

**TOWN OF WARREN  
ST. CROIX COUNTY, WISCONSIN**

**ORDINANCE NO. 2022 18-15**

**AN ORDINANCE ESTABLISHING A NEW ETHICS CODE FOR THE TOWN  
OF WARREN, ST. CROIX COUNTY, WISCONSIN**

The Town of Warren, St. Croix County, Wisconsin, hereby repeals and deletes its Ethics Code, Title 2, Chapter 6, of the Town's Code of Ordinance, and replaces it with the following new Ethics Code:

**I. Scope of Policy.**

a. Purpose of Ordinance.

- i. The proper operation of democratic 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 personal gain; and that the public have confidence in the integrity of its government. In recognition of these goals, there is hereby established in this Ordinance a Code of Ethics for all Town of Warren officials and employees, whether elected or appointed, paid or unpaid, including members of boards, committees and commissions of the Town, as well as any individuals who are candidates for elective office as soon as such individuals file nomination papers with the Town.
- ii. The purpose of this Ethics Code is to establish ethical standards of conduct for all officials and employees by setting forth those acts or actions that are incompatible with the best interests of the Town of Warren and by directing disclosure by such officials and employees of private financial or other interests in matters affecting the Town. The Town Board believes that a Code of Ethics for the guidance of elected and appointed officials and employees will help them avoid conflicts between their personal interests and their public responsibilities, will improve standards of public service and will promote and strengthen the faith and confidence of the citizens of this Town in their elected and appointed officials and employees. The Town Board hereby reaffirms that each elected and appointed Town official and employee holds his or her position as a public trust, and any intentional effort to realize substantial personal gain through official conduct is a violation of that trust. The provisions and purpose of this Ethics Code and such rules and regulations as may be established are hereby declared to be in the best interests of the Town of Warren.

- iii. This Ordinance also governs ethical standards relating to Town contracts that must comply with federal law.
- b. If a federal statute, regulation, or the terms of a financial assistance agreement applicable to a particular form of Federal Financial Assistance conflicts with any provision of this ordinance, such federal statute, regulation, or terms of the financial assistance agreement shall govern.

## **II. Conflicts of Interest.**

### **a. Conflicts of Interest Generally.**

- i. Definitions. Except as otherwise specified, the terms used in this section shall have the same meaning as those defined by Wis. Stat. § 19.42.
- ii. No public official or employee shall do any of the following:
  - 1. Use his or her public position or office to obtain financial gain or anything of substantial value for the private benefit of himself or herself or his or her immediate family, or for an organization with which he or she is associated. This paragraph does not prohibit a local public official from using the title or prestige of his or her office to obtain campaign contributions that are permitted and reported as required by Chapter 11 of the Wisconsin Statutes.
  - 2. Solicit or accept from any person, directly or indirectly, anything of value if it could reasonably be expected to influence the person's vote, official actions or judgment, or could reasonably be considered as a reward for any official action or inaction. This paragraph does not prohibit a local public official from engaging in outside employment. Gifts received by an official or employee or his/her immediate family under unusual circumstances shall be referred to the Town Board within ten (10) days of receipt for recommended disposition. Any person subject to this Ordinance who becomes aware that he/she is or has been offered any gift, the acceptance of which would constitute a violation of this paragraph, shall, within ten (10) days, disclose the details surrounding said offer to the Town Board. Failure to comply with this reporting requirement shall constitute an offense under this Ordinance.
  - 3. Accept hospitality if, after consideration of the surrounding circumstances, it could reasonably be concluded that such hospitality would not be extended were it not for the fact that the guest, or a member of the guest's immediate family, was a Town official or employee. Participation in celebrations, grand openings, open houses, informational meetings and similar events are excluded from this prohibition. This paragraph further shall not be construed to prevent

candidates for elective office from accepting hospitality from citizens for the purpose of supporting the candidate's campaign.

4. Directly or by means of an agent, give, or offer or promise to give, or withhold, or offer or promise to withhold, his or her vote or influence, or promise to take or refrain from taking official action with respect to any proposed or pending matter in consideration of, or upon condition that, any other person make or refrain from making a political contribution, or provide or refrain from providing any service or other thing of value, to or for the benefit of a candidate, a political party, any committee registered under Chapter 11 of the Wisconsin Statutes, or any person making a communication that contains a reference to a clearly identified local public official holding an elective office or to a candidate for local public office.
5. Take any official action substantially affecting a matter in which the public official or employee, a member of his or her immediate family, or an organization with which the person is associated has a substantial financial interest.
6. Use his or her office or position in a way that produces or assists in the production of a substantial benefit, direct or indirect, for the person, one or more members of the person's immediate family either separately or together, or an organization with which the person is associated.
7. Without proper legal authorization, disclose confidential information concerning the property, government, or affairs of the Town or use such information to advance the financial or other private interests of the official or employee or others.

iii. Representing Private Interests Before Town Agencies.

