

RICHLAND COUNTY

Clinton Langreck, County Administrator

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October 5, 2021

NOTICE OF MEETING

Please be advised that the Richland Rules and Resolutions Committee will convene at 10:00 a.m., Thursday, October 7th, 2021, at the Richland County Board room 181 W. Seminary St. Richland Center WI 53581 and via teleconferencing at the webex.com link found below:

<https://richlandcounty.my.webex.com/richlandcounty.my/j.php?MTID=m62310ec85ab782f8937f37960894aa1>

Meeting number: 2556 387 8238

Password: richland

Join by phone: +1-408-418-9388 United States Toll

Access code: 2556 387 8238 #

Agenda:

1. Call to Order
2. Proof of Notification
3. Agenda Approval
4. Previous Meeting Minutes
5. Changes to the County Committee Structure Document and Rules of the Board
6. Changes to the County committee, boards, and commissions organization
7. Discussion and possible action regarding a county flag
8. Discussion and possible action regarding the Ethics Ordinance
9. Future Agenda Items
10. Adjournment

A quorum may be present from other Committees, Boards, or Commissions. No committee, board or commission will exercise any responsibilities, authority or duties except for the Rules and Resolutions Committee.

CC: Committee Members, Richland Observer, WRCO, Valley Sentinel, Bulletin Board and Our Files

RULES AND RESOLUTIONS COMMITTEE

September 2, 2021

The Rules and Resolutions Committee and Ethics Board met on Thursday, September 2, 2021, in person and virtually at 10:05 a.m. in the County Board Room at the Richland County Courthouse. Committee members present included: Shaun Murphy-Lopez, Kerry Severson, Donald Seep, Chad Cosgrove and Melissa Luck. Also present was: Derek S. Kalish, County Clerk, and Clinton Langreck, County Administrator.

Committee Chair Murphy-Lopez called the meeting to order at 10:05 am.

Murphy-Lopez confirmed the meeting had been properly noticed.

Motion by Cosgrove, second by Luck for approval of the agenda. Motion carried and the agenda was approved.

Motion by Seep, second by Luck for approval of the minutes for the August 5th meeting of the Rules and Resolutions Committee and Ethics Board. Minutes from the August 5th meeting were declared approved.

Hispanic American Heritage Month – Murphy-Lopez reviewed the draft resolution celebrating Hispanic American Heritage Month. Consensus was reached to insert the word “migrant” before the word “worker” in the second to last sentence. Severson makes motion to present proposed resolution to the County Board celebrating Hispanic American Heritage Month with the addition of the word “migrant”, seconded by Luck and the motion carried.

Ethics Ordinances – Murphy-Lopez shared ethics ordinances from other counties in the state and noted that many contain language that includes employees and elected/appointed officials. Seep noted that elected/appointed officials are usually covered under the ethics prescribed in state statute. Luck stated that it would be beneficial to incorporate language that applies to appointed/elected officials into the County’s ordinances. Seep stated that the County’s ordinance should align with state statute. Severson questions the definition of causes for removal and the Attorney General’s interpretation of statute. Seep suggested that the County’s Corporation Counsel review the current ordinances. Administrator Langreck advised the committee to specify which elements of the ordinance they would like Corporation Counsel to review. After further discussion, it was determined that a more thorough review of the current ordinances occur before proceeding any further. Seep makes motion to postpone further discussion until October, seconded by Cosgrove and the motion carried.

Richland County Flag – Murphy-Lopez shared the idea of developing or updating the flag for Richland County. Severson questioned whether or not the county needs a logo or a flag. Luck stated that a flag would help with the rebranding process of the county and Seep noted the flag could also be used as a logo in many different ways. Luck also noted that the guidelines provided by Murphy-Lopez regarding the creation of a flag state that a committee should not

create the flag. Luck stated that the creation of a county flag may be a way to get the community involved. Administrator Langreck stated that the committee should be cognizant of the administrative commitment that may be required to complete the task of creating the flag. Severson and County Clerk Kalish agreed to reach out to those that may have information regarding the item currently on display resembling a flag in the County Board Room. No further action was taken.

Future Agenda Items – None.

Adjournment – Motion by Seep, second by Luck to adjourn to October 7th, 2021 at 10 am in County Board Room in person and with videoconferencing capabilities available. Motion carried and the meeting adjourned at 10:44 am.

Derek S. Kalish
Richland County Clerk

Richland County Committee

Agenda Item Cover

Agenda Item Name: Changes to the County Committee Structure Document and County Board Rules regarding Committee on Committee and filling vacant committee, commission and board seats during a session

Department	Administration	Presented By:	Administrator
Date of Meeting:	October 7 th , 2021	Action Needed:	Vote, Resolution
Disclosure:	Open Session	Authority:	Structure C
Date submitted:	September 22 nd , 2021	Referred by:	
Action needed by no later than (date)	N/A	Resolution	N/A, <u>needed</u> , prepared, reviewed

Recommendation and/or action language:

- 1). Recommend ... resolution to the County Board to replace existing Committee Structure Document language regarding Committee on committees (as presented / with amendments), and recommend resolution to the Richland County Board.
 - 2). Recommend...resolution to the County Board to amend the Rule 6 of the County Board regarding committee on committee and filling vacant positions (as presented/ with amendments) and recommend resolution to the Richland County Board.
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Background: *(preferred one page or less with focus on options and decision points)*

The following changes are recommended to support the continued path of efficiency in filling vacant positions and adding responsibility and authority to the County Board Chair and Administrator roles. With these changes the committee on committee is no longer a ballot-elected committee, it is a committee with a majority of seats appointed by the Board Chair and exists only during the organizational meeting, and upon the creation of a new committee requiring Chair appointments. The Committee on Committee then advises the Board Chair on the seating for standing committees and standing committee chairperson assignments. The checks and balances to this system is that: 1) the County Board elects the Chair and Vice, and 2) assignments to the standing committees and chair assignments require board confirmation.

The historic structure and functions of the committee on committees has served the County well, however I feel that these proposed changes are warranted because:

1. Richland County faces growing financial challenges in the next session, this configuration allows the elected Chair to have significant influence in shaping standing committees to achieve her/his objectives during the board session.
2. It is my opinion that it is a challenge for a ballot-elected committee on committee member to disagree with a pier's desired placement on a committee, and there were multiple incidents of reluctant, declined, and contested assignments to chair positions on several committees, boards and commissions.

Richland County Committee

Agenda Item Cover

3. This process will stream-line appointments. The current process of electing a committee on committee at the April County Board, having a Committee on Committee meeting in April to recommend appointments, confirming the appointments at the May County Board, and resuming committee meetings in May-June often delays and compresses department and organizational operations.

This change will likely cause some concerns, angst and some divisiveness moving forward into the next session as the process of appointing seats becomes a more executive and political, and less democratic and member-interest. I would argue that this is appropriate. The status quo of members gravitating towards their most valued services has contributed to our current situation. I recommend the Board establish an elected chair role with more discretion in shaping the committees to tackle the challenging decisions of the next session. Richland County is in need of operational and service changes to establish sound financial projections for the future, and this additional structural change can help facilitate the decision processes to lead to a common direction. Understanding, that the future common direction will likely be more contentious than previous years, and possibly decided by a fifty-one percent vote.

Future chairs will likely need to be in tune with political views (votes) on the challenges at hand and balancing supervisors': availability, historical knowledge, skill-sets, and constituency concerns.

Changes to Rule #6 include appointments for vacancies in committees, boards and commissions and excludes the committee on committee as a ballot elected body.

Attachments and References:

Attachment #1 Structure Document Changes impacting Committee on Committees	Attachment #2 Changes to Board Rule #6
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Financial Review:

(please check one)

<input type="checkbox"/>	In adopted budget	Fund Number	
<input type="checkbox"/>	Apportionment needed	Requested Fund Number	
<input type="checkbox"/>	Other funding Source		
<input checked="" type="checkbox"/>	No financial impact		

(summary of current and future impacts)

No foreseeable financial impacts

Approval:

Review:

Clinton Langreck

Department Head
applicable)

Administrator, or Elected Office (if

Richland County Committee

Agenda Item Cover

ATTACHMENT #1 Changes to Committee on Committee

————(Current Language) ————

COMMITTEE ON COMMITTEES

~~A. Seven members.~~

~~B. The chairman and vice chairman are automatic members of this committee with the five additional members being elected by the Board for a two (2) year term.~~

————(Proposed Language) ————

Committee on Committees

a. The committee shall consist of the chairperson and the vice-chairperson of the Board as well as three Board members selected and appointed by the Board chairperson without need of County Board confirmation.

b. The Board chairperson shall serve as the Committee on Committees chairperson.

c. At the County Board organizational meeting, or in the event of the creation of a new body requiring county board chair appointments, the committee on committee shall advise the County Board Chair on the appointment of members of various standing committees of the county, as well as advise the appointment of committee chairs to the standing committee, all subject to confirmation by the County Board.

d. The Committee on committees may provide recommendations to the County Administrator on the appointments to boards, commissions and various organizational seats.

Richland County Committee

Agenda Item Cover

ATTACHMENT #2 Changes to Committee on Committee and filling vacancies

Rule 6

The Chair shall preserve order and decorum and decide all questions of order, subject to appeal to the Board. The Chair shall, after receiving the advice of the committee on committees, in the organizational meeting or upon the creation of a new body requiring Board chair appointments, shall appoint all standing committees, and standing committee chairs, subject to confirmation by the County Board by motion.

The following committees shall be elected by a majority of those present by ballot, and these committees will determine their own chair by election:

~~Committee on Committees; the Chair and Vice Chair shall be automatic members;~~

Highway and Transportation Committee;

Pine Valley Board of Trustees.

The first ballot for any committee seat shall be an informal ballot. Each succeeding ballot shall be a formal ballot and supervisors may only vote in formal ballots for all persons who have received the top three numbers of votes on the informal ballot for that seat.

At the time of the expiration of the Highway Committees first 1-year term in a County Board session, if there is no objection by any county board supervisor, the County Board chair may call for reelection of the seated Highway Committee members by motion of the Board. If there is an objection the Board shall reelect Highway Committee members by ballot.

In the event of a ~~prolonged, unexcused absence of~~ vacancy in a Supervisor or citizen member of a committee, board or commission, the chair of that committee, board or commission shall notify the County Board Chair and County Administrator of the ~~absence~~ vacancy. Except as to the Highway Committee and the Board of Trustees of Pine Valley Community Village, the County Board Chair shall have the authority to make an ~~temporary~~ appointment upon the ~~prolonged, unexcused absence~~ vacancy of any Supervisor or citizen member of any committee. The Administrator shall have the same authority for boards or commissions, with confirmation of such appointments by of the County Board. ~~Such temporary appointments shall cease upon the return of the absent member. Permanent~~

Vacancies of a citizen member seat on a committee, ~~board, or commission,~~ except the Board of Trustees of Pine Valley Community Village, the Veterans Service Commission and the

Richland County Committee

Agenda Item Cover

Commission on Aging, shall be filled by ~~the appointment by the County Board Chair with confirmation by the County Board after receiving the recommendation by the body with the vacancy, which shall have solicited nominations for the vacancy by a two consecutive week notice in The Richland Observer, which notice shall also be posted on the County's website.~~ The same shall apply to the County Administrator for appointments of citizens to boards and commissions.

No Supervisor or citizen member shall serve without interruption for the equivalent of more than 3 full consecutive, 2-year terms county board sessions on any committee, board, commission or seat to partner organization. An individual who has served as a citizen member of a committee, board or commission who becomes a Supervisor is eligible to serve as a Supervisor member of the same committee, board or commission for a term not to exceed 6 years any part of 3 consecutive sessions as a supervisor. A supervisor who has served on a committee, board or commission and who ceases being a Supervisor is eligible to be appointed as a citizen member of the same committee, board or commission for a term not to exceed 6 years any part of 3 consecutive sessions as a citizen member.

The first section of this paragraph does not apply to:

- (a) committees elected by ballot and members serving on a related State board of committee;
- (b) citizen members of the Fair and Recycling Committee;
- (c) statutory 3-year terms of members of the Zoning Board of Adjustment;
- (d) service on committees, boards or commissions for a term of less than 3 years in length;
- (e) service by a Supervisor for a partial Supervisory term
- (f) committees, boards or commissions with terms established by state statute or federal code
- (g) the County Board Chair or Vice serving on a committee with representation specified, or serving in an ex-officio role

~~Except for committees elected by ballot and members serving on a related State board or committee, no Supervisor or citizen member shall serve without interruption for the equivalent of more than three consecutive, two year terms on any committee or board, commencing in April, 1976. This limitation shall not apply to the statutory 3 year terms of members of the Zoning Board of Adjustment. Service on all committees, boards and commissions for term of less than 3 years in length shall not be counted for the purposes of this Rule, nor shall service by a Supervisor for a partial Supervisory term be counted.~~

Richland County Committee

Agenda Item Cover

Agenda Item Name: Changes to the County committee, boards, and commissions organization

Department	Administration	Presented By:	Administrator
Date of Meeting:	07 October, 2021	Action Needed:	Vote
Disclosure:	Open Session	Authority:	Structure C
Date submitted:	06 October, 2021	Referred by:	
Action needed by no later than (date)	N/A	Resolution	N/A, <u>needed</u> , prepared, reviewed

Recommendation and/or action language:

Motion to adopt the proposed restructuring of county committees, boards and commissions as depicted on the roster document (as presented, with amendments), and to make necessary changes to the committee structure document to reflect these changes, and to recommend resolution to the Richland County Board to adopt these changes effective with the beginning of the 2022-2024 County Board Session.

Background: *(preferred one page or less with focus on options and decision points)*

The attached committee, boards, and commissions roster is intended to define and depict the major demographics of our oversight and advisory bodies. The roster also categorizes our standing committees and member characteristics required for each position.

Attachments and References:

Committee, Board and Commission Roster (Attached)	Current Roster https://co.richland.wi.us/pdfs/County%20Board%20Committees.pdf
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Financial Review:

(please check one)

<input type="checkbox"/>	In adopted budget	Fund Number	
<input type="checkbox"/>	Apportionment needed	Requested Fund Number	
<input type="checkbox"/>	Other funding Source		
<input checked="" type="checkbox"/>	No financial impact		

(summary of current and future impacts)

No foreseeable financial impacts

Approval:

Review:

Clinton Langreck

Department Head

Administrator, or Elected Office (if applicable)

RICHLAND COUNTY STANDING COMMITTEES

Approved: December 14th, 2021

Effective: April 19th, 2022

Administrative Transition
 Agriculture and Extension Education
 Americans with Disability Act Compliance
 Audit
 Child Support
 Citizen Participation Planning Committee
 Committee on Committees
 Emergency Management
 Fair and Recycling
 Finance and Personnel

Joint Ambulance
 Land Conservation
 Law Enforcement and Judiciary
 Property, Building and Grounds
 Housing Authority and Community Block Grant
 Rules and Resolutions
 Strategic Planning
 UW Platteville-Richland
 Veterans Service Committee (added 2022)
 Zoning and Land Information

ADMINISTRATOR TRANSITION COMMITTEE

Body Purpose:		Oversee and advise on organizational changes Administrator structure.	Established by:		Resolution
Secretarial responsibilities of the body:		Administrator	Established by:		County Clerk 59.23(2)(a)
Number of Members:	5	Maximum Length of Continued Service	3 sessions	Bonding Required:	No
Appointed by:	County Board Chair		Confirmation of Appointments:	County Board - by motion	
#	Member's Name	First Appointed	Max Consecutive	Representation	
C	Luck, Melissa	10/27/2020	Jan 2022 End	County Board Supervisor	
2	Frank, Bob	1/19/2021	Jan 2022 End	County Board Supervisor	
3	Glasbrenner, Ingrid	10/27/2020	Jan 2022 End	County Board Supervisor	
4	Brewer, Marty	1/19/2021	Jan 2022 End	County Board Supervisor	
5	Turk, David	10/27/2020	Jan 2022 End	County Board Supervisor	

AGRICULTURE AND EXTENSION EDUCATION COMMITTEE

Body Purpose:		Oversee and advise on UWEX functions and services.	Established by:		Stuate 59.56(a)
Secretarial responsibilities of the body:		UWEX Director	Established by:		County Clerk 59.23(2)(a)
Number of Members:	5	Maximum Length of Continued Service	3 sessions	Bonding Required:	No
Appointed by:	County Board Chair		Confirmation of Appointments:	County Board - by motion	
#	Member's Name	First Appointed	Max Consecutive	Representation	
C	Couey, Marc	5/1/2018	May-24	County Board Supervisor	
2	Murphy-Lopez, Shaun	5/5/2020	May-26	County Board Supervisor	
3	Nelson, Van	5/1/2018	May-24	County Board Supervisor	
4	Van Landuyt, Lee	5/5/2020	May-26	County Board Supervisor	
5	Williamson, Steve	5/3/2016	May-22	County Board Supervisor	

AMERICANS WITH DISABILITY ACT COMPLIANCE COMMITTEE				
Body Purpose: Hear Appeals regarding ADA compliance.		Established by: Resolution		
Secretarial responsibilities of the body: County Administrator		Established by: County Clerk 59.23(2)(a)		
Number of Members: 7 (Chair, Vice +1 CB)	Maximum Length of Continued Service	3 Sessions	Bonding Required:	No
Appointed by: County Board Chair	Confirmation of Appointments:		County Board - by vote	
#	Member's Name	First Appointed	Max Consecutive	Representation
C	Brewer, Marty			County Board Chair
2	Turk, David			County Board Vice Chair
3	Carrow, Steve	5/5/2020	Apr-26	County Board Supervisor
4	Seep, Donald	5/5/2020	Apr-26	Disabled Individual
5	Reinke, Bill	5/1/2018	Apr-24	Business or Non-Profit Community
6	Toney, Myrna	6/19/2018	Apr-24	Education
7	Hege, George	3/20/2018	Apr-24	Medical/Health Professional

AUDIT COMMITTEE				
Body Purpose: Review and approve necessary expenditures.		Established by: Resolution		
Secretarial responsibilities of the body: Finance Officer		Established by: County Clerk 59.23(2)(a)		
Number of Members: 3	Maximum Length of Continued Service	(3) Sessions	Bonding Required:	No
Appointed by: County Board Chair	Confirmation of Appointments:		County Board - by vote	
#	Member's Name	First Appointed	Max Consecutive	Representation
C	Carrow, Steve	5/5/2020	Apr-26	County Board Supervisor
2	Frank, Bob	7/21/2020	Apr-26	County Board Supervisor
3	Nelson, Van	5/1/2018	Apr-24	County Board Supervisor

CHILD SUPPORT COMMITTEE				
Body Purpose: Oversee and advise on functions and services of child support.		Established by: Resolution		
Secretarial responsibilities of the body: Child Support Director		Established by: County Clerk 59.23(2)(a)		
Number of Members: 3	Maximum Length of Continued Service	3 Sessions	Bonding Required:	No
Appointed by: County Board Chair	Confirmation of Appointments:		County Board - by vote	
#	Member's Name	First Appointed	Max Consecutive	Representation
1	Gentes, Linda	5/5/2020	Apr-24	County Board Supervisor
2	Rudersdorf, Danielle	5/5/2020	Apr-24	County Board Supervisor
C	Turk, David	5/1/2018	Apr-26	County Board Supervisor

CITIZEN PARTICIPATION PLANNING COMMITTEE

Body Purpose:	Ensures citizen participation for CDBG block grant compliance.	Established by:	Resolution
Secretarial responsibilities of the body:	Economic Development Director	Established by:	County Clerk 59.23(2)(a)
Number of Members: 5 (3 from Board)	Maximum Length of Continued Service	3 Sessions	Bonding Required: No
Appointed by: County Board Chair	Confirmation of Appointments:	County Board - by vote	

#	Member's Name	First Appointed	Max Consecutive	Representation
1	Luck, Melissa	10/27/20	CDBG complete	County Board Supervisor
2	McGuire, Dan	10/27/20	CDBG complete	County Board Supervisor
3	Pluemer, Shelly	10/27/20	CDBG complete	
4	Van Landuyt, Lee	10/27/20	CDBG complete	County Board Supervisor
5	Wentz, Darlo	10/27/20	CDBG complete	

COMMITTEE ON COMMITTEES

Body Purpose:	Recommend appointments to standing committees and seats.	Established by:	Resolution / Statute
Secretarial responsibilities of the body:	County Administrator	Established by:	County Clerk 59.23(2)(a)
Number of Members: 5	Maximum Length of Continued Service	3 Sessions	Bonding Required: No
Appointed by: County Board Chair	Confirmation of Appointments:	No confirmation is needed for 3 appointees	

#	Member's Name	First Appointed	Max Consecutive	Representation
C	Brewer, Marty			County Board Chair
2	Turk, David			County Board Vice Chair
3				County Board Supervisor
4				County Board Supervisor
5				County Board Supervisor

EMERGENCY MANAGEMENT COMMITTEE

Body Purpose:	Oversee and advise on functions and services of Emergency Management.	Established by:	Statute 166.03(4)(c)
Secretarial responsibilities of the body:	Emergency Management Director	Established by:	County Clerk 59.23(2)(a)
Number of Members: 3	Maximum Length of Continued Service	3 Sessions	Bonding Required: No
Appointed by: County Board Chair	Confirmation of Appointments:	County Board - by vote	

#	Member's Name	First Appointed	Max Consecutive	Representation
C	Brewer, Marty			County Board Chair
2	Turk, David			County Board Vice Chair
3	Severson, Kerry	5/3/2016	Apr-22	County Board Supervisor

FAIR AND RECYCLING COMMITTEE

Body Purpose:	Oversee and advise on functions of fair and recycling.	Established by:	Resolution
Secretarial responsibilities of the body:	Fair and Recycling Coordinator	Established by:	County Clerk 59.23(2)(a)
Number of Members:	7 (4 from County Board)	Maximum Length of Continued Service	3 Sessions
Appointed by:	County Board Chair	Confirmation of Appointments:	County Board - by motion
Bonding Required:	No		

#	Member's Name	First Appointed	Max Consecutive	Representation
1	Kaul, Peg	5/5/2020	Apr-26	County Board Supervisor
2	Nelson, Van	5/1/2018	Apr-24	County Board Supervisor
C	Severson, Kerry	5/3/2016	Apr-22	County Board Supervisor
4	Cooper, Danielle	5/18/2021	Apr-26	County Board Supervisor
C	Gald, Scott	4/24/2012		Citizen
6	(vacant)			Citizen
7	(vacant)			Citizen

FINANCE AND PERSONNEL COMMITTEE

Body Purpose:	Oversee and advise on Finance, Personnel and coordination.	Established by:	Resolution
Secretarial responsibilities of the body:	County Administrator	Established by:	County Clerk 59.23(2)(a)
Number of Members:	7	Maximum Length of Continued Service	3 Sessions
Appointed by:	County Board Chair	Confirmation of Appointments:	County Board - by motion
Bonding Required:	No		

#	Member's Name	First Appointed	Max Consecutive	Representation
1	Brewer, Marty			County Board Chair
2	Turk, David			County Board Vice Chair
C	Murphy-Lopez, Shaun	5/1/2018	Apr-24	County Board Supervisor
4	Seep, Donald	5/3/2016	Apr-22	County Board Supervisor
5	Couey, Marc	5/21/2019	Apr-24	County Board Supervisor
6	Gentes, Linda	5/3/2016	Apr-22	County Board Supervisor
7	Luck, Melissa	5/5/2020	Apr-26	County Board Supervisor

JOINT AMBULANCE COMMITTEE				
Body Purpose:		Oversee and advise on Ambulance Services.		Established by: Statute 323
Secretarial responsibilities of the body:		Ambulance Service		Established by: County Clerk 59.23(2)(a)
Number of Members: 16 (2 County Board)		Maximum Length of Continued Service	3 Sessions	Bonding Required: No
Appointed by: County Board Chair		Confirmation of Appointments: County Board - by vote		
#	Member's Name	First Appointed	Max Consecutive	Representation
C	Couey, Marc	05/01/18	Apr-24	County Board Supervisor
2	Severson, Kerry	05/01/18	Apr-24	County Board Supervisor
3	Coppernoll, Todd			Richland Center Mayor
4	Schmitz, Sharon			City Council Representative
5	Rognholt, Mary			Akan Town Representative
6	Lingel, Jim			Dayton Town Representative
7	McGraw, Brian			Eagle Town Representative
8	Coy, Verlin			Henrietta Town Representative
9	Niemeyer, Glen			Ithaca Town Representative
10	Durst, Jerome			Marshall Town Representative
11	VACANT			Orion Town Representative
12	Jelinek, David			Richland Town Representative
13	Duhr, Doug			Rockbridge Town Representative
14	Willis, Tim			Willow Town Representative
15	Nicks, Jean			Boaz Village Representative
16	Jindrick, Terrance			Yuba Village Representative

LAND CONSERVATION COMMITTEE				
Body Purpose:		Oversee and advise on functions of land conservation.		Established by: Statute 92.06
Secretarial responsibilities of the body:		County Conservationist		Established by: County Clerk 59.23(2)(a)
Number of Members: 7 (4 from County Board)		Maximum Length of Continued Service	3 Sessions	Bonding Required: No
Appointed by: County Board Chair		Confirmation of Appointments: County Board - by motion		
#	Member's Name	First Appointed	Max Consecutive	Representation
C	Williamson, Steve	5/3/2016	Apr-22	County Board Supervisor
2	Luck, Melissa	5/1/2018	Apr-24	County Board Supervisor
3	Murphy-Lopez, Shaun	5/1/2018	Apr-24	County Board Supervisor - Ag / UWEX member
4	Frank, Bob	7/21/2020	Apr-26	County Board Supervisor
5	Van Landuyt, Lee	5/5/2020	Apr-26	County Board Supervisor - Ag / UWEX member
6	Kinney, Greg	6/1/2021	Apr-27	Farm Service Agency - Committee Chair
7				

LAW ENFORCEMENT AND JUDICIARY COMMITTEE

Body Purpose:	Oversee and advise on functions of justice and policing system.	Established by:	Resolution
Secretarial responsibilities of the body:	Sheriff	Established by:	County Clerk 59.23(2)(a)
Number of Members: 5	Maximum Length of Continued Service	3 Sessions	Bonding Required: No
Appointed by:	County Board Chair	Confirmation of Appointments:	County Board - by motion

#	Member's Name	First Appointed	Max Consecutive	Representation
C	Luck, Melissa	5/1/2018	Apr-24	County Board Supervisor
2	Turk, David	5/5/2020	Apr-26	County Board Supervisor
3	Cosgrove, Chad	5/5/2020	Apr-26	County Board Supervisor
4	McGuire, Daniel	5/5/2020	Apr-26	County Board Supervisor
5	Severson, Kerry	8/20/2019	Apr-24	County Board Supervisor

PROPERTY, BUILDING AND GROUNDS COMMITTEE

Body Purpose:	Oversee and advise on functions of courthouse and other properties.	Established by:	Statutes: 59.53(22) & 66.1201
Secretarial responsibilities of the body:	County Administrator	Established by:	County Clerk 59.23(2)(a)
Number of Members: 5	Maximum Length of Continued Service	3 Sessions	Bonding Required: No
Appointed by:	County Board Chair	Confirmation of Appointments:	County Board - by motion

#	Member's Name	First Appointed	Max Consecutive	Representation
C	McKee, Richard	5/3/2016	Apr-22	County Board Supervisor
2	Cosgrove, Chad	5/1/2018	Apr-24	County Board Supervisor
3	Carrow, Steve	5/5/2020	Apr-26	County Board Supervisor
4	McGuire, Daniel	5/5/2020	Apr-26	County Board Supervisor
5	Williamson, Steve	5/3/2016	Apr-22	County Board Supervisor

RICHLAND COUNTY HOUSING AUTHORITY AND COMMUNITY BLOCK GRANT COMMITTEE

Body Purpose:	Oversee and advise housing authority.	Established by:	Resolution
Secretarial responsibilities of the body:	Housing Authority	Established by:	County Clerk 59.23(2)(a)
Number of Members: 5 (2 from County Board)	Maximum Length of Continued Service	3 Sessions	Bonding Required: No
Appointed by:	County Board Chair	Confirmation of Appointments:	County Board - by motion

#	Member's Name	First Appointed	Max Consecutive	Representation
C	Nelson, Van	5/1/2018	Apr-24	County Board Supervisor
2	Kaul, Peg	5/5/2020	Apr-26	County Board Supervisor
3	Storer, Chris			Citizen
4	Surrem, Gail			Citizen
5	Torgerson, Ralph			Citizen

RULES AND RESOLUTIONS COMMITTEE AND ETHICS BOARD					
Body Purpose:		Oversee and advise housing authority.		Established by: Resolution	
Secretarial responsibilities of the body:		County Administrator		Established by: County Clerk 59.23(2)(a)	
Number of Members: 5		Maximum Length of Continued Service		3 Sessions	Bonding Required: No
Appointed by: County Board Chair		Confirmation of Appointments:		County Board - by motion	
#	Member's Name	First Appointed	Max Consecutive	Representation	
C	Murphy-Lopez, Shaun	5/5/2020	Apr-26	County Board	Supervisor
2	Cosgrove, Chad	5/1/2018	Apr-24	County Board	Supervisor
3	Severson, Kerry	5/5/2020	Apr-26	County Board	Supervisor
4	Luck, Melissa	5/5/2020	Apr-26	County Board	Supervisor
5	Seep, Donald	5/3/2016	Apr-22	County Board	Supervisor

