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A resolution by Supervisor West to amend Chapter 9 of the Milwaukee County Code of General Ordinances, to clarify and update the ethics code of Milwaukee County, by recommending adoption of the following:

**AN AMENDED RESOLUTION/ORDINANCE**

WHEREAS, the Milwaukee County Executive (the County Executive) and the Milwaukee County Board of Supervisors (the County Board) have statutory and ordinance delineated roles in terms of appointments and confirmation of appointments; and

WHEREAS, the County Board has received letters from employees and contractors regarding appointees of the County Executive; and

WHEREAS, it is unclear whether County time and/or resources were used in the solicitation, writing, and/or communication of these letters; and

WHEREAS, according to Section 9.01(2)(b) of the Milwaukee County Code of General Ordinances (the Code) the ethical County public official or employee should not:

- Engage in outside interests that are not compatible with the impartial and objective performance of his or her duties
- Improperly influence or attempt to influence other officials to act in his or her own benefit
- Accept anything of value from any source that is offered to influence his or her action as a public official; and

WHEREAS, allowing solicitation of employees by a person in a position of authority, such as an appointee, has the potential for abuse, including coercive or retaliatory tactics; and

WHEREAS, similarly, the solicitation of contractors for support of an appointee gives the appearance of impropriety and a quid pro quo arrangement; and

WHEREAS, Section 9.01(2) of the Code does recognize an individuals' rights under the United States Constitution and the Constitution and laws of the State to express individual preference; and

WHEREAS, any employee that rightfully wishes to express his or her individual preference for an appointee may do so, but must not do so on County time using County resources; and

47 WHEREAS, in order to avoid impropriety or apparent impropriety in dealings with  
48 employees and/or contractors, while further clarifying workplace policy, it is necessary  
49 to update the County's Code of Ethics; and  
50

51 WHEREAS, the Committee on Judiciary, Safety, and General Services, at its  
52 meeting of October 20, 2016, recommended adoption of this resolution/ordinance  
53 (vote 4-0); now, therefore,  
54

55 BE IT RESOLVED, the Milwaukee County Board of Supervisors (County Board)  
56 is committed to upholding the highest moral and ethical standards among Milwaukee  
57 County public officials and employees, which is essential to the conduct of free  
58 government, and includes the appropriate use of County resources in the appointment  
59 and confirmation process; and  
60

61 BE IT FURTHER RESOLVED, the County Board hereby amends Chapter 9 of  
62 the Milwaukee County Code of General Ordinances by adopting the following:  
63

#### 64 AN ORDINANCE

65  
66 The Milwaukee County Board of Supervisors of the County of Milwaukee does ordain  
67 as follows:  
68

69 **Section 1.** Chapter 9 of the Milwaukee County Code of General Ordinances is hereby  
70 amended as follows:  
71

#### 72 **9.01(2). - Declaration of policy and ethics principles.**

73  
74 The ethical county public official or employee should not:  
75

76 \* Engage in outside interests that are not compatible with the impartial and objective  
77 performance of his or her duties.  
78

79 \* Improperly influence or attempt to influence other officials to act in his or her own  
80 benefit.

81 \* Accept anything of value from any source that is offered to influence his or her  
82 action as a public official.  
83

84 \* Improperly use county resources outside of his or her county duties to solicit or  
85 provide support for or against an elected county official or an elected county  
86 official's appointment  
87

88 **9.02. - Definitions.**

89

90 (6) "Elected official" means any person holding an elected county office.

91 (6m) "Elected official's appointment" means any person who is appointed by an  
92 elected official and who requires county board confirmation.

93

94 (19) "Solicit" means to seek or plead, to entreat and ask

95

96 (20) Resources" means county supplies, services, property, or facilities not available to  
97 all citizens.

98

99 (20) (21) "Verified complaint" means a written statement from a person, given under  
100 oath and subscribed before a notary public or other official authorized to administer  
101 oaths, alleging specific acts or omissions constituting a violation of the Code by an  
102 identified person subject to the Code. The verified complaint must remain confidential  
103 until disclosure is permitted or required by the Code unless the subject of the  
104 complaint requests in writing that it be made part of the public record.

105

106 **9.05(2). Standards of Conduct.**

107

108 (j) *No solicitation of at-will employees:*

109

110 a. No elected county official shall knowingly solicit a  
111 campaign contribution from any "at-will employee"  
112 defined as an employee who is not under union or  
113 labor contract with the county, who is hired for an  
114 indefinite term or who is under an independent contract  
115 with the county or its subparts or who can be discharged  
116 or terminated at any time for any nondiscriminatory  
117 reason.

118

119 ~~b. No elected county official, or appointee of an elected~~  
120 ~~county official, shall knowingly solicit support or anything~~  
121 ~~of value from at will employees to influence the outcome~~  
122 ~~of an elected county official's appointment.~~

123

124

125 (k) *No solicitation of county contractors:* No elected county official, or  
126 appointee of an elected county official, shall knowingly solicit support  
127 or anything of value from a contractor to influence the outcome of an  
128 elected county official's appointment.

129

130 ~~(k)(l)~~ *No campaign contributions to county officials with approval authority:* No  
131 person(s) with a personal financial interest in the approval or denial of a  
132 contract or proposal being considered by a county department or with an  
133 agency funded and regulated by a county department, shall make a

134 campaign contribution to any county elected official who has approval  
135 authority over that contract or proposal during its consideration. Contract  
136 or proposal consideration shall begin when a contract or proposal is  
137 submitted directly to a county department or to an agency funded or  
138 regulated by a county department until the contract or proposal has  
139 reached final disposition, including adoption, county executive action,  
140 proceedings on veto (if necessary) or departmental approval. This  
141 provision does not apply to those items covered by section 9.14 unless  
142 an acceptance by an elected official would conflict with this section. The  
143 language in subsection 9.05(2)(k) shall be included in all Requests for  
144 Proposals and bid documents.  
145

146 ~~(l)~~(m) *Limits on honorarium fees or expense reimbursements:* No county  
147 public official or employee shall accept or solicit any honorariums,  
148 fees or expense reimbursements except in accordance with section  
149 9.14.

150

151 **Section 2.**

152 The provisions of this Ordinance shall become effective upon passage and publication.  
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10/20/16  
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