



AGENDA

Eau Claire County
Committee on Administration
Tuesday, November 15, 2022, at 2:30 p.m.
Eau Claire County Government Center
721 Oxford Ave., Eau Claire • Room 3312

Join from the meeting link:

<https://eauclairecounty.webex.com/eauclairecounty/j.php?MTID=m672205ee7ec3d513370b31a8332188d8>

Join by meeting number:

Meeting number: 2598 153 6633 Password: pPBM8DuVe88

Join by phone:

Dial in: 415-655-0001 Access Code: 2598 153 6633

1. Call to Order and confirmation of meeting notice
2. Roll call
3. Public Comment
4. ARP Process and Internal Projects – **Discussion/Action**
5. Rural Partners Network Update by Kathryn Schauf – **Information/Discussion**
6. Ethics/Code of Conduct – **Discussion/Action**
7. Appointments – **Discussion/Action**
 - a. Opioid Settlement Task Force
 - i. David Hirsch (County Board)
 - ii. Allen Myren (County Board)
 - iii. Kimberly Cronk (County Board)
 - iv. Lieske Giese (Health Department)
 - v. Dave Riewestahl (Sheriff's Office)
 - vi. Chad Hoyord (City of Eau Claire Police Department)
 - vii. Ron Schmidt (Department of Human Services)
 - viii. Tiana Glenna (Criminal Justice Services)
 - ix. James Rick (Citizen)
 - x. Renee Sommer (Citizen)
 - xi. Tim Rabolt (Citizen)
8. Adjourn

Prepared by: Samantha Kraegenbrink – Assistant to the County Administrator

PLEASE NOTE: Upon reasonable notice, efforts will be made to accommodate the needs of individuals with disabilities through sign language, interpreters, remote access, or other auxiliary aids. Contact the clerk of the committee or Administration for assistance (715-839-5106). For additional information on ADA requests, contact the County ADA Coordinator at 839-6945, (FAX) 839-1669 or 839-4735, TTY: use Relay (711) or by writing to the ADA Coordinator, Human Resources, Eau Claire County Courthouse, 721 Oxford Avenue, Eau Claire, WI 54703.



MINUTES

Eau Claire County
Committee on Administration
Tuesday, October 11, 2022, at 2:30 p.m.
Eau Claire County Government Center
721 Oxford Ave., Eau Claire • Room 3312

Present: Connie Russell, Judy Gatlin, Nick Smiar, Dane Zook (ex-officio), Allen Myren (ex-officio), Katherine Schneider (ex-officio), Nancy Coffey (3:01 p.m.)

Others: Kathryn Schauf, Norb Kirk, Samantha Kraegenbrink, Kevin Stelljes (Presenter), Sharon McIlquham, Sonja Leenhouts, Dave Riewestahl, Chauncy Ellefsen, Rod Eslinger,

Public: Avery Shanahan (Leader Telegram), Rick Koziel

Call to Order and confirmation of meeting notice

The meeting was called to order at 2:30 p.m. and notice of meeting was confirmed.

Roll call

Verbal roll call was taken and is listed above under present.

Public Comment

No members of the public wished to make comment.

Review and approval of minutes from September 13, 2022, and September 20, 2022.

Motion by Supervisor Gatlin, seconded by Supervisor Russell. No deletions, corrections, or additions. Minutes approved.

File No. 22-23/059: Resolution authorizing Corporation Counsel to enter into an agreement with Taylor Creek Development, Eau Claire Sand and Gravel, and Mathy Construction Co. to accept their offered donation of land

Motion by Supervisor Gatlin, seconded by Supervisor Russell. Kevin Stelljes provided background on the process of how the land has come to be desired to be donated to the County. Concept would be to appoint a commission/temporary committee to determine what would be done with the land and include people from the area/community to determine what to do with the land.

Code of Ethics / Code of Conduct overview with Supervisor Schneider and Corporation Counsel McIlquham

Supervisor Schneider provided introduction of the Code of Ethics/Code of Conduct policy that has been provided to the Committee. The committee was given the opportunity to discuss and ask clarifying questions.

*Supervisor Coffey entered at 3:01 p.m.

Administrator Update by Kathryn Schauf, County Administrator

- a. PERM
 - i. Having dialog with local partners on program to bring individuals who are trained in other countries to come to our community to work. The discussion is in early stages.
- b. Rural Partners Network



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- i. Kathryn Schauf provided a brief update on RPN (Rural Partners Network). Eau Claire County was listed one out of five communities that was eligible for this work.

ARP Funds

Norb Kirk and Kathryn Schauf provided an overview of current ARPA fund expenditures through Q3.

The meeting was adjourned at 4:04 p.m.

Respectfully submitted by,

Samantha Kraegenbrink – Assistant to the County Administrator



MINUTES

Eau Claire County
Committee on Administration
Tuesday, October 18, 2022, at 6:15 p.m.
Eau Claire County Government Center
721 Oxford Ave., Eau Claire • Room 3312

Present: Nick Smiar, Nancy Coffey, Gerald Wilkie, Judy Gatlin, Connie Russell, Allen Myren (ex-officio), Dane Zook (ex-officio)

Others: Norb Kirk, Kathryn Schauf, Josh Pederson, Sharon McIlquham

Public: Supervisor Joe Knight, others present

Call to Order and confirmation of meeting notice

Chair Smiar called the meeting to order at 6:15 p.m. and confirmed meeting notice.

