

FACT SHEET

TO FILE NO. 22-23/086

TO CREATE CHAPTER 2.08 OF THE CODE: CODE OF CONDUCT AND CONDUCT INQUIRY BOARD

File 22-23/086 creates Chapter 2.08 of the Eau Claire County Code. The purpose of this chapter is to create a Code of Conduct and a Conduct Inquiry Board. This Code of Conduct will apply to elected 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 and establishes guidelines and rules for them to follow while exercising their oath of office, in accordance with ethical and conduct standards.

The Conduct Inquiry Board will 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 Eau Claire County Committee on Administration with the approval of the Eau Claire County Board of Supervisors.

The members of the Conduct 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 Conduct Inquiry Board shall be responsible for investigating a complaint and conducting a fact-finding hearing.

Fiscal Impact: None

Respectfully submitted:

Sharon McIlquham  
Corporation Counsel

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3 TO CREATE CHAPTER 2.08 OF THE CODE: CODE OF CONDUCT AND CONDUCT  
4 INQUIRY BOARD

5  
6 The County Board of Supervisors of the County of Eau Claire does ordain as follows:

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8 SECTION 1. That Chapter 2.08 of the code be created to read:

9  
10 Chapter 2.08

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12  
13 CODE OF CONDUCT AND CONDUCT INQUIRY BOARD

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16 Sections:

- 17
- 18
- 19 2.08.001 Purpose.
- 20 2.08.005 Conflict of interest.
- 21 2.08.010 Definitions.
- 22 2.08.020 Specific conflicts enumerated.
- 23 2.08.030 Political activity.
- 24 2.08.040 Nepotism.
- 25 2.08.050 Solicitations and sales.
- 26 2.08.060 Code of conduct guidelines.
- 27 2.08.070 Sanctions.
- 28 2.08.080 Conduct inquiry board.
- 29
- 30

31 2.08.001 Purpose. This Code of Conduct and the Conduct Inquiry Board assures all  
32 elected members of the Eau Claire County Board of Supervisors, members of all Eau Claire  
33 County Committees, Boards, and Commissions, and Eau Claire County appointed and elected  
34 officials (hereafter referred to as Members) shall conduct themselves, while exercising their oath  
35 of office, in accordance with the following ethical and conduct standards.

- 36 A. Elected and appointed officials shall:
  - 37 1. Comply with both the letter and spirit of the laws and policies
  - 38 affecting the operations of Eau Claire County government;
  - 39 2. Be independent, impartial and fair in their judgment and actions;
  - 40 3. Use their public office for the public good, not for personal gain;
  - 41 4. Conduct public deliberations and processes openly, unless required by
  - 42 law to be confidential, in an atmosphere of respect and civility, and comply with all Wisconsin
  - 43 Open Meetings laws;
  - 44 5. Apply these standards at county board, committee, board, and commission
  - 45 meetings, the workplace or while conducting county business, and at any location or on any
  - 46 platform that can be reasonably regarded as an extension of the workplace or conducting county
  - 47 business, including but not limited to the use of a telephone, voicemail, text messages, and/or
  - 48 any social media or online platforms;
  - 49 6. Not engage in discrimination, harassment, bullying, intimidation,

1 retaliation, hazing, quid pro quo or other types of emotional or sexual harassment, micro-  
2 aggressions, and creating a hostile work environment; and

3 7. Make every effort to be cooperative and show mutual respect for the  
4 contributions made by each other for the good of the community.

5 8. Act in the Public Interest. Members will work for the common good of  
6 the people of Eau Claire County and not for any private or personal interest and will assure fair  
7 and equal consideration and treatment of all persons, claims and transactions coming before  
8 them.

9 9. Comply with the Law and County Code. Members shall comply  
10 with all applicable statutes, codes, and regulations of the legal governing authority of the  
11 jurisdiction.

12 10. Conduct of Members. The professional and personal conduct of  
13 members while exercising their office must be above reproach and avoid the appearance of  
14 impropriety. Members shall refrain from abusive or inappropriate conduct, derogatory  
15 statements, personal charges or verbal attacks upon the character or motives of other members  
16 of the county board, boards, committees and commissions, the staff and the public. County  
17 board supervisors shall treat all members and county staff as professionals. Clear, honest  
18 communication that respects the abilities, experience, and dignity of each individual is  
19 expected. Poor behavior toward county staff, other county board supervisors, members, or the  
20 public is not acceptable.

