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**RESOLUTION # 70-2012**

Resolution offered by Supervisor Candy Sorensen.

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

**WHEREAS**, pursuant to resolution #42-2012 the Oneida County Board Supervisors adopted a Code of Conduct for all Supervisors to abide by; and

**WHEREAS**, County employees should not be approached by County Board Supervisors for any partisan or non-partisan political purpose; and

**WHEREAS**, the previously adopted Code of Conduct does not address this issue; and

**WHEREAS**, the addition of the following language to the Code of Conduct would regulate County Board Supervisors and prohibit Supervisors from approaching employees for partisan or non-partisan political purposes:

*“Members of the Oneida County Board shall not actively solicit county employees in partisan or non-partisan political activity whether on the local, state or national level. This includes any activity in which a member uses his/her position to pressure employees to divulge political preferences and includes discussing candidates, soliciting signatures and/or financial contributions.”*

**NOW, THEREFORE, BE IT RESOLVED**, by the Oneida County Board of Supervisors that the above proposed amendment is adopted and made part of the attached Code of Conduct and Dispute Resolution procedure.

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

Vote Required: Majority = \_\_\_\_\_ 2/3 Majority = \_\_\_\_\_ ¾ Majority = \_\_\_\_\_

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

Approved by the Supervisor Candy Sorensen, this \_\_\_\_\_ day of August, 2012.

Offered and passage moved by: \_\_\_\_\_  
Supervisor

Seconded By: \_\_\_\_\_  
Supervisor

\_\_\_\_\_ Ayes

\_\_\_\_\_ Nays

\_\_\_\_\_ Absent

\_\_\_\_\_ Abstain

52 \_\_\_\_\_ Adopted

53

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

55

56 \_\_\_\_\_ Defeated

57

58

59 \_\_\_\_\_  
Mary Bartelt, County Clerk

\_\_\_\_\_ Ted Cushing, County Board Chair

60

61

## ONEIDA COUNTY BOARD CODE OF CONDUCT

62

### I. Preamble

64

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

75

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

79

### II. Act in the Public Interest

81

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

90

### III. Comply with the Law

92

93 County board supervisors shall comply with the laws of the nation, the State of

94 Wisconsin and the County of Oneida in the performance of their public duties.  
95 These laws include, but are not limited to: the United States and Wisconsin  
96 constitutions; laws pertaining to conflicts of interest, election campaigns, financial  
97 disclosures, employer responsibilities, and open government; and County  
98 ordinances and policies.

99

#### 100 **IV. Conduct of County Board Supervisors**

101

102 The professional and personal conduct of county board supervisors must be above  
103 reproach and avoid even the appearance of impropriety. County board supervisors  
104 shall refrain from abusive conduct, personal charges or verbal attacks upon the  
105 character or motives of other county board supervisors, boards, commissions, and  
106 committees, the staff or public.

107

#### 108 **V. Respect for Process**

109

110 County board supervisors shall perform their duties in accordance with the  
111 processes and rules of order established by the Board of Supervisors and boards,  
112 committees, and commissions governing the deliberation of public policy issues,  
113 meaningful involvement of the public, and implementation of policy decisions of  
114 the Board of Supervisors by County staff.

115

#### 116 **VI. Conduct of Public Meetings**

117

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

123

#### 124 **VII. Decisions Based on Merit**

125

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

128

#### 129 **VIII. Communication**

130

131 County board supervisors shall publicly share substantive information that is  
132 relevant to a matter under consideration by the Board of Supervisors or boards,  
133 committees and commissions, which they may have received from sources outside

134 of the public decision-making process.

135

136 **IX. Confidential Information**

137

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

143

144 **X. Use of Public Resources**

145

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

149

150 **XI. Representation of Private Interests**

151

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

156

157 **XII. Advocacy**

158

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

166

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

168

169 The Board of Supervisors determines the policies of the County with the advice,  
170 information and analysis provided by the public, boards, commissions, and  
171 committees, and County staff. The Board of Supervisors delegates authority for the  
172 administration of the County to County staff.

173

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

177  
178 *“Members of the Oneida County Board shall not actively solicit county employees in partisan or*  
179 *non-partisan political activity whether on the local, state or national level. This includes any*  
180 *activity in which a member uses his/her position to pressure employees to divulge political*  
181 *preferences and includes discussing candidates, soliciting signatures and/or financial*  
182 *contributions.”*

183

184

#### 185 **XIV. Independence of Board and Commissions**

186

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

191

#### 192 **XV. Positive Work Place Environment**

193

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

199

#### 200 **XVI. Implementation**

201

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

206

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

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**XVII. Compliance and Enforcement**

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

Any county board supervisor may file a written statement regarding alleged violations of the Code of Conduct according to Oneida County’s policy regarding the Dispute Resolution Committee.

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

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

**ONEIDA COUNTY BOARD DISPUTE RESOLUTION COMMITTEE**

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

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

254 serve. If the County Board Chair, First Vice Chair and Second Vice Chair are all  
255 unable to serve, the third Committee member shall be chosen by random drawing.  
256

257 2. Any county board supervisor having a good faith basis to believe that  
258 a fellow county board supervisor has violated the Oneida County Board Code of  
259 Conduct may file a written statement with the County Board Chair. Any written  
260 statement filed hereunder shall provide a recitation of the Code of Conduct rule  
261 alleged to have been violated and a detailed statement of all facts supporting the  
262 allegation(s), including names of any and all witnesses having information relevant  
263 to the allegation(s). All statements must be signed and dated by the complaining  
264 county board supervisor.  
265

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

- 268
- 269 a. Acknowledge receipt of the statement to the complaining  
270 county board supervisor;
  - 271
  - 272 b. Provide a copy of the statement to the county board supervisor  
273 accused of having violated the Code of Conduct;
  - 274
  - 275 c. Ask the complaining party for the name of the current county  
276 board supervisor that the complaining party designates for the  
277 Board Dispute Resolution Committee; and
  - 278
  - 279 d. Ask the accused individual for the name of the current county  
280 board supervisor that the complaining party designates for the  
281 Board Dispute Resolution Committee.  
282

283 The County Board Chair shall appoint the members of the Board Dispute  
284 Resolution Committee as soon as possible, but in no event later than 20 days after  
285 the filing of the written statement. The County Board Chair shall have the ability  
286 to appoint members to the Committee at his/her discretion in the event the  
287 timelines above are not followed.  
288

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

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

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

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

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