

**CHAPTER 2**  
**GOVERNING BODY**

The purpose of this chapter is to describe the organization, duties, general procedural rules, rules for conduct of meetings, and code of ethics for the County Board of Supervisors.

- 2.01 County Board Organization and Duties
- 2.02 Meetings and General Rules of the County Board
- 2.03 Rules for Conduct of Meetings
- 2.04 Code of Ethics

2.01 COUNTY BOARD ORGANIZATION AND DUTIES.

(1) Governing Body. The governing body of La Crosse County shall be known as the "La Crosse County Board of Supervisors". The County Board shall be composed of 35 Supervisors with 1 Supervisor to be elected from each of the 35 Supervisory districts.

(a) Self Organized. Pursuant to s. 59.10(1), Wis. Stats., La Crosse County hereby elects to become a self-organized county as that term is used in law.

(b) Compensation. Compensation of Supervisors shall be as set forth in La Crosse County resolutions regulating such compensation.

(2) Supervisory Districts. The County Board adopts the "La Crosse County Final Supervisory District Plan" that creates 29 supervisory districts and is illustrated by a certified map of the same title that shall be permanently on file with the County Clerk. The Supervisory Districts of La Crosse County shall be numbered and bound as follows:

1. FIRST SUPERVISORY DISTRICT  
City of La Crosse – Wards 1 and 2.
2. SECOND SUPERVISORY DISTRICT  
City of La Crosse – Wards 3 and 5.
3. THIRD SUPERVISORY DISTRICT  
City of La Crosse - Wards 4 and 6.
4. FOURTH SUPERVISORY DISTRICT  
City of La Crosse – Wards 9 and 12.
5. FIFTH SUPERVISORY DISTRICT  
City of La Crosse – Wards 8 and 11.
6. SIXTH SUPERVISORY DISTRICT  
City of La Crosse – Wards 7 and 10.
7. SEVENTH SUPERVISORY DISTRICT  
City of La Crosse – Wards 19 and 21.
8. EIGHTH SUPERVISORY DISTRICT  
City of La Crosse – Wards 13, 15, 17, and 18.
9. NINTH SUPERVISORY DISTRICT  
City of La Crosse – Wards 14 and 16.

10. TENTH SUPERVISORY DISTRICT  
City of La Crosse – Wards 20, 23, and 24.
11. ELEVENTH SUPERVISORY DISTRICT  
City of La Crosse – Wards 22 and 27.
12. TWELFTH SUPERVISORY DISTRICT  
City of La Crosse – Wards 25 and 26.
13. THIRTEENTH SUPERVISORY DISTRICT  
City of La Crosse – Wards 28 and 29.
14. FOURTEENTH SUPERVISORY DISTRICT  
Town of Campbell – Wards 2, 3, 4, 5, and 6.
15. FIFTEENTH SUPERVISORY DISTRICT  
Town of Campbell – Ward 1; Town of Onalaska – Ward 8; and City of Onalaska – Wards 1 and 5.
16. SIXTEENTH SUPERVISORY DISTRICT  
City of Onalaska – Wards 4, 6, and 7.
17. SEVENTEENTH SUPERVISORY DISTRICT  
City of Onalaska – Wards 8, 9, and 10.
18. EIGHTEENTH SUPERVISORY DISTRICT  
City of Onalaska – Wards 11 and 12; Town of Medary – Ward 1; and Town of Onalaska – Ward 4.
19. NINETEENTH SUPERVISORY DISTRICT  
City of Onalaska – Wards 2 and 3; and Town of Onalaska – Ward 3.
20. TWENTIETH SUPERVISORY DISTRICT  
Village of Holmen – Wards 6, 7, 8, and 10; and Town of Onalaska – Ward 2.
21. TWENTY-FIRST SUPERVISORY DISTRICT  
Village of Holmen – Wards 9 and 11; and Town of Onalaska – Wards 5, 6, and 7.

