

 <p>VILLAGE OF HOBART GREATNESS IS GROWING Village of Hobart Village Office 2990 S. Pine Tree Rd, Hobart, WI www.hobart-wi.org - www.buildinhobart.com</p>	<p>Notice is hereby given according to State Statutes that the ETHICS BOARD of the Village of Hobart will meet Tuesday May 4th 2021. NOTICE OF POSTING: Posted this 30th of April, 2021 at the Hobart Village Office, 2990 S. Pine Tree Rd and on the village's website.</p>
--	---

MEETING NOTICE – ETHICS BOARD

Date/Time: Tuesday May 4th 2021 (4:00 P.M.)
Location: To be held virtually

NOTE: This meeting can be accessed virtually or by phone via Zoom.

ACCESS INSTRUCTIONS:

- **Virtually: Visit <https://zoom.us> – click ‘Join a Meeting’ – Meeting ID: 474 902 6600 – Meeting Password: 2990**
- **By Phone: Call 1-312-626-6799 – Use meeting ID and password above**

ROUTINE ITEMS TO BE ACTED UPON:

1. Call to order/Roll Call.
2. Certification of the open meeting law agenda requirements and approval of the agenda
3. Approval of Minutes – March 11th 2019

ACTION ITEMS

4. DISCUSSION AND ACTION – Election of Chairperson and Vice-Chairperson

5. DISCUSSION AND ACTION - Review of Current Ethics Code

The Committee will review and discuss the current ethics code, and consider revisions, if any.

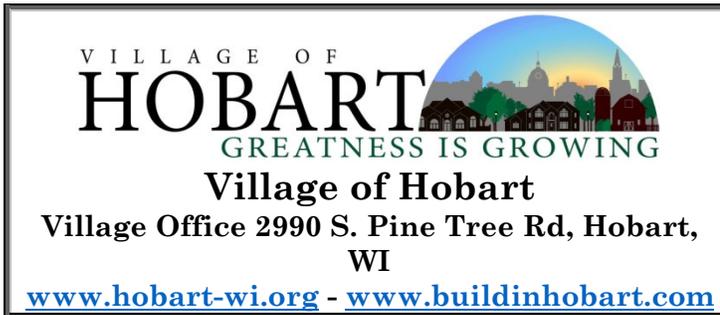
6. DISCUSSION AND ACTION – Set Date for Subsequent Meeting if Needed

7. ADJOURN

Aaron Kramer, Village Administrator

COMMISSION MEMBERS: Greg Jerlinga (Chairperson), Bob Zemple, Jim Goral, Jeff Johnson, Vacancy

NOTE: Page numbers refer to the meeting packet. All agenda and minutes of Village meetings are online: www.hobart-wi.org. Any person wishing to attend, who, because of disability requires special accommodations, should contact the Village Clerk-Treasurer at 920-869-1011 with as much advanced notice as possible. Notice is hereby given that action by the Board may be considered and taken on any of the items described or listed in this agenda. There may be Board members attending this meeting by telephone if necessary.



Notice is hereby given according to State Statutes that the ETHICS COMMITTEE of the Village of Hobart will meet on Monday March 11th 2019 at 6:30 P.M. at the Hobart Village Office. NOTICE OF POSTING: Posted this 4th day of March, 2019 at the Hobart Village Office, 2990 S. Pine Tree Rd and on the village's website.

ETHICS COMMITTEE MINUTES

Date/Time: Monday March 11th 2019 (6:30 P.M.)

