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5 **A RESOLUTION/ORDINANCE**  
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7 amending Chapter 9 of the Milwaukee County Code of General Ordinances, clarifying  
8 the use of County funds to pay for Public Service Announcements and video or air time  
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10 WHEREAS, elected officials adhere to a standard of ethics delineated in Chapter  
11 9 (Code of Ethics) of the Milwaukee County Code of General Ordinances, wherein the  
12 following policy directive is declared in section 9.01 (1):  
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14 *It is declared that high moral and ethical standards among county public officials*  
15 *and county employees are essential to the conduct of free government; that the*  
16 *county believes that a code of ethics for the guidance of county public officials*  
17 *and county employees will help them avoid conflicts between their personal*  
18 *interests and their public responsibilities, will improve standards of public service*  
19 *and will promote and strengthen the faith and confidence of the people of this*  
20 *county in their county public officials and county employees. It is the intent of the*  
21 *county that in its operations the board shall protect to the fullest extent possible*  
22 *the rights of individuals affected.*  
23

24 ; and  
25

26 WHEREAS, elected officials often have responsibility for oversight of budget and  
27 budgetary directives with regard to the entire county budget or separate departmental  
28 budgets and can direct spending related to the purchase of commercials,  
29 advertisements, paid public service announcements and others; and  
30

31 WHEREAS, the purpose of this resolution/ordinance is to amend the Milwaukee  
32 County Code of Ethics to specifically define the policy for appropriate public  
33 communications that are paid for with public dollars whether obtained through property  
34 taxes, other sales or use taxes, state and federal revenues, grant funding, fees,  
35 contributions/donations, or other revenue of county government; and  
36

37 WHEREAS, using county funds to pay for such paid communications can give  
38 the appearance of promoting an elected official prior to re-election campaigns or  
39 otherwise suggest that incumbents obtain other advantages through the use of paid  
40 advertisements whether or not actual campaigns are in progress; and  
41

42 WHEREAS, the intent of this policy is not to prohibit county departments from  
43 using county funds for official county business such as issuing a request for proposal  
44 which may require paid advertisements or to prevent the use of a photo or likeness of  
45 an elected official; now, therefore,  
46

47 BE IT RESOLVED, that an elected county official may not use county funds to  
48 purchase or direct others on his/her behalf to purchase media commercial time or space  
49 to place paid advertisements, paid public service announcements or otherwise  
50 purchase video or air time that features the elected official whether in video format or  
51 with an audio recording of the voice of the elected official; and

52  
53 BE IT FURTHER RESOLVED, that notwithstanding this revised policy, there  
54 shall be no prohibition against departments using such funds for official county business  
55 that require paid advertisements or other public service announcements as long as such  
56 purchase does not feature video or voice recording of an elected official; the prohibition  
57 shall not apply to the use of merely a photo or likeness of an elected official as long as it  
58 is not used with a voice overlay of the official making extended statements; and

59  
60 BE IT FURTHER RESOLVED, the Milwaukee County Board of Supervisors  
61 hereby amends Sections 9.02 and 9.05, *General Ordinances of Milwaukee County*, by  
62 adopting the following:

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64 **AN ORDINANCE**

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

68  
69 **SECTION 1:** Section 9.02 of the General Ordinances of Milwaukee County is amended  
70 as follows:

71  
72 9.05. – Definitions.

73 (1) "Anything of value" means any money or property, favor, service,  
74 payment, advance, forbearance, loan, or promise of future employment,  
75 business, or other consideration having a value greater than twenty five  
76 dollars (\$25.00), but does not include compensation and expenses paid by  
77 the county, fees and expenses which are permitted and reported under  
78 [section 9.14](#) of the Code, political contributions which are reported under  
79 ch. 11, Wis. Stats., or hospitality extended for a purpose unrelated to  
80 county business by a person other than an organization.

81 (1m) "Appointed official" means any member appointed to a county commission  
82 or board.

83 (2) "Associated," when used with reference to an organization, includes any  
84 organization in which an individual or a member of his/her immediate  
85 family is a director, officer, or trustee, or who has a significant fiduciary  
86 relationship or an individual who owns or controls, directly or indirectly,  
87 and severally or in the aggregate, at least ten (10) percent of the  
88 outstanding equity.