STRATEGIC PLANNING COMMITTEE					
Body Purpose:		Oversee and advise on county strategic plan.		Established by: Resolution	
Secretarial responsibilities of the body:		County Administrator		Established by: County Clerk 59.23(2)(a)	
Number of Members: 5		Maximum Length of Continued Service		3 Sessions	Bonding Required: No
Appointed by: County Board Chair		Confirmation of Appointments:		County Board - by motion	
#	Member's Name	First Appointed	Max Consecutive	Representation	
1	Carrow, Steve	7/20/2021	Apr-26	County Board Supervisor	
2				County Board Supervisor	
C	Glasbrenner, Ingrid	7/20/2021	Apr-26	County Board Supervisor	
4	Luck, Melissa	7/20/2021	Apr-26	County Board Supervisor	
5	Severson, Kerry	7/20/2021	Apr-26	County Board Supervisor	

U.W. PLATTEVILLE-RICHLAND COMMITTEE					
Body Purpose:		Oversee and advise on campus.		Established by: Resolution	
Secretarial responsibilities of the body:		County Clerk		Established by: County Clerk 59.23(2)(a)	
Number of Members: 5		Maximum Length of Continued Service		3 Sessions	Bonding Required: No
Appointed by: County Board Chair		Confirmation of Appointments:		County Board - by motion	
#	Member's Name	First Appointed	Max Consecutive	Representation	
C	Gentes, Linda	5/1/2018	Apr-24	County Board Supervisor	
2	Cosgrove, Chad	5/1/2018	Apr-24	County Board Supervisor	
3	Frank, Bob	7/21/2020	Apr-26	County Board Supervisor	
4	Gottschall, Timothy	5/5/2020	Apr-26	County Board Supervisor	
5	Van Landuyt, Lee	5/5/2020	Apr-26	County Board Supervisor	

VETERANS SERVICE COMMITTEE				
Body Purpose:		Oversee and advise on Veterans services and functions.		Established by: Resolution
Secretarial responsibilities of the body:		County Veterans Services Officer		Established by: County Clerk 59.23(2)(a)
Number of Members:	3 (One Veteran if Available)	Maximum Length of Continued Service	3 Sessions	Bonding Required: No
Appointed by:	County Board Chair		Confirmation of Appointments: County Board - by motion	
#	Member's Name	First Appointed	Max Consecutive	Representation
C	Van Landuyt, Lee	May-20	May-26	County Board Supervisor
2	Nelson, Van	May-18	May-24	County Board Supervisor
3	Seep, Donald	May-20	May-26	County Board Supervisor (Veteran if available)

ZONING AND LAND INFORMATION COMMITTEE				
Body Purpose:		Advise Zoning and Land Information on functions and services.		Established by: Resolution / Statute
Secretarial responsibilities of the body:		Zoning Administrator		Established by: County Clerk 59.23(2)(a)
Number of Members:	5	Maximum Length of Continued Service	(#) sessions/years	Bonding Required: No
Appointed by:	County Board Chair		Confirmation of Appointments: County Board - by motion	
#	Member's Name	First Appointed	Max Consecutive	Representation
1	Cosgrove, Chad	5/5/2020	April 2017-April 2020	County Board Supervisor
C	Couey, Marc	5/1/2018	April 2018-April 2020	County Board Supervisor
	Gentes, Linda	5/5/2020	April 2017-April 2020	County Board Supervisor
4	Williamson, Steve	5/3/2016	April 2018-April 2020	County Board Supervisor
5	Glasbrenner, Ingrid	7/21/2020	April 2018-April 2020	County Board Supervisor

RICHLAND COUNTY BOARDS AND COMMISSIONS

Approved: December 14th, 2021

Effective: April 19th, 2022

Commission on Aging and Disability Board
County Parks Commission
Economic Development Board (RED)
Health and Human Services Board
Symons Natatorium Board

Tri-County Airport Board of Appeals
Tri-County Airport Commission
Veterans Service Commission
Zoning Board of Adjustment

COMIMSSION ON AGING AND DISABILITY BOARD				
Body Purpose:		Advisory to the ADRC unit and Health and Human Services Baord.		Established by: Statute 46.82(4)
Secretarial responsibilities of the body:		ADRC Director		Established by: County Clerk 59.23(2)(a)
Number of Members: 11	Maximum Length of Continued Service		2 years	Bonding Required: No
Appointed by:	County Administrator		Confirmation of Appointments: County Board - by vote	
#	Member's Name	First Appointed	Max Consecutive	Representation
C	Vacant			Advocate for Disabled Youth/Young Adult
2	Manning, Patrick	7/16/2019	April 2020-April 2022	Member over 60 years old
3	Peters, Gary	5/1/2018	April 2020-April 2022	Member over 60 years old
4	Symons, Linda	7/17/2018	April 2020-April 2022	Member over 60 years old
5	Scribbins, David	9/19/2017	April 2021-April 2023	Advocate for Disabled Adults
6	Denman, Carolyn	10/25/2016	April 2020-April 2022	Adult with Disabilities Representative
7	Kramer, Sandra	8/16/2016	April 2020-April 2022	Disabled Adults w/ Mental Health/Substance Abuse
8	Nelson, Van	5/1/2018	April 2020-April 2022	Member over 60 years old
9	Riley, Cindy	1/15/2013	April 2020-April 2022	Mental Health and Substance Abuse Representative
10	Wiedenfeld, Virginia	6/15/2016	April 2020-April 2022	Elderly Representative
11	Vacant			Service Provider Advocate

COUNTY PARKS COMMISSION				
Body Purpose:		Oversee and advise on (blank functions and services)		Established by: Statute 27.02
Secretarial responsibilities of the body:		County Conservationist		Established by: County Clerk 59.23(2)(a)
Number of Members: 7 (4 from county board)	Maximum Length of Continued Service		7 (years) July 1st	Bonding Required: No
Appointed by:	County Administrator		Confirmation of Appointments: County Board - by vote	
#	Member's Name	First Appointed	Max Consecutive	Representation
1	Gottschall, Timothy	5/5/2020	7/1/15 - 7/1/22	County Board Supervisor
C	Severson, Kerry	5/3/2016	7/1/16 - 7/1/23	County Board Supervisor
3	Collins, John	6/20/2017	7/1/17 - 7/1/24	Richland County Citizen - At Large
4	Chicker, Cindy	6/19/2018	7/1/18 - 7/1/25	Richland County Citizen - At Large
5	Manning, Gary	5/1/2018	7/1/19 - 7/1/26	County Board Supervisor
6	Siemandel, Eric	6/16/2020	7/1/20 - 7/1/27	Richland County Citizen - At Large
7	Cooper, Danielle	5/18/2021	7/1/21 - 7/1/28	County Board Supervisor

ECONOMIC DEVELOPMENT BOARD				
Body Purpose:		Oversee and advise on County / City Economic Development.		Established by: Resolution / Statute 66.0301
Secretarial responsibilities of the body:		ED Director		Established by: City
Number of Members:	1 (County Board Chair)	Maximum Length of Continued Service	None	Bonding Required: No
Appointed by:	Designated by Resolution	Confirmation of Appointments:	None	
#	Member's Name	First Appointed	Max Consecutive	Representation
1	Brewer, Marty			County Board Chair

HEALTH AND HUMAN SERVICES BOARD				
Body Purpose:		Oversee and advise on (blank functions and services)		Established by: Statute 46.23(4)
Secretarial responsibilities of the body:		HHS Director		Established by: County Clerk 59.23(2)(a)
Number of Members:	7 (4 from county board)	Maximum Length of Continued Service	3 Years	Bonding Required: No
Appointed by:	County Administrator	Confirmation of Appointments:	County Board - by vote	
#	Member's Name	First Appointed	Max Consecutive	Representation
1	Chicker, Cindy	9/15/2020	April 2019-April 2022	Registered Nurse
2	Gottschall, Timothy	05/18/21	April 2019-April 2022	County Board Supervisor
3	Berres, Jerel	5/15/2018	April 2020-April 2023	Physician
4	Nelson, Van	5/5/2020	April 2020-April 2023	County Board Supervisor
C	Severson, Kerry	2/21/2017	April 2021-April 2023	County Board Supervisor
6	Cox, Diane	4/20/2021	April 2021-April 2024	Consumer/Family Member
7	Glasbrenner, Ingrid	7/21/2020	April 2021-April 2024	County Board Supervisor

SYMONS NATATORIUM BOARD				
Body Purpose:		Oversee and advise on Natatorium functions and services.		Established by: Statute 66.0301 / Res. 87-19
Secretarial responsibilities of the body:		Symons Director		Established by: County Clerk 59.23(2)(a)
Number of Members:	4 (3 from county board)	Maximum Length of Continued Service	3 Years	Bonding Required: No
Appointed by:	County Administrator	Confirmation of Appointments:	County Board - by vote	
#	Member's Name	First Appointed	Max Consecutive	Representation
1	Brewer, Marty			County Board Chair or Designee
2	Cler, John	6/20/2017	April 2019-April 2022	Member at Large
C	Gottschall, Timothy	5/5/2020	April 2020-April 2023	County Board Supervisor
4	Cosgrove, Chad	5/1/2018	April 2021-April 2024	County Board Supervisor

TRI-COUNTY AIRPORT BOARD OF APPEALS				
Body Purpose:		Handle appeals of Airport.		Established by: Wisconsin Statute 114.136(4)
Secretarial responsibilities of the body:		Airport Manager		Established by: County Clerk 59.23(2)(a)
Number of Members:	3 from community	Maximum Length of Continued Service	3 Years	Bonding Required: No
Appointed by:	County Administrator	Confirmation of Appointments:	County Board - by vote	
#	Member's Name	First Appointed	Max Consecutive	Representation
1	Buroker, Marvin	10/31/2006		Member at Large
2	Rippchen, Allen	10/31/2006		Member at Large
3	Sebranek, Larry	10/31/2006		Member at Large

TRI-COUNTY AIRPORT COMMISSION				
Body Purpose:		Representation as joint owners of the airport.		Established by: Ordinance / Statute 114.14(2)(a)
Secretarial responsibilities of the body:		Airport Manager		Established by: County Clerk 59.23(2)(a)
Number of Members:	7 (4 from county board)	Maximum Length of Continued Service	6 year term	Bonding Required: No
Appointed by:	County Administrator	Confirmation of Appointments:	County Board - by vote	
#	Member's Name	First Appointed	Max Consecutive	Representation
1	McGuire, Daniel	5/5/2020	5/5/2026	County Board Supervisor
2	Williamson, Steve	10/29/2019	10/29/2025	County Board Supervisor
3	Valtierra, Richard	10/29/2019		Cardinal Glass

VETERANS SERVICE COMMISSION				
Body Purpose:		Perform aid to needy veterans functions under Wi Stat. 45		Established by: State Statute 45.81
Secretarial responsibilities of the body:		County Veterans Services Officer		Established by: County Clerk 59.23(2)(a)
Number of Members:	3 Vets of County (1 Board)	Maximum Length of Continued Service	Staggered 3 year	Bonding Required: Yes
Appointed by:	County Board Chair	Confirmation of Appointments:	County Board - by vote	
#	Member's Name	First Appointed	Max Consecutive	Representation
1	Metz, Patrick	05/18/21	12/31/18 - 12/31/21	Richland County Resident and Veteran
2	Hillesheim, Sherry	1/19/2021	01/19/21 - 01/19/24	Richland County Resident and Veteran
3	(vacant)			Richland County Resident and Veteran

ZONING BOARD OF ADJUSTMENTS				
Body Purpose:		Handle appeals of Airport.		Established by: State Statute 59.649
Secretarial responsibilities of the body:		Zoning Director		Established by: County Clerk 59.23(2)(a)
Number of Members:	3 from community	Maximum Length of Continued Service	3 Years	Bonding Required: No
Appointed by:	County Administrator	Confirmation of Appointments:	County Board - by vote	
#	Member's Name	First Appointed	Max Consecutive	Representation
1	Heims, Randy			Richland County Resident
2	McGlynn, Tom			Richland County Resident
3	Rippchen, Allen			Richland County Resident

RICHLAND COUNTY SUB-COMMITTEES

Approved: December 14th, 2021

Effective: April 19th, 2022

Coordinated Service (CST) Team Coordinating

Comprehensive Community Services (CCS) Coordination (Added 2022)

Criminal Justice Coordinating Committee

Joint Ambulance Subcommittee

Land Information Council

Nutrition Advisory Council

Transportation Coordinating Committee

COORDINATED SERVICE TEAM (CST) COORDINATING COMMITTEE				
Body Purpose:		Advisory to HHS board on Children and Families.		Established by: Statute 46.56(3)(a)
Secretarial responsibilities of the body:		HHS Director		Established by: County Clerk 59.23(2)(a)
Number of Members:	#13	Maximum Length of Continued Service	3 (years)	Bonding Required: No
Appointed by:	County Administrator	Confirmation of Appointments:	Health and Human Services Board	
#	Member's Name	First Appointed	Max Consecutive	Representation
C	Burrow, Katherine	5/18/2021		Parent/Guardian - Volunteer - No Perdiem
2	Chicker, Cindy	11/12/2020		HHS Board Member
3	Couey, Laurie	7/12/18		HHS Child Services Rep or Designee
4	Culver, Myranda	2/17/2015		Behavioral Health Services Manager
5	Fillyaw, Marjorie	5/18/2021		Parent/Guardian - Volunteer - No Perdiem
6	Johnson, Shari	5/18/2021		RSD Curriculum Coordinator or Designee
7	Kohout, Rose	3/20/2018		Public Health Manager or RN Designee
8	Larson, Jinitta	7/12/18		Parent/Guardian - Volunteer - No Perdiem
9	Peckham, Faith	8/16/2016		Parent/Guardian Volunteer - No Perdiem
10	Robinson, Cindy	3/20/2018		CST Initiative Coordinator or Designee
11	Ronnfeldt, Stephanie	2/17/2015		Economic Support
12	Smith, Stacy	5/18/2021		Parent/Guardian - Volunteer - No Perdiem
13	Wiedenfeld, Betsy	8/9/18		Parent/Guardian - Volunteer - No Perdiem

COMOPREHENSIVE COMMUNITY SERVICES (CCS) COORDINATION COMMITTEE

Body Purpose:	Review and	Established by:	DHS 36.09
Secretarial responsibilities of the body:	HHS Director	Established by:	County Clerk 59.23(2)(a)
Number of Members:	#9	Maximum Length of Continued Service	2yrs-I; 3yrs-S
Appointed by:	County Administrator	Confirmation of Appointments:	Health and Human Services Board
Bonding Required:	No		

#	Member's Name	First Appointed	Max Consecutive	Representation
C				HHS Staff - Mental Health and Substance Abuse
2				HHS Staff - Mental Health and Substance Abuse
3				Service Provider
4				Community Mental Health / Substance advocate
5				Consumer
6				Consumer
7				Consumer
8				Consumer
9				Family Member / Citizen

CRIMINAL JUSTICE COORDINATING COMMITTEE

Body Purpose:	Study juvenile and criminal systemjustice system and advise LEJC	Established by:	Resolution
Secretarial responsibilities of the body:	Circuit Court	Established by:	County Clerk 59.23(2)(a)
Number of Members:	#	Maximum Length of Continued Service	None
Appointed by:	County Administrator	Confirmation of Appointments:	LEJC
Bonding Required:	No		

#	Member's Name	First Appointed	Max Consecutive	Representation
C	Andrew Sharp			Circuit Court Judge
2	Tracy Thorsen			Health and Human Services Director
3	Jenifer Harper			District Attorney
4	Clayton Porter			Sheriff
5	Billy Jones			Richland Center Police Chief
6				County Board Supervisor - From LEJC
7	Todd Coppernoll			Richland Center Mayor
8				Public Defender
9				Probation Agent
10				Director of Passages
11	Amy Hoffman			Child Support Administrator
12	Stacy Kleist			Clerk of Circuit Court
13	Larry Engle			Ministerial Association President

JOINT AMBULANCE SUBCOMMITTEE					
Body Purpose:		Investigate and advise on ambulance projects.		Established by:	Resolution / Statute
Secretarial responsibilities of the body:		Ambulance Service Director		Established by:	County Clerk 59.23(2)(a)
Number of Members: 5		Maximum Length of Continued Service		(#) sessions/years	Bonding Required: No
Appointed by: County Administrator		Confirmation of Appointments:		Ambulance Committee	
#	Member's Name	First Appointed	Max Consecutive	Representation	
C	McGraw, Brian			County Board Representative	
2				City Council Representative	
3	Keller, Ryan			Orion Town Representative	
4	Palmer, Gordon			Richland Town Representative	
5	Holets, Bob			Willow Town Representative	

LAND INFORMATION COUNCIL					
Body Purpose:		Advise Zoning and Land Information on functions and services.		Established by: Resolution	
Secretarial responsibilities of the body:		Zoning Administrator		Established by: County Clerk 59.23(2)(a)	
Number of Members: 8		Maximum Length of Continued Service		3 Sessions	Bonding Required: No
Appointed by: County Administrator		Confirmation of Appointments:		Zoning and Land Information	
#	Member's Name		First Appointed	Max Consecutive	Representation
C	Triggs, Susan				Register of Deeds
2	Keller, Julie				County Treasurer
3	Rott, Jo Ellen				Real Property Tax Lister
4	Frank, Bob		5/1/2020	Apr-26	County Board Supervisor - Zoning and Land Info
5	Rummler, Todd				County Surveyor
6	Bindl, Michael				County Zoning Administrator
7	Marshall, Lee				Realtor Employed in Richland County
8	Gudgeon, Darin				Public Safety Rep Employed in Richland County

NUTRITION ADVISORY COUNCIL					
Body Purpose:		Advise Health and Human Services Board on functions and services.		Established by:	Resolution
Secretarial responsibilities of the body:		HHS Director		Established by:	County Clerk 59.23(2)(a)
Number of Members: 6		Maximum Length of Continued Service		(#) sessions/years	Bonding Required: No
Appointed by:		County Administrator		Confirmation of Appointments: Health and Human Services	
#	Member's Name	First Appointed	Max Consecutive	Representation	
C	Storer, Christine	1/19/2016	April 2020-April 2022	Volunteer Drivers	
2	Jasper, Janet	6/19/2018	April 2020-April 2022	Germantown	
3	Roseberry, Sue	5/21/2019	April 2020-April 2022	The Community/HDM	
4	Roseberry, Don P.	5/21/2013	April 2020-April 2022	Rockbridge	
5	Mussey, Jane	10/27/2020	April 2020-April 2022	Richland Center	
6	Cooper, Danielle	9/15/2020	April 2020-April 2022	County Board Supervisor & HHS Board Member	

TRANSPORTATION COORDINATING COMMITTEE

Body Purpose:	Advise Health and Human Services Board on nutrition program.	Established by:	WI Admin Code DOT Trans 2.10
Secretarial responsibilities of the body:	HHS Director	Established by:	County Clerk 59.23(2)(a)
Number of Members: 11	Maximum Length of Continued Service	3 year term	Bonding Required: No
Appointed by: County Administrator	Confirmation of Appointments:	County Board	

#	Member's Name	First Appointed	Max Consecutive	Representation
1	Vacant			Transportation Providers - Non Profit - VARC
2	Riley, Cindy	2/1/2020	April 2021-April 2024	Transportation Providers Public - Hospital
3	Symons, Linda	5/18/2021	April 2021-April 2024	Consumer Disability Advocate and COAD
4	Shiere, Robert	8/16/2016	April 2021-April 2024	Consumer Advocate
5	McKittrick, Sandra	9/15/2020	April 2019-April 2022	Elderly and Disabled Citizens Advocates-ARC
6	Pyfferoen, Cole	5/18/2021	April 2019-April 2022	Transportation Providers Proprietary - PVM
7	Steinmetz, Darin	12/10/2019	April 2019-April 2022	Health and Human Services
8	McKee, Richard	5/3/2016	April 2019-April 2022	County Board Member - Pine Valley Board
9	Glasbrenner, Ingrid	7/21/2020	April 2020-April 2023	County Board Member - H&HS Board
10	Gray, Aaron	9/15/2020	April 2021-April 2024	Consumer Advocate - SFCA
11	Kramer, Sandra	12/11/2018	April 2020-April 2023	Consumer and Agency Advocate - COAD

RICHLAND COUNTY SEATS (ON PARTNER ORGANIZATIONS)

Approved: December 14th, 2021

Effective: April 19th, 2022

City Library Board

City Park Board

Community Development Block Grant Housing Regional Board

Community Development Block Grant Revolving Loan Regional Board

Mississippi Valley Health Services Commission

Neighborhood Housing Services of Southwest Wisconsin

Southwest Wisconsin Community Action Program

Southwest Wisconsin Library System Board Of Trustees

Southwestern Wisconsin Regional Planning Commission

Viola Library Board

CITY LIBRARY BOARD				
Body Purpose:		County Board Representation		Established by: Statute 43.60(3)
Secretarial responsibilities of the body:		City		Established by: City
Number of Members:	2 from County Board	Maximum Length of Continued Service	3 Sessions	Bonding Required: No
Appointed by:	County Administrator		Confirmation of Appointments: County Board - by vote	
#	Member's Name	First Appointed	Max Consecutive	Representation
1	Turk, David	5/5/2020	7/1/18 - 7/1/21	County Board Supervisor
2	Gentes, Linda	5/5/2020	Apr-26	County Board Supervisor

CITY PARK BOARD				
Body Purpose:		County Board Representation		Established by: City
Secretarial responsibilities of the body:		City		Established by: City
Number of Members:	1 from County Board	Maximum Length of Continued Service	5 Year Term	Bonding Required: No
Appointed by:	County Administrator		Confirmation of Appointments: County Board - by vote	
#	Member's Name	First Appointed	Max Consecutive	Representation
1	Manning, Gary	9/15/2020	April 2020-April 2025	County Supervisor - From Parks Commission

COMMUNITY DEVELOPMENT BLOCK GRANT HOUSING REGIONAL BOARD				
Body Purpose:		County Representation		Established by: Regional Board
Secretarial responsibilities of the body:		Regional Board		Established by: City
Number of Members:	1 from Community	Maximum Length of Continued Service	3 Year Term	Bonding Required: No
Appointed by:	County Administrator		Confirmation of Appointments: County Board - by vote	
#	Member's Name	First Appointed	Max Consecutive	Representation
1	Reinke, Bill	5/1/2018		County Representation - At large

COMMUNITY DEVELOPMENT BLOCK GRANT REVOLVING LOAN REGIONAL BOARD

Body Purpose:		County Representation		Established by:		Regional Board					
Secretarial responsibilities of the body:		Regional Board		Established by:		Regional Board					
Number of Members:		1 from Community		Maximum Length of Continued Service		3 Year Term		Bonding Required:		No	
Appointed by:		County Administrator		Confirmation of Appointments:		County Board - by vote					
#	Member's Name			First Appointed		Max Consecutive		Representation			
1	Reinke, Bill			5/1/2018				County Representation - At large			

MISSISSIPPI VALLEY HEALTH SERVICES COMMISSION

Body Purpose:		County Representation		Established by:		Regional Board	
Secretarial responsibilities of the body:		Commission		Established by:		Commission	
Number of Members:		1 + Alt from HHS Board		Maximum Length of Continued Service		3 Sessions	
Bonding Required:				Bonding Required:		No	
Appointed by:		County Administrator		Confirmation of Appointments:		Health and Human Services Board	
#	Member's Name		First Appointed	Max Consecutive	Representation		
1	Berres, Jerel		4/30/2018	Apr-24	Health and Human Services Board - Alternate		
2	Severson, Kerry		5/1/2018	Apr-24	Health and Human Services Board		

NEIGHBORHOOD HOUSING SERVICES OF SOUTHWEST WISCONSIN

Body Purpose:		County Representation		Established by:		Regional Board	
Secretarial responsibilities of the body:		Housing Services		Established by:		Housing Services	
Number of Members:		1 from County Board		Maximum Length of Continued Service		3 Sessions	
Bonding Required:				Bonding Required:		No	
Appointed by:		County Administrator		Confirmation of Appointments:		County Board - by vote	
#	Member's Name		First Appointed	Max Consecutive	Representation		
1	McKee, Richard		5/1/2018	Apr-24	County Supervisor		

SOUTHWEST WISCONSIN COMMUNITY ACTION PROGRAM

Body Purpose:		County Representation		Established by:		Regional Board	
Secretarial responsibilities of the body:		Action Program		Established by:		Action Program	
Number of Members:		1 from County Board		Maximum Length of Continued Service		3 Year Term	
Bonding Required:				Bonding Required:		No	
Appointed by:		County Administrator		Confirmation of Appointments:		County Board - by vote	
#	Member's Name		First Appointed	Max Consecutive	Representation		
1	Turk, David		9/19/2017		County Supervisor		
2	Vacant				County Supervisor		

SOUTHEAST WISCONSIN LIBRARY SYSTEM OF TRUSTEES					
Body Purpose:		County Representation		Established by: Regional Board	
Secretarial responsibilities of the body:		Trustees		Established by: Trustees	
Number of Members: 2 (1 from County Board)		Maximum Length of Continued Service		3 Year Term	Bonding Required: No
Appointed by: County Administrator		Confirmation of Appointments:		County Board - by vote	
#	Member's Name		First Appointed	Max Consecutive	Representation
1	Schultz, Rachel		2/16/2016	1/1/18 - 1/1/21	County Representation - At large
2	Carrow, Steve		5/5/2020		County Supervisor

SOUTHWEST WISCONSIN REGIONAL PLANNING COMMISSION					
Body Purpose:		County Representation		Established by: Statute 66.945	
Secretarial responsibilities of the body:		SWRPC		Established by: SWRPC	
Number of Members: 1 from County		Maximum Length of Continued Service		6 Year Term	Bonding Required: No
Appointed by: County Administrator		Confirmation of Appointments:		County Board - by vote	
#	Member's Name		First Appointed	Max Consecutive	Representation
1	Brewer, Marty			1/1/18 - 1/1/21	County Board Chair
2	Schmitz, Raymond		September 15, 2025		Joint Appointment
3	Luck, Melissa		September 15, 2025		Governor's Appointment

VIOLA LIBRARY BOARD							
Body Purpose:		County Board Representation		Established by: City			
Secretarial responsibilities of the body:		City		Established by: City			
Number of Members:		1 from County Board	Maximum Length of Continued Service		3 Full Sessions	Bonding Required:	No
Appointed by:		County Administrator		Confirmation of Appointments:		County Board - by vote	
#	Member's Name		First Appointed	Max Consecutive	Representation		
1	Carrow, Steve		5/5/2020		County Board Supervisor		

RICHLAND COUNTY ELECTED BODIES (By County Board of Supervisors)

Approved: December 14th, 2021

Effective: April 19th, 2022

Highway and Transportation Committee

Pine Valley Board of Trustees

HIGHWAY AND TRANSPORTATION COMMITTEE				
Body Purpose:		Oversee and advise on highway functions.		Established by: Statute 83.015
Secretarial responsibilities of the body:		Highway Commissioner		Established by: County Clerk 59.23(2)(a)
Number of Members: 5		Maximum Length of Continued Service (# sessions/years)		Bonding Required: No
Appointed by: Election of the Board		Confirmation of Appointments: County Board Initial by Ballot - Vacancy by motion		
#	Member's Name	First Appointed	Max Consecutive	Representation
C	Williamson, Steve		April 2021 - April 2022	County Board Supervisor
2	Manning, Gary		April 2021 - April 2022	County Board Supervisor
3	Severson, Kerry		April 2021 - April 2022	County Board Supervisor
4	Cosgrove, Chad		April 2021 - April 2022	County Board Supervisor
5	Couey, Marc		April 2021 - April 2022	County Board Supervisor

PINE VALLEY BOARD OF TRUSTEES				
Body Purpose:		Oversee and advise on care facility functions.		Established by: Statute 46.18(1)
Secretarial responsibilities of the body:		Care Facility Administrator		Established by: County Clerk 59.23(2)(a)
Number of Members: 4 (5 of county Board)		Maximum Length of Continued Service 3 year terms		Bonding Required: No
Appointed by: Election of the Board		Confirmation of Appointments: County Board Initial by Ballot - Vacancy by motion		
#	Member's Name	First Appointed	Max Consecutive	Representation
C	McKee, Richard		January, 2024	County Board Supervisor
2	Rippchen, Pat		January, 2022	Richland County - Citizen at Large
3	Kaul, Peg		January, 2022	County Board Supervisor
4	Brewer, Marty		January, 2023	County Board Supervisor
5	Seep, Donald		January, 2023	County Board Supervisor

Your Name: _____ District # _____

RICHLAND COUNTY BOARD OF SUPERVISORS
Committee, Board, Commission and Seat Preferences

Please indicate your preferences by placing an "X" to mark: your top 5 and your least 5 of preferred assignments. Please also indicate if you are willing to chair the committee, board of commission with an "X." Please also indicate the number of meetings your are willing to attend monthly. Please also indicate if you are interested in the Board Chair or Vice Position.