Location: Village Office, 2990 South Pine Tree Road

ROUTINE ITEMS TO BE ACTED UPON:

- 1. Call to order/Roll Call** – Three members present - Greg Jerlinga (Chairperson), Jim Goral, Jeff Johnson. Two members absent - Fran Junio (Vice-Chairperson) and Bob Zemple. A quorum of the Committee was present.
- 2. Certification of the open meeting law agenda requirements and approval of the agenda** – MOTION: Jerlinga SECOND: Johnson VOTE: 3-0
- 3. Approval of Minutes – February 11th 2019** – ACTION: To approve MOTION: Jerlinga SECOND: Johnson VOTE: 3-0
- 4. Public Comment on Non-Agenda Items** - None

ACTION ITEMS

5. ADJOURN to CLOSED SESSION (6:31 PM): Under Wisconsin State Statute 19.85 (1) (b): Considering dismissal, demotion, licensing or discipline of any public employee or person licensed by a board or commission or the investigation of charges against such person, or considering the grant or denial of tenure for a university faculty member, and the taking of formal action on any such matter; provided that the faculty member or other public employee or person licensed is given actual notice of any evidentiary hearing which may be held prior to final action being taken and of any meeting at which final action may be taken. The notice shall contain a statement that the person has the right to demand that the evidentiary hearing or meeting be held in open session (Ethics Complaint). Per Village Policy, "...The Chairperson shall call a meeting of the Ethics Board within twenty (20) days from the receipt of a complaint. The Ethics Board shall determine at the meeting if a prima facie case has been alleged, meaning that the facts alleged are sufficient to constitute a violation. If a prima facie case has been alleged, the Ethics Board shall conduct a hearing in accordance with all with all common law requirements of due process. This hearing is closed to the public. It may seek the advice and counsel of parties deemed appropriate by the Ethics Board, such as police officers, Village Attorney, and complaining and named parties." ACTION: To go into closed session MOTION: Jerlinga SECOND: Johnson VOTE: 3-0

6. CONVENE into open session (6:39 PM) – MOTION: Jerlinga SECOND: Goral VOTE: 3-0

7. ACTION from closed session – ACTION: To determine that a prima facie case has not been established and dismiss the ethics complaint MOTION: Jerlinga SECOND: Goral VOTE: 3-0

8. ADJOURN (6:40 PM) – MOTION: Goral SECOND: Jerlinga VOTE: 3-0

Submitted by Aaron Kramer, Village Administrator

Village of Hobart Code of Ethics

(1) **DECLARATION OF POLICY.** The proper operation of democratic government requires that public **Officials** and **Employees** be independent, impartial and responsible to the people; that government decisions and policy be made in proper channels of the governmental structure; that public office not be used for personal gain; and that the public have confidence in the integrity of its government. In recognition of these goals, there is hereby established a Code of Ethics for all Village of Hobart **Officials** and **Employees**, whether elected or appointed, paid or unpaid, including members of boards, committees and commissions of the Village. Due to the fact that the Village of Hobart's counsel is bound by the Wisconsin Rules of Professional Conduct for Attorneys, the Village of Hobart's legal counsel is not governed by this Code of Ethics. The purpose of this Code of Ethics is to establish guidelines for ethical standards of conduct for all such **Officials** and **Employees** by setting forth these acts or actions that are incompatible with the best interest of the Village and by directing disclosure by such officials and **Employees** of private financial or other interests in matters affecting the Village. The provisions of this Code of Ethics and such rules and regulations, as may be established, are hereby declared to be in the best interests of the Village. This is the Village of Hobart's Code of Ethics. This Code of Ethics supplements all other applicable ordinances or law and does not limit or permit acts otherwise prohibited or allowed.

(2) **DEFINITIONS.** The following definitions are applicable throughout this Hobart Code of Ethics.

Alternate. **Alternate** is understood to be any **Person** serving on the **Ethics Board**, whether paid or not, elected or appointed, in the event a **Member** is unable to serve.

Anything of Substantial Value. Money, property, favor, service, payment, advance forbearance, loan or promise of future employment for himself or herself or for his or her **Immediate Family**.

Chairperson. That **Member** elected to the Chair of the **Ethics Board** by **Ethics Board Members**.