- Ward 1.
- 5.
22. TWENTY-SECOND SUPERVISORY DISTRICT  
Village of Holmen – Wards 2, 3, 4, and 5; and Town of Holland –
  23. TWENTY-THIRD SUPERVISORY DISTRICT  
Village of Holmen – Ward 1; and Town of Holland – Wards 2, 3, 4 and
  24. TWENTY-FOURTH SUPERVISORY DISTRICT  
Town of Onalaska – Wards 1; Town of Holland – Ward 6; Town of Hamilton – Ward 1; and Town of Farmington – Wards 1 and 2.
  25. TWENTY-FIFTH SUPERVISORY DISTRICT  
Village of West Salem – Wards 1, 2, 4, and 5; and Town of Hamilton – Ward 3.
  26. TWENTY-SIXTH SUPERVISORY DISTRICT  
Town of Hamilton – Ward 2; Town of Burns – Ward 1; Town of Bangor – Ward 1; Village of Bangor – Wards 1 and 2; and Village of Rockland – Ward 1.
  27. TWENTY-SEVENTH SUPERVISORY DISTRICT  
Town of Barre – Ward 1; Town of Hamilton- Ward 5; Town of Greenfield – Wards 1 and 2; and Town of Washington – Ward 1.
  28. TWENTY-EIGHTH SUPERVISORY DISTRICT  
Village of West Salem – Wards 3 and 6; Town of Barre – Ward 2; Town of Hamilton – Ward 4; Town of Medary – Ward 2; and Town of Shelby – Ward 4.
  29. TWENTY-NINTH SUPERVISORY DISTRICT  
Town of Shelby – Wards 1, 2, 3, 5, and 6.

(3) Orientation of Supervisors. The County Clerk, County Administrator, Auditor/Finance Director, Personnel Director, and Corporation Counsel shall conduct a program for all elected Supervisors prior to the April organizational meeting of the election year.

(4) Committees/Board/Commissions. See Chapter 1 of this Code.

(5) The officers of the County Board shall be the County Board Chair, the First Vice Chair, and the Second Vice Chair, who shall be elected by the Supervisors at the first meeting of the County Board following the Spring Election, pursuant to s. 59.12, Wis. Stats. If no nominee receives a majority on the first ballot, the second ballot will include the 3 nominees receiving the most votes. If no nominee receives a majority on the second ballot, the third ballot shall include the 2 nominees with the most votes. When two candidates tie for a majority vote for an office, the balloting shall be repeated for that office as many times as necessary to obtain a majority vote for a single candidate. Voting shall be by secret ballot, except when only one nominee is put up for an office, the County Board may take a voice vote.

(6) Duties of the County Board Chair. The County Board Chair shall exercise the powers and perform the duties described in these rules, those assigned by the County Board, those prescribed by parliamentary authority adopted herein, and shall include the following:

(a) Preside over the County Board and open each meeting of the County Board at the time and place publicly noticed and call the Supervisors to order;

(b) Receive and submit to standing committees for consideration all matters properly presented;

(c) Vote on the call of yes and no votes. The County Board Chair's vote shall be recorded with those of other Supervisors;

(d) Put to vote all questions properly moved and announce the results;

(e) Maintain the rules of order while Supervisors are engaged in debate;

(f) Lead the County Board on all occasions in the observance of order and decorum;

(g) Rule on any point of order or practice when necessary or when asked;

(h) Represent the County Board, obey its commands and declare its will.

(7) Duties of the First Vice Chair. The duties of the Vice Chair shall include:

(a) Act as County Board Chair during the absence or disability of the County Board Chair;

(b) When the County Board Chair wishes to temporarily vacate the chair during a County Board meeting, act as Chair when designated by the County Board Chair.

(8) Duties of the Second Vice Chair. The Second Vice Chair shall assume the duties of the First Vice Chair in his or her absence.

## 2.02 MEETINGS AND GENERAL RULES OF THE COUNTY BOARD

(1) Annual Meeting. The annual meeting of the County Board shall commence on the Tuesday after the second Monday of November of each year pursuant to s. 59.11(1)(a), Wis. Stats. When the day of the meeting falls on November 11, the meeting shall be held on the next succeeding day.

(2) Organizational Meeting. The organizational meeting of the County Board shall be held on the third Tuesday in April pursuant to s. 59.11(1)(c), Wis. Stats.

(3) Regular Meetings. The County Board may transact the general business of the County at the following meetings:

(a) Monthly meetings. The regular monthly meeting of the County Board shall be held on the third Thursday of each month, except as otherwise provided.

(b) Planning meetings. County Board Planning Meetings shall be held on Monday of committee week which is the week before the regular monthly meeting, except as otherwise determined by the County Board or the Board Chair.

(4) Special Meetings. The County Board may, upon written request of a majority of the Supervisors, call special meetings pursuant to s. 59.11(2), Wis. Stats.

(5) Emergency Meetings. Emergency meetings of the County Board may be called by the County Board Chair or in his/her absence by the First Vice Chair by making a written declaration of emergency and filing it with the County Clerk and by attempting to notify each Supervisor at his/her home address or place of work, of the time and place of such emergency meeting as well as the purpose of such meeting. In addition, all news media who are routinely notified of regular meetings, shall be notified of the time, place and purpose of the emergency meeting. The emergency meeting shall take place not less than 2 hours after an attempt to contact all Supervisors and the media has occurred. An emergency meeting is a meeting called to discuss a matter upon which immediate action might be necessary in order to protect the health, safety and welfare of the citizens of the County.

