

CHAPTER 8

ETHICS

8.01 ETHICS ORDINANCE

(1) APPLICABILITY. This ordinance shall be applicable for the below noted Village of New Auburn officers and the below noted Village employees along with the immediate family members of those officers and employees who hold the offices and positions. Also, it is applicable for those candidates for any elected office noted below in the Village of New Auburn along with their immediate family members.

- (A) Village President
- (B) Village Board Members
- (C) Village Clerk
- (D) Village Treasurer
- (E) Village Marshal
- (F) All street or road employees
- (G) For purposes of this section, immediate family shall be:

(1) An individual's spouse; and,

(2) An individual's relative by marriage, lineal descent or adoption who receives, directly or indirectly, more than one-half (1/2) of his or her support from the individual or from whom the individual receives, directly or indirectly, more than one-half (1/2) of his or her support.

(2) STANDARD OF ETHICAL CONDUCT. The below noted relate to standards of ethical conduct for the above noted Village officers and Village employees.

(A) Use of Office for Private Gain. No persons in the Village of New Auburn offices noted in section 8.01(1) nor any persons holding public positions in the

Village noted in section 8.01(1) may use his or her public position or office 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 with. For purposes of this section, an "organization he or she is associated with" means, at minimum, an organization that the person has the following type of relationship: A corporation or limited liability company partnership or business enterprise owned by

(greater than 40%) an office or position holder or his or her immediate family.

(B) Disclosure of Information. No persons in the Village of New Auburn offices noted in section 8.01(1) may intentionally use or disclose information gained in the course of or by reason of his or her office or public position or activities in any way that could result in the receipt of anything of value for himself or herself, for his or her immediate family or for any other person, if the information has not been circulated to the public or is not public information.

(C) Use of Office for Private Gain. No persons in the Village of New Auburn offices noted in section 8.01(1) nor any persons holding public positions in the Village of New Auburn as noted in section 8.01(1) may use or attempt to use his or her Village office or his or her public position in the Village to influence or gain unlawful benefits, advantages or privileges for himself or herself or other persons.

(D) Use of Office to Obtain Public Items. No Village of New Auburn official nor employee shall request, demand, use, or permit the use of any Village-owned or supported property, vehicle, equipment, material, labor or service for the personal convenience of the official or employee or any other person for the private advantage of the official or employee or for any other person. This prohibition on the official and employee shall not be deemed to prohibit an official or employee from requesting, demanding, using, or permitting the use of such Village-owned or Village-supported property, vehicle, equipment, material, labor or service when it is the general practice to make the same available to the general public at large in the Village or when these items are provided to the official or employee as a matter of Village employment policy for the use of officials and employees in the conduct of official Village operations and business.

(3) CONFLICT OF INTEREST ACTIONS. A Village of New Auburn official or Village of New Auburn employee is deemed to have a material conflict of interest in regards to a matter in which he or she is involved or is about to be involved in the discharge of his or her official duties for the Village of New Auburn whenever:

(A) The matter in question is one in which the Village of New Auburn official or Village of New Auburn employee in his or her capacity or a member of his or her immediate family or an organization with which he or she is associated with has a substantial interest.

(B) With such conflict of interest or possible conflict of interest, the Village of New Auburn officer or Village of New Auburn employee shall:

(1) Prepare a written statement describing the matter in detail and the nature of the conflict of interest or possible conflict of interest.

(2) Deliver copies of the written statement to the Village Clerk. If the Village Clerk is the Village officer with the conflict of interest or possible conflict of interest, he or she shall file the written statement with the Village Treasurer.

(3) If the Village officer is a member of the Village Board and has filed the written statement with the Village Clerk, this statement shall excuse the member from votes, deliberations, attendance at meetings and other actions in regard to such matter.

(4) If the Village officer or Village employee who is not a member of the Village Board has filed the written statement, the officer or employee's supervisor, if any, shall assign the matter to another employee.

(4) HONORARIUM, FEES, AND EXPENSES

(A) No persons in Village of New Auburn offices noted in Section 8.01(1) nor any persons holding a public position noted in Section 8.01(1) shall fail to report to the Village Clerk by a statement of economic interest any amount that he or she receives for any participation in a meeting, for any lodging, transportation money or for anything of value provided that the amount exceeds Fifty Dollars (\$50.00) in value excluding the value of food or beverage offered with any talk or meeting. The above-noted persons shall include in their report the identities of the person or persons that provided the amount exceeding Fifty Dollars (\$50.00) for the work, for the meeting, for the lodging, for the transportation and for anything of value along circumstances under which the amount was received and the appropriate amount received.

(B) Notwithstanding the above-noted requirements, persons required to report need not report reimbursement or payment received when:

(1) The above-noted persons returned the amount to the providing party within thirty (30) days of receipt.

(2) The above-noted persons required to report can show by clear and convincing proof that while they received compensation, reimbursement or payment from a source that normally would require reporting and they received amounts that normally would require reporting, that the amounts received were made to the above noted person for a purpose unrelated to their duties and their responsibilities as a Village of New Auburn officer or as a Village of New Auburn employee and were not received by the above-noted person for their meeting with clubs, conventions, special interest groups, political groups, school groups and other groups established or organized to discuss and to interpret legislative, administrative, executive or judicial processes, proposals, and issues initiated by or affecting the Village of New Auburn.