How many meetings are you willing to attend monthly?
_____ /month

	YES	NO	
Interested in County Board Chair			
Interested in County Board Vice-Chair			
Committee, Board, Commission or Seats	Preferences:		Willing to Chair
	Top 5	Least 5	
Elected Bodies:			
Highway and Transportation Committee			
Pine Valley Board of Trustees			
Standing Committees:			
Administrative Transition			
Agriculture and Extension Education			
Americans with Disability Act Compliance			
Audit			
Child Support			
Citizen Participation Planning Committee			
Committee on Committees			
Emergency Management			
Fair and Recycling			
Finance and Personnel			
Joint Ambulance			
Land Conservation			
Law Enforcement and Judiciary			
Property, Building and Grounds			
Housing Authority and Community Block Grant			
Rules and Resolutions			
Strategic Planning			
UW Platteville-Richland			
Veterans Service Committee			
Zoning and Land Information			
Boards and Commissions:			
County Parks Commission			
Health and Human Services Board			
Symons Natatorium Board			
Tri-County Airport Commission			
Subcommittees:			
Transportation Coordination (Must be on PV or HHS)			
Seats:			
City Library Board			
City Park Board (From Parks Commission)			
Neighborhood Housing Services of Southwest Wisconsin			
Southwest Wisconsin Community Action Program			
Southwest Wisconsin Library System Board Of Trustees			
Southwestern Wisconsin Regional Planning Commission			
Viola Library Board			

Please comments on work schedule and best availability throughout the week/month and willingness to travel out of county:

~Please return completed survey to the Clerk's / Administrator's Office

2022-2024 Appointments - Presented to the Richland County Board for Confirmation:

District	Name																									
		</																								

FW: County Flag in the Board Room

Derek S. Kalish

Wed 10/6/2021 10:47 AM

To: Shaun Murphy-Lopez <shaun.murphy@co.richland.wi.us>;

From: Dan Kramer [mailto:dkramer@mwt.net]

Sent: Monday, September 13, 2021 8:59 PM

To: Derek S. Kalish <derek.kalish@co.richland.wi.us>

Cc: Donald Seep <adseep@yahoo.com>; Clinton Langreck <clinton.langreck@co.richland.wi.us>

Subject: County Flag in the Board Room

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good Morning Gentlemen,

I see that you are searching for information concerning the county flag. The flag currently hanging in the County Board Room was created and flown during Farm Progress Days July 9 through the 11, 2002 before the name was changed officially to Farm Technology Days in 2003. The event was held in Gotham, Richland County hosted by Ann and Albert Greenheck and their son Greg along with Shelly & Randy Schmidt. At this particular event they were focusing on water issues, soil testing and technology. Hence on the flag you have the sun rising over a red barn with the fields (soil) and a stream (water issues) running through it. You may be able to contact the Schmidts or Greg Greenheck as both Ann and Albert have passed on.

I do not know who created it or how it came about to be designated as our county flag and displayed in the County Board Room. Most of our population does not even know of it's existence.

Hope this helps with what you are looking for.

Sincerely,

Sandra M. Kramer

Sent from [Mail](#) for Windows

Visit us on the web at <http://co.richland.wi.us>

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Case Study: A Flag for Norman, Oklahoma, 2016–2020

By Gabriel Bird, DDS

Introduction

This journey started for me in 2016 on listening to a podcast about city flag design. Having grown up in Norman I realized I had no idea if we even had a flag. When I looked it up, I found I was very familiar with it, as it also served as our city seal. I couldn't help but notice that other than city facilities, this flag was very rarely seen around town, it didn't fly on any homes or commercial flag poles, only one bank flew it. It was certainly not culturally visible on t-shirts or stickers etc. It appeared that while often used as the city seal, it had failed to succeed culturally as a flag.

Flags of Norman, Oklahoma



1995–2020



New Flag Adopted 2020

I offer this case study to document our process and provide guidance and insights to others who may embark on similar efforts for their cities.

Step 1: Getting started: The Why?

Start by determining why a flag redesign is worthwhile. For me It started in 2016 when I listened to episode 6 of the podcast 99% Invisible [<https://99percentinvisible.org/episode/episode-06-99-symbolic/>] which outlined the potential power of a well-designed city flag. Wondering during this

episode if we in Norman had a flag, I looked it up and realized I had seen our city flag many times over, I just didn't realize it was our flag. We as Normanites have a remarkable town but we were missing out on the culturally unifying benefits of a well-designed flag.

Our flag did double duty as our city government's seal and is more of a symbol of our local government than a symbol for the citizens of Norman. As such, our flag wasn't put on t-shirts, or hats, or used by local businesses and organizations to identify as Norman (as the flags of Chicago and Tulsa often are, for example). That is due mainly to the fact that the design is a bit too cluttered and busy to lend itself to that sort of use. As another issue, the flag is copyrighted and can't be used for such applications.

Additionally, there is a challenge to our flag perhaps unique to our particular city. Norman is home to my alma mater, the University of Oklahoma. I love our University; if it weren't for OU, Norman would not have the rich culture and world class resources we enjoy. With that however, Norman exists very much in the shadow of the University and a lot of what we are gets a bit lost. If we have a culturally relevant flag, it is the OU logo on a crimson field (a flag I myself fly during the college football season).

So we set out to find a flag design that would be a symbol of the local culture in Norman and free to use so that people could use it to identify as Norman through and through.

Actually Getting Started

This process begins with two simultaneous avenues:

- 1) Research your current flag. Find out when it was designed and who was involved, find out if where and how it is currently being used. Reach out to them, I call this the "kiss the ring tour" these are the people most likely to feel a need to guard your current flag and oppose your project.
- 2) Research your municipal government, reach out to your mayor and city council. Determine if there is any sort of procedure in place for flag design/redesign. If not, determine the process of establishing one.

In my case, our soon-to-be-outgoing flag had been designed in 1995 as part of a similar project to establish a flag where we had previously not had one at all. That design was adopted to be both the flag and the seal of our city government. Artist submissions were submitted and a final selection made by committee. There was no protocol in place that addressed either preserving the current flag or outlined a process for replacing it.

In mid-2017 I requested a meeting with our then-mayor, Lynne Miller, to discuss a potential flag redesign project and learn about what the process might look like. She graciously but handily shut me down, expressing that she didn't feel the flag required redesign, that even if privately funded the changes to infrastructure and time burden to city staff were more costly than the project would merit.

This led me to two conclusions. If this were to work it would need to be:

- Citizen-led
- Independent of the city budget

I will additionally note, even if a city has a budget item for this sort of project, being citizen-led and independent of city budget is still advisable. The most common knee-jerk objections to projects like this are along the lines of “Why are we spending taxpayer money on something like this?”, which can be quickly countered by those two aspects.

As I continued to share with city leaders and community partners my ambition to redesign our flag, I found a champion in Ward 4 Council Member Bill Hickman. CM Hickman came up with an avenue to create the redesign committee through the Community Planning and Transportation Committee, which he chaired. I created a 30-minute presentation outlining the “what and why” of the project, presented it to the committee, and in September of 2017 gained a city-sanctioned go ahead to lead a flag redesign project.

Step 2: Research and Create your process

As city flag redesign is a trend sweeping across the nation, there are people out there that have been down this road and can offer indispensable advice. I found those to whom I reached out to be very accessible and helpful. I’d like to offer a special thank-you to Ted Kaye (NAVA secretary, Portland, Oregon), Steve Kodis (Milwaukee, Wisconsin), and Joey Wignarajah (Tulsa, Oklahoma) for their assistance and guidance while I embarked on this project.

Some of the more prominent tips I received were:

- Involve the City Council early and often, and recruit a few council members to be advisory members of the flag redesign committee.
- Frequent updates at publicly attended city council meetings. This will help to mitigate the transparency argument to last-minute naysayers.
- Recruit a volunteer committee to reduce submissions down to a small number of finalists. Assure that the committee is a broad representation of the spectrum of cultures, ages, life experiences, educational background, and lifestyles represented in your town.
- When you get to the final public vote, present a weighted scale. Everyone scores each finalist on a scale from 0 to 10 instead of just picking their favorite. This reduces any individual from campaigning for or against a particular design, and as more votes gather each design converges to its average ranking.

This is also a good time to start estimating budgetary and fundraising needs, as well as project obligations (will you plan to replace existing flags? I’d suggest you do.). This project total cost was around \$6,000, with the largest expense being the roughly 40 flags we had made to replace municipal and public school site flags. Anticipate \$5,000–10,000 total.

Step 3: Prepare your materials

Make a PowerPoint presentation (both a 5-min. quick and 30-min. full version), educational materials, website, social media accounts, explainer videos etc.

*A particular tip I'd like to give here based on a bit of a misstep I took: Make the Facebook presence as a page as opposed to a group. I made a Facebook group, which had a large membership, but as a FB group was unable to make posts or share to other pages or groups, I had to do those things through my personal FB page. This was not a huge problem, but it became a bit challenging to separate my personal identity from the project. Making the FB presence as a page would give the project a voice of its own.

Create FAQ & Answers (see Appendix A). You will have a lot of repeated standard questions and criticisms. Craft responses to these as you will reference them often. I kept my crafted responses on a google doc with, when possible, time-stamp references to the full flag presentation and a link to a Youtube video of the full flag presentation (see Appendix B).

<https://www.youtube.com/watch?v=MaRxoYLvc8M>

Paid resources:

- Website domain registered, hosting expense \$500/year www.normanflag.com
- Initial flag supply for city facilities and public school sites, roughly \$5,000
- Small goodies, lapel pins, desk flags, etc, \$300

Free resources:

- Email—simple gmail account newnormanflag@gmail.com
- Google suites, docs, sheets, and forms
- Web design—graciously donated by Day Creative
- Press Coverage—regular press releases sent to local news channels and newspaper

Step 4: Raise awareness and support

Network: So much of the groundwork is dependent on face-to-face interactions, the more people you can discuss the project with and gain support from the better—newspaper editors, community leaders, and city council members in particular. I pursued transcript support, local business and civic organizations, and social media campaigning. I made the presentation to any organization or group that would have me, Rotary Clubs, Arts Council, Downtowners and Eastside business association etc. Along the way as I engaged interested people—I was able to recruit my co-chair, Grady Carter, as well as the selection committee members.

Step 5: Execute

Timeline

9/27/2018 CPTC grants Gabriel Bird permission to form Ad Hoc Flag redesign committee and begin redesign project.

3/03/2020 Final selection committee established; members announced to city council.

1/16/20–3/19/20 Open submissions for designs and artist statements. We received 117 designs from 57 different designers.

4/01/2020–4/30/2020 Open public rating phase. We received 2,389 responses.

6/09/2020 City Council reveal and vote.

6/14/2020 Formal Flag adoption date (Flag Day).

Mechanics of the process

Collecting and organizing design submissions:

After researching different techniques to support form submission (Submittables, etc.), none quite fit our budget. We took most submissions and artist statements via email. The website submission tab was a simple email template. We also created a paper form and provided it at our local public library locations.

As designs came in, I removed any personal identifying information, name, email, DOB, etc., so that they were anonymous to the selection committee. Each design was given a number and I tracked the creator info and email on a spreadsheet. The numbered anonymous designs and artist statements were compiled on a google doc which was provided to the selection committee members for their review. This master collection was not released to the public until after the project was completed in its entirety.

https://docs.google.com/document/d/1goJ_PYVc4VL7hyVx1apDbckgOjxLtCsq9SYIkP0YjFo/edit?usp=sharing

Public rating:

After considering several web-based survey services, we ended up using Google Forms for the final public vote. It is free, it allows unlimited responses, and data can be exported to a google sheet with ease. The only drawback is individuals need a google account to submit responses to the form, but at this point that's most of us. I did receive a few ratings via email and made my work address available for paper scores and input these scores (five in total) manually. The

rating form was emailed to all design applicants, linked on our website, and shared on social media by us, the city government, and the local newspaper.

Step 6: Reveal the design

We gave ourselves 5 weeks from the end of public rating to the official reveal and city council vote. This gave us time to:

- Confirm results.
- Fabricate new flags to be provided to city offices, police department, fire department, and Norman Public schools and make available for retail.
- Source lapel pins, desk flags, additional flag related items to be distributed to council members and those involved in the project.
- Award winning design prize.
- Create design reveal video (featuring local celebrity and football coaching legend Barry Switzer!).

The final design was revealed and adopted at the 06/09/2020 council meeting* (<https://youtu.be/GdfoJG7e0AM?t=820>; skip to 13:40).

*Historic note, this was the first CC meeting following the murder of George Floyd and my presentation is interrupted part way through (29:20) by local peaceful protestors. They graciously allowed me to complete my presentation and seemed to receive it well.

Step 7: Write a case study

In fact, take notes throughout the process so that you can document your key learnings to guide others who follow you.

Appendix A: Frequently Asked Questions and their Answers

Q: Who is paying for all of this?

A: Fundraising and crowdfunding. This project will receive no financial assistance from the City of Norman.

Q: What will happen to the current city flag?

A: It will remain as the logo for the City of Norman Government and municipal agencies. Street signs, city vehicles etc. will go unchanged.

Q: Why are we doing this when the city has so many other things to work on?

A: As this is citizen-led, it is designed to present no additional burden to city staff and officials. While we are working closely with city staff and officials, it will not distract from their current obligations.

Q: Who is going to design the flag?

A: One of you! We will be crowdsourcing the design. In the coming months we will roll out time frames and guidelines for submitting your ideas for a new city flag.

Q: Do you have to live in Norman to submit a design?

A: Nope, anyone can send in a design.

Q: Can I send multiple designs?

A: Absolutely! Just please send each separately with their own artist statement.

Q: Do you have a preferred image file type?

A: Yes, .png is ideal but we can take most major file types; vector files will be best.

Q: Why a new flag?

A: We have linked some information below discussing the benefits of a well-designed city flag.

Appendix B: Structured Responses to Criticism

the answers to most of your questions are contained in the presentation I gave to the BACA back in October, <https://youtu.be/MaRxoYLvc8M> Additionally we have some great resources linked on our site that will fill in the blanks on the rest of your questions. <https://normanflag.com/links/>

this project is citizen led and privately funded. It won't be costing the city anything and will not be utilizing city staff. I'd like to invite you to watch the full presentation, it should answer any questions you have about the process <https://youtu.be/MaRxoYLvc8M>

We also discussed the process and how it will spare the city any cost on the It's the Norm podcast. <https://podcasts.apple.com/us/podcast/let-your-flag-fly-norman/id1493598110?i=1000464616036>

The current flag design will remain the City Government logo and will remain as is on all street signs, city vehicles etc. It is all covered in the presentation, skip to 21:26 for the cost and use discussion. <https://youtu.be/MaRxoYLvc8M>

I'd love for you to watch the full presentation. It should answer any questions you have. <https://youtu.be/MaRxoYLvc8M> we also generated a shorter version <https://www.facebook.com/gbdental/videos/10108418440604437/>

lots of cities have flags. It is a very common practice. Norman has had a flag since 1995 but it's not been a successful design. I'm sorry to hear of your skepticism, but this project aims to simply produce a well designed flag that the people of norman can use & appreciate. Learn more at www.normanflag.com

the city certainly has some budgetary concerns these days which is why this project is designed to not utilize city budget or staff hours. Replacing street signs is not part of our scope or goal. With the goal of adopting a flag as a cultural symbol of the people of our town I don't think it would be appropriate to back it into the use that the City Government logo will maintain and assume, it should be left alone. Any notion that there will be future replacement of these city administered infrastructure items is purely speculative and not an action I would endorse. Furthermore, I'd prefer our flag exist as a symbol for the people of our town, not to indicate the work of our city government, the two should be separate.

Many places that have flags operate with a separate, independent logo or seal to represent the purview of that local government. Having an independent flag and city government logo will not lead to confusion. Cities like Tulsa and Chicago, among many others, have very successful flags and in those cases the city governments operate and utilize a separate government logo. On a more grand scale, there are no federal government agencies that solely utilize the Flag of The United States of America as their logo, for many of the same reasons, the flag is a symbol of our culture and people, not government agency.

Another common quick response is "Why are we doing this instead of addressing [fill in the blank of a city issue you are concerned about... storm water, senior center, homelessness, mosquitos etc.]" Well this is exactly why I proposed this to be a citizen led project as opposed to trying to get our city officials and staff to handle it. I want them focused on those city issues and outside of occasional updates on the project will not burden them. This project will in no way interfere with the work being done on those important issues. If you feel strongly about any of those issues I'd encourage you to get involved in a city committee or local nonprofit that addresses and works with those issues, and if one doesn't exist form a group, fund raise for your cause and bring the solution pre-addressed to the city council. That is what I did when I saw

a need for a new flag. You may feel a flag re-design is a silly use of resources and you are entitled to that opinion, but this project isn't detracting resources from the cause that you are passionate about and I would encourage you to find ways to drive resources to those causes.

Hello all, sorry I'm late to this lively discussion, I will try to respond to as many comments as possible but the kids will be waking up soon and I'll need to start cranking out breakfast. First this project is citizen led and privately funded. It won't be costing the city anything and will not be utilizing city staff. I'd love for you to watch the full presentation. It should answer any questions you have. <https://youtu.be/MaRxoYLvc8M> we also generated a shorter version <https://www.facebook.com/gbdental/videos/10108418440604437/> Additionally we have some great resources linked on our site that will fill in the blanks on the rest of your questions. <https://normanflag.com> we have a FAQ section and links to several articles, videos and podcasts that explain the value that a well designed flag can bring to a city. We also discussed the process and how it will spare the city any cost on the It's the Norm podcast.

<https://podcasts.apple.com/us/podcast/let-your-flag-fly-norman/id1493598110?i=1000464616036>

With that I'll say a few things: Many places that have flags operate with a separate, independent logo or seal to represent the purview of that local government. Having an independent flag and city government logo will not lead to confusion. Cities like Tulsa and Chicago, among many others, have very successful flags and in those cases the city governments operate and utilize a separate government logo. On a more grand scale, there are no federal government agencies that solely utilize the Flag of The United States of America as their logo, for many of the same reasons, the flag is a symbol of our culture and people, not government agency. The city certainly has some budgetary concerns these days which is why this project is designed to not utilize city budget or staff hours. Replacing street signs is not part of our scope or goal. With the goal of adopting a flag as a cultural symbol of the people of our town I don't think it would be appropriate to back it into the use that the City Government logo will maintain and assume, it should be left alone. Any notion that there will be future replacement of these city administered infrastructure items is purely speculative and not an action I would endorse. Furthermore I'd prefer our flag exist as a symbol for the people of our town, not to indicate the work of our city government, the two should be separate. Another common quick response is "Why are we doing this instead of addressing [fill in the blank of a city issue you are concerned about... storm water, senior center, homelessness, mosquitos etc.]" Well this is exactly why I proposed this to be a citizen led project as opposed to trying to get our city officials and staff to handle it. I want them focused on those city issues and outside of occasional updates on the project, will not burden them. This project will in no way interfere with the work being done on those important issues. If you feel strongly about any of those issues I'd encourage you to get involved in a city committee or local nonprofit that addresses and works with those issues, and if one doesn't exist form a group, fund raise for your cause and bring the solution pre-addressed to the city council. That is what I did when I saw a need for a new flag. You may feel a flag re-design is a silly use of resources and you are entitled to that opinion, but this project isn't detracting resources from the cause that you are passionate about and I would encourage you to find ways to drive resources to those causes.

Another hitch with our current flag is that since it lives a double life as our flag and city logo, it is copyrighted, so even if you wanted to use it to show your home town pride on a t-shirt, poster, or cell phone case etc. you can't. The new design will be free use.

At any rate aside from a few cranky people calling me ugly names on social media, this has been an exciting project to take on and as designs and artist statements start to come in it's refreshing to see how people love and view our town. It has gotten me to conversations with people I would have otherwise not met on topics we would otherwise not have discussed. From teachers, citizens, student and professional groups, a lot of people share my love of our town and that just plain feels good. You don't have to endorse what we're doing here but please be respectful and give us the room to do it, I assure you, it is

no threat to you and the things you hold dear. Anyone still reading, we are taking design submission through March 19th at www.normanflag.com I'd love to see what you've got.

Yes, the current flag design will remain the City Government logo and will remain as is on all street signs, city vehicles etc. We will have a separate flag and city government logo after this project. This project is citizen led and privately funded. It won't be costing the city anything and will not be utilizing city staff. I'd like to invite you to watch the full presentation, it should answer any questions you have about the process <https://youtu.be/MaRxoYLvc8M> we also generated a shorter version <https://www.facebook.com/gbdental/videos/10108418440604437/> Additionally we have some great resources linked on our site that will fill in the blanks on any remaining questions. <https://normanflag.com>

There has also been some concerns expressed that this project may lead to a full on city rebranding effort. That certainly is not in the scope of this project. It is also not within the scope of this project to prevent a future city council from undertaking a rebranding project. But if, however speculative, this project sparks the Council to undertake a budgetarily reckless rebranding project I will stand side by side with you at that city council meeting to oppose it.

I apologize if it came off as harsh but there are two main observations/factors behind that statement. The first being that we've had the current flag since 1995 and you simply don't see it flown around town. Few people even know that that is our flag. Then doing a bit of research I found that part of why it hasn't succeeded as a flag is that it's pretty well outside of the studied principles shared by historically successful flags. It is too busy, banner style, has lettering, it is a bit of a messy jumbled design for a flag. There are some articles and videos about these principles of flag design linked on the website normanflag.com. When I started researching our flag it became apparent that another factor working against our flag is that it does double duty as our city government's logo (and it's copyrighted), which really restricts potential use as a culturally significant flag. The example I like to give here is suppose a local microbrewery wants to signify they are Norman based by putting our flag on the label (which has happened with the Tulsa flag). If it is an independent flag it's perfectly fine, but if that flag doubles as the city government logo it is iffy because it wouldn't be appropriate for the city to be endorsing an alcoholic beverage. I hope that clarifies things a bit, I don't hate our current flag, I just don't see that it has succeeded as a flag and feel that a new independent flag design, separate from the government's logo is a step in a positive direction.

There are a few factors that challenge our flag and some compelling evidence that it has not succeeded as a flag. The first being that we've had the current flag since 1995 and you simply don't see it flown around town. Few people even know that it is our flag. doing a bit of research it becomes apparent that part of why it hasn't succeeded as a flag is that it's pretty well outside of the studied principles shared by historically successful flags. It is too busy, banner style, has lettering, it is a bit of a messy jumbled design for a flag. There are some articles and videos about these principles of flag design linked on the website normanflag.com. When I started researching our flag it became apparent that another factor working against our flag is that it does double duty as our city government's logo (and it's copyrighted), which really restricts potential use as a culturally significant flag. The example I like to give here is suppose a local microbrewery wants to signify they are Norman based by putting our flag on the label (which has happened with the Tulsa flag). If it is an independent flag it's perfectly fine, but if that flag doubles as the city government logo it is iffy because it wouldn't be appropriate for the city to be endorsing an alcoholic beverage. I hope that clarifies things a bit, I don't hate our current flag, I just don't see that it has succeeded as a flag and feel that a new independent flag design, separate from the government's logo is a step in a positive direction.

All of that said, the current flag will be alive and well as the city government logo and there is nothing to stop someone from continuing to fly it or pursuing permission from the city to use it in some other way to signify their pride in Norman.

I've been accused of hating our city flag but that couldn't be farther from the truth. Had I seen it commonly flown or even seen more people aware that we have a flag in the first place, I certainly would not have embarked on this path. Whether that happens with the new design, only time will tell. But I think the most important work of this project will be to separate our flag from the double duty as our city seal. Heck, I like The finalists but several of my personal favorites didn't make the cut. Somewhere down the line people may decide they want to redesign all over again if this one doesn't gain traction and I'm OK with that. At the very least we be at a point where we have a separate flag and seal. Ultimately for me that is the most important and valuable outcome of this project.

I'm a bit late to this conversation so don't know if there is much for me to lend that hasn't already been said. I get that not everyone is thrilled with the finalists, I have several personal favorites that didn't make it close to the finals, but that is a part of the process that has succeeded time and time over in city flag redesign projects. I hope we can agree that this will represent an improvement over the current design, and even if we don't agree on that there is nothing to stop someone from flying that flag, or pursuing permission to use it's image to promote a Norman based group or organization. At the very least I hope we can agree on the value of separating the flag as an independent symbol from the city government's logo. I think one of the greatest factors working against our flag is that it does double duty as our city government's logo (and it's copyrighted), which really restricts potential use as a culturally significant flag. The example I like to give here is suppose a local microbrewery wants to signify they are Norman based by putting our flag on the label (which has happened with the Tulsa flag). If it is an independent flag it's perfectly fine, but if that flag doubles as the city government logo it is iffy because it wouldn't be appropriate for the city to be endorsing an alcoholic beverage. I hope that clarifies things a bit, I don't hate our current flag, I just don't see that it has succeeded as a flag and feel that a new independent flag design, separate from the government's logo is a step in a positive direction.

Appendix C: Special notes and thanks to...

- The creator of the winning design, who asked to remain anonymous.
- Day Creative and Matthew Allen for donating web design.
- Norman Board of Realtors for sponsoring the winning flag \$500 prize.
- Sarah Boone and Clark Melton.
- The 1995 Flag Committee. I've been accused of disliking the old flag design, which couldn't be farther from the truth. I have drawn great inspiration from your work in that project and strive to continue your legacy of citizen driven community involvement. By freeing it from its double duty as flag and seal I hope to see it signify the important work of local government for years to come.
- James White, The Gym Collective, for organizing the Flag Day 5k.
- The Visit Norman mask project.
- Sublime Signs for sourcing the replacement flags for city facilities and retailing them to the public.
- Ted Kaye, Steve Kodis, and Joey Wignarajah, for fielding multiple phone calls, emails, and providing indispensable advice throughout this process.
- The critics. I always feel there is value to criticism and this project has received a bit, I feel that project like this, among many things don't hold up to criticism if they don't have truth to them.
- Everyone who submitted a design and everyone that scored in the final round.

###

Case Study—Burlington, Vermont: 2017

In 2017 Burlington, the largest city in Vermont, engaged in a successful year-long effort to replace its unofficial 1991 city flag with a new flag.



Inspired by Roman Mars' 2015 TED Talk, in early 2017 Mayor Miro Weinberger directed Burlington City Arts, the city's arts commission led by Dorleen Kraft, to replace the flag by the end of the year. Staffed by Deb Caulo and Andrew Krebs and advised by Ted Kaye, the BCA's effort led to adoption of a new flag.



The BCA secured city council approval in March for the overall flag re-design concept: to hold a public contest seeking designs leading to a final proposal. It then developed a plan for the year-long process, working out the details.

The media covered the launch:

<http://www.my Champlain Valley.com/news/bca-proposes-process-to-design-new-burlington-flag/681541891>

<http://wamc.org/post/vermonts-largest-city-looking-new-flag-design>

<http://www.burlingtoncityarts.org/btvflag>

BCA staff documented the contest process in detail (following pages).

City of Burlington Flag Re-Design Contest

TIMELINE:

- Mar 27: Present plan to City Council, formally begin process
- Sept 1: Launch competition (see Marketing approach below)
- Sept 15: Committee selection
- Oct 15: Submission deadline
- Oct 16: Committee decides on 3-5 finalists
- Oct 20–Nov 20: Website launches public vote
- Nov 20: Winning design decided and announced
- Nov 27: Flag adopted by City Council
- Dec 1: Production
- Dec 31: Flag unveiled to public on First Night by Mayor and Color Guard

Budget: \$6,000 to include coordination and marketing of competition, cost of initial order of flags, \$500 honorarium (or \$250 and a membership to BCA and a flag of their own)

Submission process:

- Online only
- Format: .jpeg or .gif
- Less than 1 MB
- 2-3 or 1:2 ratio
- Template will be available
- Have libraries available for support to scan and submit
- Need ownership and copyright language
- Burlington residents or business owners only

Panel of judging committee:

Recommendations: Professional designer, City Council rep, student, diversity.

Criteria: Must be available Oct 16

Must read Ted Kaye's *Good Flag, Bad Flag* and
watch Roman Mars Ted Talk on Flag Design

Marketing approach:

- Press Release to go out immediately to city
- Facebook page
- BCA page
- City Hall page
- Collateral: postcards and posters to distribute
- FPF
- Outreach: Schools, organizations, graphic design firms, community centers, college art depts., BCA Studios, Generator

Sept 5: Submissions began

Oct 15: 138 designs final

Oct 16: FLAG DAY (Flag Judging)

Goal: Of the 138 submissions, decide on 3–7 finalists

Present: Ted Kaye, author of *Good Flag, Bad Flag*, Deb Caulo, BCA coordinator of contest

Panelists:

- Jeff Harkness: owner of HARK, branding and graphics design business in Burlington, past president of AIGI. HARK helps businesses grow through the power of design and branding
- Megan Charles: senior at Champlain College, graphic design/motion design major, president of AIGI student group
- Lila Woodard: 10th grader at BHS, president of Burlington portrait club, honors art student, TA
- Dr. Paula Willoquet-Maricondi: Dean, Division of Communication and Creative Media, comparative literature and film studies specialty
- Richard Dean: City Councilor, architect and partner at TruexCullins
- Joyce Sheely: SBHS English teacher, lives in Burlington, students designed their own flags in her curriculum

12:30 pm

Ted gave brief talk about *Good Flag, Bad Flag* concepts and educational component so all the panelists have same language. Flags represent “form follows function”.

5 principles of flag design:

- Simple
- 2–3 colors
- Meaningful symbolism
- No seals or lettering
- Distinctive or related

1:00–1:45

Round 1: 138 flags

Printed flag submissions were laid out on floor in no particular order. Panelists picked up designs that they wanted to go to the next round.

1:45–2:00

Round 2: 40 flags

Designs were grouped according to likenesses and taped to wall. For example, all flags that had mountains were grouped together. All flags with a crown were grouped together, etc.

2:00–2:45

Round 3: Panelists went through each grouping as a group with Ted facilitating and the committee critiqued each flag as to whether to keep or toss. Discussed the pros and cons of each flag. Discussed changes that would make the flag stay in. For example, “if the stars on the flag were a little bigger then we’d keep the design in the pool”.