21 11. Respect for Process. Members shall perform their duties in accordance  
22 with the processes, ordinances, and rules of order established by the Eau Claire County Board  
23 of Supervisors.

24 12. Decisions Based on Merit and Substance. Members shall base their  
25 decisions on the merits and substance of the matter at hand, rather than on unrelated  
26 considerations. When making adjudicative decisions (those decisions where the member is  
27 called upon to determine and apply facts particular to an individual case), members shall  
28 maintain an open mind until the conclusion of the hearing on the matter and shall base their  
29 decisions on the facts presented and the law.

30  
31 2.08.005 Conflict of Interest. The proper operation of a democratic and representative  
32 government requires that public officials and employees be independent, impartial and  
33 responsible to the people; that government decisions and policy be made in proper channels of  
34 the governmental structure; that public office not be used for improper personal gain; and that  
35 conflicts between private interests and public responsibilities be avoided. In recognition of these  
36 goals, there is established a code of conduct to establish guidelines for ethical standards of  
37 conduct for such officials and employees by setting forth those acts or actions that are  
38 incompatible with the best interests of the county and by directing disclosure by such officials  
39 and employees of private interests in matters affecting the county. The provisions and purpose of  
40 this code and such rules and regulations as may be established are declared to be in the best  
41 interests of the county.

42  
43 2.08.010 Definitions.

44 A. "Anything of value" means any money or property, favor, service, payment,  
45 advance forbearance, loan or promise of future employment, but DOES NOT INCLUDE such  
46 things as compensation and expenses paid by the state or county, fees, honorariums and  
47 expenses, unsolicited advertising or promotional material such as pens, pencils, notepads,  
48 calendars, informational or educational materials of unexceptional value, plaques, other  
49 advertising giveaways or any other thing which is not likely to influence the judgment of

1 individuals covered by this code.

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

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

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

11 E. "Members" means elected members of the Eau Claire County Board of  
12 Supervisors, members of all Eau Claire County Committees, Boards, and Commissions, and Eau  
13 Claire County appointed and elected officials.

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

16 G. "Privileged information" means any written or oral material related to county  
17 government which has not become part of the body of public information and which is  
18 designated by statute, court decision, lawful order, ordinance, resolution or custom as privileged.

19 H. "Person" means any individual, corporation, partnership, joint venture, association  
20 or organization.

21  
22 2.08.020 Specific conflicts enumerated. The following conflicts of interest shall be  
23 expressly prohibited:

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

28 B. Representing private interests before agencies or courts. No elected public  
29 official or employee who is admitted to practice law shall represent, as an advocate any private  
30 interests, other than his or her own or that of his or her family, in any proceeding adverse to the  
31 county before any federal or state court or agency. Members of the county board shall not  
32 appear on behalf of the private interests of third parties before the county board or any board,  
33 committee, commission or proceeding of the county, nor shall members of boards, committees  
34 and commissions appear before their own bodies or before the county board on behalf of the  
35 private interests of third parties on matters related to the areas of service of their bodies.

36 C. Disclosure of confidential information. No public official or employee shall,  
37 without proper authorization, disclose confidential information, nor use such information to  
38 advance the actual or anticipated financial or personal interests of him or herself or others.  
39 Members must maintain the confidentiality of all written materials and verbal information  
40 provided to members which is confidential or privileged. Members shall neither disclose  
41 confidential information without proper legal authorization, nor use such information to  
42 advance their personal, financial or other private interests.

43 D. Gratuities, Kickbacks, Gifts or Favors.

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

47 2. No payment of a gratuity or kickback shall be made by or on behalf of  
48 any person and be accepted by any public official or employee as an inducement or reward for  
49 the latter's action in procuring the award of any contract or order.

1           3.       It is not a conflict of interest for an official or employee to receive a gift  
2 or gratuity that is an unsolicited item of insignificant value or anything which is given to them  
3 independent of their position as an official or employee.

4           4.       Members shall not take any special advantage of services or  
5 opportunities for personal gain, by virtue of their public office that is not available to the public  
6 in general. They shall refrain from accepting any gifts, favors or promises of future benefits  
7 which might compromise their independence of judgment or action or give the appearance of  
8 being compromised.

