

Administrative Manual of Operating Procedures

Procedure #: XX.XX	Procedure Title: County Supervisor Code of Conduct and Enforcement Procedure			Revision #:
Original Issue Date: XX/XX/XXXX	Revised Issue Date: TBD	Next Review Date: May, 2028	Responsible Department: County Board of Supervisors	
Statutory References: Wis. Stat. § 59.15			Ordinance References: MCO § 1.29 & Chapter 9	
Appendices:			Forms: Form XX.XX – Code of Conduct Complaint Form	

1. OBJECTIVE:

The purpose of this procedure is to establish the process for filing, reviewing, resolving, and enforcing complaints involving the Milwaukee County Board of Supervisors Code of Conduct under MCGO § 1.29. This procedure supports fair, consistent, and proportionate review of conduct matters while preserving the authority of the County Board chairperson and committee chairpersons to manage meetings and maintain decorum.

2. DEFINITIONS:

Code of Conduct. The conduct standards and enforcement process adopted by the County Board to support the standards of decorum and official conduct in MCGO § 1.29.

Committee. The standing committee designated by the County Board chairperson to review a Code of Conduct matter, unless the matter is referred to the Committee of the Whole under this procedure.

Complainant. A county supervisor, county officer, county employee, or member of the public who files a complaint based on conduct the person personally experienced or directly witnessed.

Corporation Counsel. The Office of Corporation Counsel, which provides legal review and advice under this procedure.

County Board chairperson. The elected chairperson of the Milwaukee County Board of Supervisors.

First vice-chairperson. The first vice-chairperson of the Milwaukee County Board of Supervisors.

Formal complaint. A written and signed complaint that includes the required information under this procedure and is submitted to the County Board chairperson and county clerk.

Informal resolution. A non-disciplinary attempt to resolve a matter through a private conversation, oral or written guidance, mediation, an apology, training, agreed corrective action, or another agreed non-disciplinary step.

Public censure. A formal public condemnation adopted by the County Board for serious or repeated misconduct. It is the Board's strongest expression of disapproval short of any additional action allowed by law or ordinance.

Public reprimand. A formal public statement adopted by the County Board finding that a supervisor violated the Code of Conduct and admonishing the supervisor for the conduct.

Respondent supervisor. The county supervisor whose conduct is at issue in a complaint.

Supervisor. A member of the Milwaukee County Board of Supervisors.

3. OVERVIEW:

The Code of Conduct applies to supervisors when acting in their official capacity. This includes County Board meetings, committee meetings, public hearings, official County Board communications, County Board offices, and other County Board business. It also applies to conduct connected to County Board business by telephone, voicemail, text message, video conference, social media, or other online platforms.

The procedure does not limit the authority of the County Board chairperson or a committee chairperson to preserve order, rule on decorum, or manage a meeting under the County Board rules. It also does not replace or limit the Milwaukee County ethics code in MCGO Chapter 9 or any other remedy available under state law or county ordinance.

4. PROCEDURE:

A. Conduct covered

A supervisor may violate the Code of Conduct by engaging in conduct inconsistent with the standards of decorum and official conduct established in MCGO § 1.29, including:

- i. Harassing, insulting, threatening, or abusive remarks or conduct.
- ii. Personal attacks on another supervisor, county officer, county employee, invited speaker, or member of the public.
- iii. Repeated interruptions or conduct that prevents others from being heard.
- iv. Unjustified verbal accusations or questioning that places another person at an unfair disadvantage.
- v. Retaliation against a person who raises a concern, files a complaint, participates as a witness, or cooperates in a review under this procedure.
- vi. Repeated failure to follow the ruling of the chairperson during a County Board or committee meeting.
- vii. Other conduct that substantially interferes with the orderly, fair, and respectful conduct of County Board business.
- viii. Conduct that may constitute neglect of duty under Wis. Stat. § 59.15, if the conduct also involves decorum, official conduct, or internal County Board governance. Nothing in this procedure limits any separate remedy available under state law.

B. Ethics matters excluded

This procedure does not replace or limit the Milwaukee County ethics code in MCGO Chapter 9. Complaints involving conflicts of interest, private benefit, misuse of office, prohibited gifts, campaign-related ethics issues, or other matters within the Ethics Board's jurisdiction shall be referred to the Ethics Board or another proper authority. A matter may proceed under this procedure only if it also involves County Board decorum, official conduct, meeting conduct, retaliation, disruption, or the orderly conduct of County Board business.