2:45–3:45

Round 4: 16 flags

All 16 flags were hung together on one wall. Again, grouped according to likenesses. Process of elimination and everyone had a chance to speak in favor or against each flag. Good discussion on each one. Narrowed down the field to 7.

Everyone was pleased with the 7 final flags for the public to rate. Each flag is very different from each other.

With the artists' permission, BCA staffer Andrew Krebbs tweaked some of the flags to go up for the public rating on Friday, Oct 20.

Oct 20–Nov 20: Rating went live on web site. Rating scale 0–10.

Nov 20: 1,427 total sets of ratings received. The committee concurred that the design receiving the highest average rating would be the winner.

Winner(s) announced: Owen and Lucas Marchessault



Artist Statement:

- Layer 1 is the sky; it represents looking back to our rich history and ahead to the unknown future with perpetual hope.
- Layer 2 represents snow covered mountains—an indelible backdrop to our city.
- Layer 3 - represents the Green Mountain State, Burlington's commitment to the environment, and higher ed
- Layer 4 - represents the breakwater protecting our spectacular waterfront.
- Layer 5 - represents Lake Champlain sustaining and enriching our community and lives.

Statement from family:

My husband, Dan Marchessault, and I are native Burlingtonians. We met at BHS after which I went to UVM while Dan worked on this family's dairy farm. We have lived on DeForest Heights for 17 years. We have a very long history and deep roots in this city that we absolutely love. I work at TD Bank on Main Street as a commercial credit manager. My twin sons, Owen and Lucas Marchessault, are in 7th grade at Edmunds Elementary School. They are solid athletes—mostly soccer— and honor roll students.

Interesting story about the flag submission—it's kind of a fluke that we even knew about it. I was going to the City of Burlington website to obtain an update on the impending teacher's strike and happened upon the Burlington City Flag contest. I showed the boys and we decided that this would be the perfect project for them to work on during the strike while out of school. We watched the TED talk together (very inspiring!) and then we drafted several ideas over the course of several days and finally agreed on a final design concept. It was truly a collaborative effort. The three of us worked together each providing input on the colors, the number of peaks, the thickness of lines, etc. and in the end we were very pleased with the final submission!

PRESS RELEASE

New City Flag Chosen

Flag to be raised during First Night on December 31.

Burlington, VT (November 27, 2017): Burlington City Arts is pleased to announce that the flag designed by Owen and Lucas Marchessault of Burlington has been selected as the new flag for the City of Burlington.

“Congratulations to Owen and Lucas Marchessault on the selection of their design, which beautifully conveys our city’s history, character, and natural environment, as the new City of Burlington flag,” said Mayor Miro Weinberger. “It is fitting that a design created by two Burlington students should be chosen to replace the City’s original student-designed flag. Thank you also to Burlington City Arts for leading a process that involved more than 100 entries and engaged over a thousand Burlingtonians in selecting a new flag. I will be honored to officially unveil the new flag at First Night, and look forward to seeing it fly over City Hall – and many other parts of the City – for years to come.”

Public online voting ended on Friday, November 17. Residents were asked to rate the design and artist statements of the seven finalists from zero to ten. 1,427 residents participated in the voting phase; Owen and Lucas’s design received the highest score.

Owen and Lucas’s design was one of 138 designs submitted for consideration. Molly Abair, Owen and Lucas’s mother, shared their creative process: “We watched the TED Talk together (very inspiring!) and then we drafted several ideas over the course of several days and finally agreed on a final design concept. It was truly a collaborative effort. The three of us worked together, each providing input on the colors, the number of peaks, the thickness of lines, etc.

The twin brothers are honor roll students at Edmund’s Middle School and

play soccer in their free time. “I was going to the City of Burlington website to obtain an update on the impending teacher’s strike and happened upon the Burlington City Flag contest,” Molly said. “I showed the boys, and we decided that this would be the perfect project for them to work on during the strike while out of school.”

The Marchessault family worked together to create a final design that includes a representation of:

- The sky, representing looking back to our rich history and ahead to the unknown future with perpetual hope
- Snow covered mountains—an indelible backdrop to our city
- The Green Mountain State, Burlington’s commitment to the environment, and UVM
- The breakwater, which protects Burlington’s spectacular waterfront, and
- Lake Champlain, which sustains and enriches our community and lives.

A committee made up of community members reviewed each of the 138 submitted designs and artist’s statements before selecting the seven finalists. All submissions were anonymous during the selection process and reviewed based on the *Five Basic Principles of Flag Design*:

1. Keep it Simple
2. Use Meaningful Symbolism
3. Use Two to Three Basic Colors
4. No Lettering or Seals
5. Be Distinctive or Be Related

Ted Kaye, renowned flag expert and the author of *Good Flag Bad Flag*, led the committee during the selection process. The committee comprised: Jeff Harkness, owner of HARK; Megan Charles, senior at Champlain College; Lila Woodard, a 10th grader at Burlington High School; Paula Willoquet-Marcondi, Dean of Creative Media at Champlain College, Richard Dean, City Councilor; and Joyce Sheely, English teacher and Burlington resident.

Burlington joined cities across the country in updating its flag to capture the

spirit and character of its community today. Mayor Miro Weinberger first announced the City flag redesign project at a City Council meeting in January. City Council unanimously endorsed the public redesign competition, and the Mayor selected Burlington City Arts, the City of Burlington's cultural planner, to lead the public competition process. In keeping with the spirit of community unity from the 1990 contest that led to the current City of Burlington flag, all residents of Burlington were encouraged to submit a design. This year's competition was also opened to those who work or own a business in Burlington.

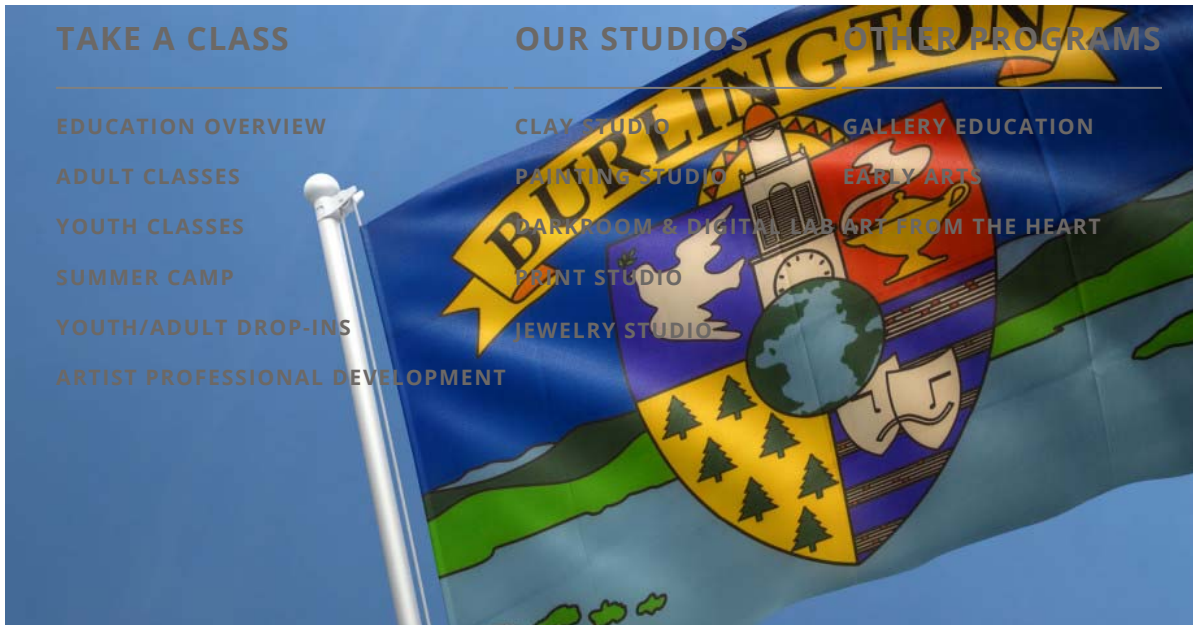
The winning design will be presented for adoption to City Council at its regular meeting on November 27. The new flag will be raised at City Hall during First Night on December 31. All are welcome to attend the flag raising ceremony. The official flag design of the City of Burlington shall be freely available for public use and reproduction.

The Marchessault family will receive a \$250 honorarium, one-year membership to Burlington City Arts, and a flag of their design.



ABOUT EXHIBITIONS EVENTS EDUCATION DONATE ARTIS
CALENDAR RESOUF

HOME / CONTEST FOR NEW BURLINGTON FLAG



RELATED

[FIVE BASIC PRINCIPLES OF FLAG DESIGN RESOURCE PDF](#)

[SUBMIT YOUR DESIGN](#)

[CURRENT FLAG SUBMISSIONS](#)

CONTEST FOR NEW BURLINGTON FLAG

The City of Burlington is seeking a new design for its 30 year-old flag. Burlington is joining cities across the country in updating its flag to capture the spirit and character of its community today.

Mayor Miro Weinberger first announced the city flag redesign project at a City Council meeting in January. City Council unanimously endorsed the public redesign competition, and the Mayor selected Burlington City Arts, the City of Burlington's cultural planner, to lead the public competition process. In keeping with the spirit of community unity from the 1990 contest that led to the current City of Burlington flag, **all residents of Burlington are encouraged to submit a design.**

"A great city deserves a great flag to mark its municipal buildings and special events," said Mayor Miro Weinberger. "I'm excited to see what the public creates in the months ahead."

Submissions will be accepted online until October 15. A small committee made up of Burlington residents will select the finalists. Public voting will start on October 20 and end on November 17.

Anyone interested in submitting should watch the TED Talk on Flag Design below.

Roman Mars
Why city flags may be the worst-designed thing you've never noticed

Your Submission should follow the *Five Basic Principles of Flag Design:**

1. Keep it Simple: A flag should be so simple that a child could draw it from memory.
2. Use Meaningful Symbolism
3. Use Two to Three Basic Colors
4. No Lettering or Seals
5. Be Distinctive or Be Related

Timeline:

- Submissions accepted online: September 1
- Deadline for all submissions: October 15
- Finalists selected and public voting: October 20-November 17
- Winning design chosen and announced: November 20
- Flag unveiling: December 31 during First Night

The winning design will receive a \$250 honorarium, membership to BCA, and a flag with their design.

Submission Requirements:

1. Your design must have a 2:3 or 1:2 ratio.
2. Designs will only be accepted online at the link below.
3. Your submission must be in a JPEG or GIF format.
4. The design should follow the Five Basic Principles of Flag Design.
5. You can submit one design. Additional submissions will not be considered.
6. You must live, work, or own a business in Burlington.
7. Designs must be original.

8. Designs must be positive in spirit.
9. Designs with religious symbols will not be considered.
10. Designs construed as hateful, defamatory, or discriminatory will not be considered.
11. Designs with references to alcohol, drugs, or illicit activities will not be considered.
12. Anonymous submissions forfeit any right to prize money.
13. In the event of significantly similar or identical designs, the artists' statements will be considered in the scoring. Should the artists' statements also reflect a significantly similar design process, the first design submitted will be considered.

Anyone without access to a computer or a scanner is encouraged to visit the Fletcher Free Library. Scanning services are free.

[Click here to submit your design.](#)

[Click here to see the current flag submissions.](#)

The current flag (shown above) was designed by then-eighth grader Cara Wick as part of a leadership project in 1990.

Once submitted, all entries become the property of the City of Burlington, and the designer relinquishes all rights to the design. The winning designer will be credited. The City reserves the right to alter, modify, or combine designs to create an official City of Burlington flag.

If you have any questions, please contact Deb Caulo at dcaulo@burlingtoncityarts.org or call 802.865.7166.

**North American Vexilloligical Association, and Ted Kaye. Good Flag, Bad Flag: How to Design a Great Flag. PDF. Boston, MA: North American Vexilloligical Association.*

ABOUT
HISTORY OF BCA
EMPLOYMENT
INTERNSHIP PROGRAM
VOLUNTEER
VISITOR INFO
STAFF/CONTACT US
BOARD

EVENTS CALENDAR

RENT THE BCA CENTER

BCA CENTER EXHIBITIONS
UPCOMNG EXHIBITIONS
PAST EXHIBITIONS
VT METRO GALLERY
VMG ARTISTS

ART SALES AND LEASING
CITY HALL GALLERY
UVM MEDICAL CENTER

Vote for a new Genesee County Flag -- one created by an adult AND one by a child

posted by Press Release in [Genesee County Flag contest](#) [news](#).

Submitted images and press release:

Finalists have been selected for a new Genesee County flag and now the public will determine one winner from five flags designed by children and five flags designed by adults.

Please click [here](#) to vote for your favorite -- choose one adult flag AND one child's flag.

Voting will end on Friday, April 30 and the winning selections will be announced the following week.

"We are excited about the entries for the contest and when residents go online to vote, we also are strongly encouraging them to fill out the various surveys for our 2050 Comprehensive Plan," said Felipe Oltramari, director of the Genesee County Department of Planning. "It is very important that we hear from our residents, business owners, and other stakeholders as we go about drafting a plan that reflects community priorities decades from now."

Those who vote online will have a chance to win free shelter reservations at DeWitt Recreation Area and the Genesee County Park & Forest for the upcoming season. Voters are automatically entered into the drawing by voting for one of the flag designs and by filling out any of the Genesee 2050 surveys. The more surveys someone completes, the more chances that person has to win.

"Kudos to everyone, both adult and child, that participated in the flag design contest," said Genesee County Legislature Chair Shelley Stein. "I know the committee had a difficult time in selecting the finalists in each category and that can only attributed to the vision, passion, and pride we all have for Genesee County."

The five entries from the adult category are described below each image:



Flag 1 -- Symbolizes Genesee County's farming heritage as its foundation, in the blue horizon line over a green field of crops backed up by the sunshine, coming together to form a G for Genesee.



Flag 2 -- Features a green shape in the center as the geographic boundary of the county; the G is for Genesee and it is surrounded by 13 stars representing the County's 13 towns.



Flag 3 -- Includes the Holland Land Office Museum as its main graphic, symbolizing the birthplace of Genesee County (and all of Western New York). The enclosing shape has 12 stars, plus one more within it, representing the 13 towns in the County.



Flag 4 -- Sunshine and the plant growing from a cultivated field represent the agricultural character of Genesee County. The graphic within the sun is an indigenous star symbol, which means courage and purity of spirit. The

valley symbol comes from the Iroquois word *Gen-nis'-Thee-yo*, meaning "The Beautiful Valley." The combination of these images symbolize the County's Seneca heritage.



Flag 5 -- It is a bicolor design with two horizontal color fields in royal blue and gold. A blue and gold representation of the county seal is in the center consuming the middle two quarters of the width. It has a gold half circle outlining the top half of the seal to provide contrast against the royal blue field.

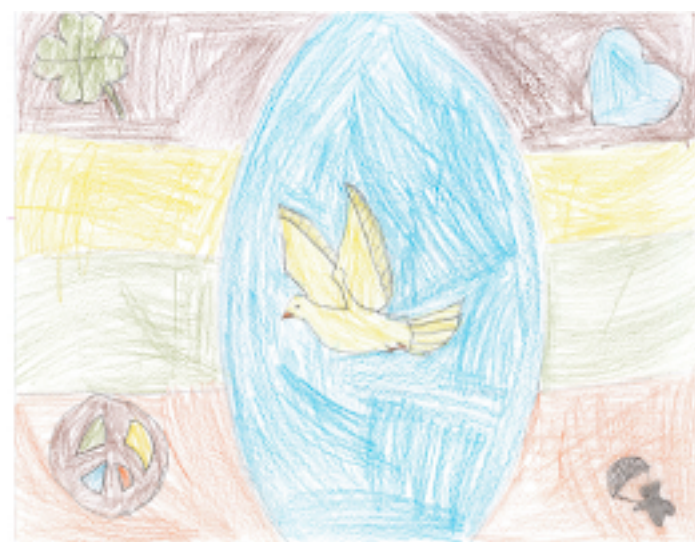
The five entries from children are:



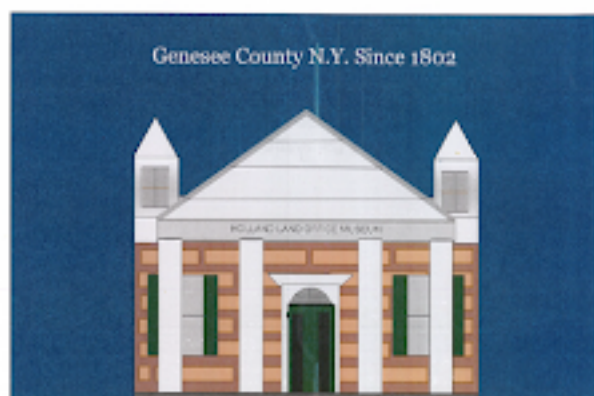
Child's Flag 1



Child's Flag 2



Child's Flag 3



Child's Flag 4



Child's Flag 5

<https://www.genesee2050.com/pages/flag-competition-rules>

Genesee County Flag Design Competition

The Steering Committee for the Genesee County Comprehensive Plan Update Project invites members of the community to submit new Genesee County flag designs to brand and represent the future of Genesee County. The new flag will ultimately be flown outside of government office buildings and placed on all County web and social media content.

Flag Competition Guidelines:

- Keep It Simple. **The flag should be rectangular in shape and so simple that a child can draw it from memory.**
- Use Meaningful Symbolism. **The flag's images, colors, or patterns should relate to what it symbolizes.**

- Use Basic Colors. **Limit the number of colors on the flag to as few as possible which contrast well and come from the standard color set.**
- No Lettering. **Do not use writing of any kind (exception: the County Seal may be used). All entries must be the designer's original work.**
- Be Distinctive or Be Related. **Avoid duplicating other flags, but use similarities to show connections.**
- Submitting entries:
 - _ **Send hard copies to: Felipe Oltramari, Genesee County 3837 West Main Street Road Batavia, NY 14020-9404**
 - _ **Electronic submittals can be sent via email to: Felipe.Oltramari@co.genesee.ny.us OR mkane@prospecthill.co**

- _ Emailed entries must be submitted in .pdf, .jpg or .png format and must not be larger than 5MB in size.**
- _ There is no limit to the number of entries one person or team can submit.**
- _ No entries will be returned.**
- _ Winning entry becomes the exclusive property of Genesee County for its unlimited use.**
- _ All entries must include designer's: Name / Address / Contact Phone Number / Email / Age**
- _ Deadline for all entries: February 28, 2021**

Questions?

Contact Felipe Oltramari at (585) 815-7901/Felipe.Oltramari@co.genesee.ny.us

The Flag Competition is meant to be a fun and community minded activity! The County will select the winning entry in March 2021. A winner from the adult entries will be selected and a winner from the children entries will be selected. The Steering Committee reserves the right to accept or refuse any or all entries and is under no obligation in its selection process.

The following County seals may be used in design entries, but not essential.







Genesee County Department of Planning

Office Hours: Monday - Friday 8:30 AM - 5:00 PM

Phone: (585) 815-7901

Fax: (585) 345-3062

Email: planning@co.genesee.ny.us

Felipe A. Oltramari **AICP CNUa, Director**

Email: Felipe.Oltramari@co.genesee.ny.us

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Richland County Rules and Resolutions Committee & Ethics Board

Agenda Item Cover

Agenda Item Name: Richland County flag

Department	n/a (County Board)	Presented By:	Shaun Murphy-Lopez
Date of Meeting:	10/7/21	Action Needed:	Motion
Disclosure:	Open Session	Authority:	Committee Structure, Section D
Date submitted:	10/6/21	Referred by:	None

Recommendation and/or action language:

Motion to receive and file a report on research conducted since the September meeting, and continue exploring the possibility of developing a flag under the Economic Development Director's marketing and branding efforts.

Background:

Research conducted since the last meeting includes the following:

- The history of the flag in the County Board room was researched by County Clerk Derek Kalish. See Attachment A for the email from Sandy Kraemer.
- The villages of Lone Rock, Viola, and Cazenovia were contacted to determine if they had any flags, logos, or insignia. Lone Rock and Viola have welcome signs with phrases. Lone Rock's is "We are the coldest in the nation with the warmest heart" and Viola's is "Heart of the Kickapoo Valley."
- Case studies of the process for developing a flag were researched. These include Norman, OK (Attachment B); Burlington, VT (Attachment C); and Genesee County, NY (Attachment D). Norman was a private effort sanctioned by the City of Norman, Burlington was a public effort instigated by their mayor, and Genesee County was led by that county's Director of Planning as part of a comprehensive plan. All three case studies appear to have included a process where a committee was formed (or an existing committee was designated as the authority) and the public was invited to submit designs. Designs were then winnowed down by the committee and a narrower field was voted on by the public. The committee then recommended one flag to the governing council or board.

Jasen Glasbrenner, Economic Development Director for Richland County and the City of Richland Center, is continuing efforts to develop marketing and branding materials, and the most likely path for developing a Richland County flag may be under those efforts.

Attachments and References:

Attachment A – County Board Room Flag	Attachment B – Norman, OK
Attachment C – Burlington, VT	Attachment D – Genesee County, NY

Financial Review:

(please check one)

<input type="checkbox"/>	In adopted budget	Fund Number	
<input type="checkbox"/>	Apportionment needed	Requested Fund Number	
<input type="checkbox"/>	Other funding Source		
<input checked="" type="checkbox"/>	No financial impact		

Richland County Rules and Resolutions Committee & Ethics Board

Agenda Item Cover

Approval:

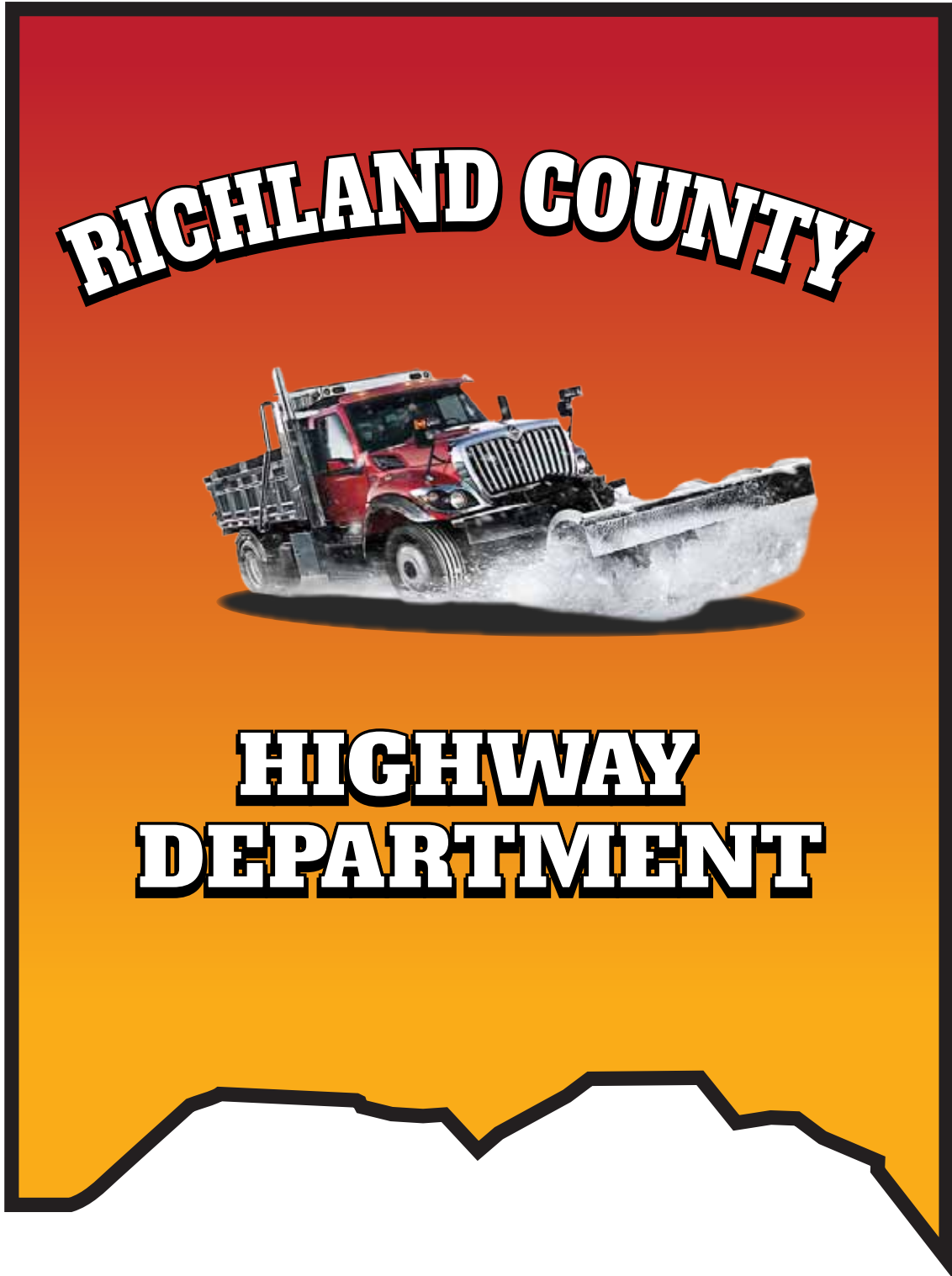
Review:

Department Head

Administrator, or Elected Office (if applicable)

72"

96"



ORDINANCE NO. 06-28

An Ordinance Establishing A Code Of Ethics For County Employees And Creating An Ethics Board.

The Richland County Board of Supervisors does ordain as follows:

1. The authority for this Ordinance is Wisconsin Statutes, sections 19.59 (1m) through (6).
2. As used in this Ordinance, "County employee" means any County employee, unionized or non-unionized, who works either full-time for the County, one-half time for the County or who is eligible for the State of Wisconsin's retirement program and who is also eligible to participate in the County's group health insurance program, excluding the following positions which are subject to the ethics regulations set forth in Wisconsin Statutes, sections 19.59 (a) through (d):
 - (a) County Board Supervisors;
 - (b) All other elected County officials;
 - (c) The County Highway Commissioner;
 - (d) The Corporation Counsel.
3. No County employee shall:
 - (a) Use or attempt to use his or her position to secure any preferential or unlawful rights or advantages for himself or herself or others.
 - (b) Have a financial or other personal interest which is in conflict with the proper discharge of his or her duties.
 - (c) Disclose or use confidential information concerning Richland County to promote a private financial interest.
 - (d) Accept any substantial gift, in any form, from a person who has business dealings with Richland County.
4. The section of the Committee Structure Resolution under the heading "ETHICS COMMITTEE" is amended to read as follows:

"ETHICS BOARD"

 - A. 5 members
 - B. Members shall be County Board Supervisors nominated by the Committee on Committees and appointed by the County Board Chair subject to approval by the County Board.
 - C. Duties and procedures are as set forth in An Ordinance Establishing A Code of Ethics For County Employees And Creating An Ethics Board which was adopted by the County Board at its October 31, 2006 session.
5. The Ethics Board shall have the following powers and duties:
 - (a) Receive, review and investigate complaints regarding alleged violations of this Ordinance. The Board may conduct hearings.
 - (b) Decide, after hearing, whether the Ordinance has been violated and determine the penalty for the violation or violations.
 - (c) Issue advisory opinions, with the assistance of the Corporation Counsel. The identity of the requestor for an advisory opinion shall not be made public without the consent of the requestor nor shall an advisory opinion be made public without the consent of the requestor. However, a summary of an advisory opinion which does not disclose the identity of the individuals involved in the opinion may be made public.
6. Penalties for violations of this Ordinance, which shall be determined by the Ethics Board, include:
 - (a) Withholding of the payment of salary or expenses from the violator, and/or
 - (b) A forfeiture of not less than \$100.00 or more than \$1,000.00 for each violation of the Ordinance, plus Court costs.
7. Violations of this Ordinance shall be prosecuted by the Corporation Counsel at the direction of the Ethics Board.
8. The following procedures are hereby established for the operation of the Ethics Board:
 - (a) All complaints of the ethics violations must be in writing and must contain the following information:
 - i. The name of the alleged offender;
 - ii. The approximate date of the alleged offense, if applicable;
 - iii. The nature of the alleged offense;
 - iv. Any supporting facts known to the complaining party;
 - v. The date on which the complaint is being submitted.

- (b) While persons filing complaints of ethics violations are encouraged to identify themselves in the complaint, anonymous complaints will be accepted.
 - (c) Complaints shall be filed with or mailed to the County Clerk, who shall send copies of the complaint to the Ethics Board within 5 days of receiving the complaint.
 - (d) The County Clerk shall make copies of the County's ethics complaint form available to all Department heads; the County Clerk shall distribute a copy of the form as well as a copy of this Ordinance and a copy of the Handbook Personnel Policies to each new County employee whose position is covered by the Handbook, as well as to any other County employee who requests a copy of the ethics complaint form.
 - (e) The County's ethics complaint form is only suggested and ethics complaints which comply with this Ordinance but which are not on the form shall still be considered by the Ethics Board.
 - (f) After a complaint has been received by the Ethics Board, the Board shall:
 - i. Hold its first meeting on the complaint not later than 30 days from its receipt of the complaint; this first meeting shall be a closed session with the Corporation Counsel; the Board shall then decide whether to investigate the complaint further or drop the matter;
 - ii. If the Board decides to investigate the complaint further, it shall hear from the alleged violator; this hearing shall be in compliance with the requirements of the Open Meetings Law.
 - iii. If, after having investigated the matter and having heard from the alleged violator, the Ethics Board shall decide if this Ordinance has been violated and the appropriate penalty to assess against the violator or violators. The matter shall then be referred to the Corporation Counsel for prosecution, if necessary. In appropriate cases, the Board shall report possible violations of the criminal law to the District Attorney.
 - (g) Nothing in these procedures shall prevent the Ethics Board from investigating a possible violation of this Ordinance by a motion made by a member of the Board and adopted by the Ethics Board.
9. Resolution No. 82-105, which was adopted by the County Board on December 14, 1982 and Resolution No. 88-70, which was adopted by the County Board on September 27, 1988, are hereby repealed.
10. This Ordinance shall be in full force and effect immediately upon its passage and publication.