Roll call

Individuals presented are listed above.

Public Comment

The following public comments were made:

- Kathy Campbell in favor of the proposed landfill agreement in the Town of Seymour.
- Jessica Jansen, Chair of the Town of Seymour, in favor of the proposed landfill agreement in the Town of Seymour.
- Mark Vinol, GFL, in favor of the proposed landfill agreement in the Town of Seymour.

File No. 22-23/068: Resolution authorizing the County Administrator to enter into an agreement for the proposed solid waste landfill expansion of the Seven Mile Creek Landfill

Sharon McIlquham provided details on the proposed agreement. Motion by Supervisor Coffey, seconded by Supervisor Gatlin; motion carries 5 yes, 0 no.

File No. 22-23/067: Resolution requesting to develop a Forest Carbon Credit Offset Project in Eau Claire County

Josh Pedersen, Parks & Forest Director, presented on the program. The committee discussed and amendment to included investments in parks programming. Motion by Supervisor Gatlin, seconded by Supervisor Russell. Motion, as amended, carries 5 yes, 0 no.

The meeting was adjourned at 6:52 p.m.

Respectfully submitted by,

Kathryn Schauf, County Administrator



TAMMY BALDWIN

United States Senator *for* WISCONSIN

Dear Kathryn,

Senator Baldwin, Chair of the Senate Appropriations Subcommittee on Agriculture and Rural Development, applauded an announcement from U.S. Department of Agriculture (USDA) Secretary Tom Vilsack and White House Domestic Policy Advisor Ambassador Susan Rice that the Rural Partners Network will expand to rural communities in Wisconsin to create local jobs, build infrastructure, and support long-term economic stability. This announcement is part of President Biden's commitment to ensure all rural communities can benefit from federal resources, including historic funding provided by the Baldwin supported American Rescue Plan, Bipartisan Infrastructure Law, and Inflation Reduction Act.

“The Rural Partners Network will help bridge the gap between our federal government and Wisconsin's rural communities,” **said Senator Baldwin**. “By expanding the reach of this program to our state, we can ensure every Wisconsin community has access to federal resources and opportunities for job creation, infrastructure, and community development.”

“The Biden-Harris Administration is committed to ensuring that people in rural communities have every opportunity to succeed - and that they can find those opportunities right at home in rural America,” **said Secretary Vilsack**. “Rural people make up America's spirit and character and provide the everyday essentials our country depends on. We know that when rural people thrive, America thrives. By expanding the Rural Partners Network, we can help these important but often overlooked communities receive their fair share of government resources to keep rural people and economies prepared for the future.”

“Rural America is full of opportunities but these vital communities don't always have a way to navigate federal agencies or access the resources of the government,” **said Domestic Policy Advisor Susan Rice**. “The Rural Partners Network is bringing federal staff directly to rural communities to ensure local leaders have access to federal resources as they build strong and vibrant economies.”

The Rural Partners Network helps establish community networks in rural areas where local leaders and residents collaborate with civic and business organizations, nonprofits, service providers, development agencies and others to create new opportunities and build on the diversity of a region's population and perspectives.

With this announcement, the Rural Partners Network is expanding to the following community networks in Wisconsin: Northern Wisconsin Community Network including Ashland, Iron and Price counties; Greater Menominee Community Network including Menominee Indian Tribe of Wisconsin and Menominee County; Forest County Community Network; Northwestern Wisconsin Community Network including Eau Claire, Dunn, Clark, Buffalo, Pepin, and Chippewa counties; and Adams County Visionary Community Network.

[Read more about the Rural Partners Network and Senator Baldwin's leadership to help support economic development in Wisconsin here.](#)

Eau Claire County
Code of Ethics and Conduct
For
Elected and Appointed Officials

TO BE PLACED IN NEWLY CREATED CHAPTER 2.08

DRAFT

Adopted _____ by Resolution No. 22-23/0##

Policy Purpose

The Eau Claire County Board adopts this Code of Ethics and Conduct to assure that all elected and appointed officials, while exercising their oath of office, conduct themselves in a manner that instills public confidence and trust in the fair operation and integrity of Eau Claire County's government.

A. ETHICS

The citizens, businesses, and organizations of Eau Claire County are entitled to have fair, ethical and accountable local government. To this end, the public should have full confidence that their elected and appointed officials:

- Comply with both the letter and spirit of the laws and policies affecting the operations of Eau Claire County government;
- Are independent, impartial and fair in their judgment and actions;
- Use their public office for the public good, not for personal gain;
- Conduct public deliberations and processes openly, unless required by law to be confidential, in an atmosphere of respect and civility, and comply with all Wisconsin Open Meetings laws;
- Apply these standards at County Board, committee, board, and commission meetings, the workplace or while conducting county business, and at any location or on any platform that can be reasonably regarded as an extension of the workplace or conducting county business, including but not limited to the use of a telephone, voicemail, text messages, and/or any social media or online platforms;
- Do not engage in discrimination, harassment, bullying, intimidation, retaliation, hazing, quid pro quo or other types of emotional or sexual harassment, micro-aggressions, and creating a hostile work environment; and
- Make every effort to be cooperative and show mutual respect for the contributions made by each other for the good of the community.