1. Non-elected Town officials and employees shall not appear on behalf of any private person (other than him or herself, his or her spouse or minor children) before any Town agency, board, commission or the Town Board if the official or employee or any board, commission or committee of which the official or employee is a member has any jurisdiction, discretion or control over the matter which is the subject of such representation.
2. Elected Town officials may appear before Town agencies on behalf of constituents in the course of their duties as representatives of the electorate or in the performance of public or civic obligations, but elected Town officials must disclose any financial interest or personal interest in any proposed legislation and the nature and extent of such interest on the record before the Town Board; the elected official may

not participate in debate or vote for adoption or defeat of such legislation.

- iv. Contracts with the Town. No Town official or employee shall (1) in his or her private capacity, negotiate or bid for or enter into a contract in which the officer or employee has a private pecuniary interest, direct or indirect, if at the same time the officer or employee is authorized or required by law to participate in the officer's or employee's capacity as such officer or employee in the making of that contract or to perform in regard to that contract some official function requiring the exercise of discretion on the officer's or employee's part; or (2) in his or her capacity as officer or employee, participate in the making of a contract in which the officer or employee has a private pecuniary interest, direct or indirect, or performs in regard to that contract some function requiring the exercise of discretion on the officer's or employee's part.
- b. Conflicts of Interest when Federal Law Applies. In contracts that require the Town to comply with federal procurement requirements, the following restrictions apply.
  - i. Definitions. For purposes of this subsection, the following definitions shall apply.
    1. "*Immediate Family Member*" means: (i) a spouse; (ii) a child or spouse of a child; (iii) a parent or spouse of a parent; (iv) a sibling or spouse of a sibling; (v) a grandparent or grandchild, or their spouse; (vi) domestic partners or their parents, including domestic partners of any individual in (ii) through (v) of this definition; and (vii) any individual related by blood or affinity whose close association with the person is the equivalent of a family relationship.
    2. "*Pass-Through Entity*" means a non-Federal entity that provides a Subaward to a Subrecipient to carry out part of a Federal program.
    3. "*Public Official*" means an individual who is elected or appointed to serve or represent the Town (including, without limitation, any member of the Town Board), other than an employee or independent contractor of the Town.
    4. "*Recipient*" means an entity, usually but not limited to a non-Federal entity, that receives a Federal award directly from a Federal awarding agency. The term does not include Subrecipients or individuals that are beneficiaries of the award.
    5. "*Related Party*" means (i) an Immediate Family Member of a Public Official or employee, (ii) a partner of a Public Official or employee, or (iii) a current or potential employer (other than the Town) of a Public Official or employee, of a partner of a Public Official or employee, or of an Immediate Family Member of a Public Official or employee.
    6. "*Subaward*" means an award provided by a Pass-Through Entity to carry out part of a Federal award received by the Pass-Through Entity.

It does not include payments to a contractor or payments to an individual that is a beneficiary of a Federal program.

7. “*Subcontract*” means mean any agreement entered into by a Subcontractor to furnish supplies or services for the performance of a Contract or a Subcontract. It includes, but is not limited to, purchase orders and changes and modifications to purchase orders.
8. “*Subcontractor*” means an entity that receives a Subcontract.
9. “*Subrecipient*” means an entity, usually but not limited to a non-Federal entity, that receives a subaward from a Pass-Through Entity to carry out part of a Federal award, but does not include an individual that is a beneficiary of such award. A subrecipient may also be a recipient of other Federal awards directly from a Federal awarding agency.

ii. Prohibited Conflicts of Interest in Federal Contracts. Without limiting any specific prohibition set forth in Section II.a, Public Officials or employees shall not participate in the selection, award, or administration of a contract if the person has a real or apparent conflict of interest.

1. Real Conflict of Interest. A real conflict of interest shall exist when the Public Official or employee or any Related Party has a financial or other interest in or a tangible personal benefit from a firm considered for a Contract or Subaward.
2. Apparent Conflict of Interest. An apparent conflict of interest exists where a real conflict of interest may not exist, but where a reasonable person with knowledge of the relevant facts would find that an existing situation or relationship creates the appearance that a Public Official, or employee, or any Related Party has a financial or other interest in or a tangible personal benefit from a firm considered for a Contract or Subaward.
3. Gift Standards. No Public Official or employee shall solicit or accept gratuities, favors, or anything of monetary value from a Contractor or a Subcontractor.

**III. Statutory Standards of Conduct**. There are certain provisions of the Wisconsin Statutes which should, while not set forth herein, be considered an integral part of any Code of Ethics. Accordingly, the provisions of the following sections of the Wisconsin Statutes, as from time to time amended, are made a part of this Code of Ethics and shall apply to public officials and employees whenever applicable, to wit:

- a. Wis. Stat. § 946.10. Bribery of Public Officers and Employees.
- b. Wis. Stat. § 946.11. Special Privileges from Public Utilities.
- c. Wis. Stat. § 946.12. Misconduct in Public Office.
- d. Wis. Stat. § 946.13. Private Interest in Public Contract Prohibited.

