

**WAUPACA COUNTY BOARD OF SUPERVISORS
ORGANIZATIONAL SESSION
APRIL 16, 2002**

County Clerk Mary Robbins called the meeting to order at 9:00 a.m. with 26 members present.

Clerk Robbins made the opening statement that this meeting and all other meetings of this board are open to the public. Proper notice has been posted and given to the press, in accordance with Wisconsin Statutes so the citizenry may be aware of the time, place and agenda of this meeting.

Clerk Robbins lead the Board in the Pledge of Allegiance followed by a moment of silence.

The newly elected Waupaca County Board of Supervisors took the Oath of Office and received their Certificate of Election from the Clerk in the regular session at the Courthouse in the City of Waupaca.

	Supervisors entitled to seats:
District 1:	Rose Mary Sasse
District 2:	Dennis Kussmann
District 3:	Dick Koeppen
District 4:	Donald L. Steenbock
District 5:	James Flink
District 6:	Lloyd Mares
District 7:	Howard Trudell
District 8:	Donald Aasen
District 9:	Donald J. Peterson
District 10:	Gene Sorensen
District 11:	Fred J. Rasmussen
District 12:	Robert H. Whitman
District 13:	Eunice Lawrence
District 14:	Donald E. Fabricius
District 15:	Kenneth Hurlbut
District 16:	John F. Penney
District 17:	David L. Johnson
District 18:	Patricia Craig
District 19:	Kay Hillskotter
District 20:	William Jonely
District 21:	Carl Kietzmann
District 22:	G. Robert Flease
District 23:	Dona Gabert
District 24:	Donn Allen
District 25:	Duane R. Brown
District 26:	James Loughrin
District 27:	Gary Barrington

Supr. Sasse was excused.

Supr. Flink moved and Supr. Steenbock seconded the motion to approve the minutes of the previous meeting. The motion carried 26-0. The record also shows that Suprs. Brown and Fabricius voted aye but they were not at their seats.

Supr. Mares moved and Supr. Kussmann seconded the motion to approve the agenda of the meeting. The motion carried 26-0. The record also shows that Suprs. Brown and Fabricius voted aye but they were not at their seats.

ELECTION OF THE COUNTY BOARD CHAIR

Supr. Koeppen nominated Duane Brown for County Board Chair. Nominations from the floor were called three times. Being no further nominations, Clerk Robbins cast a unanimous ballot for Duane Brown. The motion carried 24-0. Clerk Robbins turned the gavel over to County Board Chair Duane Brown.

ELECTION OF THE COUNTY BOARD VICE CHAIR

Supr. Ramussen nominated Donald Fabricius for Vice Chair. Nominations from the floor were called three times. Supr. Loughrin moved and Supr. Rasmussen seconded the motion to close nomination and cast a unanimous ballot for Donald Fabricius. The motion carried 24-0. Supr. Fabricius thanked the Board for their support.

ELECTION OF THE HIGHWAY COMMITTEE

Supr. Sorensen nominated Supr. Fabricius for the Highway Committee. Nominations from the floor were called three times. Supr. Rasmussen moved and Supr. Mares seconded the motion to close nominations and cast a unanimous ballot for Supr. Fabricius. The motion carried 25-0.

Supr. Rasmussen nominated Supr. Flease for the Highway Committee. Nominations from the floor were called three times. Chr. Brown instructed the Clerk to cast a unanimous ballot for Supr. Flease. Motion carried 26-0. Supr. Flease thanked the Board for their support.

Supr. Whitman nominated Supr. Flink for the Highway Committee. Nominations were called from the floor three times. Chr. Brown instructed the Clerk to cast a unanimous ballot for Supr. Flink. Motion carried 26-0.

Supr. Penney nominated Supr. Jonely for the Highway Committee. Nominations were called from the floor three times. Chr. Brown instructed the Clerk to cast a unanimous ballot for Supr. Jonely. Motion carried 26-0. Supr. Jonely thanked the Board for their support.

Supr. Hillskotter nominated Supr. Craig for the Highway Committee. Supr. Hurlbut nominated Supr. Rasmussen for the Highway Committee. Chair Brown called three times for any further nominations from the floor. There were none. Ballot clerks were appointed. Suprs. Sorensen and Supr. Kussmann collected the ballots and tallied them. The vote resulted in 17 votes for Supr. Craig and 9 votes for Supr. Rasmussen. Ballots are on file in the Clerk's office.