(6) Publication of Proceedings. The County Board shall designate a newspaper in which the official proceedings of the County Board shall be published as required by law; it shall further enter into contracts for printing and publishing the same.

(7) Resolutions, Motions and Amendments.

(a) All resolutions shall be drafted by the Corporation Counsel Office, the County Clerk, the Personnel Director, the Auditor/Finance Director, the County Administrator, or the Deputy County Administrators to assure uniformity of format and proper content. Upon completion, the resolution shall be forwarded to the County Administrator, Auditor/Finance Director, and County Board Chair.

(b) The County Administrator, the Auditor/Finance Director, and Corporation Counsel shall review all resolutions prior to introduction before the County Board and shall initial on each resolution one of the following: Recommended, Not Recommended, or Reviewed Only.

(c) Resolutions shall be submitted to the appropriate Standing Committee prior to introduction to the County Board, unless the County Board Chair authorizes the placement of a resolution directly on the County Board agenda. A majority vote of the members present must vote to suspend the rules before the resolution placed on the agenda by the County Board Chair is discussed or voted on by the County Board.

(d) All resolutions appropriating or committing funds shall include a fiscal note. Any resolution that includes a non-budgeted item shall be reviewed and approved by the Executive Committee prior to introduction before the County Board.

(e) Resolutions that contain bids or quotes shall include a summary of the names of the bidders and bids or quotes received.

(f) Resolutions submitted to a Standing Committee shall be reported to the County Board by that committee.

(g) At the Committee level, resolutions may only be amended by the originating Standing Committee. After introduction to the County Board, any resolution may be amended by a Supervisor in accordance with Robert's Rules of Order. All amendments and motions of a significant matter shall be submitted in writing to the County Clerk before the adjournment of the County Board meeting in which it is presented.

(h) The Title, the "Resolved" portions of the resolution and the fiscal note shall be read for consideration at the County Board meeting, unless reading of the entire resolution is requested by a majority of the Supervisors present.

(8) Ordinances

(a) All ordinances shall be drafted by the Corporation Counsel Office and shall have attached an analysis of the ordinance clarifying the intent of the legislation. Changes in the wording of ordinances shall be included on a copy of the ordinance showing the deleted language by shading through the words to be deleted and by underlining the words to be changed or added.

(b) A proposed ordinance shall be reviewed by the originating Standing Committee prior to introduction before the County Board. After review, the ordinance shall be placed on the agenda for the next County Board meeting if recommended by a majority of the committee or by a minority report. The originating Standing Committee shall report to the County Board its recommendations or comments on the proposed ordinance.

(c) Each Supervisor shall be presented with a copy of the analysis and the existing ordinance with the deleted and new language.

(d) After introduction to the County Board, the ordinance may be debated. The ordinance shall be referred to the next meeting of the County Board for consideration, unless this rule is waived by a 2/3 vote of the Supervisors present.

(e) A public hearing on the proposed ordinance shall be held if required by statute or if requested by a Supervisor and approved by a majority vote of the Supervisors present. The date of the public hearing shall be prior to the County Board meeting where the ordinance is to be voted upon.

(f) An amendment to a proposed ordinance may be introduced, debated, and voted on at the first consideration by the County Board or at subsequent considerations. A majority vote is required for passage of an amendment to an ordinance. If the amendment is approved and is substantial or major, the ordinance and amendment shall be referred to the next meeting of the County Board unless 2/3 of the Supervisors present vote to consider the ordinance as amended at the present meeting. If the County Board Chair determines that the amendment is dilatory or frivolous or finds the amendment to be minor or technical in nature, the ordinance and amendment shall not be referred to the next County Board meeting.

(g) For consideration of an ordinance, the ordinance title and subject matter shall be read, unless reading of the entire ordinance is requested by a majority of the Supervisors present.

(9) Referral to Committee.

(a) Any resolution, ordinance or motion, introduced by a Supervisor and not on the agenda or not previously reviewed or studied by an appropriate committee shall, without motion, be referred by the County Board Chair to an appropriate committee unless this rule is waived by a 2/3 vote of the Supervisors present and such immediate consideration would not be a violation of the Open Meetings Law.

(b) All matters referred to a committee shall be reported out to the full County Board within 90 days of its referral unless otherwise specified by the County Board.

(10) Ad-Hoc Committees.