- 89           (3)    "Board" means the ethics board.
- 90           (4)    "Business" means any corporation, partnership, proprietorship, firm,  
91           enterprise, franchise, association, organization, self-employed individual,  
92           or any other legal entity that engages in profit-making activities.
- 93           (5)    "Conflict of interest" means a public official's or employee's action or  
94           failure to act in the discharge of his or her official duties which could  
95           reasonably be expected to produce or assist in producing a substantial  
96           economic or personal benefit for such official, his or her immediate family  
97           or an organization with which he or she is associated.
- 98           (6)    "County funds" means all funds received by the county, which flow through  
99           the county's financial system, for the purposes of supporting the county's  
100           operations, including federal and state revenue, property taxes, other  
101           sales and use taxes, fees, grant revenue, contributions/donations and any  
102           other revenue sources of county government.
- 103          (67) "Elected official" means any person holding an elected county office.
- 104          (78) "Employee" means any person holding an office or position in the  
105           classified service of the county or any person holding a non-classified  
106           office or position, except elected officials and appointed officials.
- 107          (89) "Gift" means the payment or receipt of anything of value without valuable  
108           and sufficient consideration.
- 109          (910) "Immediate family" means an individual's:
- 110               (a)    Spouse; and
- 111               (b)    Child, parent or sibling or in-law or step-relative of the same degree  
112                    who receives, directly or indirectly, more than one-half (1/2) of  
113                    his/her support from the individual or from whom the individual  
114                    receives, directly or indirectly, more than one-half (1/2) of his /her  
115                    support.
- 116          (110) "Investigation request" means a written and signed statement from a  
117           person stating that there are specific acts or omissions by an identified  
118           person subject to the Code from unverified sources which appear prima  
119           facie to constitute a violation of the Code and for which the requestor is  
120           seeking that an investigation be undertaken to determine whether a matter  
121           should be pursued under the verified complaint proceedings. The  
122           investigation request must remain confidential until disclosure is permitted  
123           or required by the Code unless the subject of the complaint requests in  
124           writing that it be made part of the public record.

- 125 (124) "Lobbying" means the practice of attempting to influence legislative or  
 126 administrative action by oral or written communication with any public  
 127 official.
- 128 (132) "Ministerial action" means an action that an individual performs in a given  
 129 state of facts in a prescribed manner in obedience to the mandate of legal  
 130 authority, without regard to the exercise of the individual's own judgment  
 131 as to the propriety of the action being taken.
- 132 (143) "Organization" means any stock or non-stock corporation, partnership,  
 133 proprietorship, firm, enterprise, franchise, incorporated or unincorporated  
 134 association, trust or other legal entity other than an individual or body  
 135 politic.
- 136 (154) "Privileged information" means information obtained under government  
 137 authority which has not become a part of the body of public information.
- 138 (165) "Probable cause" means information sufficient to support a reasonable  
 139 belief that an identified person has or may have violated one (1) or more  
 140 provisions of this Code.
- 141 (176) "Public official" means any elected official or appointed official.
- 142 (187) "Reporting period" means any six-month period beginning with Jan. 1 and  
 143 ending with June 30 or beginning with July 1 and ending with Dec. 31 or  
 144 annual period beginning January 1 through December 31.
- 145 (198) "Significant fiduciary relationship" means owning or controlling, directly or  
 146 indirectly:
- 147 (a) At least ten (10) percent of the outstanding stock or stock of any  
 148 business corporation having a cost or market values of at least five  
 149 thousand dollars (\$5,000.00), or
- 150 (b) An interest of at least ten (10) percent or five thousand dollars  
 151 (\$5,000.00) of any organization.
- 152 (1920) "Resources" means county supplies, services, property, or facilities not  
 153 available to all citizens.
- 154 (210) "Verified complaint" means a written statement from a person, given under  
 155 oath and subscribed before a notary public or other official authorized to  
 156 administer oaths, alleging specific acts or omissions constituting a  
 157 violation of the Code by an identified person subject to the Code. The  
 158 verified complaint must remain confidential until disclosure is permitted or

159 required by the Code unless the subject of the complaint requests in  
160 writing that it be made part of the public record.