Dated: October 31, 2006
Passed: October 31, 2006
Published: November 16, 2006

ORDINANCE OFFERED BY THE RULES AND
RESOLUTIONS COMMITTEE

Ann M. Greenheck, Chairman
Richland County Board of Supervisors

ATTEST:
Victor V. Vlasak
Richland County Clerk

	FOR	AGAINST
Fred Clary	X	
Daniel J. Carroll	X	
Larry D. Wyman	X	
Glenn L. Ferguson	X	
Warren C. Pfeil	X	

ORDINANCE NO. 07-7

An Ordinance Amending The County's Code Of Ethics Ordinance.

The Richland County Board of Supervisors does hereby ordain as follows:

1. Ordinance No. 2006-28, which was adopted by the County Board on October 31, 2006 and which is entitled An Ordinance Establishing A Code Of Ethics For County Employees And Creating An Ethics Board, is hereby amended as follows:
2. New section 3 is created as follows:
3. As used in this Ordinance, "any substantial gift" means any item, items or service which have an estimated market value of \$100 or more."
3. Paragraphs (a) and (b) of section 8 are amended by adding the following underlined words and deleting the following crossed-out words:
8. The following procedures are hereby established for the operation of the Ethics Board:
 - (a) All complaints of the ethics violations must be in writing and must contain the following information:
 - i. The name of the alleged offender;
 - ii. The approximate date of the alleged offense, if applicable;
 - iii. the nature of the alleged offense;
 - iv. Any supporting facts known to the complaining party;
 - v. The date on which the complaint is being submitted.
 - vi. The name of the person filing the complaint.

~~(b)--While persons filing complaints of ethics violations are encouraged to identify themselves in the complaint, anonymous complaints will be accepted.~~

- 4. Paragraphs (c) through (g) of section 8 are relettered as (b) through (f).
- 5. Sections 3 through 10 are hereby renumbered 4 through 11.
- 6. This Ordinance shall be effective immediately upon its passage and publication.

Dated: March 20, 2007	ORDINANCE OFFERED BY THE ETHICS BOARD	
Passed: March 20, 2007		
Published: March 29, 2007		FOR AGAINST
Ann M. Greenheck, Chairman	David J. Daughenbaugh	X
Richland County Board of Superviors	Bette M. Cook	X
	Warren C. Pfeil	X
ATTEST:	Jeanetta Kirkpatrick	X
Victor V. Vlasak	Daniel J. Carroll	X
Richland County Clerk		

ORDINANCE NO. 10-8

An Ordinance Amending Ordinance No. 06-28 Relating To Establishing A Code Of Ethics For County Employees.

The Richland County Board of Supervisors does hereby ordain as follows:

- 1. Ordinance No. 06-28 which was adopted by the Richland County Board of Supervisors on October 31, 2006 and which is entitled "An Ordinance Establishing A Code Of Ethics For County Employees And Creating An Ethics Board", as amended to date, is hereby further amended as follows:

"Rules and Resolutions Committee And Ethics Board" is substituted for "Ethics Board" and "Ethics Committee" throughout the Ordinance, except the title to the Ordinance shall remain the same.

- 2. BE IT FURTHER ORDAINED that this Ordinance shall be effective immediately upon its passage and publication.

Dated: June 15, 2010	ORDINANCE OFFERED BY THE RULES AND	
Passed: June 15, 2010	RESOLUTIONS COMMITTEE AND ETHICS BOARD	
Published: June 24, 2010		FOR AGAINST
Ann M. Greenheck, Chairman	Larry D. Wyman	X
Richland County Board of Supervisors	Betty M. Cook	X
	Warren C. Pfeil	X
ATTEST:	Lawrence Sowle	X
Victor V. Vlasak		
Richland County Clerk		

CHAPTER 19

GENERAL DUTIES OF PUBLIC OFFICIALS

SUBCHAPTER I		SUBCHAPTER II		SUBCHAPTER III		SUBCHAPTER IV		SUBCHAPTER V	
OFFICIAL OATHS AND BONDS		PUBLIC RECORDS AND PROPERTY		CODE OF ETHICS FOR PUBLIC OFFICIALS AND EMPLOYEES		PERSONAL INFORMATION PRACTICES		OPEN MEETINGS OF GOVERNMENTAL BODIES	
19.01	Oaths and bonds.	19.21	Custody and delivery of official property and records.	19.41	Declaration of policy.	19.62	Definitions.	19.81	Declaration of policy.
19.015	Actions by the state, municipality or district.	19.22	Proceedings to compel the delivery of official property.	19.42	Definitions.	19.65	Rules of conduct; employee training; and security.	19.82	Definitions.
19.02	Actions by individuals.	19.23	Transfer of records or materials to historical society.	19.43	Financial disclosure.	19.67	Data collection.	19.83	Meetings of governmental bodies.
19.03	Security for costs; notice of action.	19.24	Refusal to deliver money, etc., to successor.	19.44	Form of statement.	19.68	Collection of personally identifiable information from Internet users.	19.84	Public notice.
19.04	Other actions on same bond.	19.25	State officers may require searches, etc., without fees.	19.45	Standards of conduct; state public officials.	19.69	Computer matching.	19.85	Exemptions.
19.05	Execution; lien of judgment.	19.31	Declaration of policy.	19.451	Discounts at certain stadiums.	19.70	Rights of data subject to challenge; authority corrections.	19.851	Closed sessions by ethics or elections commission.
19.06	Sureties, how relieved.	19.32	Definitions.	19.46	Conflict of interest prohibited; exception.	19.71	Sale of names or addresses.	19.86	Notice of collective bargaining negotiations.
19.07	Bonds of public officers and employees.	19.33	Legal custodians.			19.77	Summary of case law and attorney general opinions.	19.87	Legislative meetings.
19.10	Oaths.	19.34	Procedural information; access times and locations.			19.80	Penalties.	19.88	Ballots, votes and records.
19.11	Official bonds.	19.35	Access to records; fees.					19.89	Exclusion of members.
19.12	Bond premiums payable from public funds.	19.356	Notice to record subject; right of action.					19.90	Use of equipment in open session.
		19.36	Limitations upon access and withholding.					19.96	Penalty.
		19.37	Enforcement and penalties.					19.97	Enforcement.
		19.39	Interpretation by attorney general.					19.98	Interpretation by attorney general.

SUBCHAPTER I

OFFICIAL OATHS AND BONDS

19.01 Oaths and bonds. (1) FORM OF OATH. Every official oath required by [article IV, section 28](#), of the constitution or by any statute shall be in writing, subscribed and sworn to and except as provided otherwise by s. [757.02](#) and [SCR 40.15](#), shall be in substantially the following form:

STATE OF WISCONSIN,

County of

I, the undersigned, who have been elected (or appointed) to the office of, but have not yet entered upon the duties thereof, swear (or affirm) that I will support the constitution of the United States and the constitution of the state of Wisconsin, and will faithfully discharge the duties of said office to the best of my ability. So help me God.

....

Subscribed and sworn to before me this day of, (year)

....(Signature)....

(1m) FORM OF ORAL OATH. If it is desired to administer the official oath orally in addition to the written oath prescribed above, it shall be in substantially the following form:

I,, swear (or affirm) that I will support the constitution of the United States and the constitution of the state of Wisconsin, and

will faithfully and impartially discharge the duties of the office of to the best of my ability. So help me God.

(2) FORM OF BOND. (a) Every official bond required of any public officer shall be in substantially the following form:

We, the undersigned, jointly and severally, undertake and agree that, who has been elected (or appointed) to the office of, will faithfully discharge the duties of the office according to law, and will pay to the parties entitled to receive the same, such damages, not exceeding in the aggregate dollars, as may be suffered by them in consequence of the failure of to discharge the duties of the office.

Dated, (year)

....(Principal)....,

....(Surety)....,

(b) Any further or additional official bond lawfully required of any public officer shall be in the same form and it shall not affect or impair any official bond previously given by the officer for the same or any other official term. Where such bond is in excess of the sum of \$25,000, the officer may give 2 or more bonds.

(2m) EFFECT OF GIVING BOND. Any bond purportedly given as an official bond by a public officer, of whom an official bond is required, shall be deemed to be an official bond and shall be deemed as to both principal and surety to contain all the conditions and provisions required in sub. (2), regardless of its form or word-

the request is denied by the authority having custody of the record or part of the record.

(1n) NOTICE OF CLAIM. Sections 893.80 and 893.82 do not apply to actions commenced under this section.

(2) COSTS, FEES AND DAMAGES. (a) Except as provided in this paragraph, the court shall award reasonable attorney fees, damages of not less than \$100, and other actual costs to the requester if the requester prevails in whole or in substantial part in any action filed under sub. (1) relating to access to a record or part of a record under s. 19.35 (1) (a). If the requester is a committed or incarcerated person, the requester is not entitled to any minimum amount of damages, but the court may award damages. Costs and fees shall be paid by the authority affected or the unit of government of which it is a part, or by the unit of government by which the legal custodian under s. 19.33 is employed and may not become a personal liability of any public official.

(b) In any action filed under sub. (1) relating to access to a record or part of a record under s. 19.35 (1) (am), if the court finds that the authority acted in a willful or intentional manner, the court shall award the individual actual damages sustained by the individual as a consequence of the failure.

(3) PUNITIVE DAMAGES. If a court finds that an authority or legal custodian under s. 19.33 has arbitrarily and capriciously denied or delayed response to a request or charged excessive fees, the court may award punitive damages to the requester.

(4) PENALTY. Any authority which or legal custodian under s. 19.33 who arbitrarily and capriciously denies or delays response to a request or charges excessive fees may be required to forfeit not more than \$1,000. Forfeitures under this section shall be enforced by action on behalf of the state by the attorney general or by the district attorney of any county where a violation occurs. In actions brought by the attorney general, the court shall award any forfeiture recovered together with reasonable costs to the state; and in actions brought by the district attorney, the court shall award any forfeiture recovered together with reasonable costs to the county.

History: 1981 c. 335, 391; 1991 a. 269 s. 43d; 1995 a. 158; 1997 a. 94.

A party seeking fees under sub. (2) must show that the prosecution of an action could reasonably be regarded as necessary to obtain the information and that a “causal nexus” exists between that action and the agency’s surrender of the information. *State ex rel. Vaughan v. Faust*, 143 Wis. 2d 868, 422 N.W.2d 898 (Ct. App. 1988).

If an agency exercises due diligence but is unable to respond timely to a records request, the plaintiff must show that a mandamus action was necessary to secure the records release to qualify for award of fees and costs under sub. (2). *Racine Education Association v. Racine Board of Education*, 145 Wis. 2d 518, 427 N.W.2d 414 (Ct. App. 1988).

Assuming sub. (1) (a) applies before mandamus is issued, the trial court retains discretion to refuse counsel’s participation in an *in camera* inspection. *Milwaukee Journal v. Call*, 153 Wis. 2d 313, 450 N.W.2d 515 (Ct. App. 1989).

If the trial court has an incomplete knowledge of the contents of the public records sought, it must conduct an *in camera* inspection to determine what may be disclosed following a custodian’s refusal. *State ex rel. Morke v. Donnelly*, 155 Wis. 2d 521, 455 N.W.2d 893 (1990).

A *pro se* litigant is not entitled to attorney fees. *State ex rel. Young v. Shaw*, 165 Wis. 2d 276, 477 N.W.2d 340 (Ct. App. 1991).

A favorable judgment or order is not a necessary condition precedent for finding that a party prevailed against an agency under sub. (2). A causal nexus must be shown between the prosecution of the mandamus action and the release of the requested information. *Eau Claire Press Co. v. Gordon*, 176 Wis. 2d 154, 499 N.W.2d 918 (Ct. App. 1993).

Actions brought under the open meetings and open records laws are exempt from the notice provisions of s. 893.80 (1), 1993 stats. *Auchinleck v. Town of LaGrange*, 200 Wis. 2d 585, 547 N.W.2d 587 (1996), 94–2809.

An inmate’s right to mandamus under this section is subject to s. 801.02 (7), which requires exhaustion of administrative remedies before an action may be commenced. *Moore v. Stahowiak*, 212 Wis. 2d 744, 569 N.W.2d 711 (Ct. App. 1997), 96–2547.

When requests are complex, municipalities should be afforded reasonable latitude in time for their responses. An authority should not be subjected to the burden and expense of a premature public records lawsuit while it is attempting in good faith to respond, or to determine how to respond, to a request. What constitutes a reasonable time for a response by an authority depends on the nature of the request, the staff and other resources available to the authority to process the request, the extent of the request, and other related considerations. *WIREdata, Inc. v. Village of Sussex*, 2008 WI 69, 310 Wis. 2d 397, 751 N.W.2d 736, 05–1473.

The legislature did not intend to allow a record requester to control or appeal a mandamus action brought by the attorney general under sub. (1) (b). Sub. (1) outlines two distinct courses of action when a records request is denied, dictates distinct courses of action, and prescribes different remedies for each course. Nothing suggests that a requester is hiring the attorney general as a sort of private counsel to proceed with the case, or that the requester would be a named plaintiff in the case with the attorney

general appearing as counsel of record when proceeding under sub. (1) (b). *State v. Zien*, 2008 WI App 153, 314 Wis. 2d 340, 761 N.W.2d 15, 07–1930.

This section unambiguously limits punitive damages claims under sub. (3) to mandamus actions. The mandamus court decides whether there is a violation and, if so, whether it caused actual damages. Then, the mandamus court may consider whether punitive damages should be awarded under sub. (3). *The Capital Times Company v. Doyle*, 2011 WI App 137, 337 Wis. 2d 544, 607 N.W.2d 666, 10–1687.

Under the broad terms of s. 51.30 (7), the confidentiality requirements created under s. 51.30 generally apply to “treatment records” in criminal not guilty by reason of insanity cases. All conditional release plans in NGI cases are, by statutory definition, treatment records. They are “created in the course of providing services to individuals for mental illness,” and thus should be deemed confidential. An order of placement in an NGI case is not a “treatment record.” *La Crosse Tribune v. Circuit Court for La Crosse County*, 2012 WI App 42, 340 Wis. 2d 663, 814 N.W.2d 867, 10–3120.

The plaintiff newspaper argued that s. 19.88 (3), of the open meetings law, which requires “the motions and roll call votes of each meeting of a governmental body shall be recorded, preserved and open to public inspection,” in turn, required the defendant commission to record and disclose the information the newspaper requested under the open records law. The newspaper could not seek relief under the public records law for the commission’s alleged violation of the open meetings law and could not recover reasonable attorney fees, damages, and other actual costs under sub. (2) for an alleged violation of the open meetings law. *The Journal Times v. City of Racine Board of Police and Fire Commissioners*, 2015 WI 56, 362 Wis. 2d 577, 866 N.W.2d 563, 13–1715.

A record custodian should not automatically be subject to potential liability under sub. (2) (a) for actively providing information, which it is not required to do in response to a public records request, to a requester when no record exists. While it might be a better course to inform a requester that no record exists, the language of the public records law does not specifically require such a response. *The Journal Times v. City of Racine Board of Police and Fire Commissioners*, 2015 WI 56, 362 Wis. 2d 577, 866 N.W.2d 563, 13–1715.

Actual damages are the liability of the agency. Punitive damages and forfeitures can be the liability of either the agency or the legal custodian, or both. Section 895.46 (1) (a) probably provides indemnification for punitive damages assessed against a custodian, but not for forfeitures. 72 Atty. Gen. 99.

19.39 Interpretation by attorney general. Any person may request advice from the attorney general as to the applicability of this subchapter under any circumstances. The attorney general may respond to such a request.

History: 1981 c. 335.

SUBCHAPTER III

CODE OF ETHICS FOR PUBLIC OFFICIALS AND EMPLOYEES

19.41 Declaration of policy. (1) It is declared that high moral and ethical standards among state public officials and state employees are essential to the conduct of free government; that the legislature believes that a code of ethics for the guidance of state public officials and state 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 people of this state in their state public officials and state employees.

(2) It is the intent of the legislature that in its operations the commission shall protect to the fullest extent possible the rights of individuals affected.

History: 1973 c. 90; Stats. 1973 s. 11.01; 1973 c. 334 s. 33; Stats. 1973 s. 19.41; 1977 c. 277; 2015 a. 118 s. 266 (10).

19.42 Definitions. In this subchapter:

(1) “Anything of value” means any money or property, favor, service, payment, advance, forbearance, loan, or promise of future employment, but does not include compensation and expenses paid by the state, fees and expenses which are permitted and reported under s. 19.56, political contributions which are reported under ch. 11, or hospitality extended for a purpose unrelated to state business by a person other than an organization.

(2) “Associated,” when used with reference to an organization, includes any organization in which an individual or a member of his or her immediate family is a director, officer, or trustee, or owns or controls, directly or indirectly, and severally or in the aggregate, at least 10 percent of the outstanding equity or of which an individual or a member of his or her immediate family is an authorized representative or agent.

(3m) “Candidate,” except as otherwise provided, has the meaning given in s. 11.0101 (1).

(3s) “Candidate for local public office” means any individual who files nomination papers and a declaration of candidacy under s. 8.21 or who is nominated at a caucus under s. 8.05 (1) for the purpose of appearing on the ballot for election as a local public official or any individual who is nominated for the purpose of appearing on the ballot for election as a local public official through the write-in process or by appointment to fill a vacancy in nomination and who files a declaration of candidacy under s. 8.21.

(4) “Candidate for state public office” means any individual who files nomination papers and a declaration of candidacy under s. 8.21 or who is nominated at a caucus under s. 8.05 (1) for the purpose of appearing on the ballot for election as a state public official or any individual who is nominated for the purpose of appearing on the ballot for election as a state public official through the write-in process or by appointment to fill a vacancy in nomination and who files a declaration of candidacy under s. 8.21.

(4g) “Clearly identified,” when used in reference to a communication containing a reference to a person, means one of the following:

- (a) The person’s name appears.
- (b) A photograph or drawing of the person appears.
- (c) The identity of the person is apparent by unambiguous reference.

(4p) “Commission” means the ethics commission.

(4r) “Communication” means a message transmitted by means of a printed advertisement, billboard, handbill, sample ballot, radio or television advertisement, telephone call, or any medium that may be utilized for the purpose of disseminating or broadcasting a message, but not including a poll conducted solely for the purpose of identifying or collecting data concerning the attitudes or preferences of electors.

(5) “Department” means the legislature, the University of Wisconsin System, any authority or public corporation created and regulated by an act of the legislature and any office, department, independent agency or legislative service agency created under ch. 13, 14 or 15, any technical college district or any constitutional office other than a judicial office. In the case of a district attorney, “department” means the department of administration unless the context otherwise requires.

(5m) “Elective office” means an office regularly filled by vote of the people.

(6) “Gift” means the payment or receipt of anything of value without valuable consideration.

(7) “Immediate family” means:

- (a) An individual’s spouse; and
- (b) An individual’s relative by marriage, lineal descent or adoption who receives, directly or indirectly, more than one-half of his or her support from the individual or from whom the individual receives, directly or indirectly, more than one-half of his or her support.

(7m) “Income” has the meaning given under section 61 of the internal revenue code.

(7s) “Internal revenue code” has the meanings given under s. 71.01 (6).

(7u) “Local governmental unit” means a political subdivision of this state, a special purpose district in this state, an instrumentality or corporation of such a political subdivision or special purpose district, a combination or subunit of any of the foregoing or an instrumentality of the state and any of the foregoing.

(7w) “Local public office” means any of the following offices, except an office specified in sub. (13):

- (a) An elective office of a local governmental unit.
- (b) A county administrator or administrative coordinator or a city or village manager.
- (c) An appointive office or position of a local governmental unit in which an individual serves for a specified term, except a

position limited to the exercise of ministerial action or a position filled by an independent contractor.

(cm) The position of member of the board of directors of a local exposition district under subch. II of ch. 229 not serving for a specified term.

(d) An appointive office or position of a local government which is filled by the governing body of the local government or the executive or administrative head of the local government and in which the incumbent serves at the pleasure of the appointing authority, except a clerical position, a position limited to the exercise of ministerial action or a position filled by an independent contractor.

(e) The position of member of the Milwaukee County mental health board as created under s. 51.41 (1d).

(7x) “Local public official” means an individual holding a local public office.

(8) “Ministerial action” means an action that an individual performs in a given state of facts in a prescribed manner in obedience to the mandate of legal authority, without regard to the exercise of the individual’s own judgment as to the propriety of the action being taken.

(9) “Nominee” means any individual who is nominated by the governor for appointment to a state public office and whose nomination requires the advice and consent of the senate.

(10) “Official required to file” means:

- (a) A member or employee of the elections commission.
- (ab) A member or employee of the ethics commission.
- (b) A member of a technical college district board or district director of a technical college, or any individual occupying the position of assistant, associate or deputy district director of a technical college.
- (c) A state public official identified under s. 20.923 except an official holding a state public office identified under s. 20.923 (6) (h).
- (d) A state public official whose appointment to state public office requires the advice and consent of the senate, except a member of the board of directors of the Bradley Center Sports and Entertainment Corporation created under ch. 232.
- (e) An individual appointed by the governor or the state superintendent of public instruction pursuant to s. 17.20 (2) other than a trustee of any private higher educational institution receiving state appropriations.

(f) An auditor for the legislative audit bureau.

(g) The chief clerk and sergeant at arms of each house of the legislature.

(h) The members and employees of the Wisconsin Housing and Economic Development Authority, except clerical employees.

(i) A municipal judge.

(j) A member or the executive director of the judicial commission.

(k) A division administrator of an office created under ch. 14 or a department or independent agency created or continued under ch. 15.

(L) The executive director, executive assistant to the executive director, internal auditor, chief investment officer, chief financial officer, chief legal counsel, chief risk officer and investment directors of the investment board.

(n) The chief executive officer and members of the board of directors of the University of Wisconsin Hospitals and Clinics Authority.

(o) The chief executive officer and members of the board of directors of the Fox River Navigational System Authority.

(q) The executive director and members of the board of directors of the Wisconsin Aerospace Authority.

(r) The employees and members of the board of directors of the Lower Fox River Remediation Authority.

(sm) The employees of the Wisconsin Economic Development Corporation and the members of the board of directors of the Wisconsin Economic Development Corporation employed in the private sector who are appointed by the speaker of the assembly and the senate majority leader.

(11) “Organization” means any corporation, partnership, proprietorship, firm, enterprise, franchise, association, trust or other legal entity other than an individual or body politic.

(11m) “Political party” means a political organization under whose name individuals who seek elective public office appear on the ballot at any election or any national, state, or local unit or affiliate of that organization.

(12) “Security” has the meaning given under s. 551.102 (28), except that the term does not include a certificate of deposit or a deposit in a savings and loan association, savings bank, credit union or similar association organized under the laws of any state.

(13) “State public office” means:

(a) All positions to which individuals are regularly appointed by the governor, except the position of trustee of any private higher educational institution receiving state appropriations and the position of member of the district board of a local professional baseball park district created under subch. III of ch. 229 and the position of member of the district board of a local cultural arts district created under subch. V of ch. 229.

(b) The positions of associate and assistant vice presidents of the University of Wisconsin System.

(c) All positions identified under s. 20.923 (2), (4), (6) (f) to (h), (7), and (8) to (10), except clerical positions.

(cm) The president and vice presidents of the University of Wisconsin System and the chancellors and vice chancellors of all University of Wisconsin institutions, the University of Wisconsin Colleges, and the University of Wisconsin–Extension.

(e) The chief clerk and sergeant at arms of each house of the legislature or a full-time, permanent employee occupying the position of auditor for the legislative audit bureau.

(f) A member of a technical college district board or district director of a technical college, or any position designated as assistant, associate or deputy district director of a technical college.

(g) The members and employees of the Wisconsin Housing and Economic Development Authority, except clerical employees.

(h) A municipal judge.

(i) A member or the executive director of the judicial commission.

(j) A division administrator of an office created under ch. 14 or a department or independent agency created or continued under ch. 15.

(k) The executive director, executive assistant to the executive director, internal auditor, chief investment officer, chief financial officer, chief legal counsel, chief risk officer and investment directors of the investment board.

(m) The chief executive officer and members of the board of directors of the University of Wisconsin Hospitals and Clinics Authority.

(n) The chief executive officer and members of the board of directors of the Fox River Navigational System Authority.

(om) The employees of the Wisconsin Economic Development Corporation and the members of the board of directors of the Wisconsin Economic Development Corporation employed in the private sector who are appointed by the speaker of the assembly and the senate majority leader.

(p) All members of the elections commission and all members of the ethics commission.

(14) “State public official” means any individual holding a state public office.

History: 1973 c. 90; Stats. 1973 s. 11.02; 1973 c. 333; 1973 c. 334 ss. 33, 57; Stats. 1973 s. 19.42; 1977 c. 29, 223, 277; 1977 c. 447 ss. 35, 209; 1979 c. 34, 177, 221; 1981 c. 20, 269, 349, 391; 1983 a. 27; 1983 a. 81 s. 11; 1983 a. 83 s. 20; 1983 a. 166

ss. 1 to 4, 16; 1983 a. 484, 538; 1985 a. 26; 1985 a. 29 s. 3202 (46); 1985 a. 304; 1987 a. 72, 119; 1987 a. 312 s. 17; 1987 a. 340, 365, 399, 403; 1989 a. 31, 338; 1991 a. 39, 189, 221, 269; 1993 a. 16, 263, 399; 1995 a. 27, 56, 274; 1997 a. 27; 1997 a. 237 ss. 19m, 722q; 1997 a. 298; 1999 a. 42, 65; 2001 a. 16, 104, 109; 2003 a. 39; 2005 a. 335; 2007 a. 1, 20, 196; 2009 a. 28; 2011 a. 7, 10, 32, 229; 2013 a. 20 ss. 193o, 193q, 2365m, 9448; 2013 a. 203; 2015 a. 117, 118, 196, 261.

Cross-reference: See also s. ETH 16.02, Wis. adm. code.

Law Revision Committee Note, 1983: This bill establishes consistency in the usage of the terms “person”, “individual” and “organization” in the code of ethics for state public officials. The term “person” is the broadest of these terms, and refers to any legal entity. The use of the term “person” in the bill is consistent with the definition of the word in s. 990.01 (26), stats., which provides that “person” includes all partnerships, associations and bodies politic or corporate”. The term “organization” is narrower, and is defined in s. 19.42 (11), stats., as “any corporation, partnership, proprietorship, firm, enterprise, franchise, association, trust or other legal entity other than an individual or body politic”. “Individual”, although not specifically defined in the current statutes or in this bill, is used consistently in this bill to refer to natural persons.

The term “income” is used several times in the code of ethics for state public officials. This bill clarifies the current definition of income by providing a specific cross-reference to the internal revenue code and by providing that the definition refers to the most recent version of the internal revenue code which has been adopted by the legislature for state income tax purposes.

When person holds 2 government positions, one included in and the other exempted from the definition of state public official, the applicability of subch. III depends upon the capacity in which the person acted. 64 Atty. Gen. 143.

19.43 Financial disclosure. (1) Each individual who in January of any year is an official required to file shall file with the commission no later than April 30 of that year a statement of economic interests meeting each of the requirements of s. 19.44 (1). The information contained on the statement shall be current as of December 31 of the preceding year.

(2) An official required to file shall file with the commission a statement of economic interests meeting each of the requirements of s. 19.44 (1) no later than 21 days following the date he or she assumes office if the official has not previously filed a statement of economic interests with the commission during that year. The information on the statement shall be current as per the date he or she assumes office.

(3) A nominee shall file with the commission a statement of economic interests meeting each of the requirements of s. 19.44 (1) within 21 days of being nominated unless the nominee has previously filed a statement of economic interests with the commission during that year. The information on the statement shall be current as per the date he or she was nominated. Following the receipt of a nominee’s statement of economic interests, the commission shall forward copies of such statement to the members of the committee of the senate to which the nomination is referred.

(4) A candidate for state public office shall file with the commission a statement of economic interests meeting each of the requirements of s. 19.44 (1) no later than 4:30 p.m. on the 3rd day following the last day for filing nomination papers for the office which the candidate seeks, or no later than 4:30 p.m. on the next business day after the last day whenever that candidate is granted an extension of time for filing nomination papers or a declaration of candidacy under s. 8.05 (1) (j), 8.10 (2) (a), 8.15 (1), or 8.20 (8) (a); no later than 4:30 p.m. on the 5th day after notification of nomination is mailed or personally delivered to the candidate by the municipal clerk in the case of a candidate who is nominated at a caucus; or no later than 4:30 p.m. on the 3rd day after notification of nomination is mailed or personally delivered to the candidate by the appropriate official or agency in the case of a write-in candidate or candidate who is appointed to fill a vacancy in nomination under s. 8.35 (2) (a). The information contained on the statement shall be current as of December 31 of the year preceding the filing deadline. Before certifying the name of any candidate for state public office under s. 7.08 (2) (a), the elections commission, municipal clerk, or board of election commissioners shall ascertain whether that candidate has complied with this subsection. If not, the elections commission, municipal clerk, or board of election commissioners may not certify the candidate’s name for ballot placement.