(a) Ad-Hoc Committees may be created by motion or by resolution designating the membership and objective and shall be appointed by the County Board Chair unless otherwise ordered.

(b) Ad-Hoc Committees shall present their reports, recommendations, resolutions, or ordinances to a standing committee unless otherwise directed by the County Board.

(c) Upon completion of its objectives and submission of a final report to the County Board, Ad-Hoc Committees shall be automatically disbanded.

(11) Action on Fiscal Matters.

(a) Non-budgeted Items. All transfer of funds used for a purpose not anticipated in the budget requires review and a resolution by the Executive Committee and approval by a vote of 2/3 of the entire membership of the County Board pursuant to s. 65.90(5)(a), Wis. Stats. Any change in the annual budget shall be published as a Class I notice pursuant to Chapter 985 of the Wis. Stats. The following actions shall require a 2/3 vote of the entire membership of the County Board if they occur outside the budget process:

1. A transfer of monies from a budgeted purpose to a purpose that was not budgeted.

2. All transfers from the current budgeted contingency accounts to an individual departmental budget for expenditures not anticipated or provided for in the budget.

3. To add new employment positions outside of the budget process that are not fully funded by outside sources.

4. To approve all new programs receiving grant funds outside of the budget that are funded in whole or in part by County funds.

(b) Budgeted Items. The Executive Committee shall be authorized:

1. To transfer funds between budgeted items of an individual county office or department, if such budgeted items have been separately appropriated.

2. To supplement the appropriations for a particular department by transfers from the contingency fund. Such Committee transfers shall not exceed the amount set up in the contingency fund as adopted in the annual budget, nor aggregate in the case of a department in excess of 10 per cent of the funds originally provided for such department in such annual budget.

3. To approve increasing expenditures in a particular budget when additional revenues are to be received during the year.

4. To approve additional grant funds received during the year for programs originally budgeted.

(c) Enterprise funds are exempt from obtaining the approval for transfer of funds to their operational budget because of increased business only if the additional expenditures will be covered by additional revenues either in the current or following year.

(12) Claims.

(a) Claims for travel and meal reimbursements shall be pursuant to s. 3.13 of this Code. Supervisors shall have all claims for travel, meals and lodging approved by the County Board Chair and submitted to the County Clerk no later than the end of the month of January of the following year.

(b) The Executive Committee of the County Board shall have the authority to settle claims, debts and causes of action in amounts up to \$5,000.

(c) The Corporation Counsel has authority to settle claims, debts and causes of action up to \$500.

(13) Agenda.

(a) All resolutions or other business to be brought before the County Board shall be reported to the County Clerk no later than 10:00 A.M. on the Friday preceding the County Board meeting in order to be placed on the agenda and considered by the County Board unless added as an addendum at the discretion of the County Board Chair and not in violation of the Open Meetings Law.

(b) The County Clerk shall send to each Supervisor an itemized agenda listing the title and item number of all resolutions, nominations, and other business to be considered by the County Board by 1<sup>st</sup> class mail or e-mail on the Friday preceding the County Board meeting. The agenda shall be prepared by the County Clerk subject to the approval of the County Board Chair.

(c) The County Clerk shall, on the Friday preceding the County Board meeting, prepare a packet containing resolutions, ordinances, petitions and standing committee minutes to the County Board. All information to be placed in the packet shall be delivered to the County Clerk before noon on the Friday preceding the County Board meeting. The packets shall be placed in the Supervisors lockers by 4:00 P.M. on said Friday.

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(d) Consent Agenda. Approval of County Board minutes, financial statement, and claims list shall be placed on the consent agenda and disposed of with one vote, unless a Supervisor requests to withdraw and discuss any of the matters.

(e) Zoning Items. The recommendations of the Planning, Resources and Development Committee on zoning items listed on the County Board agenda shall be considered individually.

(14) Attendance.

(a) A Supervisor shall attend all County Board meetings.

(b) A Supervisor may be excused from a session of the County Board by giving prior notice to the County Board Chair or the County Clerk.

(c) Failure to comply with this attendance requirement will subject the offender to the penalties pursuant to s. 59.11(4), Wis. Stats., including having the County Board Chair issue a warrant for attendance as set forth in said statute.

(15) Open Meetings Law. The Chair of each committee, subcommittee, special committee, standing committee, commission or board shall have the primary responsibility for complying with ss. 19.81-19.98, Wis. Stats., known as the "Open Meetings Law". The Chair or his/her designee shall notify the County Clerk as to how notices shall be conveyed to the news media. Those committees that desire notification to be made through the County Clerk's Office shall so designate in writing.

