

ORDINANCE NO. 02-2024

Ordinance to Amend Chapter 9, Article V. Ethics

1 The County Board of Supervisors of Green Lake County, Green Lake Wisconsin, duly
2 assembled at its regular meeting begun on the 19th day of March, 2024, does ordain as
3 follows:

4
5 **NOW, THEREFORE, BE IT ORDAINED**, that on February 15, 2024, the Green Lake
6 County Administrative Committee authorized language both revising and updating
7 current County Code Ch. 9, Article V., specifically as it pertains to an Ethics Policy and
8 Ethics Board.

9
10 **NOW, THEREFORE, BE IT ORDAINED**, that Ch. 9, Article V. Ethics be amended as
11 follows, with modifications in red and/or stricken.

Submitted by Administrative
Committee:

Roll Call on Resolution No. 02-2024

Ayes 16, Nays 1, Absent 2, Abstain 0

/s/ Dave Abendroth

Dave Abendroth, Chair

Passed and Enacted/~~Rejected~~ this 19th
day of March, 2024.

/s/ Gene Thom

Gene Thom, Vice-Chair

/s/ David Abendroth

County Board Chairman

/s/ Ken Bates

Ken Bates

/s/ Elizabeth A. Otto

ATTEST: County Clerk
Approve as to Form:

/s/ Brian Floeter

Brian Floeter

/s/ Jeffrey A. Mann

Corporation Counsel

Approved via remote access

Dennis Mulder

12 § 9-64 **Applicability.**

13 This article applies to every County official and employee, **provided any employee**
14 **complaint has already exhausted the chain of command, including a review by the County**
15 **Administrator and in accordance with the Personnel Policies and Procedure Manual (see**
16 **§ 9-70 below).**

17
18 § 9-70 **Complaints from public.**

19 **A.**

20 At times, a person or group may confront a single Board member with a problem or
21 complaint that should be handled by management personnel. Each Board member must
22 decide how much time one can spend on complaints and what courtesy is appropriate.

23 The official Board of Supervisors policy is:

“No member, nor the Board of Supervisors itself, will officially consider problems or complaints until they
have been submitted to the proper administrative authority and a report by the authority is submitted to the
Board of Supervisors or governing Committee, convened in legal session.”

24 **B.**

25 No member of the Board of Supervisors shall consider a complaint from any employee
26 unless the member has determined that the complainant has gone through the normal
27 chain of command, including the County Administrator. Employees should be directed to
28 the Personnel Policies and Procedure Manual for the proper chain of command for
29 complaints.

30 **C.**

31 Public grievances or complaints should be referred to the County Administrator **(for**
32 **County employees)** or the County Board Chair. Grievances or complaints will be handled
33 in the following order:

34 **(1)**

35 **Referred to the County Administrator who will investigate the matter along with the**
36 **appropriate department head and take the appropriate action in accordance with the**
37 **County’s Personnel Policies and Procedure Manual.**

38 **(2)**

39 **For unresolved matters involving a county employee ~~if not resolved~~, the County**
40 **Administrator shall report to the governing committee with jurisdiction over the matter,**
41 **who then may consider and forward to the next immediate session of the Board of**
42 **Supervisors for official consideration and possible action.**

43 **(3)**

44 **Grievances or complaints received by the County Board Chair shall be placed on the**
45 **agenda of the next immediate session of the Board of Supervisors for official**
46 **consideration and possible action.**

47 **D.**

48 When a Board member seeks information about a specific problem, the member should
49 ask the County Administrator to prepare a report on the matter with the aid of staff, if
50 necessary. No single County Board member may create a committee to investigate a
51 complaint or grievance.

52 **E.**

53 If a satisfactory resolution is not achieved by this procedure, the Board of Supervisors
54 may, if it deems advisable, grant a hearing to the person(s) interested and the hearings
55 will be held during either a regular or special session of the Board of Supervisors.