9           E.       Failure to disclose interest in legislation.

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

13                   a.       County board members; and

14                   b.       Public officials or employees who have been asked to render  
15 official opinions or recommendations to the county board on the legislation.

16           2.       The disclosure shall be made before any debate commences upon the  
17 particular legislation and shall consist of an announcement to be recorded in the journal of  
18 proceedings and a request to abstain from voting. Notwithstanding abstention from voting as  
19 may be allowed by the board, it shall be the responsibility of each employee or public official to  
20 personally ascertain that such actions do not conflict with Wis. Stat. § 946.13.

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

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

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

32           I.       Prohibited contracts with the county.

33           1.       An official or employee or a business in which an official or employee  
34 holds a 10% or greater interest, may not enter into a contract with the county involving a  
35 payment or payments of more than \$3,000 within a 12-month period unless the official or  
36 employee has made a written disclosure of the nature and extent of such relationship or interest  
37 to the county board. Further, pursuant to Wis. Stat. § 946.13, an official or employee is  
38 prohibited from participating in the formation of a contract(s) with Eau Claire County involving  
39 receipts or disbursements of more than \$15,000 in any year.

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

42           J.       Public purpose doctrine.

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

1 resources, which are not available to the public in general, (e.g., county staff time, equipment,  
2 supplies or facilities) for private gain or for personal purposes not otherwise authorized by  
3 law.

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

7  
8 2.08.030 Political activity. All employees and elected officials shall have the right to  
9 freely express their views as a citizen and cast their vote, subject to the following:

10 A. No employee or elected official shall directly or indirectly use or seek to use his  
11 or her authority or the influence of his or her position to control or modify the political action of  
12 another person.

13 B. No employee or elected official during his or her hours of duty shall, except as  
14 provided by law, engage in political activities including, but not limited to, the following:

- 15 1. Campaign for any candidate or political party;
- 16 2. Make campaign speeches or engage in other activity to elect a candidate;
- 17 3. Collect contributions or sell tickets to political fund-raising functions;
- 18 4. Distribute campaign material in any election;
- 19 5. Organize or manage political meetings;
- 20 6. Circulate nominating petitions;
- 21 7. Display political badges, buttons or stickers in any county building or

22 wear such items during working hours.

23 C. No employee or elected official shall at any time use any county-owned or leased  
24 equipment for any personal political activity.

25 D. No employee shall be removed, discharged, reduced in pay or position, or  
26 otherwise discriminated against because of the employee's political opinions or affiliations  
27 except as provided for in this section.

28 E. Employees whose principal employment is in a federally grant-aided program are  
29 subject to prohibitions in the Federal Hatch Political Activities Act as amended, 5 U.S.C. §§  
30 1501--1508.

31  
32 2.08.040 Nepotism.

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

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

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

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

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

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



1           2.08.050 Solicitations and sales. No employee or group of employees shall on behalf of  
2 the county solicit funds or other things of value from any person, nor solicit funds or sell things  
3 of value to persons on county property without first obtaining permission from the county  
4 administrator. This shall not apply to internal departmental solicitations such as farewell gifts,  
5 shower gifts, length of service gifts or donations for employee social gatherings.  
6

7           2.08.060 Code of Conduct Guidelines. Purpose. The Code of Conduct Guidelines are  
8 designed to describe the manner in which elected and appointed officials should treat one  
9 another, county staff, constituents, and others they come into contact with while representing  
10 the Eau Claire County.

11           A.     Advocacy. Members shall represent the official policies or positions of the Eau  
12 Claire County Board, Committee or Commission to the best of their ability when designated as  
13 delegates for this purpose. When presenting their individual opinions and positions, members  
14 shall explicitly state they do not represent their body or the Eau Claire County Board of  
15 Supervisors, nor will they allow the inference that they do.

16           B.     Policy Role of Members. Members shall respect and adhere to the  
17 management structure of Eau Claire County government as outlined in the Eau Claire County  
18 Code of Ordinances. Except as provided by the Eau Claire County Code of Ordinances,  
19 Members shall not interfere with the administrative functions of the county or the professional  
20 duties of county staff; nor shall they impair the ability of staff to implement county board policy  
21 decisions.