Therefore, the members of the Eau Claire County Board of Supervisors, members of all Eau Claire County Committees, Boards, and Commissions, and Eau Claire County appointed and elected officials (hereafter referred to as Members) shall conduct themselves in accordance with the following ethical standards:

1. **Act in the Public Interest.** Recognizing that stewardship of the public interest must be their primary concern, Members will work for the common good of the people of Eau Claire County and not for any private or personal interest, and they will assure fair and equal consideration and treatment of all persons, claims and transactions coming before them.
2. **Comply with the Law and County Code.** Members shall comply with all applicable statutes, codes, and regulations of the legal governing authority of the jurisdiction.
3. **Conduct of Members.** The professional and personal conduct of Members while exercising their office must be above reproach and avoid the appearance of impropriety. Members shall refrain from abusive or inappropriate conduct, derogatory statements, personal charges or verbal attacks upon the character or motives of other Members of the County Board, Boards, Committees and Commissions, the staff and the public. County Board Supervisors shall treat all Members and County staff as professionals. Clear, honest communication that respects the

abilities, experience, and dignity of each individual is expected. Poor behavior toward County staff, other County Board Supervisors, Members, or the public is not acceptable.

4. **Conduct between County Board members and County employees.** Any County employee who feels a violation of this Code of Ethics and Conduct has occurred during or outside of a public County Board meeting, or in the event a County employee believes they have been a victim of harassment, intimidation or bullying, the employee may consult with their Department Manager. Together, the manager and employee may raise the issue privately with the County Board member. Any member of the public who feels a violation of this Code of Ethics and Conduct has occurred during or outside of a public County Board meeting may raise the issue privately with the County Board member.

Attempts should be made to resolve any issue in a professional, private manner. If unsuccessful, the County Board member, County employee or member of the public may ask for the assistance of the County Board Chair in mediating the issue or conflict. The County Board Chair may include the County Board Vice Chair, County Board Second Vice Chair, County Administrator, or appropriate County staff in attempting to resolve the matter. If the complaint involves the County Board Chair, the County Board member, County employee or member of the public may ask for the assistance of the County Board Vice Chair and/or County Board Second Vice Chair in mediating the issue or conflict.

If a County Board member becomes aware of possible County staff misconduct issue, that issue shall be forwarded to the County Administrator, the Human Resources Director or the County staff's Department Manager through private correspondence or conversation, with the exception of possible alleged criminal matters, which should be reported to Corporation Counsel. Under the "Whistleblower Law" (Wis. Stat. § 230.80), County members and employees have protection when they report violations of law, rules, regulations, mismanagement or abuse of authority.

5. **Respect for Process.** Members shall perform their duties in accordance with the processes, ordinances, and rules of order established by the Eau Claire County Board of Supervisors.
6. **Conduct at Public Meetings.** Members shall prepare themselves for public issues; listen courteously, attentively, and without interruption to all public discussions before the body; and focus on the business at hand.
7. **Decisions Based on Merit and Substance.** Members shall base their decisions on the merits and substance of the matter at hand, rather than on unrelated considerations. When making adjudicative decisions (those decisions where the member is called upon to determine and apply facts particular to an individual case), Members shall maintain an open mind until the conclusion of the hearing on the matter and shall base their decisions on the facts presented and the law.
8. **Conflict of Interest.** In order to assure independence and impartiality on behalf of the common good and compliance with conflict of interest laws and standards, Members shall use their best efforts to refrain from creating an appearance of impropriety in their actions and decisions. Members shall not use their official positions to influence government decisions in which they have (a) a material financial interest, (b) an organizational responsibility or personal relationship which may give the appearance of a conflict of interest, or (c) a strong personal bias.

A member who has a potential conflict of interest regarding a particular decision shall disclose the matter to the Corporation Counsel so an analysis of the potential conflict may occur.

In accordance with the law, Members shall disclose investments, interests in real property, sources of income, and gifts; and if they have a conflict of interest regarding a particular decision, shall not, once the conflict is ascertained, participate in the discussion, decision, or vote and shall not discuss or comment on the matter in any way to any person including other Members unless otherwise permitted by law.

9. ***Current Chapter 3.50 – Conflict of Interest –***

NOTE: These provisions of the current chapter will be renumbered and incorporated in the document in the appropriate sections.

Sections:

3.50.001 Purpose.

3.50.005 Definitions.

3.50.010 Specific conflicts enumerated.

3.50.020 Prohibited contracts with the county.

3.50.030 Public purpose doctrine.

3.50.040 Incorporation of state statutes.

3.50.050 Sanction for violations.

3.50.060 Forfeiture schedule.

3.50.070 Political activity.

3.50.080 Outside employment – ***This section will be repealed in its entirety as it is contained in HR policy 803 and only applies to employees.***

3.50.090 Nepotism.

3.50.100 Solicitations and sales.

3.50.001 Purpose. The proper operation of a democratic and representative 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 governmental structure; that public office not be used for improper personal gain; and that conflicts between private interests and public responsibilities be avoided. In recognition of these goals, there is established a code of ethics to establish guidelines for ethical standards of conduct for such officials and employees by setting forth those acts or actions that are incompatible with the best interests of the county and by directing disclosure by such officials and employees of private interests in matters affecting the county. The provisions and purpose of this code and such rules and regulations as may be established are declared to be in the best interests of the county.