(5) Each member of the investment board and each employee of the investment board who is a state public official shall complete and file with the commission a quarterly report of economic transactions no later than the last day of the month following the

(c) A state public official may receive and retain from the state or on behalf of the state transportation, lodging, meals, food or beverage, or reimbursement therefor or payment or reimbursement of actual and reasonable costs that the official can show by clear and convincing evidence were incurred or received on behalf of the state of Wisconsin and primarily for the benefit of the state and not primarily for the private benefit of the official or any other person.

(d) A state public official may receive and retain from a political committee under ch. 11 transportation, lodging, meals, food or beverage, or reimbursement therefor or payment or reimbursement of costs permitted and reported in accordance with ch. 11.

(e) A state public official who is an officer or employee of the Wisconsin Economic Development Corporation may solicit, receive and retain on behalf of the state anything of value for the purpose of any of the following:

1. The sponsorship by the Wisconsin Economic Development Corporation of a trip to a foreign country primarily to promote trade between that country and this state that the Wisconsin Economic Development Corporation can demonstrate through clear and convincing evidence is primarily for the benefit of this state.

2. Hosting individuals in order to promote business, economic development, tourism or conferences sponsored by multi-state, national or international associations of governments or governmental officials.

(em) A state public official who is an officer or employee of the department of tourism may solicit, receive and retain on behalf of the state anything of value for the purpose of hosting individuals in order to promote tourism.

(f) A state public official or a local public official may receive and retain from the Wisconsin Economic Development Corporation anything of value which the Wisconsin Economic Development Corporation is authorized to provide under par. (e) and may receive and retain from the department of tourism anything of value which the department of tourism is authorized to provide under par. (em).

(4) If a state public official receives a payment not authorized by this subchapter, in cash or otherwise, for a published work or a talk or meeting, the official may not retain it. If practicable, the official shall deposit it with the department or municipality with which he or she is associated or, in the case of a justice or judge of a court of record, with the director of state courts. If that is not practicable, the official shall return it or its equivalent to the payor or convey it to the state or to a charitable organization other than one with which he or she is associated.

History: 1977 c. 277; 1983 a. 61, 538; 1985 a. 203; 1989 a. 31, 338; 1991 a. 39; 1995 a. 27 ss. 455 to 457, 9116 (5); 2011 a. 32; 2015 a. 118 s. 266 (10); 2017 a. 112.

The interaction of s. 19.56 with the prohibition against furnishing anything of pecuniary value to state officials under s. 13.625 is discussed. 80 Atty. Gen. 205.

19.57 Conferences, visits and economic development activities. The Wisconsin Economic Development Corporation shall file a report with the commission no later than April 30 annually, specifying the source and amount of anything of value received by the Wisconsin Economic Development Corporation during the preceding calendar year for a purpose specified in s. 19.56 (3) (e), and the program or activity in connection with which the thing is received, together with the location and date of that program or activity.

History: 1991 a. 39; 1995 a. 27 s. 9116 (5); 2011 a. 32; 2015 a. 118 s. 266 (10).

19.575 Tourism activities. The department of tourism shall file a report with the commission no later than April 30 annually, specifying the source and amount of anything of value received by the department of tourism during the preceding calendar year for a purpose specified in s. 19.56 (3) (em) and the program or activity in connection with which the thing is received, together with the location and date of that program or activity.

History: 1995 a. 27; 2015 a. 118 s. 266 (10).

19.579 Civil penalties. (1) Except as provided in sub. (2), any person who violates this subchapter may be required to forfeit not more than \$500 for each violation of s. 19.43, 19.44, or 19.56 (2) or not more than \$5,000 for each violation of any other provision of this subchapter. If the court determines that the accused has realized economic gain as a result of the violation, the court may, in addition, order the accused to forfeit the amount gained as a result of the violation. In addition, if the court determines that a state public official has violated s. 19.45 (13), the court may order the official to forfeit an amount equal to the amount or value of any political contribution, service, or other thing of value that was wrongfully obtained. If the court determines that a state public official has violated s. 19.45 (13) and no political contribution, service, or other thing of value was obtained, the court may order the official to forfeit an amount equal to the maximum contribution authorized under s. 11.1101 (1) for the office held or sought by the official, whichever amount is greater. The attorney general, when so requested by the commission, shall institute proceedings to recover any forfeiture incurred under this section which is not paid by the person against whom it is assessed.

(2) Any person who violates s. 19.45 (13) may be required to forfeit not more than \$5,000.

History: 2003 a. 39; 2007 a. 1 ss. 121, 130, 131; 2015 a. 117; 2015 a. 118 s. 266 (10).

19.58 Criminal penalties. (1) (a) Any person who intentionally violates any provision of this subchapter except s. 19.45 (13) or 19.59 (1) (br), or a code of ethics adopted or established under s. 19.45 (11) (a) or (b), shall be fined not less than \$100 nor more than \$5,000 or imprisoned not more than one year in the county jail or both.

(b) Any person who intentionally violates s. 19.45 (13) or 19.59 (1) (br) is guilty of a Class I felony.

(2) The penalties under sub. (1) do not limit the power of either house of the legislature to discipline its own members or to impeach a public official, or limit the power of a department to discipline its state public officials or employees.

(3) In this section “intentionally” has the meaning given under s. 939.23.

(4) A person who violates s. 19.50 may be fined not more than \$10,000 or imprisoned for not more than 9 months or both.

History: 1973 c. 90; Stats. 1973 s. 11.10; 1973 c. 334 ss. 33, 57, 58; Stats. 1973 s. 19.50; 1975 c. 200; 1977 c. 277 ss. 34, 37; Stats. 1977 s. 19.58; 2003 a. 39; 2015 a. 118.

19.59 Codes of ethics for local government officials, employees and candidates. (1) (a) No local public official may 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. A violation of this paragraph includes the acceptance of free or discounted admissions to a professional baseball or football game by a member of the district board of a local professional baseball park district created under subch. III of ch. 229 or a local professional football stadium district created under subch. IV of ch. 229. 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 ch. 11. This paragraph does not prohibit a local public official from obtaining anything of value from the Wisconsin Economic Development Corporation or the department of tourism, as provided under s. 19.56 (3) (f).

(b) No person may offer or give to a local public official, directly or indirectly, and no local public official may solicit or accept from any person, directly or indirectly, anything of value if it could reasonably be expected to influence the local public official's vote, official actions or judgment, or could reasonably be considered as a reward for any official action or inaction on the part of the local public official. This paragraph does not prohibit a local public official from engaging in outside employment.

(br) No local public official or candidate for local public office may, 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 ch. 11, 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.

(c) Except as otherwise provided in par. (d), no local public official may:

1. Take any official action substantially affecting a matter in which the official, a member of his or her immediate family, or an organization with which the official is associated has a substantial financial interest.

2. 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 official, one or more members of the official's immediate family either separately or together, or an organization with which the official is associated.

(d) Paragraph (c) does not prohibit a local public official from taking any action concerning the lawful payment of salaries or employee benefits or reimbursement of actual and necessary expenses, or prohibit a local public official from taking official action with respect to any proposal to modify a county or municipal ordinance.

(f) Paragraphs (a) to (c) do not apply to the members of a local committee appointed under s. 289.33 (7) (a) to negotiate with the owner or operator of, or applicant for a license to operate, a solid waste disposal or hazardous waste facility under s. 289.33, with respect to any matter contained or proposed to be contained in a written agreement between a municipality and the owner, operator or applicant or in an arbitration award or proposed award that is applicable to those parties.

(g) 1. In this paragraph:

a. "District" means a local professional baseball park district created under subch. III of ch. 229 or a local professional football stadium district created under subch. IV of ch. 229.

b. "District board member" means a member of the district board of a district.

2. No district board member may accept or retain any transportation, lodging, meals, food or beverage, or reimbursement therefor, except in accordance with this paragraph.

3. A district board member may receive and retain reimbursement or payment of actual and reasonable expenses for a published work or for the presentation of a talk or participation in a meeting related to processes, proposals and issues affecting a district if the payment or reimbursement is paid or arranged by the organizer of the event or the publisher of the work.

4. A district board member may receive and retain anything of value if the activity or occasion for which it is given is unrelated to the member's use of the time, facilities, services or supplies of the district not generally available to all residents of the district and the member can show by clear and convincing evidence that the payment or reimbursement was unrelated to and did not arise from the recipient's holding or having held a public office and was paid for a purpose unrelated to the purposes specified in subd. 3.

5. A district board member may receive and retain from the district or on behalf of the district transportation, lodging, meals, food or beverage, or reimbursement therefor or payment or reimbursement of actual and reasonable costs that the member can show by clear and convincing evidence were incurred or received on behalf of the district and primarily for the benefit of the district and not primarily for the private benefit of the member or any other person.

6. No district board member may intentionally use or disclose information gained in the course of or by reason of his or her official position or activities in any way that could result in the receipt of anything of value for himself or herself, for his or her immediate family, or for any other person, if the information has not been communicated to the public or is not public information.

7. No district board member may use or attempt to use the position held by the member to influence or gain unlawful benefits, advantages or privileges personally or for others.

8. No district board member, member of a district board member's immediate family, nor any organization with which the district board member or a member of the district board member's immediate family owns or controls at least 10 percent of the outstanding equity, voting rights, or outstanding indebtedness may enter into any contract or lease involving a payment or payments of more than \$3,000 within a 12-month period, in whole or in part derived from district funds unless the district board member has first made written disclosure of the nature and extent of such relationship or interest to the commission and to the district. Any contract or lease entered into in violation of this subdivision may be voided by the district in an action commenced within 3 years of the date on which the commission, or the district, knew or should have known that a violation of this subdivision had occurred. This subdivision does not affect the application of s. 946.13.

9. No former district board member, for 12 months following the date on which he or she ceases to be a district board member, may, for compensation, on behalf of any person other than a governmental entity, make any formal or informal appearance before, or negotiate with, any officer or employee of the district with which he or she was associated as a district board member within 12 months prior to the date on which he or she ceased to be a district board member.

10. No former district board member, for 12 months following the date on which he or she ceases to be a district board member, may, for compensation, on behalf of any person other than a governmental entity, make any formal or informal appearance before, or negotiate with, any officer or employee of a district with which he or she was associated as a district board member in connection with any judicial or quasi-judicial proceeding, application, contract, claim, or charge which might give rise to a judicial or quasi-judicial proceeding which was under the former member's responsibility as a district board member within 12 months prior to the date on which he or she ceased to be a member.

11. No former district board member may, for compensation, act on behalf of any party other than the district with which he or she was associated as a district board member in connection with any judicial or quasi-judicial proceeding, application, contract, claim, or charge which might give rise to a judicial or quasi-judicial proceeding in which the former member participated personally and substantially as a district board member.

(1m) In addition to the requirements of sub. (1), any county, city, village or town may enact an ordinance establishing a code of ethics for public officials and employees of the county or municipality and candidates for county or municipal elective offices.

(2) An ordinance enacted under this section shall specify the positions to which it applies. The ordinance may apply to members of the immediate family of individuals who hold positions or who are candidates for positions to which the ordinance applies.

(3) An ordinance enacted under this section may contain any of the following provisions:

(a) A requirement for local public officials, other employees of the county or municipality and candidates for local public office to identify any of the economic interests specified in s. 19.44.

(b) A provision directing the county or municipal clerk or board of election commissioners to omit the name of any candidate from an election ballot who fails to disclose his or her eco-

nomie interests in accordance with the requirements of the ordinance.

(c) A provision directing the county or municipal treasurer to withhold the payment of salaries or expenses from any local public official or other employee of the county or municipality who fails to disclose his or her economic interests in accordance with the requirements of the ordinance.

(d) A provision vesting administration and civil enforcement of the ordinance with an ethics board appointed in a manner specified in the ordinance. A board created under this paragraph may issue subpoenas, administer oaths and investigate any violation of the ordinance on its own motion or upon complaint by any person. The ordinance may empower the board to issue opinions upon request. Records of the board's opinions, opinion requests and investigations of violations of the ordinance may be closed in whole or in part to public inspection if the ordinance so provides.

(e) Provisions prescribing ethical standards of conduct and prohibiting conflicts of interest on the part of local public officials and other employees of the county or municipality or on the part of former local public officials or former employees of the county or municipality.

(f) A provision prescribing a forfeiture for violation of the ordinance in an amount not exceeding \$1,000 for each offense. A minimum forfeiture not exceeding \$100 for each offense may also be prescribed.

(4) This section may not be construed to limit the authority of a county, city, village or town to regulate the conduct of its officials and employees to the extent that it has authority to regulate that conduct under the constitution or other laws.

(5) (a) Any individual, either personally or on behalf of an organization or governmental body, may request of a county or municipal ethics board, or, in the absence of a county or municipal ethics board, a county corporation counsel or attorney for a local governmental unit, an advisory opinion regarding the propriety of any matter to which the person is or may become a party. Any appointing officer, with the consent of a prospective appointee, may request of a county or municipal ethics board, or, in the absence of a county or municipal ethics board, a county corporation counsel or attorney for a local governmental unit an advisory opinion regarding the propriety of any matter to which the prospective appointee is or may become a party. The county or municipal ethics board or the county corporation counsel or attorney shall review a request for an advisory opinion and may advise the person making the request. Advisory opinions and requests therefor shall be in writing. It is prima facie evidence of intent to comply with this section or any ordinance enacted under this section when a person refers a matter to a county or municipal ethics board or a county corporation counsel or attorney for a local governmental unit and abides by the advisory opinion, if the material facts are as stated in the opinion request. A county or municipal ethics board may authorize a county corporation counsel or attorney to act in its stead in instances where delay is of substantial inconvenience or detriment to the requesting party. Except as provided in par. (b), neither a county corporation counsel or attorney for a local governmental unit nor a member or agent of a county or municipal ethics board may make public the identity of an individual requesting an advisory opinion or of individuals or organizations mentioned in the opinion.

(b) A county or municipal ethics board, county corporation counsel or attorney for a local governmental unit replying to a request for an advisory opinion may make the opinion public with the consent of the individual requesting the advisory opinion or the organization or governmental body on whose behalf it is requested and may make public a summary of an advisory opinion issued under this subsection after making sufficient alterations in the summary to prevent disclosing the identities of individuals involved in the opinion. A person who makes or purports to make public the substance of or any portion of an advisory opinion

requested by or on behalf of the person waives the confidentiality of the request for an advisory opinion and of any records obtained or prepared by the county or municipal ethics board, the county corporation counsel or the attorney for the local governmental unit in connection with the request for an advisory opinion.

(6) Any county corporation counsel, attorney for a local governmental unit or statewide association of local governmental units may request the commission to issue an opinion concerning the interpretation of this section. The commission shall review such a request and may advise the person making the request.

(7) (a) Any person who violates sub. (1) may be required to forfeit not more than \$1,000 for each violation, and, if the court determines that the accused has violated sub. (1) (br), the court may, in addition, order the accused to forfeit an amount equal to the amount or value of any political contribution, service, or other thing of value that was wrongfully obtained.

(b) Any person who violates sub. (1) may be required to forfeit not more than \$1,000 for each violation, and, if the court determines that a local public official has violated sub. (1) (br) and no political contribution, service or other thing of value was obtained, the court may, in addition, order the accused to forfeit an amount equal to the maximum contribution authorized under s. 11.1101 (1) for the office held or sought by the official, whichever amount is greater.

(8) (a) Subsection (1) shall be enforced in the name and on behalf of the state by action of the district attorney of any county wherein a violation may occur, upon the verified complaint of any person.

(b) In addition and supplementary to the remedy provided in sub. (7), the district attorney may commence an action, separately or in conjunction with an action brought to obtain the remedy provided in sub. (7), to obtain such other legal or equitable relief, including but not limited to mandamus, injunction or declaratory judgment, as may be appropriate under the circumstances.

(c) If the district attorney fails to commence an action to enforce sub. (1) (a), (b), or (c) to (g) within 20 days after receiving a verified complaint or if the district attorney refuses to commence such an action, the person making the complaint may petition the attorney general to act upon the complaint. The attorney general may then bring an action under par. (a) or (b), or both.

(cm) No complaint alleging a violation of sub. (1) (br) may be filed during the period beginning 120 days before a general or spring election, or during the period commencing on the date of the order of a special election under s. 8.50, and ending on the date of that election, against a candidate who files a declaration of candidacy to have his or her name appear on the ballot at that election.

(cn) If the district attorney for the county in which a violation of sub. (1) (br) is alleged to occur receives a verified complaint alleging a violation of sub. (1) (br), the district attorney shall, within 30 days after receipt of the complaint, either commence an investigation of the allegations contained in the complaint or dismiss the complaint. If the district attorney dismisses the complaint, with or without investigation, the district attorney shall notify the complainant in writing. Upon receiving notification of the dismissal, the complainant may then file the complaint with the attorney general or the district attorney for a county that is adjacent to the county in which the violation is alleged to occur. The attorney general or district attorney may then investigate the allegations contained in the complaint and commence a prosecution.

(d) If the district attorney prevails in such an action, the court shall award any forfeiture recovered together with reasonable costs to the county wherein the violation occurs. If the attorney general prevails in such an action, the court shall award any forfeiture recovered together with reasonable costs to the state.

History: 1979 c. 120; 1981 c. 149; 1981 c. 335 s. 26; 1983 a. 166 s. 16; 1991 a. 39, 269; 1995 a. 56, 227; 1999 a. 167; 2001 a. 109; 2003 a. 39; 2007 a. 1; 2015 a. 117; 2015 a. 118 ss. 204, 266 (10); 2017 a. 112.

W I S C O N S I N

COUNTY OFFICIAL'S HANDBOOK

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Contents

INTRODUCTION

Getting Started on the County Board.....	9
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ORGANIZATION

County Government Structure.....	17
<i>Issue Focus: County Board Rules</i>	29
County Departments & Offices.....	37

LAWS OF GOVERNING

Wisconsin Open Meetings Law	73
The Wisconsin Public Records Law.....	85
Conflicts of Interest & Ethics.....	103
Public Bidding Requirements	113

MEETING GUIDELINES

A Few FAQs on Parliamentary Procedure.....	119
<i>Issue Focus: Participation in Meetings via Teleconference</i>	129
Agendas & Minutes for County Meetings.....	135

OPERATIONS

County Budgets & Financial Management.....	141
Personnel	153
<i>Issue Focus: Wisconsin Retirement System</i>	169
<i>Issue Focus: Employee Health Benefits</i>	173

ENGAGEMENT

Interacting with the Media	181
----------------------------------	-----

RESOURCES

Online Resources	187
------------------------	-----

REFERENCES

<i>Appendix I: “Call to Order” columns</i>	191
<i>Appendix II: Basic Information on Motions</i>	235
<i>Appendix III: County Department Services Lists</i>	237

Conflicts of Interest & Ethics

■ *Atty. Andrew T. Phillips and Atty. Bennett J. Conard, von Briesen & Roper, S.C.*

CONFLICT OF INTEREST

State law prohibits public officials and public employees from using their official position for personal gain. Specifically, Wis. Stat. § 946.13 prohibits a public officer from negotiating, bidding for, or entering into a contract in which he or she has a private monetary interest if, at the same time, he or she has a role to play in an official capacity in the making of that contract or performs in regard to that contract some official function requiring the exercise of discretion. Any public officer or public employee who violates Wis. Stat. § 946.13 is guilty of a Class I felony.

Wis. Stat. § 946.13 is directed not at corruption but at conduct presenting an opportunity for corruption. Because a public officer's judgment may be impaired when the officer transacts government business in which he or she has a personal economic interest, the statute attempts to prevent public officers from succumbing to temptation by making it illegal for them to enter into relationships that are fraught with the potential danger of advancing a private interest rather than a public good.¹

There are several exceptions to the prohibition in Wis. Stat. § 946.13. The most common exception is contracts that do not involve receipts and disbursements by the state or its political subdivision aggregating more than \$15,000 in any year.²

Court cases and attorney general opinions addressing various applications of the statute have concluded the following:

- ❑ A county board supervisor who votes to pay vouchers for county purchases from a store owned by the supervisor violates Wis. Stat. § 946.13.³ However, the supervisor can avoid a violation by abstaining from voting on the vouchers related to his business.
- ❑ A village board member may not accept a community development block grant program loan in excess of the statutory sum or perform work for a third person who has obtained a loan under the program in excess of the statutory sum.⁴
- ❑ A county board supervisor violates Wis. Stat. § 946.13 by selling land owned by the supervisor to the county where the value of the sale exceeds the statutory limit.⁵
- ❑ A county board member, employed by a law firm that is retained by a third party to negotiate the purchase of a county facility, may avoid a violation through abstention from acting on the contract in an official capacity and through noninvolvement in negotiating, bidding, or entering the contract with the county on behalf of the third party.⁶
- ❑ A contract does not have to be in existence for a violation to occur. Because negotiation ordinarily precedes the formation of a contract, and it is these pre-contractual bargaining relationships that raise the specter of self-interest if one of the parties is also a public official, the negotiation itself may trigger a violation.⁷

Conflicts of Interests & Ethics

A contract entered into in violation of Wis. Stat. § 946.13 is void and the state or the political subdivision on whose behalf the contract was made incurs no subsequent liability.

The attorney general's office has provided guidance on how an official can avoid violating Wis. Stat. § 946.13, such as:

- ❑ Abstaining from voting on or debating the contract or any matter relating to the contract;
- ❑ Refraining from personally or by agent negotiating or entering into the contract in a private capacity;
- ❑ Refraining from performing in regard to the contract some official function requiring the exercise of discretion.⁸

However, abstaining from voting does not avoid a violation of Wis. Stat. § 946.13(1)(a) because a violation only requires authority to act, not actual action.⁹ For example, where the county board as a whole must decide whether to purchase land, a county board supervisor would violate Wis. Stat. § 946.13(1)(a) if land owned by the supervisor's partnership was sold to the county for a purchase price in excess of \$15,000.¹⁰ Even though the supervisor abstains from all deliberations and voting on the contract, he/she has authority to act on the contract as a supervisor while also having a private monetary interest in the contract. In addition, performance of an official function requiring the exercise of an official's discretion with regard to the contract either before or after execution violates Wis. Stat. § 946.13.¹¹

ETHICS FOR LOCAL GOVERNMENT OFFICIALS

Wis. Stat. § 19.59 sets forth a code of ethics for local public officials. A "local public official" is defined as a person who holds "local public office." "Local public office" as defined by Wis. Stat. § 19.42(7w) includes:

- ❑ An elective office of a local governmental unit such as a county.
- ❑ A county administrator or administrative coordinator.
- ❑ An appointive office or position of a local governmental unit in which an individual serves for a specified term, except a position limited to the exercise of ministerial action or a position filled by an independent contractor.
- ❑ An appointive office or position of a local government that is filled by the governing body of the local government or the executive or administrative head of the local government and in which the incumbent serves at the pleasure of the appointing authority.¹²

The code of ethics for local public officials prohibits the following actions:

1. A local public official cannot 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, his or her immediate family, or for an organization with which he or she is associated.¹³

"Immediate family" is defined as an individual's spouse and an individual's relative by marriage, lineal descent, or adoption who receives, directly or indirectly, more than one-half of his or her support from the individual or from whom the individual receives, directly or indirectly, more than one-half of his or her support.¹⁴

An individual is "associated" with an organization if the individual or a member of his or her immediate family is a director, officer, or trustee, or owns or controls, directly or indirectly, and severally or in the aggregate, at least 10% of the outstanding equity or of which an individual or a member of his or her immediate family is an authorized representative or agent.¹⁵

However, a local public official is not prohibited from using the title or prestige of his or her office to obtain campaign contributions that are permitted and reported as required by Wis. Stats. § Chapter 11. A local public official may also receive and retain from the Wisconsin Economic Development Corporation and the Department of Tourism anything of value that the organizations are authorized to provide by Wis. Stats. Chap. 19.¹⁶

Moreover, public officials may communicate their public role to potential customers or clients in their private capacity. A recent Wisconsin Ethics Commission (WEC) Opinion concluded that an attorney may include a description of their public service in a biography or resume so long as it is in the same style and prominence as the attorney's other positions and experience. However, public officials must still avoid using their position as a significant selling point in advertisements as this would likely qualify as the public official seeking to obtain financial gain by use of their official title (Note: WEC replaced the Government Accountability Board (GAB) on June 30, 2016. GAB also previously replaced the State Ethics Board. Currently, WEC oversees the administration of state government ethics in Wisconsin, and accordingly adopted the ethics opinions previously issued by GAB and WEC).¹⁷

2. A public official cannot solicit or accept from any person, directly or indirectly, anything of value if it could be reasonably expected to influence the local public official's vote, official actions or judgment, or could reasonably be considered as a reward for any official action or inaction on the part of the local official.¹⁸
 - ❑ "Anything of value" includes money, property, favor, service, payment, advance, forbearance, loan, or promise of future employment, but does not cover "hospitality" unrelated to government business.
 - ❑ A local public official is permitted to engage in outside employment.¹⁹
 - ❑ In interpreting a parallel statute applicable to state officials (Wis. Stat. § 19.45(3)), WEC interprets "expected to influence" in the following manner: "It would be unreasonable to expect a gift of not more than \$25 to influence an individual's judgment. It would be unreasonable to expect a favor or service from an individual or from an organization without any special interest in the actions of a public body to influence an official affiliated with that body."²⁰

Conflicts of Interests & Ethics

3. No local public official may give or withhold his or her vote or influence or refrain from taking official action with respect to any proposed or pending matter 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 a candidate, a political party, or any committee registered under Ch. 11.²¹
4. No local public official may take any official action substantially affecting a matter in which the official, a member of his or her immediate family, or an organization with which the official is associated has a substantial financial interest.²²
 - In interpreting parallel state statute applicable to state officials (Wis. Stat. § 19.46(1)(a)), WEC issued a memorandum indicating that a state official may participate in an action "...even though the action will affect the official or an organization with which the official is associated..." as long as:
 - The official's action affects a whole class of similarly situated interests;
 - Neither the official's interest nor the interest of a business or organization with which the official is associated is significant when compared to all affected interests in the class; and
 - The effect of the official's actions on the interests of the official, or of the related business or organization, is neither significantly greater nor less than upon other members of the class.²³
 - For example, the WEC advised that a state legislator who was also an attorney could vote on a joint resolution regarding a constitutional amendment that would prohibit the Supreme Court from assessing lawyers to pay for legal services for the indigent. WEC concluded that legislator's interest in the subject of the joint resolution is insignificant when compared to the entire class of 15,000 licensed Wisconsin lawyers— all of whom would be equally affected by the proposal.²⁴
 - WEC has also advised:
 - If a matter before the board is reasonably likely to have more than a trivial, insignificant, or insubstantial financial impact on a supervisor, then the supervisor should abstain from discussion, deliberation, and votes on the matter.
 - If the matter before the board will have no effect or only a trivial, insignificant, or insubstantial financial effect on a supervisor, then the supervisor may participate.
 - If reasonable people cannot foresee the effect of a board of supervisors' action on a supervisor's financial interests, or disagree about whether the effect will be positive, negative, or will be substantial or insignificant, then the supervisor's financial interest is too speculative to deny the supervisor's participation in related discussion, deliberation, and votes. The supervisor may participate unless, in the supervisor's judgment, to do so would undermine public confidence in the decision or in government.²⁵

5. No local public official may 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 official, one or more members of the official's immediate family either separately or together, or an organization with which the official is associated.²⁶

Wis. Stat. § 19.59 does not prohibit a local public official from taking any action concerning the lawful payment of salaries, employee benefits, or reimbursement of actual and necessary expenses, or prohibit a local public official from taking official action with respect to any proposal to modify a county or municipal ordinance.²⁷

The application of the ethics statute to local officials creates problems in the insurance arena. For example, WEC analyzed the statute in the following manner in dealing with insurance issues:

- ❑ 2000 Wis. Eth. Bd. 02 – In the case of a county board supervisor selected as a member of an insurance company's board of directors by the company's organizer, the supervisor should not participate in county board consideration, discussion, or votes to award a contract to the company, or to change county policy to permit the purchase of services from the company.
- ❑ 2000 Wis. Eth. Bd. 04 – On the other hand, WEC advises that in the case of a local official who has been elected to serve on the board of directors of a municipal mutual insurance corporation by a government approved process, to represent the local government's interests on the board, Wis. Stat. § 19.59 does not bar the official from participating in the local government's consideration, discussion, or votes to award a contract to, or change government policy to permit the purchase of services from the corporation.

If a local public official violates the ethics code, criminal penalties could apply if the violation is found to be intentional. The penalty for intentionally violating Wis. Stat. § 19.59(1)(a), (b), or (c) is a fine of not less than \$100 or more than \$5,000; imprisonment of not more than one year in the county jail; or both.²⁸ Any person who intentionally violates Wis. Stat. § 19.59(1)(br) is guilty of a Class I felony punishable by a fine not to exceed \$10,000 or imprisonment not to exceed three years and six months.

One sure way for an official to insulate him or herself from liability under the ethics statute is to take advantage of the mechanism in the statutes that allows for requests for advisory opinions. In short, an individual may request an advisory opinion, in writing, either personally or on behalf of an organization or governmental body pursuant to Wis. Stat. § 19.59(5)(a). Such request should be directed to the county ethics board, if there is one or, in the absence of a county ethics board, a county corporation counsel or attorney for a local governmental unit.

An official is presumed to have complied with Wis. Stat. § 19.59, or any ordinance enacted under Wis. Stat. § 19.59, when the official complies with an advisory opinion that the official received from a county ethics board, a county corporation counsel, or an attorney for a local governmental unit (assuming the material facts presented by the official are accurate).