22           C.     Independence of Boards, Committees and Commissions. Because of the  
23 value of the independent advice of boards, committees and commissions to the public  
24 decision-making process, members of county board shall refrain from using their position  
25 to unduly influence the deliberations or outcomes of board, committee and commission  
26 proceedings.

27           D.     Positive Workplace Environment. Members shall support the maintenance of a  
28 positive and constructive workplace environment for county employees and for citizens,  
29 businesses, and other organizations dealing with the county. Members shall recognize their  
30 special role in dealings with county employees to avoid creating the perception of inappropriate  
31 direction to staff.

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

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

38                 2.     Practice civility and decorum in discussions and debate. Difficult  
39 questions, tough challenges to a particular point of view, and criticism of ideas and information  
40 are legitimate elements of debate by a free democracy in action. Free debate does not require  
41 nor justify, however, public officials to make belligerent, personal, impertinent, slanderous,  
42 threatening, abusive, or disparaging comments.

43                 3.     Avoid personal comments that could offend other members. If a  
44 member is personally offended by the remarks of another member, the offended member  
45 should make notes of the actual words used and call for a "point of personal privilege" that  
46 challenges the other member to justify or apologize for the language used. The chair will  
47 maintain control of this discussion.

1                   4.       Demonstrate effective problem-solving approaches. Members have a  
2 public stage and have the responsibility to show how individuals with disparate points of view  
3 can find common ground and seek a compromise that benefits the community as a whole.

4                   F.       Elected and Appointed Officials' Conduct with the Public in Public Meetings.  
5 No signs of partiality, prejudice or disrespect should be evident on the part of individual  
6 members toward an individual participating in a public forum. Every effort should be made to  
7 be fair and impartial in listening to public comment.

8                   1.       Members shall prepare themselves for public issues; listen  
9 courteously, attentively, and without interruption to all public discussions before the body; and  
10 focus on the business at hand.

11                  2.       Treat speakers with respect. While questions of clarification may be asked,  
12 the official's primary role during public comment is to listen.

13                  3.       Be fair and equitable in allocating public hearing time to individual  
14 speakers. The chair will determine and announce limits on speakers at the start of the public  
15 comment process pursuant to the Eau Claire County Code of Ordinances.

16                  4.       Maintain an open mind. Members of the public deserve an opportunity to  
17 provide public comment to elected and appointed officials.

18                  5.       Avoid debate and argument with the public. Only the chair - not  
19 individual members - can interrupt a person making public comment. However, a member can  
20 ask the chair for a point of order if the speaker is off the topic or exhibiting behavior or  
21 language the member finds disturbing.

22                  G.       Elected and Appointed Officials' Conduct with County Staff.

23                  1.       Treat all staff as professionals. Clear, honest communication that  
24 respects the abilities, experience, and dignity of each individual is expected. Poor behavior  
25 towards staff is not acceptable.

26                  2.       Do not disrupt county staff from their jobs. Elected and appointed  
27 officials should not disrupt county staff while they are in meetings, on the phone, or  
28 actively engaged in performing their job functions in order to have their individual needs  
29 met. Nothing in this section shall be construed as prohibiting the members from fully and  
30 freely communicating with county staff anything pertaining to county affairs or the interests of  
31 the county.

32                  3.       Never publicly criticize an individual employee. Elected and appointed  
33 officials should never express concerns about the performance of a county employee in public,  
34 to the employee directly, or to the employee's manager. Comments about staff performance  
35 should only be made to the county administrator through private correspondence or  
36 conversation. Appointed officials should make their comments regarding staff to the county  
37 administrator.

38                  4.       Do not get involved in administrative functions. Elected and appointed  
39 officials acting in their individual capacity must not attempt to influence county staff on the  
40 making of appointments, awarding of contracts, selecting of consultants, processing of  
41 development applications, or granting of county licenses and permits.

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

47                  6.       No Attorney-Client Relationship. The Corporation Counsel represents  
48 the County and not individual Members.