3.50.005 Definitions.

A. "Person" means any individual, corporation, partnership, joint venture, association or organization.

B. "Financial interest" means any interest which yields, directly or indirectly, a monetary or other material benefit to the county officer or employee or to any person employing or retaining services of the county officer or employee.

C. "Anything of value" means any money or property, favor, service, payment, advance

forbearance, loan or promise of future employment, but DOES NOT INCLUDE such things as compensation and expenses paid by the state or county, fees, honorariums and expenses, unsolicited advertising or promotional material such as pens, pencils, notepads, 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.

D. "Privileged information" means 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 decision, lawful order, ordinance, resolution or custom as privileged.

E. "Official" means all county department heads or directors, county supervisors, and all other county elected officers, except judges and district attorneys.

F. "Employee" means all persons filling an allocated position of county employment and all members of boards, committees, and commissions except those individuals included in E.

G. "Immediate family" means an individual's spouse or domestic partner; and an individual's relative by marriage, lineal descent, or adoption who receives, directly or indirectly, more than ½ of his or her support from the individual or from whom the individual receives, directly or indirectly, more than ½ of his or her support.

3.50.010 Specific conflicts enumerated. The following conflicts of interest shall be expressly prohibited:

A. Incompatible employment. No public official or employee shall engage in or accept private employment or render services to any other governmental body or to anyone in the private sector which would tend to be incompatible with the proper discharge of his or her duties, unless otherwise permitted by law or unless disclosure is made as hereinafter provided.

B. Representing private interests before agencies or courts. No elected public official or employee who is admitted to practice law shall represent, as an advocate any private interests, other than his or her own or that of his or her family, in any proceeding adverse to the county before any federal or state court or agency.

C. Disclosure of confidential information. No public official or employee shall, without proper authorization, disclose confidential information, nor use such information to advance the actual or anticipated financial or personal interests of him or herself or others.

D. Gratuities or kickbacks. 1. 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. No payment of a gratuity or kickback shall be made by or on behalf of any person and be accepted by any public official or employee as an inducement or reward for the latter's action in procuring the award of any contract or order. 3. 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 or anything which is given to them independent of their position as an official or employee.

E. Failure to disclose interest in legislation.

1. The following persons on behalf of themselves or their families shall disclose the nature and extent of any personal or financial interest in proposed legislation before the county board:

a. County board members; and b. Public officials or employees who have been asked to render official opinions or recommendations to the county board on the legislation.

2. The disclosure shall be made before any debate commences upon the particular legislation and shall consist of an announcement to be recorded in the journal of proceedings and a request to abstain from voting. Notwithstanding abstention from voting as may be allowed by the board, it

shall be the responsibility of each employee or public official to personally ascertain that such actions do not conflict with Wis. Stat. § 946.13.

F. Nepotism forbidden. Public officials and employees are forbidden from engaging in nepotism, as applied at 3.50.090, and are further forbidden from using their positions to influence the county to employ in any capacity whatsoever, or otherwise retain the services of, as an independent contractor or agent, a member of his or her immediate family.

G. Use of position to compel charitable contributions, donations or induce business. Public officials are forbidden from using their positions to influence employees to make political campaign contributions, secure other donations to causes, public or private, or to engage in business transactions in which they have a personal or financial interest.

H. Conducting private business on county premises and time. Public officials and employees are forbidden from conducting their personal or private business while they are on county premises and engaged in their public duties.

3.50.020 Prohibited contracts with the county.

A. 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 \$3,000 within a 12 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 board. Further, pursuant to Wis. Stat. § 946.13, an official or employee is prohibited from participating in the formation of a contract(s) with Eau Claire County involving receipts or disbursements of more than \$15,000 in any year.

B. Contracts are not prohibited if they are with, or tax credits or payments are received by, public officers or employees as set forth in Wis. Stat. § 946.13(2)(g).

3.50.030 Public purpose doctrine.

A. Use of public property. No public official or employee shall request or permit the use of county services or of county-owned vehicles, equipment, materials or property for non_official purposes or for personal profit or convenience, except when such services are generally available to the public-at-large. This prohibition shall not apply to the use of county vehicles or property for personal convenience, sufficiently related to job requirements of an officer or employee, as approved and regulated by the county board or as provided pursuant to a contract with a collective bargaining unit.

B. Obligations to citizens. No public official or employee shall grant any special consideration, treatment or advantage to any citizen beyond that which is available to every other citizen.

3.50.040 Incorporation of state statutes.

A. In addition to Wis. Stat. § 946.13, referred to in 3.50.020, the following provisions of the Wisconsin Statutes are incorporated by reference and made a part of this chapter: 1. Section 19.01, Oaths and bonds; 2. Section 19.21, Custody and delivery of official property records. 3. Section 19.81-19.89, Open meetings with governmental bodies. 4. Section 19.59, Codes of ethics for local government officials, employees and candidates.