161 **SECTION 2:** Section 9.05 of the General Ordinances of Milwaukee County is amended  
162 as follows:

163 9.05. - Standards of conduct.

164 (1) *No personal or economic interest in decisions and policies:* The county board  
165 hereby reaffirms that a county elected official, appointed official or employee  
166 holds his/her position as a public trust, and any effort to realize personal gain  
167 through official conduct is a violation of that trust. This chapter shall not prevent  
168 any county elected official, appointed official or employee from accepting other  
169 employment or from following any pursuit which does not interfere with the full  
170 and faithful discharge of his/her duties to the county. The county board further  
171 recognizes that in a representative democracy, the representatives are drawn  
172 from society and, therefore, cannot and should not be without all personal and  
173 economic interest in the decisions and policies of government; that citizens who  
174 serve as public officials or public employees retain their rights as citizens to  
175 interests of a personal or economic nature; that standards of ethical conduct for  
176 public employees and public elected and appointed officials need to distinguish  
177 between those minor and inconsequential conflicts which are unavoidable in a  
178 free society and those conflicts which are substantial and material; and that  
179 county elected officials, appointed officials or employees may need to engage in  
180 employment and/or professional or business activities, other than official duties,  
181 in order to support their families and to maintain a continuity of professional or  
182 business activity or may need to maintain investments. However, the code  
183 maintains that such activities or investments must not conflict with the specific  
184 provisions of this chapter.

185 (2) (a) *No financial gain or anything of substantial value:* Except as otherwise  
186 provided or approved by the county board, no county public official or employee  
187 shall use his/her public position or office to obtain financial gain or anything of  
188 substantial value for the private benefit of himself/herself or his/her immediate  
189 family, or for an organization with which he/she is associated. This paragraph  
190 does not prohibit a county elected official from using the title or prestige of his/her  
191 office to obtain campaign contributions that are permitted by and reported as  
192 required by ch. 11, Wis. Stats.

193 (b) *No person may offer anything of value:* No person shall offer or give to any  
194 public official or employee, directly or indirectly, and no public official or  
195 employee shall solicit or accept from any person, directly or indirectly, anything of  
196 value if it could reasonably be expected to influence the public official's or  
197 employee's vote, official actions or judgment, or could reasonably be considered  
198 as a reward for any official action or inaction or omission by of the public official

199 or employee. This section does not prohibit a public official or an employee from  
200 engaging in outside employment.

201 (c) *No substantial interest or benefit:* Except as otherwise provided in  
202 paragraph (1.), no public official or employee shall:

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

207 2. Use his/her office or position in a way that produces or assists in  
208 the production of a substantial benefit, direct or indirect, for the public  
209 official, employee, members of the public official's or employee's  
210 immediate family either separately or together, or an organization with  
211 which the public official or employee is associated.

212 (d) *No disclosure of privileged information:* No county public official or  
213 employee shall use or disclose privileged information gained in the course of, or  
214 by reason of, his/her position or activities which in any way could result in  
215 financial gain for himself/herself or for any other person.

216 (e) *No use of public position to influence or gain unlawful benefits,*  
217 *advantages or privileges:* No county public official or employee shall use or  
218 attempt to use his/her public position to influence or gain unlawful benefits,  
219 advantages, or privileges for himself/herself or others.

220 (f) *No offer of gifts or anything of value:* No county public official shall offer or  
221 give anything of value to a member or employee of a county department or entity,  
222 while that member or employee is associated with the county department or  
223 entity, and no member or employee of a department shall solicit or accept from  
224 any such person anything of value from a county official or employee.

225 (g) *Limits on contracts with county:* No county public official or employee and  
226 no business with which he/she or his/her spouse has a significant fiduciary  
227 relationship or any organization with which he/she or his/her spouse is  
228 associated shall enter into any contract with the county unless that contract has  
229 been awarded through a process of public notice and competitive bidding in  
230 conformity with applicable federal and state statutes and county ordinances.