C. Filing a complaint

- i. A complaint may be filed by a county supervisor, county officer, county employee, or member of the public who personally experienced or directly witnessed the alleged conduct.
- ii. A complaint shall be submitted in writing to the County Board chairperson and the county clerk and shall include the complainant's name, contact information, and signature.
- iii. A complaint shall identify the supervisor whose conduct is at issue, describe the alleged conduct, state when and where it occurred, identify the provision allegedly violated, identify known witnesses or supporting documents, and explain why the conduct is alleged to violate the Code of Conduct.
- iv. Anonymous complaints may be received as information but shall not be treated as formal complaints under this procedure.
- v. A complaint shall be filed within 90 days after the alleged conduct occurred or within 90 days after the complainant reasonably became aware of the alleged conduct.

D. Initial legal screening

Corporation Counsel shall review each complaint before further action is taken and provide written advice on whether the complaint falls within MCGO § 1.29 and this procedure, should be referred to the Ethics Board or another authority, or raises legal concerns requiring different handling.

A complaint may be dismissed or referred if it lacks supporting facts, is based only on speculation, duplicates a matter already reviewed, appears to have been filed for an improper purpose, or is based only on disagreement with a supervisor's vote, policy position, legislative judgment, or viewpoint. Speech or debate protected by law shall not be the basis for discipline, but this procedure may be applied to conduct that violates the Code of Conduct, including harassment, threats, retaliation, repeated disruption, or failure to follow a chairperson's ruling.

E. Initial review by County Board chairperson

Within 15 business days after receiving Corporation Counsel's written advice, the County Board chairperson shall do one of the following:

- i. Dismiss the complaint if it does not meet the filing requirements of this procedure, does not fall within MCGO § 1.29 or this procedure, or lacks facts sufficient to support further review.
- ii. Refer the complaint to the Ethics Board, Human Resources, Corporation Counsel, law enforcement, or another proper authority.
- iii. Attempt informal resolution.
- iv. Refer the complaint to the appropriate standing committee designated by the County Board chairperson, subject to the election-period limitation in this procedure.

If the chairperson attempts informal resolution, the chairperson shall resolve the matter, dismiss it, refer it, or obtain a written extension within 30 calendar days. The chairperson shall provide written notice of any dismissal, referral, informal resolution, or committee referral to the complainant, respondent supervisor, county clerk, and Corporation Counsel. If the chairperson does not act by a deadline established by this procedure, the county clerk shall notify the chairperson, complainant, and respondent supervisor that action is overdue. If the complaint involves the County Board chairperson, the notice shall also be provided to the County Board first vice-chairperson.

F. Complaints involving the chairperson or first vice-chairperson

If the complaint involves the County Board chairperson, the County Board first vice-chairperson shall perform all duties assigned to the chairperson under this procedure, including initial review, dismissal, referral, informal resolution, and any other action the chairperson would otherwise be authorized or required to take. If the complaint involves both the chairperson and first vice-chairperson, the county clerk shall refer the matter to the appropriate standing committee designated by the County Board chairperson, subject to the election-period limitation in this procedure.

G. Election-period limitation

- i. A complaint may not be referred to the standing committee or to the Committee of the Whole during the period beginning 60 days before any election, including a primary election, in which the respondent supervisor's name will appear on the ballot.
- ii. During that period, a complaint may still be filed, reviewed by Corporation Counsel, dismissed, referred to the Ethics Board or another proper authority, or addressed through informal resolution.
- iii. A complaint delayed under this subsection shall be referred, dismissed, or otherwise acted upon within 15 business days after the election.
- iv. If committee referral is delayed, the standing committee shall place the matter on its next regular agenda for which notice and preparation are practicable. If referral to the Committee of the Whole

is delayed, the County Board chairperson, or first vice-chairperson if required under this procedure, shall call a meeting within 20 business days after the election.

- v. The respondent supervisor may waive the committee-referral delay in writing by filing a waiver with the County Board chairperson and the county clerk.

H. Informal resolution

The County Board chairperson, or first vice-chairperson when acting under this procedure, may attempt informal resolution. Informal resolution may include a private conversation, oral or written guidance, mediation, an apology, training, or other agreed corrective action. Informal resolution is not discipline under this procedure. If informal resolution requires action by the complainant or respondent supervisor, that action must be agreed to by that person. Informal resolution shall not prevent referral to committee if the conduct continues or if the matter is too serious for informal handling.