B. Failure of public officials to comply with the provisions of law set forth in A. of this section shall constitute a violation of this chapter.

3.50.050 Sanction for violations.

Any person violating this chapter may be subject to a forfeiture of not less than \$100 nor more than \$1,000 for each offense, subject to 3.50.060.

3.50.060 Forfeiture schedule.

The following specified violations of this chapter shall be subject to the accompanying forfeiture schedule:

- A. 3.50.010 A., Incompatible employment, \$100 to \$500;
- B. 3.50.010 B., Representing private interests before county agencies or courts, \$100 to \$1,000;
- C. 3.50.010 C., Disclosure of confidential information, \$100 to \$1,000;
- D. 3.50.010 D., Gratuities or kickbacks, \$100 to \$1,000;
- E. 3.50.010 E., Failure to disclose interest in legislation, \$100 to \$250;
- F. 3.50.010 F., Nepotism forbidden, \$100 to \$250;
- G. 3.50.010 G., Use of position to compel charitable contributions, donations or induce business, \$100 to \$250;
- H. 3.50.010 H., Conducting private business on county premises and county time forbidden, \$100 to \$200;
- I. 3.50.020, Prohibited contracts with the county, \$100 to \$1,000; J. 3.50.030, Public purpose doctrine, \$100 to \$1,000.

3.50.070 Political activity.

All employees and elected officials shall have the right to freely express their views as a citizen and cast their vote, subject to the following:

- A. No employee or elected official shall directly or indirectly use or seek to use his or her authority or the influence of his or her position to control or modify the political action of another person.
- B. No employee or elected official during his or her hours of duty shall, except as provided by law, engage in political activities including, but not limited to, the following:
 - 1. Campaign for any candidate or political party;
 - 2. Make campaign speeches or engage in other activity to elect a candidate;
 - 3. Collect contributions or sell tickets to political fund-raising functions;
 - 4. Distribute campaign material in any election;
 - 5. Organize or manage political meetings;
 - 6. Circulate nominating petitions;
 - 7. Display political badges, buttons or stickers in any county building or wear such items during working hours.
- C. No employee or elected official shall at any time use any county-owned or leased equipment for any personal political activity.
- D. No employee shall be removed, discharged, reduced in pay or position, or otherwise discriminated against because of the employee's political opinions or affiliations except as provided for in this section.
- E. Employees whose principal employment is in a federally grant-aided program are subject to prohibitions in the Federal Hatch Political Activities Act as amended, 5 U.S.C. §§ 1501--1508.

3.50.080 Outside employment. **This section will be repealed in its entirety as it is contained in HR policy 803 and only applies to employees.**

- A. No employee may engage in outside employment if such employment conflicts with or affects

the performance of the employee's county duties.

B. No employee may concurrently hold more than 1 county position without the written approval of the director. The director shall have authority to grant such approval up to 30 working days within the budget of the affected department(s). Such approval may be granted for combination part-time positions when it is in the best interests of the county to do so, and when such part-time positions do not represent a conflict of interest.

C. All forms of money compensation, except expense reimbursements, for outside services performed during the hours when the employee is actually providing services to the county, shall be turned over to the director for deposit with the county treasurer.

D. Failure to comply with this section shall be considered grounds for discipline.

3.50.090 Nepotism.

A. Within this section "relative" shall include: spouse, domestic partner, son, daughter, mother, father, brother, brother-in-law, sister, sister-in-law, son-in-law, daughter-in-law, mother-in-law, father-in-law, aunt, uncle, niece, nephew, stepchild, stepparent, grandchild and grandparent.

B. Relatives shall not be employed in an immediate superior-subordinate relationship.

C. No appointing authority shall hire a relative nor participate in selection and appointment procedures if a relative is an applicant under consideration.

D. The county chair shall not appoint a county board supervisor to a standing committee where a relative is an employee in the governed department.

E. No appointing authority, county board supervisor, county elected official or employee shall seek to influence the employment decisions of an appointing authority on behalf of a relative.

F. Any person who violates this section shall be subject to disciplinary action.

3.50.100 Solicitations and sales.

No employee or group of employees shall on behalf of the county solicit funds or other things of value from any person, nor solicit funds or sell things of value to persons on county property without first obtaining permission from the county administrator. This shall not apply to internal departmental solicitations such as farewell gifts, shower gifts, length of service gifts or donations for employee social gatherings.

10. **Gifts and Favors.** Members shall not take any special advantage of services or opportunities for personal gain, by virtue of their public office that is not available to the public in general. They shall refrain from accepting any gifts, favors or promises of future benefits which might compromise their independence of judgment or action or give the appearance of being compromised.
11. **Confidential Information.** Members must maintain the confidentiality of all written materials and verbal information provided to Members which is confidential or privileged. Members shall neither disclose confidential information without proper legal authorization, nor use such information to advance their personal, financial or other private interests.
12. **Use of Public Resources.** Members shall not use public resources which are not available to the public in general (e.g., County staff time, equipment, supplies or facilities) for private gain or for personal purposes not otherwise authorized by law.
13. **Representation of Private Interests.** In keeping with their role as stewards of the public

interest, Members of County Board shall not appear on behalf of the private interests of third parties before the County Board or any Board, Committee, Commission or proceeding of the County, nor shall Members of Boards, Committees and Commissions appear before their own bodies or before the County Board on behalf of the private interests of third parties on matters related to the areas of service of their bodies.