56 **F.**

57 ~~In the event that the County Administrator is directly involved with any grievance or~~
58 ~~complaint, Corporation Counsel shall assume only those responsibilities normally~~
59 ~~assigned to the County Administrator in administering the Ethics Board/review process,~~
60 ~~including those described in sec. C. (2). In the event the County Board Chair is directly~~
61 ~~involved with any grievance or complaint, the Vice-Chair shall assume only those~~
62 ~~responsibilities normally assigned to the Chair in administering the Ethics Board/review~~
63 ~~process, including those described in sec. C. (3).~~

64

65 § 9-71 **Conflict of interest.**

66 **A.**

67 Offer or acceptance of gifts. No official or employee, directly or indirectly, may solicit or
68 accept from any person, directly or indirectly, *anything of value* without full payment, if it
69 could reasonably be expected to influence the official or employee's duties and
70 responsibilities or a vote, official actions or judgment, or could reasonably be considered
71 as a reward for any official action or inaction on the part of the official or employee. ~~An~~
72 ~~item offered or received with a fair market value greater than the amount set by the~~
73 ~~Wisconsin Ethics Commission (currently \$25) shall give rise to a rebuttable presumption~~
74 ~~that the item could be reasonably expected to influence the official or employee or be~~
75 ~~considered a reward.~~

76 **(1)**

77 Examples of prohibited gifts: sporting event tickets, vacation trips, hotel stays, televisions,
78 gaming consoles, etc., even if entered into a raffle drawing while engaged in County
79 business.

80 **(2)**

81 Examples of permissible gifts: promotional items of a small value with advertising
82 prominently displayed such as baseball caps, calendars, pens, pencils, water bottles,
83 notepads, etc.

84 **B.**

85 Financial and personal interest prohibited. No official or employee, whether paid or
86 unpaid, shall engage in any business or transaction or shall act in regard to financial or

87 other personal interest, direct or indirect, which is incompatible with the proper discharge
88 of the official duties in the public interest contrary to the provisions of this article or state
89 statute or would tend to impair independence of judgment or action in the performance of
90 official duties.

91 **C.**

92 Incompatible employment. No official or employee shall engage in or accept private
93 employment, render service for private interests when such employment, service or
94 activities are incompatible with the proper discharge of official duties unless otherwise
95 permitted by law and unless disclosure is provided.

96

97 **§ 9-75 Ethics Board.**

98 This ethics article hereby creates an Ethics Board.

99 **A.**

100 Membership. The Ethics Board shall consist of five members, requiring a three-person
101 quorum and majority vote required for any action taken by the Board. All five members
102 ~~three members shall be~~ members of the legal or law enforcement community, one citizen
103 member who must be a County resident, and one member of the clergy. Green Lake
104 County residents, with two being current members of the Green Lake County Board of
105 Supervisors. All five members shall be appointed by the chair of the Green Lake County
106 Board of Supervisors. In the event that the County Board chair is the focus of the
107 investigation or otherwise has a conflict of interest, the vice-chair for the County Board
108 shall make said appointments. In no instance may a former County employee be a
109 member of the Ethics Board. The County Administrator or County Clerk shall provide
110 necessary staff assistance to the Ethics Board.

111 **B.**

112 Appointment and term. The County Board Chair shall appoint five members of the Ethics
113 Board subject to the confirmation by the County Board of Supervisors. Of those five
114 members, two shall be sitting supervisors on the Green Lake County Board. All members
115 shall serve until the ethics case he/she is appointed for reaches resolution. In the event
116 a member is unable to complete his or her term, a new member shall be appointed in the
117 same manner previously described.

118 **C.**

119 Powers and duties. Upon its initial meeting, the Ethics Board shall select a Chair.
120 Furthermore, the Ethics Board shall be responsible for investigating complaints and
121 conducting hearings under this article. The Ethics Board will interpret the County Code of
122 Ethics consistent with interpretations handed down by the State of Wisconsin Ethics
123 Commission or its successor boards or commissions.

124

125 **§ 9-76 Investigations and enforcement; procedure.**

126 **A.**
127 Complaints.
128 **(1)**
129 All complaints shall be verified and in writing. The complaint shall state the specific
130 provision(s) of the County Ethics Code or Wisconsin Statutes section(s) or both believed
131 to have been violated and shall include sufficient information to support the allegations.
132 **(2)**
133 The complaint shall also include the following:
134 **(a)**
135 The name, a **viable mailing address (and residential, if different)** and telephone number
136 of the complainant;
137 **(b)**
138 The name, a **viable mailing and/or a residential address** and position of the individual who
139 is the subject named in the complaint;
140 **(c)**
141 The facts constituting the alleged ethics violation(s) set forth clearly and in detail;
142 **(d)**
143 If complainant(s) believes that any Board member has a conflict of interest or bias, the
144 complaint shall state it in the complaint.
145 **(3)**
146 Complaints that do not meet the minimum pleading requirements in Subsection 2(a) and
147 (b) above shall be dismissed without prejudice.
148 **(4)**
149 No action may be taken on any complaint that is filed later than six months after a violation
150 of the Ethics Code is alleged to have occurred.
151 **(5)**
152 All written complaints shall be submitted to the County Clerk, 571 County Road A, Green
153 Lake, WI 54941. The County Clerk shall forward the complaint to the **Chair of the County**
154 **Board**, the Corporation Counsel **and the County Administrator**. The complaint is a public
155 document.
156 **B.**
157 Preliminary procedure; notice.
158 **(1)**
159 The Corporation Counsel shall review the complaint to assure that it meets all procedural
160 and technical requirements. If the complaint is defective, the Corporation Counsel shall
161 notify the complainant of the defect within 10 days of receipt of the complaint. The
162 complainant must correct the defect within 30 days of the Corporation Counsel's
163 notification or the complaint will be administratively closed.
164 **(2)**