231 (h) *Limits on lease of real estate with county:* No county public official or  
232 employee and no business in which that county public official or employee has a  
233 ten (10) percent or greater interest shall enter into a lease of real property with  
234 the county, except that the county board, upon a publicly filed and considered  
235 request, shall waive this subsection when it is in the best interests of the county.

236 (i) *No limits on lawful payments:* Paragraph (c) does not prohibit an elected  
237 official from taking any action concerning lawful payment of salaries or employee  
238 benefits or reimbursement of actual and necessary expenses, or prohibit an  
239 elected official from taking official action with respect to any proposal to modify a  
240 county ordinance.

241 (j) *No solicitation of at-will employees:* No elected county official shall  
242 knowingly solicit a campaign contribution from any "at-will employee" defined as  
243 an employee who is not under union or labor contract with the county, who is  
244 hired for an indefinite term or who is under an independent contract with the  
245 county or its subparts or who can be discharged or terminated at any time for any  
246 nondiscriminatory reason.

247 (k) *No campaign contributions to county officials with approval authority:* No  
248 person(s) with a personal financial interest in the approval or denial of a contract  
249 or proposal being considered by a county department or with an agency funded  
250 and regulated by a county department, shall make a campaign contribution to  
251 any county elected official who has approval authority over that contract or  
252 proposal during its consideration. Contract or proposal consideration shall begin  
253 when a contract or proposal is submitted directly to a county department or to an  
254 agency funded or regulated by a county department until the contract or proposal  
255 has reached final disposition, including adoption, county executive action,  
256 proceedings on veto (if necessary) or departmental approval. This provision does  
257 not apply to those items covered by [section 9.14](#) unless an acceptance by an  
258 elected official would conflict with this section. The language in subsection  
259 [9.05\(2\)\(k\)](#) shall be included in all Requests for Proposals and bid documents.

260 (l) *Limits on honorarium fees or expense reimbursements:* No county public  
261 official or employee shall accept or solicit any honorariums, fees or expense  
262 reimbursements except in accordance with [section 9.14](#)

263 (m) *Limits on purchased commercial time/paid public speech:* No elected  
264 county official shall use county funds to purchase or direct others on his/her  
265 behalf to purchase media commercial time or space, to place paid  
266 advertisements, or paid public service announcements that feature the elected  
267 official in video format or with an audio recording of the voice of the elected  
268 official.

269 (3) *Limits on contact:*

270 (a) *Limits on contact with former county associates:* No former county public  
271 official or employee, for twelve (12) months following the date on which he/she  
272 ceases to be a county public official or employee, shall, for compensation, on  
273 behalf of any person other than a governmental entity, make any formal or  
274 informal appearance before or try to settle or arrange a matter by calling, writing,  
275 or conferring with, any county public official, officer or employee of the

276 department with which he/she was associated as a county public official or  
277 employee.

278 (b) *Limits on contact with judicial or quasi-judicial proceedings:* No former  
279 county public official or employee for twelve (12) months following the date on  
280 which he/she ceases to be a county public official or employee, shall for  
281 compensation on behalf of himself/herself or any person other than a  
282 governmental entity, make any formal or informal appearance before, or try to  
283 settle or arrange a matter by calling, writing, or conferring with, any county public  
284 official, officer or employee of a department in connection with any judicial or  
285 quasi-judicial proceeding, application, contract, claim, or charge which was under  
286 the former public official's or employee's responsibility as a county public official  
287 or employee.

288 (c) *Limits on contacts with judicial or quasi-judicial proceedings where*  
289 *personally participated:* No former county public official or employee shall,  
290 whether for compensation or not, act on behalf of any party other than the county  
291 in connection with any judicial or quasi-judicial proceeding, application, contract,  
292 claim, or charge in which the former public official or employee participated  
293 substantially as a public official or employee.

294 (d) *Consideration of exemptions:* The ethics board shall accept and review  
295 written requests by former appointed officials for an exemption from the  
296 prohibitions of (3). Such exemption requests must be heard and deliberated  
297 during a properly convened open session of an ethics board meeting and must  
298 be included in a written ethics board opinion stating the reason(s) that the former  
299 appointed official should be exempt from the otherwise prohibited conduct.

300 **SECTION 3:** This ordinance shall become effective upon passage and publication.  
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