Confidential Information. Information which has been obtained in the course of holding public office, employment, an independent contract or otherwise acting as an **Official** or **Employee**, and which information is not available to members of the public under sec. 19.85 Wis. Stats. or other law or regulation and which the **Official** or **Employee** is not authorized to disclose, including:

- a. any written information that could lawfully be excepted from disclosure pursuant to state law, unless the **Official** or **Employee** disclosing it is authorized to do so by state law, or pursuant to some other pertinent law, policy or procedure; and

b. any non-written information which, if it were written, could be excepted from disclosure under state law, unless the **Official** or **Employee** disclosing it is authorized to do so by the state law, or pursuant to some other pertinent law, policy or procedure; and

c. information which was obtained in the course of or by means of a record or oral report of a lawful closed session, whether or not the disclosure of the information would violate state law, unless the **Official** or **Employee** disclosing it is authorized by state law to do so, or unless the **Official** or **Employee** disclosing it has been properly authorized to disclose it pursuant to an applicable law, policy or procedure; however, when such information is also available through channels which are open to the public, this provision does not prohibit an **Official** or **Employee** from disclosing the availability of those channels.

Ethics Board. The **Ethics Board** shall include all **Members** and serving **Alternates**.

Employee. A **Person** whose pay, in whole or in part, is under the control of the Village.

Financial Interest. Other than the receipt of his or her salary, an interest which shall yield directly or indirectly, a monetary or other **Material** benefit to the **Official** or **Employee** or to any **Person** employing or retaining the services of the **Official** or **Employee**.

Hospitality. **Hospitality** is defined as reasonable hosting, entertainment, meals or refreshments furnished in connection with public events, appearances or ceremonies related to official Village business, if furnished by the sponsor of such public event; or in connection with speaking engagements, teaching or rendering other public assistance to an organization or another governmental entity: this provision applies only if the Village does not also pay the person for the same activity.

Immediate Family. **Immediate family** is defined as a wife, husband, ward, sister, brother, child, grandchild, guardian, mother-in-law, father-in-law, son-in-law, daughter-in-law, sister-in-law, brother-in-law, including all members of blended families such as step father/step mother, step children, etc.

Material. Having influence or effect. Having to do with matter, not form.

Member. **Member** is understood to be any **Person** serving on the **Ethics Board**, whether paid or not, elected or appointed.

Official. **Official** is understood to be any **Person** serving on a board, committee, commission, or other capacity, appointed or elected by the Village Board or Village citizens, whether paid or not. The Village's legal counsel is not an **Official**.

Person. A person, corporation, partnership, joint venture, or other legally recognized entity.

Personal Interest. An interest arising from blood or marriage relationships or from close personal, business or political associations, whether or not a **Financial Interest** is involved.

Vice-Chairperson. That **Member** elected to the Vice-Chair of the **Ethics Board** by **Ethics Board Members**.

(3) RESPONSIBILITY OF PUBLIC OFFICE. Public **Officials** and **Employees** are agents of public purpose and hold office for the benefit of the public. They are bound to uphold the Constitution of the United States and the Constitution of this State and to carry out impartially the laws of the nation, State and municipality and to observe in their official acts the highest standards of integrity and to discharge faithfully the duties of their office regardless of personal considerations, recognizing that the public interest must be their prime concern. Their conduct in their official affairs must be above reproach so as to foster respect for all government.

(4) DEDICATED SERVICE. All **Officials** and **Employees** of the Village shall adhere to the rules of work and performance established as the standard for their positions by the appropriate authority as set forth in the Village of Hobart Code of Ordinances. **Officials** and **Employees** shall not exceed their authority or breach the law or ask others to do so, and they shall work with other public **Officials** and **Employees** unless prohibited from so doing by law or by officially recognized confidentiality of their work.

(5) FAIR AND EQUAL TREATMENT.

(a) Use of Public Property. No **Official** or **Employee** shall request or permit the use of Village-owned vehicles, equipment, materials or property for personal convenience or profit.