IV. **Responsibility of Public Office.** Public officials and employees are agents of public purpose and hold office for the benefit of the public. They are bound to uphold the Constitution of the United States and the Constitution of this State and carry out impartially the laws of the nation, state and Town, to observe in their official acts the highest standards of morality and to discharge faithfully the duties of their office regardless of personal considerations, recognizing that the public interest must be their prime concern.

V. **Dedicated Service.**

- a. Officials and employees should adhere to the rules of work and performance established as the standard for their positions by the appropriate authority.
- b. Officials and employees should not exceed their authority or breach the law or ask others to do so, and they should work in full cooperation with other public officials and employees unless prohibited from so doing by law or by officially recognized confidentiality of their work.
- c. Members of the Town staff are expected to follow their appropriate professional code of ethics. Staff members shall file a copy of such professional ethics codes with the Town Clerk-Treasurer. The Town Clerk-Treasurer may notify the appropriate professional ethics board of any ethics violations involving Town employees covered by such professional standards.

VI. **Fair and Equal Treatment.**

- a. Use of Public Property. No official or employee shall use or permit the unauthorized use of Town-owned vehicles, equipment, materials or property for personal convenience or profit, except when such services are available to the public generally or are provided as Town policy for the use of such official or employee in the conduct of official business, as authorized by the Town Board or authorized board, commission or committee.
- b. Use of Town Stationery. Copies of any correspondence written on Town stationery shall be filed with the Town Clerk-Treasurer or his/her designee.
- c. Obligations to Citizens. No official or employee shall grant any special consideration, treatment, or advantage to any citizen beyond that which is available to every other citizen. No official or employee shall use or attempt to use his or her position with the Town to secure any advantage, preference or gain, over and above his or her rightful remuneration and benefits, for himself/herself or for a member of his or her immediate family.
- d. Political Contributions. No official shall personally solicit from any Town employee a contribution to a political campaign for which the person subject to this Ordinance is a candidate or treasurer. Town employee does not include elected officials.

- e. Failure to Follow Board Directive. No Town official or employee, whether elected or appointed, shall deliberately, by individual action, direct a member of the public or a party under contract with the Town to take an action or perform an act that is contrary to an official Town policy adopted by the Town Board.

**VII. Advisory Opinions.** Any questions as to the interpretation of any provisions of this Code of Ethics Ordinance shall be referred to the Town Attorney. Such requests shall be as detailed as possible and shall be made in writing. Advisory requests and opinions shall be kept confidential, except when disclosure is authorized by the requestor or as required by public records law, in which case the request and opinion may be made public.


**VIII. Violations of Policy.**

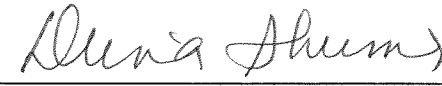
- a. Disciplinary Actions for Public Official or Employees. Any elected official, appointed official, or employee that fails to disclose a real, apparent, or potential real or apparent conflict of interest arising with respect to the person or the person's Related Party may be subject to disciplinary action, including, but not limited to, an employee's termination or suspension of employment with or without pay, a Public Official's suspension or removal from office, the consideration or adoption of a resolution of censure, prosecution under this Ordinance, or termination of the contract with the Town.
- b. Penalties. Any violation of this Ordinance shall be punishable by a forfeiture not to exceed \$500.
- c. Disciplinary Actions for Contractors and Subcontractors. The Town shall terminate any Contract with a Contractor or Subcontractor that violates any provision of this Ordinance.
- d. Protections for Whistleblowers. In accordance with 41 U.S.C. § 4712, the Town shall not discharge, demote, or otherwise discriminate against an employee in reprisal for disclosing information to a member of Congress or a representative of a committee of Congress; an Inspector General; the Government Accountability Office; a Treasury or other federal agency employee responsible for grant oversight or management; an authorized official of the Department of Justice or other law enforcement agency; a court or grand jury; a management official or other employee of the Town; or a Contractor or Subcontractor who has the responsibility to investigate, discover, or address misconduct that the employee reasonably believes is evidence of gross mismanagement of a federal contract or grant; a gross waste of federal funds; an abuse of authority relating to a federal contract or grant; a substantial and specific danger to public health or safety; or a violation of law, rule, or regulation related to a federal contract (including the competition for or negotiation of a contract) or grant.

The Town Clerk shall properly post or publish this Ordinance as required under Wis. Stat. § 60.80.

Adopted by the Town Board on August 15, 2022.

TOWN OF WARREN

By:   
Gene Hanson, Chairman

Attest:   
Deina Shirmer, Town Clerk

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