1           7. Possible violation. Any county employee who feels a violation of this  
2 Code of Conduct has occurred during or outside of a public county board meeting, or in the  
3 event a county employee believes they have been a victim of harassment, intimidation or  
4 bullying, the employee may consult with their department manager. Together, the manager and  
5 employee may raise the issue privately with the county board member. Any member of the  
6 public who feels a violation of this Code of Conduct has occurred during or outside of a public  
7 county board meeting may raise the issue privately with the county board member.

8           8. Attempts should be made to resolve any issue in a professional, private  
9 manner. If unsuccessful, the county board member, county employee or member of the public  
10 may ask for the assistance of the county board chair in mediating the issue or conflict. The  
11 county board chair may include the county board vice chair, county board second vice chair,  
12 county administrator, or appropriate county staff in attempting to resolve the matter. If the  
13 complaint involves the county board chair, the county board member, county employee or  
14 member of the public may ask for the assistance of the county board vice chair and/or county  
15 board second vice chair in mediating the issue or conflict.

16           9. If a county board member becomes aware of possible county staff  
17 misconduct issue, that issue shall be forwarded to the county administrator, the human  
18 resources director or the county staff's department manager through private correspondence or  
19 conversation, with the exception of possible alleged criminal matters, which should be reported  
20 to corporation counsel. Under the "Whistleblower Law" (Wis. Stat. § 230.80), County members  
21 and employees have protection when they report violations of law, rules, regulations,  
22 mismanagement or abuse of authority.

23           H. County Board Conduct with Boards, Committees, and Commissions of which they  
24 are not members.

25           1. If a county board member is attending a board, committee or  
26 commission meeting, they must be careful to only express personal opinions. County board  
27 members may attend any board, committee or commission meeting, which are always open to  
28 any member of the public. The purpose of public comment is to allow members of the public,  
29 not other county board members, the opportunity to be heard regarding their concerns. County  
30 board members attending a board, committee or commission meeting they are not a member of  
31 may be recognized by the chair and allowed to provide their input. Those comments should be  
32 clearly made as individual opinion and not a representation of the any board, committee or  
33 commission on which they serve.

34           2. Limit contact with Board, Committee and Commission Members to  
35 questions of clarification. It is inappropriate for a county board member to contact a board,  
36 committee or commission member to lobby on behalf of an individual, business, or  
37 developer, and vice versa. It is acceptable for county board members to contact board,  
38 committee or commission members in order to clarify a position taken by the board, committee  
39 or commission. Any of these types of discussions must be in compliance with Wisconsin  
40 Open Meetings laws.

41           3. Respect that Boards, Committees and Commissions serve the  
42 community, not individual County Board Members. The county board appoints individuals to  
43 serve on boards, committees and commissions, and it is the responsibility of boards,  
44 committees and commissions to follow policy established by the county board. Board,  
45 committee and commission members do not report to individual county board members, nor  
46 should county board members feel they have the power or right to threaten board, committee  
47 and commission members with removal if they disagree about an issue. Appointment and re-  
48 appointment to a board, committee or commission should be based on such criteria as  
49 expertise, ability to work with staff and the public, and commitment to fulfilling official duties.

1           4.       Be respectful of diverse opinions. county board supervisors must be fair  
2 and respectful of all citizens serving on boards, committees and commissions.

3           5.       Keep political support away from public forums. Board, committee and  
4 commission members may offer political support to a county board member, but not in a  
5 public forum while conducting official duties. Conversely, county board members may  
6 support board, committee and commission members who are running for office, but not in an  
7 official forum in their capacity as a county board member.

8  
9           2.08.070 Sanctions.

10          A.       Acknowledgement of Code of Conduct and completion and submission of the Eau  
11 Claire County Standards of Conduct and Financial Interview Form. Prior to the organizational  
12 meeting at the beginning of every legislative session, County board supervisors, appointed and  
13 elected officials must sign an acknowledgement they have read and understand the Code of Conduct  
14 and must complete and submit the Eau Claire County Standards of Conduct and Financial Interview  
15 Form. County board supervisors appointed and elected officials who do not sign an  
16 acknowledgement that they have read and understand the Code of Conduct or complete and  
17 submit the Eau Claire County Standards of Conduct and Financial Interview Form shall be  
18 ineligible for intergovernmental assignments or county board subcommittees.