(b) Obligations of Citizens. Subject to the discretion of **Officials** or **Employees** to vote on matters as allowed by law, no **Official** or **Employee** shall grant any special consideration, treatment or advantage to any citizens beyond that which is available to every other citizen.

(6) CONFLICT OF INTEREST

(a) Financial and Personal Interest Prohibited.

1. Other than the receipt of his or her salary, no Hobart **Official** or **Employee** may use his or her position to obtain financial gain or **Anything of Substantial Value** for the private benefit of himself or herself or his or her **Immediate Family**, or for an organization with which he or she is associated.

2. No Hobart **Official** or **Employee** may solicit or accept from anyone, directly or indirectly, anything of value if it could reasonably be expected to influence the **Official's** or **Employee's** vote, judgment, or official action, or could reasonably be considered a reward for official action or inaction on the part of the Hobart **Official** or **Employee**.

3. No **Official** or **Employee** may take any official action substantially affecting a matter in which the **Official** or **Employee** and/or a member of his or her **Immediate Family**, or an organization with which the **Official** or **Employee** is associated has a substantial **Financial Interest**.

4. No **Official** or **Employee** may use his or her position in a way that produces or assists in the production of a substantial benefit, direct or indirect, for the **Official** or **Employee**, one or more members of the **Official's** or **Employee's Immediate Family** either separately or together, or an organization with which the **Official** is associated.

(b) Specific Conflicts Enumerated.

1. *Incompatible Employment.* No **Official** or **Employee** shall engage in or accept private or public employment or render service for private or public interest when such employment or service is inconsistent or in conflict with the proper discharge of his or her duties as an **Official** or **Employee** or would tend to **Materially** impair his or her independence of judgement or action in the performance of his or her duties as an **Official** or **Employee** unless otherwise permitted by law and unless disclosures are made as hereinafter provided.

2. *Disclosure of Confidential Information.* No **Official** or **Employee** shall, without proper legal authorization, disclose confidential information concerning the property, government or affairs of the Village nor shall such information be used to advance financial or other private interests.

3. *Solicitation or Acceptance of Anything of Value Prohibited.*

a. No **Official** or **Employee** shall solicit or accept from any person, directly or indirectly, anything of value if it could reasonably be expected to influence the official's or **Employee's** vote, official action or judgment, or could reasonably be considered as a reward for any official action or inaction on the part of the **Official** or **Employee**. Campaign contributions which are permitted and reported under Ch. 11, Wis. Stats., may be accepted and are not a violation of this Ethics Code.

b. No **Official** or **Employee**, or member of the official's or **Employee's Immediate Family**, shall accept **Hospitality** if, after consideration of the surrounding circumstances, it could reasonably be expected to influence the official's or **Employee's** vote, official action or judgment. An **Official** or **Employee** should discourage any member of his or her **Immediate**

Family from accepting **Hospitality** under such circumstances. Participation in ground breakings, celebrations, grand openings, open houses, informational meetings, voter forums and similar events are excluded from this prohibition.

4. *Representing Private, Personal or **Financial Interest** Before Village Agencies or Courts.* No **Official** or **Employee** shall appear on behalf of any private **Person** other than himself or herself or his or her **Immediate Family**, before the agency, board, commission, committee, council, or department of the Village, or before any court involving a case in which the Village has an interest. However, a Village Board Member may appear before Village agencies on behalf of the Village Board Member's constituents in the course of the Village Board Member's duties as a representative of the electorate or in the performance of public and civic obligations.

(7) NEPOTISM POLICY.

(a) **Immediate Family.** No **Person** shall be employed by any department within the Village if another member of his or her **Immediate Family** is already an **Official** or **Employee** of that department.

(b) **Current Employees.** Any members of the **Immediate family** that are employed by the Village as of the effective date of this section shall be allowed to remain as **Employees** of the Village.

(c) **Exceptions.** This section does not apply to contractors, subcontractors, temporary part-time **Employees**, volunteers and paid-on-call **Employees**.