2.03 RULES FOR CONDUCT OF MEETINGS.

(1) Order of Business. The order of business at the regular meeting shall be generally as follows:

(a) Roll Call

(b) Invocation

(c) Pledge of Allegiance

(d) Election of officers (April organizational meeting)

(e) Communications, announcements and reports

(f) Appointments

(g) Consent Agenda – approval of County Board minutes, financial statements, and claims list

(h) Closed session

(i) Presentation of resolutions, ordinances, motions and other business from Standing Committees

(j) Items for future agendas

(k) Adjournment

(2) Quorum. A majority of Supervisors elected shall constitute a quorum to transact business. Those Supervisors present, absent or excused shall be entered in the journal. All questions shall be determined by a majority of the Supervisors present, unless otherwise provided by statutes or rule of the County Board. When absenteeism causes a problem of achieving a quorum, a smaller number of Supervisors may meet and shall have the power to compel attendance of a sufficient number to obtain a quorum.

(3) Starting Time. The starting time of the regular monthly meeting shall be determined at the first organizational meeting following election of the County Board for the ensuing term of office by a majority of the Supervisors who are present, except that the starting time may be changed for special occasions as determined by a majority of the County Board.

(4) Parliamentary Rules.

(a) Roberts' Rules of Order New Revised, current edition, shall prevail regarding the parliamentary procedure when not in conflict with any Wisconsin Statute or rule of the County Board.

(b) When a motion is under consideration, no other motion shall be entertained except:

1. To adjourn
2. To recess
3. To lay on the table
4. To close debate (Move the previous question)
5. To postpone to a day certain
6. To refer to committee
7. To amend or to substitute
8. To postpone indefinitely

These several motions shall take precedence in the order in which they stand in this rule. The motion to adjourn shall be in order if the Supervisor making it has the floor. The motions to adjourn, to recess, to lay on the table, and to close debate are not debatable.

(c) Except as otherwise provided, meeting procedures pursuant to s. 59.11, Wis. Stats., shall apply.

(5) Addressing the Board.

(a) No one other than a Supervisor or County staff when requested by a Supervisor will be allowed to speak except by the permission of the County Board by a majority vote. There shall be a 5-minute limit on presentations unless the Board allows more time. Members of the public shall not be permitted to address the Board on a zoning matter unless the meeting has been noticed as a public hearing.

(b) As a general rule, the County Board Chair shall attempt to recognize a Supervisor who has not yet spoken on the issue before recognizing a Supervisor who has already spoken.

(6) County Board Chair May Vacate the Chair. If the County Board Chair desires to enter into debate upon any matter before the County Board, he or she shall surrender the chair to the Vice Chair during such debate and shall have the privilege of the floor in exactly the same way as any other Supervisor, except that the Chair shall be recognized as the first speaker after vacating the chair. In the event that the Vice Chairs have spoken on the issue at hand, the Chair may designate another Supervisor to preside during that debate.

(7) Voting.

(a) Although it is the duty of all Supervisors present to vote yes or no, a Supervisor may abstain, since he or she cannot be compelled to vote.

(b) The Chair may call for a voice vote or a show of hands unless a roll call vote is requested. If the vote is taken by a show of hands, the Chair shall announce the names of those Supervisors voting in the minority.

(c) When a roll call vote is requested by the Chair or any Supervisor present, it shall be taken on the electronic voting system and a hard copy generated for the record unless the electronic voting system is not operational.

(d) No secret ballot may be utilized to determine any election or other decision of the County Board except the election of the County Board Chair and Vice Chairs.

(8) Motion to Reconsider. A motion for reconsideration may only be made by a Supervisor who voted on the prevailing side on such matter, provided that the motion for reconsideration is made on the same day, the following day if the meeting is more than 1 day, or the next County Board session. A motion for reconsideration shall not be accepted by the County Board Chair unless and until it can be determined that the Supervisor making the motion voted on the prevailing side. Any Supervisor regardless of how he or she voted when the original motion was decided may second the motion. Any motion for reconsideration requires only a majority of the Supervisors present, regardless of the vote necessary to adopt the motion to be reconsidered. A motion to reconsider being made and lost shall not be renewed except by the unanimous consent of the Supervisors present.

(9) Suspension of Rules. Unless prohibited by Wisconsin Statutes, rules may be suspended at any meeting by a 2/3 vote of Supervisors present.

2.04 CODE OF ETHICS.

(1) Declaration of Policy. The proper operation of La Crosse County government demands that:

(a) County officials and employees be independent, impartial and responsible to the general public,

(b) Decisions be made according to proper administrative procedures,

(c) County offices shall not be used for personal or financial gain,

(d) County business shall be conducted in a manner that will instill public confidence.