Chair Brown appointed his Committee on Committees: Suprs. Duane R. Brown, Donald Fabricius, Dona Gabert, Gene Sorensen, William Jonely, Donald Aasen, and Rose Mary Sasse. Supr. Flink moved and Supr. Steenbock seconded the motion to approve the Committee on Committees. The motion carried 26-0. The Committee on Committees will meet immediately following this meeting in Room LL43.

Clerk Robbins explained the changes to the rules.

**ADOPTION OF COUNTY BOARD RULES, CHAPTER 2
OF THE GENERAL CODE OF ORDINANCES FOR WAUPACA COUNTY**

2.01 THE COUNTY BOARD OF SUPERVISORS

The County Board shall consist of duly elected supervisors representing the designated districts of the County as noted in Sec. 1.01(a) of the General Government.

RULES OF THE BOARD OF SUPERVISORS

The following Rules shall govern the County Board of Supervisors, when there is no specific rule to address a situation, Robert's Rules of Order shall apply.

RULE NO. 1.0 – TIME & PLACE OF MEETING

- 1.1 Meeting hours of the Board shall be 9:00 a.m. or at the discretion of the Chairperson of the County Board.
- 1.2 Regular Meetings: The County Board shall hold regular monthly meetings on the third Tuesday of each month, to be held at the Waupaca County Courthouse except as otherwise provided and/or at the discretion of the Chair.
- 1.3 Organization:
 - a) Orientation Session – Prior to the third Tuesday in April, an Orientation Session will be held for all new supervisors by the County Board Chair and County Clerk.
 - b) Organization Session – third Tuesday in April.
 1. At the statutory Organization Meeting to be held in April of even-numbered years, it shall be the duty of the County Clerk to call the County Board to order. The Clerk shall call the roll and establish presence of a quorum and proceed with the preliminary ceremonies.
 2. No resolutions or ordinances shall be considered at the Organization Meeting, except those relating to new rules and rule changes passed during the last term.
 3. A quorum being present, the Board shall proceed to the election of a Chair and Vice Chair. The Highway Committee shall be a five member committee elected from the floor.

4. The Chair shall appoint a Committee on Committees to advise the Chair in the selection of committee members. The Committee on Committees shall consist of seven board members, which shall meet the first day of the Organization Session after all elected officials have been sworn in to office and Committee on Committees members approved.
5. The proposed rules of the new Board shall be made available to the Board membership prior to the Organization Meeting.
6. There shall be an explanation of the present and proposed rules of the County Board.
7. The proposed rules of the Board shall be presented and rules adopted at the Organization Meeting of even-numbered years by a majority vote.
8. The Rules of the Board shall be amended during the two-year period only by a two-thirds vote of those present at a meeting, except at the Annual Organization Meeting, at which time a majority of those present shall rule.
9. After the adoption of the Rules of the Board and other activities as noted in 3.0, the Board shall recess the Organization Meeting to the following day.
10. The Board, as the first order of business at the recessed meeting of the Organization Meeting, shall officially approve all committee members by a majority vote of those present.
11. The Board shall then have all members of each committee meet for one half hour to select committee officers and then report the results of such elections to the Board as a whole.
12. Any committee may, if the Committee membership so decides, postpone election of committee officers for not more than one month.
13. Between Organization meetings, should a vacancy occur, or the need arises to adjust a standing committee, then the County Board Chair shall make appointments to fill the vacancy and such adjustment to a standing committee shall be approved by the full County Board at its next regular meeting.

1.4 Annual Meeting: Waupaca County Board shall hold their Annual Meeting on the third Tuesday in November. This meeting shall be the Public Hearing on the Budget for the succeeding year. This date may be changed by a majority vote of the County Board of Supervisors.

1.5 Special Meeting: The County Board may call special meeting in accordance with Wis. Stats. s. 59.04.

RULE NO. 2.0 – QUORUM. Quorum shall be defined as a majority of the members of the County Board or of any committee, commission or board.