(d) **Elected Office Allowed.** This section does not prohibit a member of an **Official's** or **Employee's Immediate Family** from running for elected office.

(8) DISCLOSURE OF INTEREST IN LEGISLATION

(a) **Prior Disclosure By Board Members.** Any member of the Village Board who has a **Material** recognized **Financial Interest** or **Personal Interest** other than the same common interest that is shared by all citizens in any proposed legislation before the Village Board shall disclose on the record of the Board the nature and extent of such interest, prior to any action or vote.

(b) **Prior Disclosure By Officials or Employees.** Any other **Official** or **Employee** who has a **Financial Interest** or **Personal Interest** in any proposed legislative action of the Village Board or any board, commission or committee upon which the **Official** or **Employee** has any influence or input or of which the **Official** or **Employee** is a member that is to make a recommendation or decision upon any item which is the subject of the proposed legislative action shall disclose on the records of the Village Board or the appropriate board, commission or committee the nature and extent of such interest, prior to any action or vote.

(c) Determination of Conflict of Interest. In the event Section (8)(b) applies, the Village Board shall refer the decision on whether a conflict of interest exists to the **Ethics Board** for an opinion.

(9) **STATUTORY STANDARDS OF CONDUCT.**

The Wisconsin Statutes, while not set forth herein, are considered an integral part of this Code of Ethics. Accordingly, although not exclusively, the provisions of the following Wisconsin Statutes, as from time to time amended, are made a part of this Code of Ethics and shall apply to **Officials** and **Employees** whenever applicable:

- (a) §946.10, Bribery of Public Officers and **Employees**.
- (b) §946.11, Special Privileges From Public Utilities.
- (c) §946.12, Misconduct in Public Office.
- (d) §946.13, Private Interest in Public Contract Prohibited.

(10) **ETHICS BOARD**

(a) Membership. There is hereby created an **Ethics Board** consisting of 5 voting **Members** and 2 **alternates**. The **Members** shall serve without compensation unless the Village Board otherwise provides. The **Members** of the **Ethics Board** shall be residents of the Village of Hobart. The **Members** shall not be elected **Officials**, full time appointed **Officials** or **Employees**, nor shall the **Members** be currently serving on any other Village board, committee or commission. Each **Member** shall be appointed by the Village President and subject to confirmation by the Village Board and confirmed by a letter of appointment.

(b) Membership Terms of Office. Terms of office shall be a minimum of 5 years and members may serve further terms if they and the board are in agreement. The **Alternates** shall be appointed for 5 years, and may also serve further terms if they and the board are in agreement.

(c) Legal Assistance. The Village Attorney shall furnish the **Ethics Board** legal assistance when necessary and when doing so does not present a conflict of interest to the Village Attorney, pursuant to the Wisconsin Rules of Professional Conduct for Attorneys. With the prior approval of the Village Board, the **Ethics Board** may retain independent counsel when the Village Attorney is unable to provide legal assistance to the **Ethics Board**.

(d) Powers and Duties.

1. The **Ethics Board** shall, from time to time, adopt and develop written procedural rules which shall be submitted to the Village Board for approval and incorporated within the Code of Ethics.

2. General Rules of Procedure

a. Board Meetings

1. The **Ethics Board** shall elect a **Chairperson** and **Vice-**

Chairperson.2. All **Members** shall receive adequate notice of meetings, which shall not be less than forty-eight hours.

3. An agenda shall be prepared for each meeting.

4. The **Chairperson** shall appoint a secretary for each meeting to record minutes.

5. Meetings shall be called by the **Chairperson** when deemed advisable. However, the **Ethics Board** shall meet at least one time per year.

6. A majority of the present **Ethics Board** shall constitute a quorum at any meeting.

b. Ethics Complaints

1. All complaints regarding a violation of the Hobart Ethics Code shall be in writing, signed by the complaining party, notarized, and delivered to the Village Clerk.

2, Upon receipt, the Village Clerk shall, within seven (7) days, forward the complaint to the **Ethics Board Chairperson**, and a copy of the complaint to the named parties.