In recognition of these fundamental principles, there is hereby created a Code of Ethics and a La Crosse County Ethics Board to establish ethical guidelines, to render confidential opinions regarding appropriate conduct and to redress violations under this code.

(2) Purpose. The purpose of this code is to establish ethical standards of conduct for all La Crosse County officials and employees. La Crosse County officials and employees retain all rights as citizens to personal and economic interests. The standards of ethical conduct for county officials and employees must distinguish between minor and inconsequential conflicts that are unavoidable in a free society and those conflicts that are substantial and material.

(a) La Crosse County officials and employees have a right to:

1. Engage in professional or business activities, other than official duties,

2. Maintain investments or activities that do not conflict with specific provisions of this code.

(b) The provisions of this code, and such rules and regulations that may be established, are to be interpreted in the context of the above principles and are intended to be in the best interest of the public. It is the intent of the county that the operations of the Ethics Board shall protect, to the fullest possible extent, both the interests of the public and the rights of individuals affected.

(3) Responsibility of Public Office. La Crosse County officials and employees are public servants and hold office to serve the public interest. They are required to uphold the Constitution of the United States and 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 La Crosse County. They are required to adhere to the standards of ethics set forth in this code and to faithfully discharge the duties of their office.

(4) Coverage. This code governs all La Crosse County officials, whether elected or appointed, paid or unpaid, including members of boards, committees and commissions and all county employees.

(5) Exceptions. Political contributions which are reported pursuant to Chapter 11, Wis. Stats., are exempt from the provisions of this code.

(6) Definitions.

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

(b) Financial Interest. Any interest which yields directly or indirectly, a monetary or other material benefit to:

1. A county official, employee, or his/her immediate family,

2. Any person employing or retaining services of a county official or employee.

(c) Anything of Value. Any money or property, favor, service, payment, loan, or promise of future payment or benefit. This 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 similar thing which is not likely to influence the judgment of individuals covered by this code.

(d) Privileged Information. Any written or oral material related to county government which has not become public information and which is designated by statute, court decision, lawful orders, ordinances, resolution or custom as privileged.

(e) Official. All county department heads or directors, county board supervisors, and all other county elected officers, except judges and district attorneys.

(f) Employee. All persons employed by the county and all members of boards, committees, and commissions, except members of the La Crosse County Ethics Board and those individuals included in (e).

(g) Immediate Family. Refer to Chapter 3, Personnel Administrative Rules, s. 3.26(3) of this Code.

(7) Fair and Equal Treatment.

(a) 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 general public and are consistent with practices and policies of the county.

(b) Obligations to Citizens. An official or employee shall not grant or receive any special consideration, treatment or advantage beyond that which is available to every other citizen.

(8) Conflict of Interest.

(a) Receipt of Gifts, Gratuities, and Preferential Treatment Prohibited. An official or employee shall not solicit or accept anything of value whether in the form of a gift, service, loan or promise from any person which may impair independence of judgment or action in the performance of official duties. Nor shall an official or employee accept from any person or organization, directly or indirectly, preferential treatment or any thing of value without full payment, if it could reasonably be expected to influence a vote, a contract, or could reasonably be considered as a reward for any governmental action or inaction.

(b) Exception. It is not a conflict of interest for an official or employee to receive:

1. An unsolicited gift or gratuity of insignificant value, or
2. Anything given to him or her independent of his or her position as an official or employee.

(c) Business Interest. An official or employee shall not engage in any financial transaction which:

1. Is incompatible with the proper discharge of official duties for the benefit of the public,
2. Is contrary to the provisions of this code, or
3. May impair independence of judgment or action in the performance of official duties.

(d) 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 official duties or which may impair independence of judgment or action in the performance of official duties unless otherwise permitted by law or unless disclosure is made as hereinafter provided.

(e) 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 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 s. 946.13, Wis. Stats., an official or employee is prohibited from participating in the formation of a contract(s) with La Crosse County involving the receipts or disbursement of more than \$15,000 in any year, per State Statutes.

(f) Financial Interest in Legislation. An official or employee 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. Prior to giving an official opinion or recommendation to the County Board, such official or employee shall first disclose the nature and extent of such interest to the County Board. An official or employee who has a financial interest in any proposed action shall abstain from speaking to the issue and from voting on that action. If there is a question to this regard, the official or employee may seek an opinion from Corporation Counsel.

(g) 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 information. An official or employee shall not use privileged information to advance personal financial interest of himself or herself or his or her immediate family or any other person.