RULE NO. 3.0 – ORDER OF BUSINESS:

- 3.1 (This may change by consent of a majority of the members present).
 - a) Meeting called to order by the Chairperson

- b) Call of roll by the County Clerk, by use of the voting machine or in the event of a malfunction, by a voice roll call.
- c) Open meeting statement
- d) Pledge of Allegiance (followed by a moment of silence)
- e) Approval of agenda
- f) Approval of minutes of the last meeting and corrections
- g) Presentation of verbal reports – committees or departments
- h) Presentation of ordinances
- i) Presentation of resolutions
- j) Presentation of numbered written reports
- k) Presentation of petitions
- l) Consideration of miscellaneous business
- m) Communications
- n) Adjournment

RULE NO. 4 – GENERAL PROCEDURES

The following procedures shall apply to all County Committees and Boards, hereinafter referred to as Committee. When Committee is used in this rule and those following, it shall mean and include all committees, commissions, boards or other agencies exercising delegated power of the Board or otherwise subject to the control selection or approval by the Board.

- 4.1 Except as modified by these rules, the rules of parliamentary practice in Roberts Rules of Order shall govern in all cases where they are applicable.
- 4.2 The rules herein set forth shall not be suspended or amended except by a two-thirds vote of the members present.
- 4.3 The chairperson and/or department head of each committee of the County Board shall file with the County Clerk at least five (5) days prior to each County Board session (except in emergency situations) notification of all business, including ordinances, resolutions and reports, to be brought before the Board by the respective committees.

RULE NO. 5 – INTRODUCTION AND PROGRESS OF RESOLUTIONS AND ORDINANCES

- 5.1 Any committee may, by its own motion approved by a majority of the committee, report to the Board for passage a resolution or order. Such committee action shall be delivered to the County Clerk for processing under No. 4.3 above.
- 5.2 Any individual supervisor may introduce a resolution or ordinance as follows:
 - a) The written proposal shall be delivered to the presiding officer at any regular Board meeting.
 - b) That officer shall refer it to the proper committee for review and recommendation for passage or other action.
 - c) The committee chairperson shall place it on the committee’s agenda not later than two regular committee meeting dates.

- d) The committee shall make its recommendation to the Board not later than four regular committee meeting dates after receipt of the proposal.
- e) The proposal shall be placed on the Board agenda in accord with No. 5.4 below.

5.3 The Corporation Counsel shall assist any committee or individual supervisor in the formal drafting of a proposal, if so requested. All resolutions and ordinances must be submitted to the Corporation Counsel for approval only as to legality and form at least seven working days prior to the day of the County Board meeting at which they are to be presented, and the Corporation Counsel notation of approval shall be presented to the Board either as a notation on the resolution itself or as a separate written approval prior to any vote on said proposal.

If the Corporation Counsel objects, such objection shall be presented to the Board in writing by filing same with the County Clerk and the Chairperson of the Standing Committee designated to handle this proposal prior to the call to order of that Board meeting.

5.4 The County Clerk shall compile the information filed by the various committee chairperson and/or department head, an agenda containing the business to be presented at the next session of the County Board. Said agenda, and a copy of each ordinance, resolution and report listed thereon, whenever possible, shall be mailed to each Board member and after five (5) days prior to a Board session. A copy of the agenda only shall be distributed to each department head at the same time.

5.5 All matters not appearing on the agenda for a particular Board session shall be out of order and shall not be considered at that session in accordance with the State of Wisconsin Open Meeting Law, unless the matter shall be declared an emergency measure.

5.6 The Chairperson shall preserve order and decorum, and shall decide all questions of order, subject to an appeal of the Board.

5.7 No member shall be interrupted while speaking, unless it is to call the member to order.

5.8 Each member, when wishing to speak, shall raise his or her hand and address the Chair. If two or more members raise their hand at the same time, the Chairperson shall decide who is entitled to speak.

5.9 Motions shall be made in writing when requested by the Chairperson.

5.10 No communication shall be received for consideration from any person or persons unless it is signed by such person or persons. A member of the Board must sign all resolutions presented.

5.11 No member shall be permitted to speak more than twice on the same question unless by permission of the Board/Chairperson.