Conflicts of Interests & Ethics

Pursuant to Wis. Stat. § 19.59(6), WEC must review (but is not required to respond to) opinion requests concerning the statutory local code of ethics submitted by certain requestors:

- ❑ Any county corporation counsel.
- ❑ Any attorney for a local governmental unit.
- ❑ Any "statewide association of local governmental units."

COUNTY ETHICS CODES (WIS. STAT. § 19.59(1M)-(4))

Any county, city, village, or town may enact an ordinance establishing a code of ethics for public officials, employees of the county or municipality, and candidates for county or municipal elective offices.

Any such ordinance must specify the positions to which it applies. The ordinance may apply to members of the immediate family of individuals who hold positions or who are candidates for positions to which the ordinance applies. An ethics ordinance may contain any of the following provisions:

- ❑ A requirement for local public officials, other employees of the county or municipality, and candidates for local public office to identify any of the economic interests specified in Wis. Stat. § 19.44.
- ❑ A provision directing the county or municipal clerk or board of election commissioners to omit the name of any candidate from an election ballot who fails to disclose his or her economic interests as required by the ordinance.
- ❑ A provision directing the county or municipal treasurer to withhold the payment of salaries or expenses from any local public official or other employee of the county or municipality who fails to disclose his or her economic interests as required by the ordinance.
- ❑ A provision granting administration and civil enforcement of the ordinance to an ethics board. The ethics board is appointed in the manner specified in the ordinance.
- ❑ Provisions prescribing ethical standards of conduct and prohibiting conflicts of interest on the part of local public officials and other employees of the county or municipality, or on the part of former local public officials or former employees of the county or municipality.
- ❑ A provision prescribing a forfeiture for violation of the ordinance in an amount not to exceed \$1,000 for each offense. A minimum forfeiture not to exceed \$100 for each offense may also be prescribed.

INCOMPATIBILITY OF PUBLIC OFFICES

COMMON LAW DOCTRINE THAT EXISTS INDEPENDENT OF ANY STATUTORY CONFLICT OF INTEREST.

Two offices or positions are incompatible if there are potential conflicts of interest between the duties of the offices or positions.

General Tests for Incompatibility

- ❑ If one of the offices or a position is subordinate to the duties of the other in one or more significant ways, such as being subject to the disciplinary, appointment, or removal power of the superior office

or position, or the superior office regulates the compensation of the other, then the two may be said to be incompatible.

- ❑ The mere physical inability of a person to perform the duties of both offices or the position and the office does not, of itself, have any bearing on incompatibility. Rather, incompatibility is determined based on the character of the offices, not the physical condition or ability of the individual holding the position and the office or the two offices.
- ❑ Where the existence of the second office precludes the continued existence of the first office or position, no incompatibility exists. For example, if several school districts were dissolved and consolidated into a newly-created district, a school board member of any of the dissolved districts could ordinarily become a school board member of the newly-formed school district.
- ❑ A situation that involves two different persons in two different positions does not raise questions of incompatibility of offices and positions (i.e., one spouse occupies an office or position and the other spouse assumes an apparently incompatible office or position). Although the incompatibility doctrine is not implicated, there may be serious potential conflicts of interest.²⁹
- ❑ When an individual accepts an office that is incompatible with the one he or she presently holds, the consequences are severe. The individual vacates the first office by operation of law.³⁰

Offices Found to be Incompatible

- ❑ County supervisor and county employee. Wis. Stat. § 59.10(4) provides that "[n]o county officer or employee is eligible for election or appointment to the office of supervisor, but a supervisor may also be a member of a committee, board or commission appointed by the county executive or county administrator or appointed or created by the county board, a town board, a mosquito control district, the common council of his or her city, the board of trustees of his or her village or the board of trustees of a county institution appointed under s. 46.18."
- ❑ County supervisor and county administrative coordinator.³¹
- ❑ Public office and a position. Conflict can exist between a public office and a position; for example, the office of alderperson was found to be incompatible with the position of residential appraiser in assessor's office.³²
- ❑ County board member and county/city hospital board member.³³
- ❑ Town clerk and town treasurer.³⁴
- ❑ School board member and school district employee.³⁵
- ❑ Town board member and sanitary district commission member.³⁶
- ❑ Office of coroner and deputy coroner, and the position of city police officer.³⁷

Offices Found to be Compatible

- ❑ Office of county supervisor and position of assistant state public defender.³⁸
- ❑ Register of deeds and office of school board member.³⁹
- ❑ Offices of county assessor and town supervisor.⁴⁰

Conflicts of Interests & Ethics

- ❑ Village president and supervisory deputy sheriff.⁴¹
- ❑ School board member and chairperson of town board – probably compatible.⁴²
- ❑ School board member and position as unpaid coach in the school district – likely compatible.⁴³

Endnotes

- 1 *State v. Venema*, 2002 WI App 202, ¶ 13, 257 Wis. 2d 491, 650 N.W.2d 898.
- 2 Wis. Stat. § 946.13(2)(a).
- 3 OAG 42-87.
- 4 76 Op. Att’y. Gen. 278 (1987).
- 5 OAG 22-87.
- 6 75 Op. Att’y. Gen. 172 (1986).
- 7 *Venema*, 2002 WI App 202.
- 8 52 Op. Att’y. Gen. 367 (1963).
- 9 *Venema*, 2002 WI App at ¶ 11, n. 3; 76 Op. Att’y Gen. at 93.
- 10 76 Op. Att’y Gen. 90 (1987).
- 11 63 Op. Att’y. Gen. 44 (1974).
- 12 The statute excludes a clerical position, a position limited to the exercise of ministerial action or a position filled by an independent contractor.
- 13 Wis. Stat. § 19.59(1)(a).
- 14 Wis. Stat. § 19.42(7).
- 15 Wis. Stat. § 19.42(2).
- 16 Wis. Stat. § 19.56(3)(f).
- 17 2017 ETH 01.
- 18 Wis. Stat. § 19.59(1)(b).
- 19 *Id.*
- 20 The local ethics code for public officials does not include a provision parallel to Wis. Stat. § 19.56 allowing state elected officials to “retain reasonable compensation, for a published work or for the presentation of a talk or participation in a meeting” related to a topic of legislative, administrative, executive or judicial processes or proposals.
- 21 Wis. Stat. § 19.59(1)(br).
- 22 Wis. Stat. § 19.59(1)(c)1.
- 23 See Wisconsin Ethics Board memorandum Private Interest in Official Action (November 1, 1989).
- 24 2008 GAB 02.
- 25 2007 GAB 09.
- 26 Wis. Stat. § 19.59(1)(c)2.
- 27 Wis. Stat. 19.59(1)(d).
- 28 Wis. Stat. § 19.58(1)(a).
- 29 See *Otradovec v. City of Green Bay*, 118 Wis. 2d 393, 347 N.W.2d 614 (Ct. App. 1984); 58 Op. Att’y. Gen. 247 (1969); 74 Op. Att’y. Gen. 50 (1985); 76 Op. Att’y. Gen. 156 (1987).
- 30 *State v. Jones*, 130 Wis. 572, 110 N.W. 431 (1907); but see also *Otradovec v. City of Green Bay*, 118 Wis. 2d 393, 347 N.W.2d 614 (Ct. App. 1984)(the public officer can choose which position to keep).
- 31 OAG 01-11.
- 32 *Otradovec v. City of Green Bay*, 118 Wis. 2d 393, 347 N.W. 2d 614 (Ct. App. 1984).
- 33 66 Op. Att’y. Gen. 145 (1977).
- 34 68 Op. Att’y. Gen. 393 (1970).
- 35 Unpublished Op. Att’y. Gen. May 31, 1985; See also *Tarpo v. Bowman Public School District No. 4*, 232 N.W.2d 67 (N.D. 1975); *Vistocky v. City Council of City of Garfield*, 273 A. 2d 597 (1971).
- 36 69 Op. Att’y. Gen. 108 (1980).
- 37 78 Op. Att’y. Gen. 178 (1989).
- 38 75 Op. Att’y. Gen. 178 (1986).
- 39 Unpublished Op. Att’y. Gen. (1977).
- 40 63 Op. Att’y. Gen. 599 (1974).
- 41 76 Op. Att’y. Gen. 156 (1974).
- 42 74 Op. Att’y. Gen. 50 (1985).
- 43 2006 Wis. Eth. Bd. 01.

CODE OF ETHICS

(Cr. Ord. #171-2013; Rep. & recr. Ord. #193-2015)

4.55 DECLARATION OF POLICY. (Rep. & recr. Ord. #193-2015)

To ensure that the public can have complete confidence in the integrity of Crawford County Government, each elected official and employee shall respect and adhere to the fundamental principles of ethical service. The proper operation of County government demands that:

- (1) Crawford County officials and employees be independent, impartial and responsible to the people;
- (2) Decisions be made in the proper channels of the County governmental structure;
- (3) County offices should not be used for personal gain;
- (4) County business should be conducted in such a way so as to re-enforce the public's confidence in its integrity.

4.56 PURPOSE. (Rep. & recr. Ord. #193-2015)

The purpose of this code is to establish ethical standards of conduct for all County officials and employees by identifying those acts or actions that are not compatible with the best interest of the County. Because representatives of the County are drawn from society, they cannot and should not be without all personal and economic interest in the decisions and policies of government. Citizens who serve as County officials and employees retain their rights as citizens to personal and economic interests. Therefore, the standards of ethical conduct for County officials and employees must distinguish between minor and inconsequential conflicts which are unavoidable and those conflicts which are substantial and material. The provisions of this code, and such rules and regulations which may be established, are to be interpreted in the context of the above principles and are deemed to be in the best interest of the public.

4.57 RESPONSIBILITY OF PUBLIC OFFICE. (Rep. & recr. Ord. #193-2015)

Public officials and employees are agents of the public 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 County and 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. Their conduct should be above reproach so as to foster respect for all government.

4.58 DEDICATED SERVICE. (Rep. & recr. Ord. #193-2015)

Officials and employees shall adhere to the rules of work and performance established as the standard for their positions by the appropriate authority. Officials and employees shall not exceed their authority or breach the law or ask others to do so, and they shall 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.

4.59 COVERAGE. (Rep. & recr. Ord. #193-2015)

This code governs all County officials, whether elected or appointed, paid or unpaid, including members of boards, committees and commissions, department heads, and all other County employees.

4.60 EXEMPTIONS. (Rep. & recr. Ord. #193-2015)

Political contributions which are reported under Ch. 11, Wis. Stats., are exempt from the provisions of this code.

4.61 DEFINITIONS. (Cr. Ord. #193-2015)

- (1) PERSON. Any individual, corporation, partnership, joint venture, association or organization.
- (2) FINANCIAL INTEREST. Any interest which yields, directly or indirectly, a monetary or other material benefit to the County officer or employee or to any person employing or retaining services of the County officer or employee.
- (3) ANYTHING OF VALUE. Any money or property, favor, service, payment, advance forbearance, loan or promise of future employment, but does not include such things as compensation and expenses paid by the State or County, fees, honorariums and expenses, unsolicited advertising or promotional material such as pens, pencils, notepads, calendars, informational or educational materials of unexceptional value, plaques, other advertising giveaways or any other thing which is not likely to influence the judgment of individuals covered by this code.
- (4) PRIVILEGED INFORMATION. Any written or oral material related to County government which has not become part of the body of public information and which is designated by statute, court decision, lawful orders, ordinances, resolution or custom as privileged.
- (5) OFFICIAL. All County department heads or directors, County supervisors, and all other County elected and appointed officers, except judges and district attorneys.
- (6) EMPLOYEE. All persons filling an allocated position of County employment and all members of boards, committees, and commissions.
- (7) IMMEDIATE FAMILY. An official's or employee's spouse, children, stepchildren, parents, stepparents, or other legal relation who contributes more than one-half of the support of the official or receives that level of support from the official or employee.

4.62 FAIR AND EQUAL TREATMENT. (Cr. Ord. #193-2015)

- (1) USE OF PUBLIC PROPERTY. An official or employee shall not use, or knowingly permit the use, of County services or County-owned vehicles, equipment, materials for unauthorized nongovernmental purposes or for unauthorized personal convenience or for profit, unless such services or use are available to the public generally and consistent with practices and policies of the County.
- (2) OBLIGATIONS TO CITIZENS. An official or employee shall not grant any special consideration, treatment or advantage to any citizen beyond that which is available to every other citizen.

This section does not affect the duty of County supervisors to diligently represent their constituency.

4.63 CONFLICTS OF INTEREST. (Cr. Ord. #193-2015)

- (1) RECEIPT OF GIFTS, FAVORS AND GRATUITIES PROHIBITED. No official or employee shall accept any valuable gift, whether in the form of service, loan, thing or promise, from any person, firm or corporation which to his

knowledge is interested in business dealings with the County nor shall any such official or employee accept any gift, favor or thing of value that may tend to influence him in the discharge of his duties or grant in the discharge of his duties any improper favor, service or thing of value.

- (2) EXCEPTION. It is not a conflict of interest for an official or employee to receive a gift or gratuity that is an unsolicited item of insignificant value or anything which is given to them independent of their position as an official or employee.
- (3) BUSINESS INTEREST. An official or employee shall not engage in any business or transaction or act in regard to any financial interest, direct or indirect, which:
 - (a) Is incompatible with the proper discharge of his or her official duties for the benefit of the public;
 - (b) Is contrary to the provisions of this code; or
 - (c) May impair his or her independence of judgment or action in the performance of his or her official duties.
- (4) EMPLOYMENT. An official or employee shall not engage in or accept any private employment or render any service for a private interest when such employment or service is incompatible with the proper discharge of his or her official duties or which may impair his or her independence of judgment or action in the performance of his or her official duties unless otherwise permitted by law or unless disclosure is made as hereinafter provided. An employee shall obtain prior approval from their Department Head, or in the case of a Department Head, from the applicable oversight committee, before engaging in outside employment.
- (5) REPRESENTING PRIVATE INTERESTS BEFORE COUNTY AGENCIES IN COURTS. No official or employee whose salary is paid in whole or in part by the County shall appear in behalf of private interests before any agency of the County. He shall not represent private interests in any action or proceeding against the interests of the County in any litigation to which the County is a party. This section shall not be construed as prohibiting the appearance of officials or employees when subpoenaed as witnesses by parties involved in litigation which also may involve the County. A supervisor may appear before County agencies on behalf of constituents in the course of his duties as a representative of the electorate or in the performance of public or civic obligations. However, no supervisor or other official or employee shall accept a retainer or compensation that is contingent upon a specific action by a County agent.
- (6) CONTRACTING. An official or employee or a business in which an official or employee holds a 10% or greater interest may not enter into a contract with the County involving a payment or payments of more than \$1,000 amount within a 12-month period unless the official or employee has made a written disclosure of the nature and extent of such relationship or interest to the County Clerk and reported such interest to the County Board. Further, pursuant to §946.13, Wis. Stats., an official or employee is prohibited from participating in the formation of a contract or contracts with Crawford County involving the receipts or disbursements of more than \$15,000 in any year.

4.64 FINANCIAL INTEREST IN LEGISLATION. (Cr. Ord. #193-2015)

A member of the County Board who has a financial interest in any proposed action before the County Board shall disclose the nature and extent of such interest to the County Clerk and the County Board prior to or during the initial discussion of such action and shall refrain from participating in the discussion of and/or voting on such action. A member of the County Board shall request to be excused by the Board or Committee chairperson for the duration of any deliberations concerning such action in which the member has a financial interest. Any other official or employee who has a financial interest in any proposed action before the County Board, and who participates in discussion with or gives an official opinion or recommendation to the County Board, shall first disclose the nature and extent of such interest to the County Board.

4.65 DISCLOSURE OF PRIVILEGED INFORMATION. (Cr. Ord. #193-2015)

An official or employee shall not knowingly disclose or permit the disclosure of privileged information to any person not lawfully authorized to receive such privileged information. An official or employee shall not use privileged information to advance his or her personal financial interest or that of his or her immediate family.

4.66 DISCLOSURE BY COUNTY OFFICIALS OF MATTERS PERTAINING TO A CLOSED SESSION PROHIBITED. (Cr. Ord. #193-2015)

No County official may disclose any information discussed, debated or acted upon in a closed session of the Crawford County Board or its standing committees.

4.67 NEPOTISM. (Cr. Ord. #193-2015)

- (1) No person shall be employed, promoted, or transferred to any department, division, or work unit when, as a result, the employee would be directly supervising or receiving direct supervision from a related person.
- (2) "Related person" shall mean spouse, parents, children, siblings, grandparents, grandchildren, father-in-law, mother-in-law, stepchildren, stepparents and any person sharing the employee's residence.

4.68 STATE STATUTES INCORPORATED. (Cr. Ord. #193-2015)

- (1) STATUTES INCORPORATED BY REFERENCE. The following sections of the Wisconsin Statutes are hereby incorporated by reference and made a part of this Code of Ethics:
 - §19.01 (Oaths and Bonds)
 - §19.21 (Custody and Delivery of Official Property and Records)
 - §19.81-§19.89 (Open Meetings of Governmental Bodies)
 - §19.59 (Codes of Ethics for Local Government Officials, Employees and Candidates)
- (2) VIOLATION OF INCORPORATED STATUTES. Officials shall comply with the sections of the Wisconsin Statutes incorporated in this code and failure to do so shall constitute a violation of this code.

4.69 INVESTIGATIONS AND ENFORCEMENT. (Cr. Ord. #193-2015)

- (1) ADVISORY OPINIONS. Any person governed by this Code of Ethics may apply in writing to the County Corporation Counsel for an advisory opinion and shall be guided by any opinion rendered. The applicant shall present his or her interpretation of the facts at issue and of the applicability of provisions of this code before the advisory opinion is rendered. All requests for opinion and opinions rendered shall be in writing. Records of the Corporation Counsel's opinions, opinion requests and investigations of violations shall be closed to public inspection, as required by Ch. 19, Wis. Stats. However, such records may be made public with the consent of the applicant.
- (2) COMPLAINTS. The Corporation Counsel shall accept from any person a verified written complaint which states the name of the officer or employee alleged to have committed a violation of this code and sets forth the material facts involved in the allegation. The Corporation Counsel shall forward a copy of the complaint to the accused officer or employee and the Ethics Inquiry Board within 10 days. If no action on the verified complaint is taken by the Ethics Inquiry Board within 30 days, the complaint shall be dismissed.

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- (3) **PRELIMINARY INVESTIGATIONS.** Following the receipt of a verified complaint, the Ethics Inquiry Board may make preliminary investigations with respect to alleged violation of this code. A preliminary investigation shall not be initiated unless the accused officer or employee is notified in writing. The notice shall state the exact nature and purpose of the investigation, the individual's specific action or activities to be investigated and a statement of such person's due process rights. If the Ethics Inquiry Board finds probable cause to believe the allegations contained in the complaint, the complaint shall be referred to hearing pursuant to subsections (5)(a) and (5)(c) below before the Ethics Inquiry Board.
- (4) **TIME LIMITATIONS.** The Ethics Inquiry Board may investigate any complaint properly filed with it. However, no action may be taken on any complaint which is filed more than one year after a violation of the Ethics Code is alleged to have occurred.
- (5) **ETHICS INQUIRY BOARD.** There is hereby created an Ethics Inquiry Board to consist of 3 members and one alternate, one of whom shall be an attorney licensed to practice law in the State of Wisconsin, appointed by the County Board Chairperson with the approval of the County Board. The members of the Ethics Inquiry Board shall be residents of Crawford County and shall not be County public officials or employees during the time of appointment, and shall serve staggered 3-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 code. The Corporation Counsel shall provide legal advice, secretarial service and assistance to the Board. The Board shall be entitled to mileage and per diem payments for meetings and hearings of the Board on the same basis as provided other Crawford County boards, committees or commissions.
- (a) **Powers and Duties.** The Ethics Inquiry Board shall be responsible for investigating a complaint, and conducting a fact finding hearing pursuant to subparagraph (5)(c) below, in any case where the Ethics Inquiry Board has found that probable cause exists for believing the allegations of a complaint referred to the Board after preliminary review pursuant to subparagraphs (2) through (4) above.
- (b) **Burden of Proof.** The burden of proving a violation alleged in the complaint shall be on the complainant. Violations shall be proved by evidence that is clear, satisfactory and convincing.
- (c) **Hearing.** The Ethics Inquiry Board may hold, and an individual against whom a complaint has been made and where the complaint has been referred to the Ethics Inquiry Board may request, a hearing before the Board. The Board shall keep a record of the hearing. The Board shall have the power to compel the attendance of witnesses and to issue subpoenas as granted to other boards and commissions under §885.01, Wis. Stats.
1. Within 10 work days of the conclusion of the hearing, the Board shall file its written findings and recommendations signed by all participating Board members, together with findings of fact and conclusions of law, concerning the propriety of the conduct of the public official. If the Board determines that no violation of the Code of Ethics has occurred, it shall dismiss the complaint, and if requested to do so by the accused, issue a public statement.
 2. No recommendation of the Board becomes effective until 20 work days after it is issued, or while an application for rehearing or rehearing before the Board is pending, or the Board has announced its final determination on rehearing.
- (d) **Enforcement and Penalties.** If the Ethics Inquiry Board finds that clear, satisfactory and convincing evidence exists for believing the allegations of the complaint, the Ethics Inquiry Board shall refer its findings and recommendation to the County Board, or in the case of an employee, to the Personnel Committee. The Board may make the following recommendations:
1. Recommend that the County Board order the officer or employee to conform his or her conduct to the Ethics Code or recommend that the official or employee be censured, suspended, removed from office, be issued a private reprimand, public reprimand, and in the case of an employee may

also recommend denial of merit increase, suspension without pay, discharge, or other appropriate disciplinary action.

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

Ordinance No. 701

ETHICS CODE

- 701.01 Title.
- 701.02 Authority.
- 701.03 Definitions.
- 701.04 Application of Chapter.
- 701.05 Administration.
- 701.06 Certain County Transactions Prohibited.
- 701.07 Declaration of Policy.
- 701.08 Standard of Conduct; Use of Public Position to Obtain Private Benefit Prohibited.
- 701.09 Standard of Conduct; Solicitation or Acceptance of anything of Value.
- 701.10 Standard of Conduct; Conflict of Interest Prohibited.
- 701.11 Mileage Reimbursement Eligibility.
- 701.12 Standard of Conduct; Use or Disclosure of Information Gained in Course of Official Activities
- 701.13 Impermissible Use of Public Office.
- 701.14 Standard of Conduct; Representation for Compensation by County Official Before County Entities.
- 701.15 Standard of Conduct; Representation by Citizen Members and Employees Before County Entities.
- 701.16 Standard of Conduct; Receipt and Retention of Anything of Value Unrelated to Official Duties.
- 701.17 Standard of Conduct; Receipt and Retention of Anything of Value for the Benefit of the County.
- 701.18 Standard of Conduct; Receipts from Political Committees.
- 701.19 Standard of Conduct; Disclosure by County Officials.
- 701.20 Standard of Conduct; Disclosure by County Officials of Matters Pertaining to a Closed Session Prohibited
- 702.21 Complaints.
- 701.22 Procedure Before the Board.
- 701.23 Closed Session.
- 701.24 Advisory Opinions.
- 701.25 Open Records.
- 701.26 Sanctions.
- 701.27 Severability.

701.01 TITLE. This ordinance may be cited as the Iowa County Ethics Code.

701.02 AUTHORITY. This ordinance is enacted under the authority of Section 19.59, Wis. Stats.

701.03 DEFINITIONS. (1) Except as expressly modified in this chapter, words and phrases used in this chapter have meanings set forth in s. 19.42, Wis. Stats.:

(a) *Administrative agency* means any board, commission, committee, task force or other entity which is listed in chapter 15.

(b) *Anything of value* means any money or property, favor, service, payment, advance, forbearance, loan or promise of future employment, but does not include compensation and expenses paid by the county, fees and expenses which are permitted and reported under s. 701.16, political contributions which are reported under chapter 11, Wis. Stats., hospitality extended for a purposes unrelated to county business by a person other than an organization or anything having a value of less than \$13 per occurrence or \$39 in total during a calendar year.

(c) *Board* shall mean the Iowa County Ethics Board created by Section 702 of the Iowa County Code of Ordinances.

(d) *Business* shall mean any corporation, partnership, proprietorship, firm, enterprise, franchise, association, organization, self-employed individual or any other legal entity which engages in profit-making or nonprofit-making activities.

(e) *Citizen* or *citizen member* refers to a person appointed to any position by the County Board, who is neither an elected county officeholder nor a county employee.

(f) *County employee* shall refer to any person holding a full- or part-time position with Iowa County, other than a county official.

(g) *County official* shall mean any person holding a county elected office.

(h) *Department* shall mean any department of county government having its own budget.

(i) *Elected official* shall mean any person who holds an elected position and whose salary is funded in full or in part by Iowa County.

(j) *Organization* means any legal entity other than an individual or body politic.

(k) *Respondent* means a person against whom has been filed a complaint alleging a violation of this chapter.

(l) *Substantial financial interest* means any interest required to be placed on a disclosure statement by s. 701.21 of this ordinance.

701.04 APPLICATION OF CHAPTER. 1 This ordinance shall apply to all county officials and county employees.

701.05 ADMINISTRATION. The Iowa County Ethics Board shall be the administrative body with respect to the enforcement of the provisions of this ordinance. The board may call upon the Iowa County Administrative Offices for staff assistance as the need arises. The corporation counsel shall provide such legal assistance as the board requires.

701.06 CERTAIN COUNTY TRANSACTIONS PROHIBITED. (1) The county shall not have or seek to have a business or financial relationship with a county official which would potentially place the official in violation of s. 946.13, Wis. Stats., or any provision of this chapter.

(2) It shall be the duty of the department head overseeing negotiations and requests for bids or proposals or other proposed transactions to assure compliance with this section.

701.07 DECLARATION OF POLICY. (1) The proper operation of representative government requires that county officials and employees be independent, impartial and responsible to the people; that government decisions and policy be made in the 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 a code of ethics for all County of Iowa officials and employees. The purpose of this code is to assist county officials and employees in avoiding conflicts between their personal interest and their public responsibilities in order to improve standards of public service and promote and strengthen the faith and confidence of the people of Iowa County in their county public officials and employees and to provide for disclosure by county officials and managerial employees of substantial financial interests in matters affecting the county. The provisions and purpose of this code and such rules and regulations as may be established are hereby declared to be in the best interests of the County of Iowa.

(2) The county board hereby reaffirms that each county official and employee occupies a position of public trust that requires adherence to a high standard of conduct. Any effort to realize substantial personal gain through official conduct is a violation of that trust. This code of ethics does not prevent any county public official from accepting other employment or following any pursuit which in no way interferes with the full and faithful discharge of his or her duties to this county. The county board further recognizes that in a representative democracy, the representatives are drawn from society and, therefore, cannot and should not be without all personal and economic interest in the decisions and policies of government; that citizens who serve as county officials retain their rights as citizens to interests of a personal or economic nature; that standards of ethical conduct for county officials need to distinguish between those minor and inconsequential conflicts that are unavoidable in a free society, and those conflicts which are substantial and material; and that county officials may need to engage in employment, professional or business activities, other than official duties, in order to support themselves or their families and to maintain a continuity of professional or business activity, or may need to maintain investments which activities or investments do not conflict with the specific provisions of this code.

701.08 STANDARD OF CONDUCT; USE OF PUBLIC POSITION TO OBTAIN PRIVATE BENEFIT PROHIBITED. No county official, county employee or citizen member may 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.

701.09 STANDARD OF CONDUCT; SOLICITATION OR ACCEPTANCE OF ANYTHING OF VALUE. No county official, county employee or citizen member may solicit or accept from any person directly or indirectly, anything of value if it could reasonably be expected to influence official actions or judgment, or could reasonably be considered as a reward for any official action or inaction on the part of the county official, county employee or citizen member.

701.10 STANDARD OF CONDUCT; CONFLICT OF INTEREST PROHIBITED. No county official, county employee or citizen member may: (a) Take any official action substantially affecting a matter in which the official, a member of his or her immediate family, or an organization with which the official is associated has a substantial financial interest. (b) 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 official, one or more members of the official's immediate family either separately or together, or an organization with which the official is associated.

701.11 MILEAGE REIMBURSEMENT ELIGIBILITY. A county board supervisor is eligible for reimbursement of only that mileage actually traveled in attending those meetings for which she or he is also eligible for a meeting payment.

701.12 STANDARD OF CONDUCT; USE OR DISCLOSURE OF INFORMATION GAINED IN COURSE OF OFFICIAL ACTIVITIES. No county official or employee may intentionally use or disclose information gained in the course of or by reason of her or his official position or activities in any way that could result in the receipt of anything of value for herself or himself, for a member of her or his immediate family, or for any other person or legal entity if the information has not been communicated to the public or is not a public record.

701.13 IMPERMISSIBLE USE OF PUBLIC OFFICE. No county official or county employee shall use or attempt to use his or her public office or employment to influence or gain unlawful benefits, advantages or privileges personally or for others.

701.14 STANDARD OF CONDUCT; REPRESENTATION FOR COMPENSATION BY COUNTY OFFICIAL BEFORE COUNTY ENTITIES. (1) No county official shall appear on behalf of private interests for compensation, before any county entity nor represent private interests in any action or proceedings against the county.

(a) This subsection shall not apply:

1. In a contested case which involves a party other than the county with interests adverse to those represented by the public official or employee; or
2. At an open hearing before a body other than the county board or a committee of the county board, at which a stenographic or tape record is maintained; or
3. In a matter that involves only ministerial action by the department; or
4. To representation by an elected official acting in his or her official capacity.