19          B.       Behavior and Conduct. The Eau Claire County Code of Conduct expresses  
20 standards of ethical conduct expected for members of the Eau Claire County Board, Boards,  
21 Committees and Commissions. Members themselves have the primary responsibility to assure  
22 that ethical standards are understood and met, and that the public can continue to have full  
23 confidence in the integrity of government. The chairs of boards, committees and commissions,  
24 the members of the county board, and the county administrator have the additional  
25 responsibility to intervene when actions of members that appear to be in violation of the Code  
26 of Conduct are brought to their attention.

27          C.       Individual County Board Members should objectively point out to the offending  
28 County Board member perceived infractions of the Code of Conduct. If the offenses continue,  
29 then the matter may be brought to the attention of the county board chair or referred to the  
30 Conduct Inquiry Board process for consideration and any possible further action.

31          D.       The County board may impose sanctions on board, committee and commission  
32 members whose conduct does not comply with the county's policies and code of ordinances.

33          E.       Sanction for violations.

34               1.       Any person violating this chapter may be subject to a forfeiture of not less  
35 than \$100 nor more than \$1,000 for each offense, subject to 2.08.070 E 2.

36               2.       Forfeiture schedule. The following specified violations of this chapter  
37 shall be subject to the accompanying forfeiture schedule:

- 38                   a.       2.08.020 A., Incompatible employment, \$100 to \$500;  
39                   b.       2.08.020 B., Representing private interests before county agencies  
40 or courts, \$100 to \$1,000;  
41                   c.       2.08.030 C., Disclosure of confidential information, \$100 to  
42 \$1,000;  
43                   d.       2.08.040 D., Gratuities, kickbacks, gifts or favors \$100 to \$1,000;  
44                   e.       2.08.050 E., Failure to disclose interest in legislation, \$100 to  
45 \$250;  
46                   f.       2.08.060 F., Nepotism forbidden, \$100 to \$250;  
47                   g.       2.08.070 G., Use of position to compel charitable contributions,  
48 donations or induce business, \$100 to \$250;

- 1 h. 2.08.080 H., Conducting private business on county premises and  
2 county time forbidden, \$100 to \$200;  
3 i. 2.08.080 I., Prohibited contracts with the county, \$100 to \$1,000;  
4 j. 2.08.080 J., Public purpose doctrine, \$100 to \$1,000.  
5

6 2.08.080 Conduct Inquiry Board.

7 A. There is hereby created a Conduct Inquiry Board.

8 1. Consisting of five members and one alternate, one of whom shall be an  
9 attorney licensed to practice law in the State of Wisconsin, appointed by the Eau Claire County  
10 Committee on Administration with the approval of the Eau Claire County Board of Supervisors.

11 2. The members of the Conduct Inquiry Board shall be residents of Eau  
12 Claire County and shall not be an Eau Claire County Public Elected Official or an employee  
13 during the time of appointment and shall serve staggered three-year terms expiring on the third  
14 Tuesday in April of the third year following their appointment except as otherwise provided in  
15 the implementation of this ordinance.

16 3. The Eau Claire County Corporation Counsel shall provide legal advice,  
17 secretarial service and assistance to the Conduct Inquiry Board.

18 4. The Conduct Inquiry Board shall be entitled to mileage and per diem  
19 payments for meetings and hearings of the Conduct Inquiry Board on the same basis as provided  
20 other Eau Claire County Boards, Committees or Commissions.

21 5. A member of the Conduct Inquiry Board may not serve more than two  
22 consecutive three-year terms.

23 B. Powers and Duties. The Conduct Inquiry Board shall be responsible for  
24 investigating a complaint and conducting a fact finding hearing pursuant to Section D. below, in  
25 any case in which the Conduct Inquiry Board has found that probable cause exists for believing  
26 the allegations of a complaint referred to the Conduct Inquiry Board after preliminary review  
27 pursuant to 2.08.080 F. 3.

28 C. Burden of Proof. Violations shall be proved by clear, satisfactory and convincing  
29 evidence.

30 D. Hearing. An individual against whom a complaint has been made and where the  
31 complaint has been referred to the Conduct Inquiry Board may request a hearing before the  
32 Conduct Inquiry Board. The Conduct Inquiry Board may hold a hearing and the Conduct Inquiry  
33 Board shall keep a record of the hearing. The Conduct Inquiry Board shall have the power to  
34 compel the attendance of witnesses and to issue subpoenas as granted to other boards and  
35 commissions under Wis. Stat. § 885.01.