- 5.12 When all who wish to speak of any question before the Board have expressed their views, the Chairperson shall put the question. No member shall be permitted to speak while the question is being presented.
- 5.13 When a question is before the Board, no motions shall be in order except to adjourn; to lay on the table; for the previous question; to postpone; to divide; to correct or amend; said motion shall have precedence in order arranged.
- 5.14 In the event that the electronic voting board is not in proper operation, a roll call vote may be requested by any member of the Board.
- 5.15 Every member, on a roll call vote, shall vote aye or nay unless the Board, for a special reason, shall excuse the member. A motion to excuse a member from voting shall be made before the calling of the ayes and nays on the question pending, and shall be voted upon without debate. However, with permission of the Chairperson, a member shall be excused from voting in any instance if the member announces a conflict of interest prior to the taking of the vote.
- 5.16 All questions presented to the County Board shall be determined by a majority of the supervisors present unless otherwise required by law, ordinance or these rules. The Chair shall state all questions. If the Chairperson be in doubt as to the voice of the majority, he shall call for a roll call vote. Every member shall vote unless excused.
- 5.17 The names of the County Board members voting shall be recorded in the Board minutes.
- 5.18 The Chairperson shall be required to vote on all questions before the Board, for representation in his/her district.
- 5.19 A motion to adjourn is always in order and shall be decided without debate.
- 5.20 A motion to table shall be decided without debate.
- 5.21 No motion for reconsideration shall be received unless made by a member who voted on the prevailing side in the first instance.
- 5.22 No specific subject matter shall be voted upon more than twice in the budget year, unless by permission of a two-thirds vote of the members elect of the Board.

RULE NO. 6 – BUDGET CHANGES FOR APPROPRIATIONS

- 6.1 All budget changes or appropriations of money over and above the adopted annual budget shall be made only by the adoption of a resolution or ordinance passed in accordance with the laws of the State of Wisconsin.
- 6.2 The resolution or ordinance shall be introduced by the Finance and Personnel Committee.

- 6.3 The vote on said resolution or ordinance shall be sustained by a two-thirds vote of the members elect of the County Board.
- 6.4 No purchase of materials and/or equipment \$20,000 or more over the budgeted amount can be made without approval of the Waupaca County Board of Supervisors.
- 6.5 Purchases of less than \$20,000 over the budgeted amount shall be approved by the Finance and Personnel Committee.
- 6.6 Purchases of greater than \$20,000 shall require the signatures of the County Board Chairperson and the County Clerk. Waupaca County Highway Department, Lakeview Manor pharmaceuticals and dietary, and Waupaca County Industries production equipment are exempt from this ordinance. (Waupaca County Resolution No. 64, 1990). All purchases of service contracts/agreements listed under Wis. Stats. s. 46.036 for the Department of Health and Human Services are exempt from this ordinance. An agreement with Waupaca County is not valid and binding upon Waupaca County unless signed by the County Board Chairperson and/or Vice Chair or County Clerk/Administrative Coordinator.
- 6.7 Purchases under \$20,000 are left to the Department Head responsibility for the project to determine whether the County Board Chairperson needs to sign the contract.
- 6.8 In the absence of the County Board Chairperson, the Vice Chair shall sign the contracts and in the absence of both the Chairperson and the Vice Chair, the Chairperson of the Finance and Personnel Committee or the County Clerk/Administrative Coordinator shall sign the contract.
- 6.9 A roll call vote shall be called on the passage of any resolution appropriating money.
- 6.10 Each Committee shall consider and make recommendations on budgets of all Waupaca County Departments and Offices under their supervision. Prior to the submission of said budgets to the Finance and Personnel Committee, the Finance Director shall publish a schedule for budget reviews.
- 6.11 At least one full Board meeting shall be scheduled to consider such budgets with the public invited to attend for public comment session.
- 6.12 The Finance and Personnel Committee shall have an obligation to review current year budget operations and proposed budget, and make recommendations to the Board on any or all budgets.
- 6.13 Department Heads and Supervising Committee Chairperson shall be advised of any modification or disapproval of any budget items submitted by their department of the Finance and Personnel Committee. If the Department Head or the Supervising

Committee of that Department requests to be heard in rebuttal, the Finance and Personnel Committee shall grant that opportunity.