(h) Indirect Actions or Benefits. No county official or employee shall directly or indirectly initiate any action by another county official or employee that would constitute a violation of this Code.

(9) Compliance with State Statutes.

(a) 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:

1. S. 19.01 - Oaths and Bonds
2. S. 19.21 - Custody and Delivery of Official Property and Records
3. SS. 19.81-89 - Open Meetings of Governmental Bodies
4. S. 19.59 - Codes of Ethics for Local Government Officials, Employees and Candidates

(b) 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.

(10) Ethics Board.

(a) Creation and Composition of the Ethics Board. Refer to Chapter 1, General Government, s. 1.66 of this Code.

1. The Ethics Board shall elect its own Chair and Vice Chair.
2. The Corporation Counsel shall furnish the Ethics Board whatever legal assistance, which may be necessary. The Ethics Board may determine the need for private counsel.

(b) Duties and Powers.

1. Advisory Opinions. Any person governed by this code may apply in writing to the Ethics Board for an advisory opinion and shall be guided by any opinion rendered. Applicants shall present their interpretation of the facts at issue and of the applicability of the provisions of this code before the advisory opinion is rendered. All opinions shall be in writing and adopted by the Ethics Board by resolution. The Ethics board's deliberations and action upon such applications shall be in meetings not open to the public, but notice of such meetings shall be given pursuant to s. 19.84, Wis. Stats. Records of the Ethics Board's opinions, opinion requests and investigations of violations may be closed to public inspection, as permitted by Chapter 19, Wis. Stats. The Ethics Board, however, may make such records public with the consent of the applicant.

2. Complaints.

a. The County Clerk shall accept from any person a signed, original complaint that states the name of the official or employee alleged to have violated this code and that sets forth the material facts involved in the allegation. The County Clerk shall forward the original complaint to the Ethics Board Chair within 3 working days.

b. Time Limitations. No action may be taken on any complaint that is filed more than 1 year after a violation of the Ethics Code is alleged to have occurred.

3. Ethics Board Procedures. Following the receipt of a complaint:

a. The Ethics Board shall notify the accused within 5 calendar days.

b. The Ethics Board shall convene within 45 calendar days but no earlier than 30 days from the date the accused receives the complaint.

c. The Ethics Board may make preliminary investigations with respect to alleged violation of this code. A preliminary investigation shall not be initiated unless the accused official or employee is notified in writing within 10 calendar days from the initial meeting. The notice shall state the purpose of the investigation and the individual's specific action or activities to be investigated.

d. The Ethics Board shall make every effort to conclude within 120 calendar days.

4. Hearings. If the Ethics Board finds that probable cause exists for believing the allegations of the complaint, the Ethics Board may issue an order setting a date for a hearing. If the Ethics Board elects to hold a hearing, the Ethics Board shall give the accused at least 20 calendar days notice of the hearing date. Such hearing shall be conducted pursuant to the contested case hearing requirements of Chapter 227 Wis. Stats., at open session unless the accused petitions for a hearing closed to the public and good cause to close the hearing is shown.

5. Right to Representation. During all stages of an investigation or proceeding conducted under this section, the accused or any person whose activities are under investigation is entitled to be represented by counsel of personal choice and at personal expense.

6. Due Process. The accused or his/her representative shall have an adequate opportunity to:

a. Examine all documents and records to be used at the hearing within a reasonable time before the date of the hearing as well as during the hearing,

b. Bring witnesses,

c. Establish all pertinent facts and circumstances, and

d. Question or refute any testimony or evidence, including the opportunity to confront and cross-examine adverse witnesses.

7. Power to Subpoena and Administer Oaths. The Ethics Board shall have the power to administer oaths and compel the attendance of witnesses by issuing subpoenas as granted other Boards and Commissions pursuant to s. 885.01(3) Wis. Stats.

8. Vote of the Ethics Board. The majority vote of the Ethics Board shall be required for any action taken by the Ethics Board.

9. Evidentiary Standard. If the recommendation is that a violation of the ethics code has occurred, the Ethics Board must be convinced by clear and convincing evidence that such violation occurred.

10. Violations.

a. If the Ethics Board finds that a violation of the ethics code has occurred, the Ethics Board shall report their findings in writing to the County Board, complainant, and accused, through the County Clerk, within 10 working days after reaching a conclusion.

b. If the Ethics Board determines that an official or employee has violated any provision of this code, the Ethics Board may, as part of its report to the County Board, make any of the following recommendations:

1. In the case of an official who is an elected county board supervisor, that the County Board consider sanctioning, censuring or removing the person;

2. In the case of a citizen member, or other elected or appointed county officer, that the County Board, County Administrator or other appointing authority consider removing the person from the committee, board or office;

3. In the case of an employee, that the employee's appointing authority consider discipline up to and including discharge of the employee.