165 The Corporation Counsel shall send notice, including a copy of the complaint to the
166 respondent(s) and complainant within seven business days of the receipt of the complaint
167 by the **County Board Chair**. The notice shall be sent via certified mail or by personal
168 service.

169 **(3)**

170 The notice shall inform the respondent that they may file a written statement of their
171 position with the appropriate committee of oversight within 10 business days of the date
172 the notice was sent.

173 **(4)**

174 The respondent may request that any hearing be held in open session.

175 **(5)**

176 The Corporation Counsel shall contact the members of the Ethics Board (**upon its**
177 **assembly**) to schedule a probable cause hearing.

178 **C.**

179 Investigations and powers. Pursuant to any investigation or hearing conducted under this
180 ethics article, the Ethics Board has the authority to:

181 **(1)**

182 Require any person to submit in writing such reports and answers to questions relevant
183 to the proceedings conducted under this article as it may prescribe, such submission to
184 be made within such period and under oath or otherwise as the Ethics Board may
185 determine.

186 **(2)**

187 Administer oaths and require by subpoena issued by it pursuant to § 885.01, Wis. Stats.,
188 the attendance and testimony of witnesses and the production of any documentary
189 evidence relating to the investigation or hearing being conducted.

190 **(3)**

191 Order testimony to be taken by deposition before any individual who is designated by it
192 and has the power to administer oaths, and, in such instances, to compel testimony and
193 the production of evidence in the manner as authorized by Subsection **C(2)**, above.

194 **(4)**

195 Pay witnesses the same fees and mileage as are paid in like circumstance by the courts
196 in Wisconsin.

197 **(5)**

198 Request and obtain from the Department of Revenue copies of state income tax returns
199 and access to other appropriate information under § 71.78(4), Wis. Stats., regarding all
200 persons who are the subject of such investigation.

201 **(6)**

202 Retain outside counsel and other experts as needed in connection with any of the Ethics
203 Board's responsibilities hereunder after solicitation of recommendations from the office of

204 the District Attorney and upon such contract for services approved for content and form
205 by the Corporation Counsel.

206 **D.**

207 Hearings.

208 **(1)**

209 Procedure; burden of proof. All hearings conducted by the Ethics Board under this article
210 are subject to the following:

211 **(a)**

212 The burden of proof at all hearings shall rest with the complainant to prove the allegations
213 by evidence that is clear, satisfactory and convincing.

214 **(b)**

215 The Ethics Board shall conduct all hearings in accordance with the rules of civil procedure
216 and shall keep a record of the hearing and all admitted evidence at the hearing. However,
217 the common law or statutory rules of evidence do not apply. The Ethics Board shall admit
218 all testimony having reasonable probative value, but shall exclude immaterial, irrelevant
219 or unduly repetitious testimony. The Ethics Board shall give effect to the rules of privilege
220 recognized by law. Basic principles of relevancy, materiality and probative force shall
221 govern the proof of all questions of fact.

222 **(c)**

223 All hearings shall be in closed session, pursuant to § 19.85, Wis. Stats., unless the
224 respondent requests an open hearing, **submitted via written request.**

225 **(d)**

226 The Ethics Board shall convene in closed session following any hearing for the purpose
227 of deliberation on the evidence.

228 **(e)**

229 All hearings shall be conducted under oath or affirmation.

230 **(f)**

231 ~~Corporation Counsel will direct the proceedings of the hearing.~~ **The proceedings of the**
232 **hearing will be conducted in accordance with the Robert's Rules of Order, managed by**
233 **the Ethics Committee Chair with Corporation Counsel acting as parliamentarian.**

234 **(g)**

235 The parties may make a brief opening statement to acquaint the Ethics Board with the
236 nature of the complaint.

237 **(h)**

238 The parties shall be allowed to question each other and present witnesses on their behalf,
239 consistent with the subject matter before the Ethics Board.