- RULE NO. 7 -** Matters that come before the Board may be referred to appropriate committees by the chairperson without motion.
- RULE NO. 8 -** When a majority is not in attendance, all present shall be entitled to their per diem and standard mileage allowance, if applicable.
- RULE NO. 9 -** The County Clerk shall distribute copies of the County Board Proceedings to all department head and all Board Members as soon as possible after each Board session.
- RULE NO. 10 -** All bills or claims against the County, except claims or bills of the County Board members, and all matters requiring action by the Finance and Personnel Committee shall be filed with the County Clerk at least seven (7) days before the meeting of the County Board. All bills against the County or claims for services rendered shall be itemized fully and completely, except in cases where the County Board has previously fixed a definite sum as compensation for such services. It shall be the duty of each and every committee to examine and compare all bills and claims against the County referred to them, together with the law and authority under which payment of such bills or claims is demanded, and to recommend in accordance with the facts fully in writing as to all matters to such committee for examination and report.
- RULE NO. 11 -** County Committees and Boards shall further comply with the County Code of Ethics as previously adopted by the County Board of Supervisors.

RULE NO. 12 – COUNTY BOARD MEMBER AND CITIZEN MEMBER ENTITLEMENTS

Definitions:

County Board Member: *A duly elected representative elected at the Spring Election for a two-year term, unless otherwise appointed per the County Board Rules.*

Citizen Member: *A member serving on a statutory committee/board/commission per Wisconsin State Statutes and approved by the County Board of Supervisors.*

- 12.1 Mileage reimbursement for County Board Meetings, Committee Meetings and other authorized County functions.

Each Supervisor for each day they attend a meeting of the Board, receive mileage for each mile traveled in going to and return from the meetings by the most usual traveled route at the rate established by the Board pursuant to Wis. Stats. s. 59.15 as the standard mileage allowance for all County employees and officers.

- 12.2 County Board Members: The Standard Mileage Allowance for attendance of in-county Committee Meetings, County Board Meetings and other authorized in-county functions shall be set at the same rate as the Internal Revenue Service rate for mileage reimbursement for the driver only.
- 12.3 Mileage reimbursement for out-of-county meetings and other authorized out-of-county functions shall be set at the same rate at the Internal Revenue Service rate for mileage reimbursement for the driver only. This mileage rate shall be set for all county employees who travel in and outside the county for authorized county business for the driver only, to be effective January 1, 2001.
- 12.4 Supervisor/County Board Chairperson/Citizen Member Entitlement: Per diem will be \$55.00 per day and \$25.00 for any other meeting that same day with a definite separation between meetings; and any regular standard committee meeting over four (4) hours in length shall be paid an additional \$25.00, not to exceed \$80.00 in any one day.
- 12.4(a) County Board Chairperson. County Board Chairperson shall receive an annual salary of \$8,000.00, plus all meetings to be paid as stated above for all supervisors.
- 12.4(b) Conferences, Seminars, Conventions and authorized County functions. Shall be paid mileage and a straight \$55.00 per day.
- 12.5 Supervisors/Citizen Members per diem and expense entitlement while attending conventions and other out of the county functions shall be entitled to per diem payments on a daily basis when attending meetings, conventions or conferences which directly relate to their positions on the Board or one of its duly appointed committees or boards. This shall include each day of the convention or conference and meeting schedule before the day of the convention or conferences.
- Registration fees and expenses for lodging made necessary by the board members attendance at such a conference or convention shall be paid by the County only for that board member. Whenever possible, room reservations are to be submitted to the County Clerk's office in advance so that advanced billing can be made through that office for the tax exemption rate and direct billing.
- Meal reimbursement to County Board Supervisors/Citizen Members shall allocate a daily meal allowance equal to the State of Wisconsin amounts in place of set amounts per meal and Supervisors and employees must submit vouchers. These are taxable amounts if there is not an overnight stay.
- 12.6 All County Board Committee meetings (including Highway Committee meetings) and other authorized county functions as described in 12.5 shall be unlimited per calendar year.

RULE NO. 13 – COMMITTEES OR BOARDS:

The following procedures shall apply to all County Committees and Boards.