4. That the County Board consider imposing a civil forfeiture in an amount not exceeding \$1,000 for each offense.

c. If the Ethics Board finds that no violation has occurred, the Ethics Board shall notify the complainant, the accused, and the County Clerk in writing within 5 working days.

11. Costs upon frivolous complaints.

a. If the Ethics Board finds, at any time during the proceeding, that an ethics complaint commenced or continued by a party is frivolous, the Ethics Board may award the successful party the costs and reasonable attorney fees that are directly attributable to responding to the frivolous complaint.

b. If the costs and fees awarded under sub. a. are awarded against the party, those costs may be assessed fully against either the party or the attorney representing the party or may be assessed so that the party and the attorney each pay a portion of the costs and fees.

c. To find an ethics complaint to be frivolous under sub. a., the Ethics Board must find at least one of the following:

1. That the complaint was commenced, used, or continued in bad faith, solely for purposes of harassing or maliciously injuring another; and/or

2. That the party or the party's attorney knew, or should have known, that the complaint was without any reasonable basis in law or equity and could not be supported by a good faith argument for an extension, modification, or reversal of existing law.

d. How sanctions are initiated.

1. By motion. A motion for sanctions under this rule shall be made separately from other motions or requests and shall describe the specific conduct alleged to violate sub. a. The motion shall be served as provided in Wis. Stat. s. 801.14, but shall not be filed with or presented to the Ethics Board unless, within 21 days after service of the motion or such other period as the Ethics Board may prescribe, the challenged paper, complaint, claim, contention or allegation is not withdrawn or appropriately corrected. If warranted, the Ethics Board may award to the party prevailing on the motion reasonable expenses and attorney fees incurred in presenting or opposing the motion.

2. On Ethics Board Initiative. On its own initiative, the Ethic Board may enter an order describing the specific conduct that appears to violate sub. a. and directing an attorney, law firm, or party to show cause why it has not violated sub. a. with the specific conduct described in the order.

e. Nature of sanction. A sanction imposed for violation of this rule may be limited to what is sufficient to deter repetition of such conduct or comparable conduct by others similarly situated. The sanction may consist of, or include, directives of a nonmonetary nature and/or an order directing payment to the movant of some or all of the reasonable attorney fees and other expenses incurred as a direct result of the violation. Monetary sanctions may not be awarded on the Ethics Board initiative unless the Ethics Board issues its order to show cause before a voluntary dismissal or settlement of the claims made by or against the party that is, or whose attorneys are, to be sanctioned.

f. Order. If the Ethics Board elects to impose sanctions, the Ethics Board shall in a written order describe the conduct determined to constitute a violation of this rule and explain the basis for the sanction and the amount of the sanction imposed.

(11) Penalties.

(a) If the Ethics Board files a report with the County Board finding that an official or employee has violated the Ethics Code, such report shall be referred to the Executive Committee for a report. The Executive Committee may recommend to the County Board a penalty for the violation and/or recommend that a hearing be held on the issue of the penalty. If a hearing is recommended by the Executive Committee, then the County Board Chair shall schedule a hearing before the County Board and cause notice to be mailed to the interested parties

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including the person or persons accused of the violation at least 10 days prior to the date set for the hearing. At the hearing, the evidence in support of the penalty recommendations by the Ethics Board and/or Executive Committee shall be presented by the Corporation Counsel or by a member of the Corporation Counsel's staff. The accused, who may appear in person or who may be represented by an attorney, shall be entitled to present to the County Board such evidence as may be relevant, competent, and material in regard to the penalty for the violation.

(b) Upon completion of the hearing or other proceedings by the County Board, judgment shall be entered by the County Board determining the penalty for the Ethics Code violation found by the Ethics Board and may include a recommendation of discipline of the person to his/her appointing authority up to and including discharge from employment or removal from office.

(c) The County Board may censure, suspend or remove from office a county board supervisor. To remove a supervisor from office, the County Board must approve such removal, for cause, by a vote of two-thirds of all the supervisors entitled to seats on such board.

(d) Any person violating the Code of Ethics (s. 2.04) may be subject to a forfeiture of not less than \$100 nor more than \$1,000 for each offense.

(12) Applicability. The provisions of s. 2.04 of this Code shall apply in all instances except when superseded by an applicable statutory provision. This section is mandatory except in cases where the application of a statute is discretionary. In such case the Ethics Board may choose which is more appropriate or desirable.