has earned the public's full
62 confidence for integrity. In keeping with Oneida County's commitment to its
63 citizens, the effective functioning of representative democratic government
64 requires elected county board supervisors comply with both the letter and spirit of
65 the laws and policies affecting the operations of government; that elected county
66 board supervisors be independent, impartial and fair in their judgment and actions;
67 that public office be used for the public good, not for personal gain; and that public
68 deliberations and processes be conducted openly, unless legally confidential, in an
69 atmosphere of respect and civility.

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71 To this end, the Oneida County Board of Supervisors has adopted this Code of
72 Conduct for county board supervisors to assure public confidence in the integrity
73 of local government and its effective and fair operation.

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II. Act in the Public Interest

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77 Recognizing that stewardship of the public interest must be their primary concern,
78 county board supervisors will work for the common good of the people of Oneida
79 County and not for any private or personal interest, and they will assure fair and
80 equal treatment of all persons, claims, and transactions coming before the Oneida
81 County Board of Supervisors, boards, commissions, and committees. In addition,
82 county board supervisors shall adhere to all statutes, ordinances and rules relating
83 to the conduct of county business including, without limitation, Wis. Stat. § 19.59,
84 *et seq.*

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III. Comply with the Law

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88 County board supervisors shall comply with the laws of the nation, the State of
89 Wisconsin and the County of Oneida in the performance of their public duties.
90 These laws include, but are not limited to: the United States and Wisconsin
91 constitutions; laws pertaining to conflicts of interest, election campaigns, financial

92 disclosures, employer responsibilities, and open government; and County
93 ordinances and policies.

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95 **IV. Conduct of County Board Supervisors**

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97 The professional and personal conduct of county board supervisors must be above
98 reproach and avoid even the appearance of impropriety. County board supervisors
99 shall refrain from abusive conduct, personal charges or verbal attacks upon the
100 character or motives of other county board supervisors, boards, commissions, and
101 committees, the staff or public.

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103 **V. Respect for Process**

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105 County board supervisors shall perform their duties in accordance with the
106 processes and rules of order established by the Board of Supervisors and boards,
107 committees, and commissions governing the deliberation of public policy issues,
108 meaningful involvement of the public, and implementation of policy decisions of
109 the Board of Supervisors by County staff.

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111 **VI. Conduct of Public Meetings**

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113 County board supervisors shall prepare themselves for public issues; listen
114 courteously and attentively to all public discussions before the body; and focus on
115 the business at hand. They shall refrain from interrupting other speakers; making
116 personal comments not germane to the business of the body; or otherwise
117 interfering with the orderly conduct of meetings.

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119 **VII. Decisions Based on Merit**

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121 County board supervisors shall base their decisions on the merits and substance of
122 the matter at hand, rather than on unrelated considerations.

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124 **VIII. Communication**

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126 County board supervisors shall publicly share substantive information that is
127 relevant to a matter under consideration by the Board of Supervisors or boards,
128 committees and commissions, which they may have received from sources outside
129 of the public decision-making process.

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131 **IX. Confidential Information**

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133 Unless otherwise required by law, county board supervisors shall respect the
134 confidentiality of information concerning the property, personnel or affairs of the
135 County. They shall neither disclose confidential information without proper legal
136 authorization, nor use such information to advance their personal, financial or other
137 private interests.

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139 **X. Use of Public Resources**

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141 County board supervisors shall not use public resources that are not available to the
142 public in general, such as County staff time, equipment, supplies or facilities, for
143 private gain or personal purposes.

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145 **XI. Representation of Private Interests**

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147 In keeping with their role as stewards of the public interest, county board
148 supervisors shall not appear on behalf of the private interests of third parties before
149 the Board of Supervisors or any board, committee, commission or proceeding of
150 the County.

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152 **XII. Advocacy**

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154 County board supervisors shall represent the official policies or positions of the
155 Board of Supervisors, boards, commissions or committees to the best of their
156 ability when designated as delegates for this purpose. When presenting their
157 individual opinions and positions or otherwise speaking without the express
158 direction or authorization of their body, county board supervisors shall explicitly
159 state they do not represent their body or Oneida County, nor will they allow the
160 inference that they do.

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162 **XIII. Policy Role of County Board Supervisors**

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164 The Board of Supervisors determines the policies of the County with the advice,
165 information and analysis provided by the public, boards, commissions, and
166 committees, and County staff. The Board of Supervisors delegates authority for the
167 administration of the County to County staff.

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169 County board supervisors therefore shall not interfere with the administrative
170 functions of the County or the professional duties of County staff; nor shall they
171 impair the ability of staff to implement Board policy decisions.

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XIV. Independence of Board and Commissions

Because of the value of the independent advice of boards, committees and commissions to the public decision-making process, county board supervisors shall refrain from using their positions to unduly influence the deliberations or outcomes of board, committee or commission proceedings.

XV. Positive Work Place Environment

County board supervisors shall support the maintenance of a positive and constructive work place environment for County employees and for citizens and businesses dealing with the County. County board supervisors shall recognize their special role in dealings with County employees and in no way create the perception of inappropriate direction to staff.