- 13.1 Board rules shall spell out how members are selected.
- a) All committee appointments are either through election by the full County Board, appointed by the Board Chairperson and confirmation by the Board, or by recommendation of the Committee on Committees.
 - b) All appointments to standing committees shall be for the full term of the Supervisory as set by state statute. (*See Rule No. 1, Section 1.3(b)13*)
 - c) Committees shall set their Chairperson, Vice Chairperson and Secretary. The Vice Chairperson shall serve in the temporary absence of the Chairperson.
 - d) The secretary of each committee shall keep written minutes of each meeting held which shall be placed on file in the County Clerk’s office not more than five (5) days after the meeting is held.
 - e) Minutes shall include:
 - 1) The name of the committee, the date, the hour, location of meeting and time of adjournment.
 - 2) Listing of all those present.
 - 3) Each matter considered and the action taken by the Committee.
 - 4) Persons appearing, the matter on which they appear, and the position taken.
 - f) Committee members shall sign the certificate of attendance sheet and indicate their mileage, start and end time of each meeting, and all meetings attended for the day. This report shall establish payment for meetings attended and mileage to be paid.
 - g) The Chairperson of every standing committee shall be authorized to direct the County Clerk to call a meeting of such Committee by giving not less than five days notice and designating the date of such meeting. In order to receive per diem, attendance by members other than their own assigned committee, the attendance must be directed by an assigned committee or committee chair and the attendance must be recognized and recorded in the minutes of the meeting and said members shall sign the Certificate of Attendance sheet.
- 13.2 Staff Assistance for Standing Committees or Boards:
- Assistance may be provided to the Committee by the department staff.
- 13.3 Scheduling, Notice and Conduct of Meetings.
- a) All meetings of committees shall be conducted in strict accord with the open meeting laws of the State of Wisconsin.
 - b) Copies of the Wisconsin Open Meeting Law shall be reproduced by the County Clerk and placed permanently in the minute books of all committees.
 - c) When closed or executive sessions are permitted by statute, the Chairperson shall publicly announce the closed or executive session and explain briefly the reason as authorized by statute. The announcement and reason shall be duly recorded in

the minutes. Any case of doubt as to legality shall be resolved in favor of an open meeting.

- d) Open meetings shall be held in public buildings or other places accessible to the public.
- e) A copy of the agenda, including the time and place of the meeting and of the matters to be discussed, shall be given to the County Clerk for posting on the public bulletin board and such other place(s) in the Courthouse which provide prompt and sufficient notice to the public as soon as possible after scheduling but not less than five (5) days prior to the meeting.
- f) These procedures under Rule 13.3 shall apply to meetings called under emergency situations insofar as practical.

2.02 SELF-ORGANIZED COUNTY

WHEREAS, Wis. Stats. s. 59.10(1) authorizes county government to self-organize for greater local control and flexibility in the organization and administration of county government; and

WHEREAS, self-organization would provide flexibility in determining concurrent or staggered terms for supervisors, method of compensation for supervisors and method of filling mid-term vacancies of the County Board; and

WHEREAS, it would be advantageous for Waupaca County to become a self-organized County pursuant to Wis. Stats. s. 59.10(1).

NOW, THEREFORE, BE IT RESOLVED by the Waupaca County Board of Supervisors, Waupaca County elects to be self-organized pursuant to Wis. Stats. s. 59.10(1).

BE IT FURTHER RESOLVED that the County Clerk shall file a certified copy of the Ordinance with the Secretary of State, State of Wisconsin.

RECOMMENDED FOR INTRODUCTION BY THE LEGISLATIVE & JUDICIAL COMMITTEE: /s/ Fred Rasmussen, Gary Barrington, Raymond Arndt, Daryl Swenson
Published on October 8, 1999 in the New London Press Star

2.05 WAUPACA COUNTY ETHICS CODE

(Adopted April 20, 1993, published April 29, 1993, Waupaca County Post)

Section 1.0 – Declaration of Policy

The proper operation of County government demands that:

- (1) 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.

Section 2.0 – Purpose

The purpose of this code is to establish 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.

County officials and employees have a right to:

- (A) Engage in employment and professional or business activities, other than official duties, in order to support themselves and their families;
- (B) Maintain continuity in their professional or business activities;
- (C) Maintain investments or activities which do not conflict with specific provisions of this code.