14. **Advocacy.** Members shall represent the official policies or positions of the Eau Claire County Board, Committee or Commission to the best of their ability when designated as delegates for this purpose. When presenting their individual opinions and positions, Members shall explicitly state they do not represent their body or the Eau Claire County Board of Supervisors, nor will they allow the inference that they do.
15. **Policy Role of Members.** Members shall respect and adhere to the management structure of Eau Claire County government as outlined in the Eau Claire County Code of Ordinances. Except as provided by the Eau Claire County Code of Ordinances, Members shall not interfere with the administrative functions of the County or the professional duties of County staff; nor shall they impair the ability of staff to implement County Board policy decisions.
16. **Independence of Boards, Committees and Commissions.** Because of the value of the independent advice of Boards, Committees and Commissions to the public decision-making process, Members of County Board shall refrain from using their position to unduly influence the deliberations or outcomes of Board, Committee and Commission proceedings.
17. **Positive Work Place Environment.** Members shall support the maintenance of a positive and constructive work place environment for County employees and for citizens, businesses, and other organizations dealing with the County. Members shall recognize their special role in dealings with County employees to avoid creating the perception of inappropriate direction to staff.

B. CONDUCT GUIDELINES

The Conduct Guidelines are designed to describe the manner in which elected and appointed officials should treat one another, County staff, constituents, and others they come into contact with while representing the Eau Claire County.

1. Elected and Appointed Officials' Conduct with Each Other in Public Meetings

Elected and appointed officials are individuals with a wide variety of backgrounds, personalities, values, opinions, and goals. Despite this diversity, all have chosen to serve in public office in order to preserve and protect the present and the future of the community. In all cases, this common goal should be acknowledged even though individuals may not agree on every issue.

(a) Respect the role of the chair in maintaining order

It is the responsibility of the chair to keep the comments of Members on track during public meetings. Members should respect efforts by the chair to focus discussion on current agenda items. If there is disagreement about the agenda or the chair's actions, those objections should be voiced politely and with reason, following procedures outlined in parliamentary procedure.

- (b) *Practice civility and decorum in discussions and debate*
Difficult questions, tough challenges to a particular point of view, and criticism of ideas and information are legitimate elements of debate by a free democracy in action. Free debate does not require nor justify, however, public officials to make belligerent, personal, impertinent, slanderous, threatening, abusive, or disparaging comments.
- (c) *Avoid personal comments that could offend other Members*
If a member is personally offended by the remarks of another member, the offended member should make notes of the actual words used and call for a "point of personal privilege" that challenges the other member to justify or apologize for the language used. The chair will maintain control of this discussion.
- (d) *Demonstrate effective problem-solving approaches*
Members have a public stage and have the responsibility to show how individuals with disparate points of view can find common ground and seek a compromise that benefits the community as a whole.

2. **Elected and Appointed Officials' Conduct with the Public in Public Meetings**

Making the public feel welcome is an important part of the democratic process. No signs of partiality, prejudice or disrespect should be evident on the part of individual Members toward an individual participating in a public forum. Every effort should be made to be fair and impartial in listening to public testimony.

- (a) *Be welcoming to speakers and treat them with care and gentleness.*
While questions of clarification may be asked, the official's primary role during public testimony is to listen.
- (b) *Be fair and equitable in allocating public hearing time to individual speakers.*
The chair will determine and announce limits on speakers at the start of the public hearing process pursuant to the Eau Claire County Code of Ordinances.
- (c) *Maintain an open mind*
Members of the public deserve an opportunity to influence the thinking of elected and appointed officials.
- (d) *Ask for clarification, but avoid debate and argument with the public*
Only the chair – not individual Members – can interrupt a speaker during a presentation. However, a member can ask the chair for a point of order if the speaker is off the topic or exhibiting behavior or language the member finds disturbing.

3. **Elected and Appointed Officials' Conduct with County Staff**

Governance of a County relies on the cooperative efforts of elected officials, who set policy, appointed officials who advise the elected, and County staff who implement and administer the County Board's policies. Therefore, every effort should be made to be cooperative and show mutual respect for the contributions made by each individual for the good of the community.

- (a) *Treat all staff as professionals*

Clear, honest communication that respects the abilities, experience, and dignity of each individual is expected. Poor behavior towards staff is not acceptable.

(b) *Do not disrupt County staff from their jobs*

Elected and appointed officials should not disrupt County staff while they are in meetings, on the phone, or actively engaged in performing their job functions in order to have their individual needs met. Nothing in this section shall be construed as prohibiting the Members from fully and freely communicating with County staff anything pertaining to County affairs or the interests of the County.