(2) This section shall not be construed to limit in any fashion whatsoever an elected official's business or professional partner's or associate's right to practice or appear before a county entity, provided, however, the elected official does not participate in any vote or in the decision-making process.

(3) Nothing in this section shall be construed to prohibit an elected official from representing herself or himself before any county entity, including the one of which he or she is member.

701.15 STANDARD OF CONDUCT; REPRESENTATION BY CITIZEN MEMBERS AND EMPLOYEES BEFORE COUNTY ENTITIES.

(1) No county employee or citizen member shall appear on behalf of private interests with or without compensation before any entity for or with which the person works nor appear on behalf of private interests with or without compensation in any action or proceeding against the county.

(a) This subsection shall not apply to matters involving employee appearances before any county entity as a representative of a collective bargaining unit, whether on behalf of the unit or a county employee represented by the unit.

(2) This section shall not be construed to prohibit a citizen member from dealing directly with staff of the agency on behalf of private interests, for compensation or otherwise, provided that if the representation is for compensation, that fact is contemporaneously disclosed, in writing, to the affected county department or agency.

(3) This section shall not be construed to limit in any fashion whatsoever a citizen member's or employee's business or professional partner's or associate's right to practice or appear before the administrative agency.

(4) Nothing in this section shall be construed to prohibit a citizen member or employee from representing herself or himself before any county entity, including the one of which he or she is a member.

701.16 STANDARD OF CONDUCT; RECEIPT AND RETENTION OF ANYTHING OF VALUE UNRELATED TO OFFICIAL DUTIES.

(1) County officials, employees and citizen members may receive and retain anything of value if the activity or occasion on or for which it is given is unrelated from his or her use of the county's time, information, facilities, equipment, services or supplies not generally available to all residents of the county and he or she can show by clear and convincing evidence that the payment or reimbursement was unrelated to and did not arise from the recipient's holding or having held her or his position and was paid for a purpose unrelated to a matter being considered by or affecting the county. Such persons may accept and retain from persons or entities other than the county the cost of reimbursement of actual and reasonable expenses related to speaking engagements whether or not the same arise from their county roles or positions.

701.17 STANDARD OF CONDUCT; RECEIPT AND RETENTION OF ANYTHING OF VALUE FOR THE BENEFIT OF THE COUNTY.

County officials, employees and citizen members may accept and retain anything of value which consists of transportation, lodging, meals, food or beverage, or reimbursement therefore, if the official, employee or citizen member can show by clear and convincing evidence that the same was incurred or received primarily for the benefit of the county and not primarily for his or her private benefit or that of any other person. It is prima facie evidence that the acceptance of anything of value consisting of the enumerated items or services is primarily for the benefit of the county (a) when received by an official, employee or citizen member in connection with a speech or other presentation being given by the county official, employee or citizen member; (b) when received by an official,

employee or citizen member attending a government-related function where the same or similar items or services are provided free of direct charge to all attendees; or (c) when received by an official employee or citizen member in a situation where the county would have to assume the costs of the item or service if not otherwise provided.

701.18 STANDARD OF CONDUCT; RECEIPTS FROM POLITICAL COMMITTEES. Notwithstanding any other provision of this chapter, county officials may receive and retain from a political committee under Ch. 11, Wis. Stats., transportation, lodging, meals, food or beverages, or reimbursement therefor, or payment or reimbursement of costs permitted and reported in accordance with Ch. 11, Wis. Stats.

701.19 STANDARD OF CONDUCT; DISCLOSURE BY COUNTY OFFICIALS. A county official who has a substantial financial interest in a matter pending before the body of which he or she is a member shall disclose the nature of the interest. The disclosure shall be made on the record before the body, or if there is no formal record, in writing to the body.

701.20 STANDARD OF CONDUCT; DISCLOSURE BY COUNTY OFFICIALS OF MATTERS PERTAINING TO A CLOSED SESSION PROHIBITED. No county official may disclose any information discussed debated or acted upon in a closed session of the Iowa County Board or its standing committees.

701.21 COMPLAINTS. All complaints regarding violations of this ordinance shall be made in writing and submitted to the county clerk who shall deliver them to the chairperson of the ethics board.

701.22 PROCEDURE BEFORE THE BOARD. Upon receipt of a complaint, the board shall: (1) Cause notice to be given to the respondent. Such a notice shall contain a specification of the charges against the respondent as well as a notice that the respondent may file a written statement of his or position with the board.

(2) Schedule and hold hearings on the complaint.

(3) Hear the respondent's position and the testimony of witnesses, if any.

(4) Permit the respondent and the complainant to call such witnesses as either desires and to cross-examine the witnesses of the other.

(5) Consider the evidence presented and make findings thereon.

(6) By its chairperson or his or her designee, make rulings on motions and objections made by any party in such a manner as to assure due process protection to the parties.

(7) Based upon the evidence presented to it, determine whether or not to seek imposition of a forfeiture pursuant to the penalty provisions of this ordinance. If a forfeiture is deemed advisable, the board may direct the corporation counsel to start an action in the name of the county against the violator.

(8) When deciding to seek the imposition of a forfeiture, the board shall at the time of notifying the corporation counsel, serve notice by mail upon the respondent to the effect that a forfeiture will be sought against the respondent, specifying the amount and that court action may be avoided if the amount specified is paid within 30 days of the date of the notice.

(9) If a person against whom the board decides to seek imposition of a forfeiture fails to pay the amount specified by the board within 30 days of the date of the notice, the corporation counsel shall initiate an action for the collection of the forfeiture in the circuit court for the County of Iowa.

701.23 CLOSED SESSION. Pursuant to sec. 19.85(1)(a) and (f), Wis. Stats., the board shall conduct its hearings in closed session unless the person complained of requests open hearings.

701.24 ADVISORY OPINIONS. (1) Any person subject to the provisions of this ordinance, either personally or on behalf of an organization or governmental body, may at any time request of the board an advisory opinion regarding the propriety of any matter to which the person is or may become a party. Any appointing officer, with the consent of a prospective appointee, may request of the ethics board an advisory opinion regarding the propriety of any matter to which the prospective appointee is or may become a party. The ethics board shall review a request for an advisory opinion and may advise the person making the request. Advisory opinions and requests therefor shall be in writing. The ethics board may authorize the corporation counsel to act in its stead in instances where delay is of substantial inconvenience or detriment to the requesting party. Except as provided in sub. (3), neither the corporation counsel nor a member or agent of the ethics board may make public the identity of an individual requesting an advisory opinion or of individuals or organizations mentioned in the opinion. The board shall annually publish a synopsis of any advisory opinions it has issued, after first reviewing such material with the corporation counsel to ensure that all individual identifying material has been deleted.

(2) It is prima facie evidence of intent to comply with the Iowa County ethics code or any amendment of the same when a person refers a matter to the ethics board and abides by the advisory opinion, if the material facts are as stated in the opinion request.

(3) The ethics board may make an advisory opinion public with the consent of the individual requesting the opinion or the organization or governmental body on whose behalf it is requested and may make public a summary of an advisory opinion issued under this section after making sufficient alterations in the summary to prevent disclosing the identities of individuals involved in the opinion. A person who makes or purports to make public the substance of or any portion of an advisory opinion requested by or on behalf of the person waives the confidentiality of the request for an advisory opinion and of any records obtained or prepared by the ethics board or corporation counsel in connection with the request for an advisory opinion.

(4) The board is expressly authorized to issue advisory opinions interpreting those provisions of chapter 19 of the Wisconsin Statutes which are expressly incorporated in this ordinance.

701.25 OPEN RECORDS. All records of the board shall be open to public inspection at any time except that the names of individuals and identifying matter which clearly discloses the identity of any individual shall be kept confidential, and copies of such records shall be altered to remove any such identifying information.

701.26 SANCTIONS. (1) Violation of any provision of this code should raise conscientious questions for the official or employee concerned as to whether voluntary resignation or other action is indicated to promote the best interests of the County of Iowa. If the ethics board determines that an official or employee has violated any provision of this code, the board may, as part of its report to the county board, make any of the following recommendations:

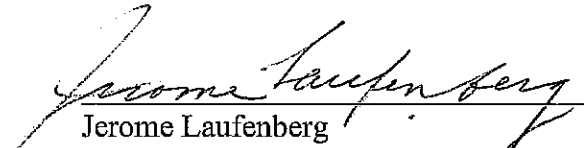
- (a) In the case of an official who is an elected county board supervisor, that the county board consider sanctioning, reprimanding, censuring or expelling the person;
- (b) In the case of a citizen member, the county board or other appointing authority consider removing the person from the administrative agency;
- (c) In the case of an employee, that the employee's appointing authority consider imposing discipline, up to and including discharge of the employee.


(2) In addition to the sanctions available under sub. (1), any official or employee violating the provisions of this section shall be subject to a non-reimbursable forfeiture of not more than one hundred dollars (\$100).


701.27 SEVERABILITY. The provisions of this chapter are severable. If any provision of this chapter is held to be invalid or unconstitutional or if the application of any provision of this chapter to any person or circumstance is held to be invalid or unconstitutional, such holding shall not affect the other provisions or applications of this chapter which can be given effect without the invalid or unconstitutional provisions or applications. It is hereby declared to be the intent of the county board that this chapter would have been adopted had any invalid or unconstitutional provisions or applications not been included herein.


Respectfully submitted for consideration by the Committee on Salary & Personnel, Neil D. Jefferson, Chairman.


Neil D. Jefferson, Chairman


Jerome Laufenberg



David Gollon


Thomas Paull


Diane McGuire

**COMMITTEE ON SALARY &
PERSONNEL**

Adopted this 9th day of November, 1999.


Richard Scullion
Iowa County Chairman

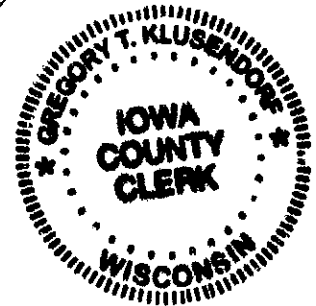
ATTEST:

Gregory Klusendorf
Gregory Klusendorf
Iowa County Clerk

CERTIFICATION OF ADOPTION

This is to certify that the above resolution was duly adopted by the County Board of Iowa County on the 9th day of November, 1999.

Gregory Klusendorf
Gregory Klusendorf
Iowa County Clerk
Iowa County, Wisconsin



CHAPTER 36 CODE OF ETHICS¹

Sec. 36.01. Declaration of policy.

To ensure that the public can have complete confidence in the integrity of Sauk County Government, each elected official and employee shall respect and adhere to the fundamental principles of ethical service. The proper operation of County government demands that:

- (1) Sauk County officials and employees be independent, impartial and responsible to the people;
- (2) decisions be made in the proper channels of the County governmental structure;
- (3) County offices should not be used for personal gain;
- (4) County business should be conducted in such a way so as to re-enforce the public's confidence in its integrity.

In recognition of these fundamental principles, there is hereby created a Code of Ethics.

Sec. 36.02. Purpose.

The purpose of this Code is to establish ethical standards of conduct for all County officials and employees by identifying those acts or actions that are not compatible with the best interest of the County. Because representatives of the County are drawn from society, they cannot and should not be without all personal and economic interest in the decisions and policies of government. Citizens who serve as County officials and employees retain their rights as citizens to personal and economic interests. Therefore, the standards of ethical conduct for County officials and employees must distinguish between minor and inconsequential conflicts which are unavoidable and those conflicts which are substantial and material. The provisions of this Code, and such rules and regulations which may be established, are to be interpreted in the context of the above principles and are deemed to be in the best interest of the public.

Sec. 36.03. Responsibility of public office.

County officials and employees are agents of public purpose and hold office to serve the public interest. They are bound to uphold the Constitution of the United States, the Constitution of the State of Wisconsin and to carry out efficiently and impartially all laws of the United States, the State of Wisconsin, and the Ordinances of Sauk County. Further, they are bound to observe in their official acts, the standards of ethics set forth in this Code and to faithfully discharge the duties of their office. The public interest must be their primary concern.

Sec. 36.04. Coverage.

This Code governs all County officials, whether elected or appointed, paid or unpaid, including members of boards, committees and commissions, department heads, and other County employees.

¹Editor's note(s)—As amended by the Sauk County Board of Supervisors on June 20, 2000, Ord. No. 132-00.

Sec. 36.05. Exemptions.

Political contributions which are reported under Wis. Stats. ch. 11, are exempt from the provisions of this Code.

Sec. 36.06. Definitions.

Anything of value. Any money or property, favor, service, payment, advance forbearance, loan or promise of future employment, but does not include such things as compensation and expenses paid by the state or County, fees, honorariums and expenses, unsolicited advertising or promotional material such as pens, pencils, notepads, calendars, informational or educational materials of unexceptional value, plaques, other advertising giveaways or any other thing which is not likely to influence the judgment of individuals covered by this Code.

Employee. All persons filling an allocated position of County employment and all members of boards, committees, and commissions.

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

Immediate family. An official's or employee's spouse, children, stepchildren, parents, stepparents, or other legal relation who contributes more than one-half of the support of the official or receives that level of support from the official or employee.

Official. All County department heads or directors, County supervisors, and all other County elected officers, except judges and district attorneys.

Person. Any individual, corporation, partnership, joint venture, association or organization.

Privileged information. Any written or oral material related to County government which has not become part of the body of public information and which is designated by statute, court decision, lawful orders, ordinances, resolution or custom as privileged.

Sec. 36.07. Fair and equal treatment.

- (1) *Use of public property.* An official or employee shall not use, or knowingly permit the use, of County services or County-owned vehicles, equipment, materials for unauthorized non-governmental purposes or for unauthorized personal convenience or for profit, unless such services or use are available to the public generally and consistent with practices and policies of the County.
- (2) *Obligations to citizens.* An official or employee shall not grant any special consideration, treatment or advantage to any citizen beyond that which is available to every other citizen. This section does not affect the duty of County supervisors to diligently represent their constituency.

Sec. 36.08. Conflicts of interest.

- (1) *Receipt of gifts and gratuities prohibited.* An official or employee shall not accept anything of value whether in the form of a gift, service, loan or promise from any person which may impair his or her independence of judgment or action in the performance of his or her official duties.
- (2) *Exception.* It is not a conflict of interest for an official or employee to receive a gift or gratuity that is an unsolicited item of insignificant value or anything which is given to them independent of their position as an official or employee.

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- (3) *Business interest.* An official or employee shall not engage in any business or transaction or act in regard to any financial interest, direct or indirect, which:
 - (a) Is incompatible with the proper discharge of his or her official duties for the benefit of the public;
 - (b) Is contrary to the provisions of this Code; or
 - (c) May impair his or her independence of judgment or action in the performance of his or her official duties.
 - (4) *Employment.* An official or employee shall not engage in or accept any private employment or render any service for a private interest when such employment or service is incompatible with the proper discharge of his or her official duties or which may impair his or her independence of judgment or action in the performance of his or her official duties unless otherwise permitted by law or unless disclosure is made as hereinafter provided. An employee shall obtain prior approval from their Department Head, or in the case of a Department Head, from the applicable oversight committee, before engaging in outside employment.
 - (5) *Contracting.* An official or employee or a business in which an official or employee holds a ten percent or greater interest, may not enter into a contract with the County involving a payment or payments of more than \$1,000.00 amount within a 12-month period unless the official or employee has made a written disclosure of the nature and extent of such relationship or interest to the County Clerk and reported such interest to the County Board. Further, pursuant to Wis. Stats. § 946.13, an official or employee is prohibited from participating in the formation of a contract or contracts with Sauk County involving the receipts or disbursements of more than \$15,000.00 in any year.

Sec. 36.09. Financial interest in legislation.

A member of the County Board who has a financial interest in any proposed action before the County Board shall disclose the nature and extent of such interest to the County Clerk and the County Board prior to or during the initial discussion of such action and shall refrain from participating in the discussion of and/or voting on such action. A member of the County Board shall request to be excused by the Board or Committee chairperson for the duration of any deliberations concerning such action in which the member has a financial interest. Any other official or employee who has a financial interest in any proposed action before the County Board, and who participates in discussion with or gives an official opinion or recommendation to the County Board, shall first disclose the nature and extent of such interest to the County Board.

Sec. 36.10. Disclosure of privileged information.

An official or employee shall not knowingly disclose or permit the disclosure of privileged information to any person not lawfully authorized to receive such privileged information. An official or employee shall not use privileged information to advance his or her personal financial interest or that of his or her immediate family.

Sec. 36.11. Gifts and favors.

An official or employee shall not accept, from any person or organization directly or indirectly, anything of value without full payment, if it could reasonably be expected to influence his or her vote, governmental actions or judgments or is provided to such official or employee because of their position or office and could reasonably be considered as a reward for any governmental action or inaction.

Sec. 36.12. State statutes incorporated.

- (1) *Statutes incorporated by reference.* The following sections of the Wisconsin Statutes are hereby incorporated by reference and made a part of this Code of Ethics:

Wis. Stats. § 19.01 (Oaths and Bonds).

Wis. Stats. § 19.21 (Custody and Delivery of Official Property and Records).

Wis. Stats. §§ 19.81—19.89 (Open Meetings of Governmental Bodies).

Wis. Stats. § 19.59 (Codes of Ethics for Local Government Officials, Employees and Candidates).

- (2) *Violation of incorporated statutes.* Officials shall comply with the sections of the Wisconsin Statutes incorporated in this Code and failure to do so shall constitute a violation of this Code of Ethics.

Sec. 36.13. Investigations and enforcement.

- (1) *Advisory opinions.* Any person governed by this code of ethics may apply in writing to the County Corporation Counsel for an advisory opinion and shall be guided by any opinion rendered. The applicant shall present his or her interpretation of the facts at issue and of the applicability of provisions of this Code before the advisory opinion is rendered. All requests for opinion and opinions rendered shall be in writing. Records of the Corporation Counsel's opinions, opinion requests and investigations of violations shall be closed to public inspection, as required by Wis. Stats. ch. 19. However, such records may be made public with the consent of the applicant.
- (2) *Complaints.* The Corporation Counsel shall accept from any person a verified written complaint which states the name of the officer or employee alleged to have committed a violation of this Code and sets forth the material facts involved in the allegation. The Corporation Counsel shall forward a copy of the complaint to the accused officer or employee and the Ethics Inquiry Board within ten days. If no action on the verified complaint is taken by the Ethics Inquiry Board within 30 days, the complaint shall be dismissed.
- (3) *Preliminary investigations.* Following the receipt of a verified complaint, the Ethics Inquiry Board may make preliminary investigations with respect to alleged violation of this Code. A preliminary investigation shall not be initiated unless the accused officer or employee is notified in writing. The notice shall state the exact nature and purpose of the investigation, the individual's specific action or activities to be investigated and a statement of such person's due process rights. If the Ethics Inquiry Board finds probable cause to believe the allegations contained in the complaint, the complaint shall be referred to hearing pursuant to Section 36.13(5) below before the Ethics Inquiry Board.
- (4) *Time limitations.* The Ethics Inquiry Board may investigate any complaint properly filed with it. However, no action may be taken on any complaint which is filed more than one year after a violation of the Ethics Code is alleged to have occurred.
- (5) *Ethics Inquiry Board.* There is hereby created an Ethics Inquiry Board to consist of three members and one alternate, one of whom shall be an attorney licensed to practice law in the State of Wisconsin, appointed by the County Board Chairperson with the approval of the County Board. The members of the Ethics Inquiry Board shall be residents of the Sauk County and shall not be County Public Officials 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 Corporation Counsel shall provide legal advice, secretarial service and assistance to the Board. The Board shall be entitled to mileage and per diem payments for meetings and hearings of the Board on the same basis as provided other Sauk County Boards, Committees or Commissions.
- (a) *Powers and duties.* The Ethics Inquiry Board shall be responsible for investigating a complaint, and conducting a fact finding hearing pursuant to Section 36.13(5)(c) below, in any case where the Ethics Inquiry Board has found that probable cause exists for believing the allegations of a complaint referred to the Board after preliminary review pursuant to Section 36.13(2) through (4) above.

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- (b) *Burden of proof.* The burden of proving a violation alleged in the complaint shall be on the complainant. Violations shall be proved by evidence that is clear, satisfactory and convincing.
 - (c) *Hearing.* The Ethics Inquiry Board may hold, and an individual against whom a complaint has been made and where the complaint has been referred to the Ethics Inquiry Board may request, a hearing before the Board. The Board shall keep a record of the hearing. The Board shall have the power to compel the attendance of witnesses and to issue subpoenas as granted to other boards and commissions under Wis. Stats. § 885.01.
 - (i) Within ten work days of the conclusion of the hearing, the Board shall file its written findings and recommendations signed by all participating Board members, together with findings of fact and conclusions of law, concerning the propriety of the conduct of the public official. If the Board determines that no violation of the Code of Ethics has occurred, it shall dismiss the complaint, and if requested to do so by the accused, issue a public statement.
 - (ii) No recommendation of the Board becomes effective until 20 work days after it is issued, or while an application for rehearing or rehearing before the Board is pending, or the Board has announced its final determination on rehearing.
 - (d) *Enforcement and penalties.* If the Ethics Inquiry Board finds that clear, satisfactory and convincing evidence exists for believing the allegations of the complaint, the Ethics Inquiry Board shall refer its findings and recommendation to the County Board, or in the case of an employee, to the Administrative Coordinator. The Board may make the following recommendations:
 - (i) Recommend that the County Board order the officer or employee to conform his or her conduct to the ethics code or recommend that the official or employee be censured, suspended, removed from office, be issued a private reprimand, public reprimand, and in the case of an employee may also recommend denial of merit increase, suspension without pay, discharge, or other appropriate disciplinary action.
 - (ii) The Ethics Inquiry Board may also refer the matter to the District Attorney to commence enforcement pursuant to the procedures and remedies of Wis. Stats. § 19.59.

Richland County Rules and Resolutions Committee & Ethics Board

Agenda Item Cover

Agenda Item Name: Discussion and possible action regarding the ethics ordinance

Department	County Board	Presented By:	Shaun Murphy-Lopez
Date of Meeting:	10/7/21	Action Needed:	Motion
Disclosure:	Open Session	Authority:	Committee Structure, Letter G
Date submitted:	10/6/21	Referred by:	n/a

Recommendation and/or action language: Motion to direct Corporation Counsel to incorporate the following changes to an amendment of Ordinance No. 06-28 (as amended in Ordinance No. 07-7 and 10-8). The motion may include:

1. Proper reference to state statute 19.59 (1) which sets forth the minimum code of ethics for public officials.
2. The addition of public officials, including county board supervisors, constitutional officers, and the county administrator, as defined in Wisconsin State Statute 19.42 (7w) and allowed in Statute 19.59 (1m).
3. The addition of members of the immediate family of positions, as defined in Statute 19.42 (7) and allowed in Statute 19.59 (2).
4. The addition of candidates for public office, as defined in Statute 19.42 (3s) and allowed in Statute 19.59 (2).
5. A requirement that public officials, county employees, and/or candidates for public office be required to file a statement of economic interests, as defined in Statute 19.44 and allowed in Statute 19.59 (3)(a).
6. A provision directing the county clerk to omit the name of any candidate from an election ballot who fails to disclose their economic interests, as allowed in Statute 19.59 (3)(b).
7. A provision directing the county treasurer to withhold the payment of salaries or expenses from any public official or employee of the county who fails to disclose their economic interests, as allowed in Statute 19.59 (3)(c).
8. Changing the definition of a substantial gift from \$100 to a different amount.
9. That a violation of the ordinance does not require the removal of public officials or employees from their position.

Background:

At the May and September meetings, the Rules and Resolutions Committee & Ethics Board reviewed the County's current ethics ordinance (see Attachment A) and guidance from the Wisconsin Counties Association on ethics, as well as ethics ordinances from three neighboring counties (Crawford, Iowa, and Sauk). Administrator Langreck suggested that the committee generate a list of favored changes to the ethics ordinance, before asking Corporation Counsel to draft an amendment and review applicable state statutes.

This section corresponds to the numbers set forth in the section above. Relevant Wisconsin state statutes from Chapter 19 are included as Attachment B.

1. Wisconsin Statute 19.59 (1) addresses the code of ethics for local government officials, employees, and candidates. Specifically, 19.59 says:

Richland County Rules and Resolutions Committee & Ethics Board

Agenda Item Cover

- a. “No local public official may 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.”
- b. “No person may offer or give to a local public official, directly or indirectly, and no local public official may solicit or accept from any person, directly or indirectly, anything of value if it could reasonably be expected to influence the local public official’s vote, official actions or judgment, or could reasonably be considered as a reward for any official action or inaction on the part of the local public official.”
- c. “Except as otherwise provided in par. (d), no local public official may:
 - i. Take any official action substantially affecting a matter in which the official, a member of his or her immediate family, or an organization with which the official is associated has a substantial financial interest.
 - ii. 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 official, one or more members of the official’s immediate family either separately or together, or an organization with which the official is associated.”
- d. “Paragraph (c) does not prohibit a local public official from taking any action concerning the lawful payment of salaries or employee benefits or reimbursement of actual and necessary expenses, or prohibit a local public official from taking official action with respect to any proposal to modify a county or municipal ordinance.”

Richland County’s Ethics Ordinance already includes a reference to Statute 19.59, but does not specifically reference section (1).

- 2. Statute 19.59 (1m) allows a county to enact an ethics ordinance, and it also allows this ordinance to apply not only to employees but also to public officials. Public officials are defined in Statute 19.42 (7w) to include “an elective office of a local governmental unit . . . a county administrator . . . and an appointive office or position of a local governmental unit in which an individual serves for a specified term . . .”
- 3. Statute 19.59 (1m) allows the ordinance to apply to “members of the immediate family of individuals who hold positions . . .” Immediate family is defined in Statute 19.42 (7) as “(a) An individual’s spouse; and (b) An individual’s relative by marriage, lineal descent or adoption who receives, directly or indirectly, more than one-half of his or her support from the individual or from whom the individual receives, directly or indirectly, more than one-half of his or her support.”
- 4. Statute 19.59 (1m) allows the ordinance to apply to “. . . candidates for positions to which the ordinance applies.” Candidates are defined in Statute 19.42 (3s) as “any individual who files nomination papers and a declaration of candidacy under s. 8.21 or who is nominated at a caucus under s. 8.05 (1) for the purpose of appearing on the ballot for election as a local public official or any individual who is nominated for the purpose of appearing on the ballot for election as a local public official through the write-in process or by appointment to fill a vacancy in nomination and who files a declaration of candidacy under s. 8.21.”

Richland County Rules and Resolutions Committee & Ethics Board

Agenda Item Cover

5. Statute 19.59 (3)(a) allows the ordinance to include, “a requirement for local public officials, other employees of the county or municipality and candidates for local public office to identify any of the economic interests specified in s. 19.44.” Statute 19.44 includes employers, investments, real estate, commercial clients, and creditors.
6. Statute 19.59 (3)(b) allows the ordinance to include “A provision directing the county or municipal clerk or board of election commissioners to omit the name of any candidate from an election ballot who fails to disclose his or her economic interests in accordance with the requirements of the ordinance.”
7. Statute 19.59 (3)(c) allows the ordinance to include “A provision directing the county or municipal treasurer to withhold the payment of salaries or expenses from any local public official or other employee of the county or municipality who fails to disclose his or her economic interests in accordance with the requirements of the ordinance.”
8. Richland County’s current ordinance defines a substantial gift as “any item, items, or service which have an estimated market value of \$100 or more.” The Wisconsin County Official’s Handbook (see Attachment C) says that the Wisconsin Elections Commission has interpreted parallel Statute 19.45 (3), saying that “It would be unreasonable to expect a gift of not more than \$25 to influence an individual’s judgment.”
9. One concern brought to the committee’s attention at the last meeting was a possible conflict between any amendments to the County’s current ethics ordinance and Statute 17.09, which addresses the removal of elective county officers (i.e. clerk, treasurer, surveyor, and supervisor). An attorney general opinion summary states, “Removal is governed by s. 17.16 and contemplates a determination of cause by the board. An ordinance making a violation *ipso facto* cause for removal impermissibly circumvents that procedure.”

The County’s ethics ordinance currently appears to be in compliance with this opinion. Statute 19.59 (3)(f) allows for, “A provision prescribing a forfeiture for violation of the ordinance in an amount not exceeding \$1,000 for each offense. A minimum forfeiture not exceeding \$100 for each offense may also be prescribed.” While Statute 19.59 does not directly address removals, Statute 19.59 (4) says, “This section may not be construed to limit the authority of a county, city, village or town to regulate the conduct of its officials and employees to the extent that it has authority to regulate that conduct under the constitution or other laws.”

Attachment D includes ethics ordinances for Crawford, Iowa, and Sauk Counties. These ordinances may be reviewed by the committee to determine favored components to include in an amendment to Richland County’s ethics ordinance.

Attachments and References:

Attachment A: Richland County Ethics Ordinance	Attachment B: Wisconsin Statutes Chapter 19
Attachment C: Wisconsin Counties Association Handbook	Attachment D: Crawford, Iowa, Sauk County Ethics Ordinances

Richland County Rules and Resolutions Committee & Ethics Board

Agenda Item Cover

Financial Review:

(please check one)

<input type="checkbox"/>	In adopted budget	Fund Number	
<input type="checkbox"/>	Apportionment needed	Requested Fund Number	
<input type="checkbox"/>	Other funding Source		
<input checked="" type="checkbox"/>	No financial impact		

Approval:

Review:

Department Head

Administrator, or Elected Office (if applicable)