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.

Section 3.0 – 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 Waupaca 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 and County image must be their primary concern.

Section 4.0 – Coverage

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

Section 5.0 – Exemptions

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

Section 6.0 – Definitions

Section 6.1 Person. Any individual, corporation, partnership, joint venture, association or organization.

- Section 6.2** Financial Interest. Any interest which yields directly or indirectly, a monetary benefit to the County officer or employee or to any person employing or retaining services of the County officer or employees.
- Section 6.3** Anything of Value. Any money or property, favor, service, payment, advance forbearance, loan or promise of future employment of any amount, but DOES NOT INCLUDE such things as compensation and expenses paid by the State or County, fees, honorariums and expenses, unsolicited advertising or promotional materials such as pens, pencils, note pads, 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.
- Section 6.4** 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 decisions, lawful orders, ordinances, resolution or custom as privileged or confidential.
- Section 6.5** Official. All County department heads or directors, County Supervisors and all other County elected officers, except Judges and District Attorneys.
- Section 6.6** Employee. All persons filling an allocated position of County government and all members of boards, committees and commissions except those individuals included in Section 6.5.
- Section 6.7** Immediate Family. Any official's or employee's spouse or family member who contributes more than one-half of the support of the official or receives that level of support from the official or employee.
- Section 6.8** Unexceptional Value. Any item which has no resale potential and is promotional in nature.
- Section 6.9** Unsolicited Item of Insignificant Value. Item not requested by the official employee having no resale potential and promotional or educational in nature.

Section 7.0 – Fair and Equal Treatment

- Section 7.1** Use of Public Property. An official or employee shall not use or knowingly permit the use of County services or County-owned vehicles, equipment or 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.
- Section 7.2** 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.

Section 8.0 – Conflict of Interest

- Section 8.1** 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.
- Section 8.2** 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.
- Section 8.3** Business Interest. An official or employee shall not engage in any business, transaction or act in regard to any financial interest, direct or indirect, which:
- (A) in incompatible with the proper discharge of his or her official duties for the benefit of the public;
 - (B) is contrary to this 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.
- Section 8.4** Employment. An official or employee shall not engage in or accept any private employment or render any services 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.
- Section 8.5** 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 \$2,000.00 within a twelve-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. s. 946.13, an official or employee is prohibited from participating in the formation of a contract(s) with Waupaca County involving the receipts or disbursements of more than \$7,500.00 in any year.
- Section 8.6** Financial Interest in Legislation. A member of the County Board who has an estimated 10% or greater financial interest in any proposed action before the County Board shall disclose by submitting in writing the nature and extent of such interest to the County Clerk and the County Board prior to or during initial discussion of such action. 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 of such interest to the County Board.
- Section 8.7** 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 immediately family.

Section 8.8 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 could reasonably be considered as a reward for any governmental action or inaction.

Section 9.0 – Compliance with State Statutes

Section 9.1 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:

Sec. 19.01 Oaths and Bonds

Sec. 19.21 Custody and Delivery of Official Property and Records

Sec. 19.81-89 Open Meetings of Governmental Bodies

Sec. 19.59 Code of Ethics for Local Government Officials, Employees and Candidates

Sec. 111.36 Sex, Sexual Orientation (Harassment)

Section 9.2 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 breach of this Code of Ethics.

Section 10.0 – Investigations and Enforcement

Section 10.1 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 an opinion rendered. The complainant shall present his or her interpretation of the facts at issue and of the applicability of provisions of this Code before advisory opinion is rendered. All opinions shall be in writing. Records of the Corporate Counsel's opinion, opinion requests and investigations of violations shall be closed to public inspection, as required by Chapter 19, Wis. Stats. However, such records may be made public with the consent of the applicant.

Section 10.2 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 within ten (10) days. If no action on the verified complaint is taken by the Corporation Counsel within thirty (30) days, the complaint shall be dismissed.