3. The **Chairperson** shall call a meeting of the **Ethics Board** within twenty (20) days from the receipt of a complaint. The **Ethics Board** shall determine at the meeting if a prima facie case has been alleged, meaning that the facts alleged are sufficient to constitute a violation. If a prima facie case has been alleged, the **Ethics Board** shall conduct a hearing in accordance with all with all common law requirements of due process. This hearing is closed to the public. It may seek the advice and counsel of parties deemed appropriate by the **Ethics Board**, such as police officers, Village Attorney, and complaining and named parties.

4. The **Ethics Board** shall submit to the Village Board, within sixty (60) days of the conclusion of the due process hearing, the findings of fact and conclusions based thereon. The **Ethics Board** may make recommendation for appropriate action to be taken by the Village Board or other proper Village authority.

5. All records of complaints to the **Ethics Board**, finding of facts and conclusions, and investigations of violations shall be closed to public inspection, unless inspection of such records are otherwise allowed under the Open Records Law.

c. Advisory Opinions. Any **person** may apply in writing to the **Ethics Board** for an advisory opinion as to the interpretation and application of this code, and shall be guided by the opinion rendered. Such **person** shall have the opportunity to present his or her interpretation of the facts at issue and of the applicability of provisions of this Ethics Code before the **Ethics Board**. Unless inspection of such records are otherwise allowed under the Open Records Law, meetings for deliberations and action upon such applications shall not be open to the public, and records of the Ethics Board's opinions or opinion requests shall be closed to public inspection. In the event the **Ethics Board** deems it necessary or appropriate, it may request an opinion from the Village Attorney.

3. Ethics Board Members shall have the power, by majority vote, to dismiss a member who has become ineffectual or negligent.

(11) **APPLICABILITY**. This Code of Ethics shall be operative in all instances covered by its provisions, except when superseded by an applicable statutory provision and statutory action, or when the application of a statutory provision is discretionary but determined by the **Ethics Board** to be more appropriate or desirable.

(12) **PENALTIES AND SANCTIONS**. Violation of any provision of this Code of Ethics may constitute a cause for suspension, removal from office or employment or other disciplinary action. Sanctions, including any disciplinary action that may affect **Employees** covered under a labor agreement will be consistent with the terms and conditions set forth in the applicable labor agreement. Violation may also lead to additional legal penalties and sanctions, pursuant to the Village of Hobart Code of Ordinances or other applicable laws.

(13) **DISTRIBUTION OF ETHICS CODE**.

(a) Distribution. The Village Clerk shall cause a copy of this Code of Ethics to be distributed to every **Official**, committee member, and **Employee** of the Village within 30 days of the enactment of this section. Each public **Official** and **Employee** elected, appointed or engaged thereafter shall be furnished a copy before entering upon his or her duties.

(b) Annual Review. Each **Official**, the Village President, the chairman of each board, commission or committee and, through the Village Administrator, the head of each department, shall annually, between May 1 and May 31 each year, review the provisions of this code with his or her fellow trustees or board, commission, committee members or subordinates, as the case may be, and certify to the Village Clerk by June 15 that such annual review had been undertaken.

(c) Statement of Understanding. Each public **Official**, committee member, and **Employee** shall initially, in connection with paragraphs (a) and (b) above, also complete and file with the department head or Village Administrator, as appropriate, the following Statement of Understanding:

"I have read and understand the contents of the Village of Hobart Ethics Code, including the attached State Statutes. * I also understand that I am expected to adhere to and conduct myself according to rules, guidance and direction as set forth in the Ethics Code."

* §§946.10 through 946.13/Criminal Code, and
§§19.59/General Duties of Public Officials

(d) Promotion of Understanding. To prevent violations of this Code of Ethics, the Village of Hobart shall make a continuing effort to promote knowledge and understanding of this Code of Ethics, such as by use of Q&A samples or other such materials.