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

42 2. No recommendation of the Conduct Inquiry Board becomes effective  
43 until twenty working days after it is issued, or while an application for rehearing or rehearing  
44 before the Conduct Inquiry Board is pending, or the Conduct Inquiry Board has announced its  
45 final determination on rehearing.

1 E. Enforcement and Penalties. If the Conduct Inquiry Board finds that clear  
2 satisfactory and convincing evidence exists for believing the allegations of the complaint, the  
3 Conduct Inquiry Board shall refer its findings and recommendation to the Eau Claire County  
4 Board of Supervisors, or in the case of an employee, to the Eau Claire County Administrator.  
5 The Conduct Inquiry Board may make the following recommendations:

6 1. Recommend that the Eau Claire County Board of Supervisors order the  
7 officer or employee to conform his or her conduct to the ethics code or recommend that the  
8 official or employee be censured, suspended, removed from office, be issued a private  
9 reprimand, public reprimand, and in the case of an employee may also recommend denial of  
10 merit increase, suspension without pay, discharge, or other appropriate disciplinary action.

11 2. The Conduct Inquiry Board may also refer the matter to the District  
12 Attorney to commence enforcement pursuant to the procedures and remedies of Wis. Stat.  
13 §19.59.

14 F. Investigations and Enforcement.

15 1. Advisory Opinions. Any person governed by this Code of Conduct may  
16 apply in writing to the Eau Claire County Corporation Counsel for an advisory opinion and shall  
17 be guided by any opinion rendered. The applicant shall present his or her interpretation of the  
18 facts at issue and of the applicability of provisions of this Code of Conduct before the advisory  
19 opinion is rendered. All requests for opinions and opinions rendered shall be in writing. Records  
20 of the Eau Claire County Corporation Counsel's opinions, opinion requests and investigations of  
21 violations shall be closed to public inspection, as required by Wis. Stat. Ch. 19. However, such  
22 records may be made public with the consent of the applicant.

23 2. Complaints. The Eau Claire County Corporation Counsel shall accept  
24 from any citizen of Eau Claire County a verified written complaint which states the name of the  
25 member of the Eau Claire County Board of Supervisors, members of all Eau Claire County  
26 Committees, Boards, and Commissions, and Eau Claire County appointed and elected officials  
27 (hereafter referred to as members) or employee alleged to have committed a violation of this  
28 Code of Conduct and sets forth the material facts involved in the allegation. The Eau Claire  
29 County Corporation Counsel shall forward a copy of the complaint to the accused officer or  
30 employee and the Conduct Inquiry Board within ten days. If no action on the verified complaint  
31 is taken by the Conduct Inquiry Board within sixty days, the complaint shall be referred to the  
32 county board for determination of probable cause. If there is a finding of probable cause by the  
33 county board, the matter shall be referred back to the Conduct Inquiry Board for an evidentiary  
34 hearing under 2.08.080 C.

35 3. Preliminary Investigations. Following the receipt of a verified complaint,  
36 the Conduct Inquiry Board may make preliminary investigations with respect to alleged violation  
37 of this Code of Conduct. A preliminary investigation shall not be initiated unless the accused  
38 member or employee is notified in writing and by electronic means. The notice shall state the  
39 exact nature and purpose of the investigation, the individual's specific action or activities to be  
40 investigated and a statement of such person's due process rights. If the Conduct Inquiry Board  
41 finds probable cause to believe the allegations contained in the complaint, the complaint shall be  
42 referred to hearing pursuant to 2.08.080 D. above before the Conduct Inquiry Board.

43 4. Time Limitations. The Conduct Inquiry Board may investigate any  
44 complaint properly filed with it. However, no action may be taken on any complaint which is  
45 filed more than one year after a violation of the Code of Conduct is alleged to have occurred.  
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*Jack Simon*  
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*Constantine Russell*  
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*J. Galin*  
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Committee on Administration

VOTE: 3 Aye 0 Nay

Reviewed by Finance Dept.  
for Fiscal Impact  
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**APPROVED**

*By Sharon McIlquham at 1:08 pm, Feb 16, 2023*

Dated this 10 day of January, 2022.