(a) Complaint of Alleged Criminal Activity. Should the Corporation Counsel receive a written or verbal complaint that a County employee is involved in unethical conduct that allegedly falls

under criminal statutes and after review of the information presented, the Corporation Counsel believes that sufficient evidence exists that there is probable cause to believe that criminal activity has occurred, the Corporation Counsel shall present said information to the Legislative and Judicial Committee at their next scheduled meeting in closed session. The Legislative and Judicial committee shall review the information presented and direct:

- That an independent investigator be retained to investigate further into the matter.
- That the matter be referred to the District Attorney for review and possible prosecution.

Section 10.3 Preliminary Investigations. Following the receipt of a verified complaint, the Corporation Counsel 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.

Section 10.4 Time Limitations. The Corporation Counsel shall investigate any complaint properly filed. 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.

Section 10.5 Enforcement. If the Corporation Counsel finds that probable cause exists for believing the allegations of the complaint, the Corporation Counsel may, after consultation with the Legislative and Judicial Committee:

- (a) Request the officer or employee to conform his or her conduct to the Ethics Code;
- (b) 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 or removed from office;
- (c) Refer the matter to the District Attorney to commence enforcement pursuant to the procedures and remedies of Wis. Stats. s. 19.59.

Supr. Kussmann moved and Supr. Koeppen seconded the motion to adopt the amended County Board Rules, Chapter 2 of the General Code of Ordinances for Waupaca County. Motion carried 26-0.

ANNOUNCEMENTS AND CORRESPONDENCE

April 4, 2002

Mary Robbins, Clerk
Waupaca County
811 Harding Street
Waupaca, WI 54981

Dear Mary:

Like so many local officials in our area, I was angry when Governor McCallum announced his so-called “Budget Repair” proposal that sought to eliminate essential state funding for local governments under the Shared Revenue Program. Moreover, I was outraged by his characterization of local officials as “Big Spenders.” Throughout my tenure in the Senate, I have been keenly aware of how frugal and efficient local officials are. I write now to update you on my successful efforts to better recognize the importance of the Shared Revenue Program to our mutual constituents.

As I indicated in my last letter, state budget projections estimate that Wisconsin is approximately \$1.1 billion in debt. A cornerstone of Governor McCallum’s effort to address this deficit was his proposed elimination of Shared Revenue payments to local units of government. Many local governments in our area saw the complete elimination of the Shared Revenue payments for the current calendar year for which budgets had already been passed. In fact, millions of state aid dollars pledged to northern Wisconsin communities were eliminated under the Governor’s proposal. Local governments were also barred from raising their levies to soften the blow to their communities. Essentially, the Governor’s plan to address the state’s financial woes was to simply shift the burden to local officials. I strongly oppose this plan and vowed to find a better budget solution.

While not as severe, cuts in the Shared Revenue Program were also a part of the Assembly Republican budget repair package. Under this plan, the cuts to local governments were delayed by one year. All told, however, the Assembly plan would have still dramatically reduced funding for our area. Shared Revenue payments, which so many municipalities in our area depend upon, would essentially have been reduced by half. Quite simply, their best was not good enough.

Yesterday, I was pleased to join my colleagues in the Senate Democratic Caucus in voting unanimously to restore full funding to the Shared Revenue Program. In addition, we have pledged to oppose the tax levy caps sought by the Governor and Assembly. Investment in our communities and respect for the valuable work of local officials, like yourself, is a cornerstone of our budget efforts. In the coming weeks, I will continue to do everything that I can to ensure continued full funding for northern Wisconsin communities.

Given your interest in state funding for local municipalities, I am now asking for your help. Please take a few minutes to call your Assembly Representative at 800/362-9472. Ask them to support the Senate position on Shared Revenue funding. It may also be helpful if you would call Governor McCallum at 608/266-1212. Encourage the Governor to reconsider his opposition to the state and local partnership that the Shared Revenue Program embodies.

Once again, thank you for your many efforts on behalf of our area. I look forward to working with you in the future and will do my best to keep you apprised of any budget developments. In the meantime, as always, please feel free to give me a call at 800/334-8773 if there is ever anything that I can do for you.

Sincerely yours,
/s/ Roger Breske
State Senator

Chr. Brown informed the Board that the County received a \$100,000 grant from the DNR for Camp Vic-to-Rae.

Supr. Craig moved and Supr. Sorensen seconded the motion to adjourn. Motion carried 26-0. Chairman Brown declared the meeting adjourned at 9:30 a.m.