(c) *Never publicly criticize an individual employee*

Elected and appointed officials should never express concerns about the performance of a County employee in public, to the employee directly, or to the employee's manager. Comments about staff performance should only be made to the County Administrator through private correspondence or conversation. Appointed officials should make their comments regarding staff to the County Administrator.

(d) *Do not get involved in administrative functions*

Elected and appointed officials acting in their individual capacity must not attempt to influence County staff on the making of appointments, awarding of contracts, selecting of consultants, processing of development applications, or granting of County licenses and permits.

(e) *Do not solicit political support from staff*

Elected and appointed officials should not solicit any type of political support (financial contributions, display of posters or lawn signs, name on support list, etc.) from County staff. County staff may, as private citizens with constitutional rights, support political candidates but all such activities must be done away from the work place.

(f) *No Attorney-Client Relationship*

The Corporation Counsel represents the County and not individual Members.

4. **County Board Conduct with Boards, Committees and Commissions**

The County has established several Boards, Committees and Commissions as a means of gathering more community input. Citizens who serve on Boards, Committees and Commissions become more involved in government and serve as advisors to the County Board. They are a valuable resource to the County's leadership and should be treated with appreciation and respect.

(a) *If attending a Board, Committee or Commission meeting, be careful to only express personal opinions*

County Board Members may attend any Board, Committee or Commission meeting, which are always open to any member of the public. The purpose of public comment is to allow members of the public the opportunity to be heard regarding their concerns. County Board members attending a Board, Committee or Commission meeting they are not a member of may be recognized by the chair and allowed to provide their input. Those comments should be clearly made as individual opinion and not a representation of the any Board, Committee or Commission on which they serve.

(b) *Limit contact with Board, Committee and Commission Members to questions of clarification It*

is inappropriate for a County Board member to contact a Board, Committee or Commission member to lobby on behalf of an individual, business, or developer, and vice versa. It is acceptable for County Board Members to contact Board, Committee or Commission Members in order to clarify a position taken by the Board, Committee or Commission. Any of these types of discussions must be in compliance with Wisconsin Open Meetings laws.

(c) *Respect that Boards, Committees and Commissions serve the community, not individual County Board Members*

The County Board appoints individuals to serve on Boards, Committees and Commissions, and it is the responsibility of Boards, Committees and Commissions to follow policy established by the County Board. But Board, Committee and Commission Members do not report to individual County Board Members, nor should County Board Members feel they have the power or right to threaten Board, Committee and Commission Members with removal if they disagree about an issue. Appointment and re-appointment to a Board, Committee or Commission should be based on such criteria as expertise, ability to work with staff and the public, and commitment to fulfilling official duties.

(d) *Be respectful of diverse opinions*

A primary role of Boards, Committees and Commissions is to represent many points of view in the community and to provide the County Board with advice based on a full spectrum of concerns and perspectives. County Board Members may have a closer working relationship with some individuals serving on Boards, Committees and Commissions, but must be fair and respectful of all citizens serving on Boards, Committees and Commissions.

(e) *Keep political support away from public forums*

Board, Committee and Commission Members may offer political support to a County Board member, but not in a public forum while conducting official duties. Conversely, County Board Members may support Board, Committee and Commission Members who are running for office, but not in an official forum in their capacity as a County Board member.

C. SANCTIONS

(a) *Acknowledgement of Code of Ethics and Conduct*

County Board Members, appointed and elected officials must sign an acknowledgement they have read and understand the Code of Ethics and Conduct. Those Members who do not sign an acknowledgement that they have read and understand the Code of Ethics and Conduct shall be ineligible for intergovernmental assignments or County Board subcommittees.

(b) *Behavior and Conduct*

The Eau Claire County Code of Ethics and Conduct expresses standards of ethical conduct expected for Members of the Eau Claire County Board, Boards, Committees and Commissions. Members 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. The chairs of Boards, Committees and Commissions, the Members of the County Board, and the County Administrator have the additional responsibility to intervene when actions of Members that appear to be in violation of the Code of Ethics and Conduct are brought to their attention.

- (c) Individual County Board Members should objectively point out to the offending County Board member perceived infractions of the Code of Ethics and Conduct. If the offenses continue, then the matter may be brought to the attention of the County Board chair or referred to the Ethics Inquiry Board process for consideration and any possible further action.
- (d) The County Board may impose sanctions on Board, Committee and Commission Members whose conduct does not comply with the County's policies and code of ordinances.

D. IMPLEMENTATION

The Code of Ethics and Conduct is intended to be self-enforcing and is an expression of the standards of conduct for Members expected by the County. It therefore becomes most effective when Members are thoroughly familiar with it and embrace its provisions.

Members entering office shall sign a statement acknowledging they have read and understand the Code of Ethics and Conduct. In addition, the Code of Ethics and Conduct shall be periodically reviewed by the County Board, Committees, Boards and Commissions, and updated as necessary.

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ETHICS INQUIRY BOARD OR ETHICS COMMISSION

(Ethics Inquiry Board is used for this draft)

Investigations and Enforcement:

(1) Advisory Opinions: Any person governed by this Code of Ethics and Conduct may apply in writing to the Eau Claire County Corporation Counsel for an advisory opinion and shall be guided by any opinion rendered. The applicant shall present his or her interpretation of the facts at issue and of the applicability of provisions of this Code of Ethics and Conduct before the advisory opinion is rendered. All requests for opinions and opinions rendered shall be in writing. Records of the Eau Claire County Corporation Counsel's opinions, 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.