I. Referral to committee

If informal resolution is not appropriate or is not successful, the complaint shall be referred to the appropriate standing committee designated by the County Board chairperson, subject to the election-period limitation in this procedure. The committee shall place the complaint on its next regular agenda for which legally sufficient notice and preparation are practicable, unless prohibited by the election-period limitation. The committee shall review the complaint and Corporation Counsel's written advice and may conduct this initial review without testimony or appearances.

J. Notice and opportunity to respond

If the committee does not dismiss a complaint without testimony or appearances, the respondent supervisor shall receive written notice of the complaint and a reasonable opportunity to submit a written response and appear before the committee before the committee votes to resolve, refer, or recommend action. The complainant may also submit information and appear before the committee.

K. Recusal

A supervisor shall not participate as a committee member in the review of a complaint under this procedure if the supervisor is the complainant, the respondent supervisor, a material witness, or directly affected by the alleged conduct. A recused supervisor shall not sit as a committee member, participate in committee discussion, count toward quorum for that item, or vote on any action concerning the complaint. A recused supervisor may provide information in the same manner as any other complainant, respondent supervisor, or witness.

L. Referral to Committee of the Whole

If recusals leave the standing committee without a quorum, or if the complaint names two or more members of that committee as complainants or respondent supervisors, the complaint shall be referred to the Committee of the Whole, subject to the election-period limitation in this procedure. The Committee of the Whole shall exercise the authority assigned to the standing committee under this procedure. The County Board chairperson, or first vice-chairperson if required under this procedure, shall call a meeting within 20 business days after referral, unless the election-period limitation applies.

M. Committee action and possible sanctions

After review, the committee may take one or more of the following actions:

- i. Dismiss the complaint without testimony or appearances if the committee determines, based on the written complaint and Corporation Counsel's written advice, that no violation occurred, the

complaint lacks sufficient support, the matter is outside the scope of the Code of Conduct, or further action is not warranted.

- ii. Dismiss the complaint after review and any testimony or appearances allowed by the committee.
- iii. Resolve the matter without further County Board action through guidance, training, mediation, apology, agreed corrective action, or other non-disciplinary action.
- iv. Refer the matter to the Ethics Board, Corporation Counsel, Human Resources, law enforcement, or another proper authority.
- v. Recommend one or more sanctions or actions to the County Board.

The committee shall provide written notice of its action to the complainant, respondent supervisor, county clerk, and Corporation Counsel. Any recommended sanction should be proportionate to the conduct, the harm caused, whether the conduct was repeated, whether the supervisor accepted responsibility, and whether prior corrective action was attempted.

Recommended sanctions and actions may include public reprimand, public censure, referral to another authority, another action within the lawful authority of the County Board, or a recommendation to the County Board chairperson that the respondent supervisor be removed from a committee assignment or committee leadership position or be deemed ineligible to serve as chairperson or vice-chairperson of a committee for a stated period. The County Board chairperson shall make the final determination on committee assignments and committee leadership positions, consistent with the chairperson's authority under the County Board rules and applicable law.

N. County Board action

The County Board may, by majority vote, approve, reject, or modify any recommendation forwarded to the County Board under this procedure, provided that any action taken is within the lawful authority of the County Board. If the County Board recommends an action affecting a committee assignment or committee leadership position, the recommendation shall be forwarded to the County Board chairperson for final determination.

O. Records

The county clerk shall maintain records and County Board actions filed or taken under this procedure, subject to applicable public records law and records retention requirements.

P. Open meetings

Committee review under this procedure shall be conducted in accordance with the Wisconsin Open Meetings Law and advice from Corporation Counsel.

Q. Biennial review and adoption

In May of each even-numbered year, the elected County Board chairperson shall refer this procedure to the appropriate standing committee, as determined by the County Board chairperson, for review. The standing committee shall review the procedure with input from Corporation Counsel as needed and shall recommend the procedure, with or without changes, to the County Board for review and adoption. The purpose of this review is to ensure that supervisors beginning a new two-year term are aware of the Code of Conduct and have considered any changes deemed necessary. The current adopted procedure remains in effect until the County Board adopts a revised procedure.

5. FORMS:

A. Code of Conduct Complaint Form

The complaint form should request, at minimum, the complainant's name, contact information, signature, respondent supervisor, date and location of the alleged conduct, description of the alleged conduct, provision allegedly violated, witnesses, supporting documents, and a certification that the complainant personally experienced or directly witnessed the alleged conduct.

6. REVISION HISTORY:

Rev. #	Summary of Changes	Date of Change	Author