XVI. Implementation

As an expression of the standards of conduct for county board supervisors expected by the County, the Oneida County Supervisors Code of Conduct is intended to be self-enforcing. It becomes most effective when county board supervisors are thoroughly familiar with it and embrace its provisions.

For this reason, training on state and local ethical standards and this Code of Conduct shall be included in the regular orientations for new county board supervisors. County board supervisors entering office shall sign a statement affirming they have read and understood the Oneida County Supervisors Code of Conduct. In addition, the County Board of Supervisors shall annually review the Code of Conduct and shall consider recommendations from boards, committees and commissions to update it as necessary.

XVII. Compliance and Enforcement

The Oneida County Supervisor Code of Conduct expresses standards of ethical conduct expected of county board supervisors. County board supervisors themselves have the primary responsibility to assure that ethical standards are understood and met, and that the public can continue to have full confidence in the integrity of government.

Any county board supervisor may file a written statement regarding alleged

212 violations of the Code of Conduct according to Oneida County’s policy regarding
213 the Dispute Resolution Committee.

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215 The Board of Supervisors may impose sanctions on county board supervisors
216 whose conduct does not comply with the standards set forth in the Code of
217 Conduct, such as reprimand, formal censure, or loss of committee assignment. The
218 remedies provided herein are not exclusive of any other remedies available by law.

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220 A violation of this Code of Conduct shall not be considered a basis for challenging
221 the validity of a Board of Supervisors decision.

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223 **ONEIDA COUNTY BOARD DISPUTE RESOLUTION COMMITTEE**

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225 The Oneida County Board of Supervisors has established the Board Dispute
226 Resolution Committee to provide a mechanism for the orderly and peaceful
227 resolution of any disputes that may arise under the Oneida County Board Code of
228 Conduct. The Board Dispute Resolution Committee shall be formed only on an as-
229 needed basis (as set forth below) and shall conduct itself according to the following
230 rules.

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232 1. Any Board Dispute Resolution Committee convened shall consist of
233 three (3) members appointed by the County Board Chair, all of whom must be
234 current county board supervisors, consistent with the following: one (1) member
235 chosen by the individual that filed the written statement (other than him or herself),
236 one (1) member chosen by the individual alleged to have violated the Code of
237 Conduct (other than him or herself) and the County Board Chair. If the County
238 Board Chair is involved in the alleged incident as a complaining party, accused
239 individual or witness, the First Vice Chair shall serve. If the County Board Chair
240 cannot serve and the First Vice Chair is involved in the alleged incident as a
241 complaining party, accused individual or witness, the Second Vice Chair shall
242 serve. If the County Board Chair, First Vice Chair and Second Vice Chair are all
243 unable to serve, the third Committee member shall be chosen by random drawing.

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245 2. Any county board supervisor having a good faith basis to believe that
246 a fellow county board supervisor has violated the Oneida County Board Code of
247 Conduct may file a written statement with the County Board Chair. Any written
248 statement filed hereunder shall provide a recitation of the Code of Conduct rule
249 alleged to have been violated and a detailed statement of all facts supporting the
250 allegation(s), including names of any and all witnesses having information relevant
251 to the allegation(s). All statements must be signed and dated by the complaining

252 county board supervisor.

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254 3. Within 10 days of receiving a written statement, the County Board
255 Chair shall:

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257 a. Acknowledge receipt of the statement to the complaining
258 county board supervisor;

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260 b. Provide a copy of the statement to the county board supervisor
261 accused of having violated the Code of Conduct;

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263 c. Ask the complaining party for the name of the current county
264 board supervisor that the complaining party designates for the
265 Board Dispute Resolution Committee; and

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267 d. Ask the accused individual for the name of the current county
268 board supervisor that the complaining party designates for the
269 Board Dispute Resolution Committee.

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271 The County Board Chair shall appoint the members of the Board Dispute
272 Resolution Committee as soon as possible, but in no event later than 20 days after
273 the filing of the written statement. The County Board Chair shall have the ability
274 to appoint members to the Committee at his/her discretion in the event the
275 timelines above are not followed.

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277 4. The Board Dispute Resolution Committee shall convene as soon as
278 possible after appointment, but in no event later than 30 days after the filing of the
279 written statement. The Committee may establish rules for proceeding on the
280 complaint including, without limitation, asking for information from individuals
281 with knowledge of the facts and circumstances surrounding the claimed infraction.

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283 5. As soon as practical, but not later than 60 days following the filing of
284 the written statement, the Committee shall issue a written report with a
285 recommendation to the County Board as to whether an infraction of the Code of
286 Conduct occurred and, if so, the appropriate remedy under the Code of Conduct.

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288 6. If the Committee determines that a written statement is filed in bad
289 faith, without foundation in fact or without foundation under the Code of Conduct,
290 the Committee may recommend that action be taken against the county board
291 supervisor consistent with the Code of Conduct.

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7. The County Board shall place the Committee's report on the agenda for the next scheduled County Board meeting.

8. At the County Board meeting at which the Committee's report is placed on the agenda, the County Board shall receive the report and consider action to be taken, if any, with respect to the report. The County Board is not bound by the Committee's recommendation.