240 **(i)**

241 The Ethics Board may direct questions to any party or witness.

242 **(j)**

243 The Ethics Board may, in its sole discretion, extend the deadlines for taking action on a
244 verified complaint or request. Failure of the Ethics Board to take action within the time
245 frames in this article shall not preclude the Ethics Board from pursuing a complaint.

246 **(2)**

247 Initial/probable cause hearing.

248 **(a)**

249 The Ethics Board shall set a time for a probable cause hearing on the complaint that is
250 within 15 business days following the 10 business-day-time for response by the
251 respondent. The probable cause hearing date shall be set prior to the notice being sent
252 out so that the notice will include the date, time and place of the probable cause hearing
253 of the Ethics Board regarding the complaint.

254 **(b)**

255 At the probable cause hearing the Ethics Board shall determine if it has jurisdiction over
256 the subject matter of the complaint and to determine if there is a basis for the complaint.
257 The complainant must be present. If the complainant does not personally appear, the
258 Ethics Board may dismiss the complaint without prejudice. If the Ethics Board determines
259 that there is no basis for the complaint, it may immediately dismiss the complaint with
260 prejudice and without further hearing. In determining if there is a basis for the complaint,
261 the Ethics Board must review the complaint, assuming that every allegation is true.

262 **(c)**

263 An agenda shall be filed and posted by the County Clerk prior to the probable cause
264 hearing and the respondent's name will not be included in the meeting notice and public
265 access to records pertaining to the complaint shall be restricted in accordance with
266 § 19.35, Wis. Stats., unless the respondent has requested an **open hearing via written**
267 **request.**

268 **(d)**

269 The corporation counsel shall send a copy of the response(s) received from the
270 respondent(s) to the Ethics Board and the complainant(s) at least five business days prior
271 to the probable cause hearing.

272 **(3)**

273 Fact-finding hearing.

274 **(a)**

275 If after the probable cause hearing the Ethics Board finds that probable cause exists for
276 believing the allegation(s) in the complaint, the Ethics Board shall schedule a fact-finding
277 hearing not less than 30 business days after making the finding of probable cause.

278 **(b)**

279 If the Ethics Board sets the matter for a fact-finding hearing, it may direct the parties to
280 appear before it for a conference to consider:

281 **[1]**

282 The clarification of issues;

283 **[2]**

284 The necessity or desirability of amendments to the pleadings;

285 **[3]**

286 The possibility of obtaining admissions of fact and of documents which will avoid
287 unnecessary proof;

288 **[4]**

289 The limitation of the number of witnesses;

290 **[5]**

291 Such other matters as may aid in the disposition of the action.

292 **(c)**

293 Upon the conclusion of the fact-finding hearing, the Ethics Board shall adjourn into closed
294 session for deliberations. Any person not a member of the Ethics Board, including County
295 Board supervisors, shall be excluded from the Ethics Board's deliberations; however, the
296 County Clerk or County Administrator and the Corporation Counsel, who are charged with
297 providing administrative and legal assistance to the Board, shall remain.

298 **E.**

299 Disposition.

300 **(1)**

301 Upon completion of deliberations, the Ethics Board shall issue a written decision within
302 10 business days from the conclusion of deliberation and may direct the Corporation
303 Counsel to draft the decision for signature by the Ethics Board Chair. The decision shall
304 be filed with the County Clerk's office and a copy sent to the complainant and the
305 respondent.

306 **(2)**

307 If the Ethics Board determines by clear, satisfactory and convincing evidence that a
308 violation of this article has occurred, the Ethics Board shall refer the matter to the proper
309 County authority:

310 **(a)**

311 For matters involving allegations against a County employee or department head: the
312 County Administrator and governing committee;

313 **(b)**

314 For matters involving allegations against the County Administrator: the Administrative
315 Committee;

316 **(c)**

317 For matters involving constitutional officers, e.g., County Clerk, Register of Deeds, Sheriff,
318 Treasurer or Clerk of Circuit Court: to the official or body with the authority to remove the
319 officer from office under County ordinance or Wisconsin Statutes.

320 **(d)**

321 For matters involving a County Board Supervisor, the County Board of Supervisors.

322 **(3)**

323 If the Ethics Board does not find a violation by clear, satisfactory and convincing evidence
324 that a violation of this article has occurred, it shall dismiss the complaint.