(2) Complaints: The Eau Claire County Corporation Counsel shall accept from any citizen of Eau Claire County a verified written complaint which states the name of the member of the Eau Claire County Board of Supervisors, Members of all Eau Claire County Committees, Boards, and Commissions, and Eau Claire County appointed and elected officials (hereafter referred to as Members) or employee alleged to have committed a violation of this Code of Ethics and sets forth the material facts involved in the allegation. The Eau Claire County Corporation Counsel shall forward a copy of the complaint to the accused officer or employee and the Ethics Inquiry Board within ten days. If no action on the verified complaint is taken by the Ethics Inquiry Board within sixty days, the complaint shall be referred to the County Board for determination of probable cause. If there is a finding of probable cause by the County Board, the matter shall be referred back to the Ethics Board for an evidentiary hearing under _____. **(insert code section here)**

(3) Preliminary Investigations: Following the receipt of a verified complaint, the Ethics Inquiry Board may make preliminary investigations with respect to alleged violation of this Code of Ethics. A preliminary investigation shall not be initiated unless the accused member or employee is notified in writing and by electronic means. 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. If the Ethics Inquiry Board finds probable cause to believe the allegations contained in the complaint, the complaint shall be referred to hearing pursuant to _____ **(insert code section here)** below before the Ethics Inquiry Board.

(4) Time Limitations: The Ethics Inquiry Board may investigate any complaint properly filed with it. 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.

(5) Ethics Inquiry Board: There is hereby created an Ethics Inquiry Board to consist of five members and one alternate, one of whom shall be an attorney licensed to practice law in the State of Wisconsin, appointed by the Chairs of the Eau Claire County Board of Supervisors Standing Committees with the approval of the Eau Claire County Board of Supervisors. The members of the Ethics Inquiry Board shall be residents of Eau Claire County and shall not be an Eau Claire County Public Elected Official or an employee during the time of appointment, and shall serve staggered three year terms expiring on the third Tuesday in April of the third year following their appointment except as otherwise provided in the implementation of this ordinance. The Eau Claire County Corporation Counsel shall provide legal advice, secretarial service and assistance to the Ethics Inquiry Board. The Ethics Inquiry Board shall be entitled to mileage and per diem payments for

meetings and hearings of the Ethics Inquiry Board on the same basis as provided other Eau Claire County Boards, Committees or Commissions. A member of the Ethics Inquiry Board may not serve more than two consecutive three-year terms.

(a) Powers and Duties: The Ethics Inquiry Board shall be responsible for investigating a complaint, and conducting a fact finding hearing pursuant to subparagraph _____ below, in any case in which the Ethics Inquiry Board has found that probable cause exists for believing the allegations of a complaint referred to the Ethics Inquiry Board after preliminary review pursuant to subparagraph _____ through _____ above.

(b) Burden of Proof: Violations shall be proved by clear, satisfactory and convincing evidence.

(c) Hearing: An individual against whom a complaint has been made and where the complaint has been referred to the Ethics Inquiry Board may request a hearing before the Ethics Inquiry Board. The Ethics Inquiry Board may hold a hearing and the Ethics Inquiry Board shall keep a record of the hearing. The Ethics Inquiry Board shall have the power to compel the attendance of witnesses and to issue subpoenas as granted to other boards and commissions under Section 885.01 Wisconsin Statutes.

(i) Within ten working days of the conclusion of the hearing, the Ethics Inquiry Board shall file its written findings and recommendations signed by all participating Ethics Inquiry Board members, together with findings of fact and conclusions of law, concerning the propriety of the conduct of the public official. If the Ethics Inquiry Board determines that no violation of the Code of Ethics has occurred, it shall dismiss the complaint, and if requested to do so by the accused, issue a public statement.

(ii) No recommendation of the Ethics Inquiry Board becomes effective until twenty working days after it is issued, or while an application for rehearing or rehearing before the Ethics Inquiry Board is pending, or the Ethics Inquiry Board has announced its final determination on rehearing.

(d) Enforcement and Penalties: If the Ethics Inquiry Board finds that clear satisfactory and convincing evidence exists for believing the allegations of the complaint, the Ethics Inquiry Board shall refer its findings and recommendation to the Eau Claire County Board of Supervisors, or in the case of an employee, to the Eau Claire County Administrator. The Ethics Inquiry Board may make the following recommendations:

(i) Recommend that the Eau Claire County Board of Supervisors 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, removed from office, be issued a private reprimand, public reprimand, and in the case of an employee may also recommend denial of merit increase, suspension without pay, discharge, or other appropriate disciplinary action.

(ii) The Ethics Inquiry Board may also refer the matter to the District Attorney to commence enforcement pursuant to the procedures and remedies of Wis. Stats. §19.59.

I affirm that I have read and understand the Eau Claire County Code of Ethics and Conduct for Elected and Appointed Officials.

Signature

Date

Printed Name _____

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