325 **(4)**

326 Recommendations. The Ethics Board may make recommendations to the proper
327 authority which may include, but are not limited to:

328 **(a)**

329 In the case of an official who is an elected County Board Supervisor, the County Clerk,
330 Treasurer or Surveyor, that the County Board consider sanctioning, censuring, or
331 removing the person under § 17.09(1), Wis. Stats.

332 **(b)**

333 In the case of the Clerk of Circuit Court, referring the matter to the Circuit Court judge to
334 consider sanctioning, censuring, or removing the Clerk of Circuit Court under § 17.09(2),
335 Wis. Stats.

336 **(c)**

337 In the case of the Sheriff, ~~coroner~~ or Register of Deeds, referring the matter to the
338 Governor for sanctioning, censuring, or removal under § 17.09(3), Wis. Stats.

339 **(d)**

340 In the case of an employee, referring the matter to the appropriate County officer or
341 committee to consider discipline, up to and including discharge of the employee.

342

343 **(e)**

344 The return of County property or funds or gifts and/or restitution for the value of the gifts,
345 property and funds procured, obtained or retained as a violation of this ethics article. An
346 order for return/restitution shall include a deadline for return or making restitution.

347 **(f)**

348 An order requiring the accused to conform his or her conduct to this article.

349

350 **(g)**

351 An order requiring an individual who has been determined to have violated this ethics
352 article to forfeit an amount not less than \$100 nor more than \$1,000 for each offense
353 along with a payment deadline.

354 **(h)**

355 Referral to the District Attorney to commence enforcement and penalties as permitted by
356 Wisconsin Statutes.

357 **(5)**

358 No recommendation of the Ethics Board becomes effective until 20 days after it is issued
359 or while an application for rehearing or rehearing before the Board is pending, or the
360 Board has announced its final determination on rehearing.

361 **F.**

362 Review.

363 **(1)**

364 Any party appearing before the Ethics Board who is dissatisfied with the decision may
365 request a review.

366 **(2)**

367 The review is initiated by filing a written request with the County Clerk within 15 days of
368 the Ethics Board's written decision or as required under the grievance procedure in a
369 collective bargaining agreement. The filing of an appeal shall stay any recommendations
370 issued by the Ethics Board. The appeal shall be to the County Board and shall be heard
371 at the next regularly scheduled County Board meeting.

372 **G.**

373 Violations. It is unlawful for:

374 **(1)**

375 A person to violate any provision of this article or state statutes incorporated herein.

376 **(2)**

377 Any person to file a complaint for the purpose of harassment, knowingly provide false
378 information, make a false statement, or fail to provide or misrepresent any material fact
379 to a County agent, board, commission, committee, department, employee, officer, or
380 official acting in an official capacity under this article.

381

382

383 **(3)**

384 A person to disobey, fail, neglect, or refuse to comply with or otherwise resist an order
385 issued pursuant to this article.

386 **H.**

387 Penalties.

388 **(1)**

389 Any official or employee violating the provisions of this article shall be subject to a
390 nonreimbursable forfeiture of not less than \$100 nor more than \$1,000.

391 **(2)**

392 The minimum forfeiture specified in this subsection is doubled for a person who is
393 convicted of violating the same provision of this article within a twenty-four-month period.

394 **(3)**

395 A separate offense is deemed committed on each day that a violation occurs or continues.

396 **(4)**

397 The enumerated penalties and sanctions in this section shall not be construed to limit the
398 authority of the Ethics Board or the County from imposing any additional penalties or
399 sanctions. Any person found by the Ethics Board to have violated any portions of this
400 article shall be subject to private reprimand, public reprimand, denial of salary or merit
401 increase, suspension without pay, removal from employment or office in accordance with
402 Wisconsin Statutes or other disciplinary actions pursuant to the recommendations of the
403 Ethics Board or judgment of the official or body to whom the decision of the Ethics Board
404 is referred under this section. Any action taken by an official or employee that is deemed
405 in violation of this section may be deemed void by Green Lake County.

406 **(5)**

407 Any other recommendations or others as may be necessary and appropriate to carry out
408 the intent and purpose of this article.

409

410 **BE IT FURTHER ORDAINED**, that any and all existing language in this Article, that is
411 neither modified nor stricken, remain unchanged.

412

413 **BE IT FURTHER ORDAINED**, that this ordinance shall become effective upon passage
414 and publication.