

CHAPTER 1

GENERAL GOVERNMENT

GENERAL PROVISIONS AS TO OFFICIALS

1.01 Receipt of Gifts and Gratuities

1.11 Fees and Legal Custodians: Public Records

BOARDS AND COMMISSIONS

**1.12 Per Diem, Mileage Expenses Reimbursement: County Board
of Supervisors**

1.20 County Grievance Review Board

Revised 11/13/07

GENERAL GOVERNMENT – CHAPTER 1

GENERAL PROVISIONS AS TO OFFICIALS

1.01 RECEIPT OF GIFTS AND GRATUITIES (1) (a) No County employee or official shall receive or offer to receive, either directly or indirectly, any gift, gratuity or other thing of substantial value, for the private benefit of the employee or official or his immediate family, from any person, corporation, organization, or entity which: (1) Has obtained or is seeking to obtain contractual or other business or financial relationships with Winnebago County or its departments, agencies or boards or (2) Conducts operations or activities which are regulated or subsidized by Winnebago County, its departments, boards or committees.

(b) For purposes of this ordinance, “substantial value” shall be presumed to include any gift, gratuity or other item with an aggregate value of \$25 or greater. “Substantial value” does not include promotional trinkets of de minimus value such as pens, pencils, keychains, etc., nor does it include refreshments such as coffee, soda, pastries, juice, etc. provided as a matter of societal etiquette.

(c) For purposes of this ordinance, an “official” is defined as one holding a “local public office” as defined in Section 19.42(7w), Stats.

(d) For purposes of this ordinance, “immediate family” is as defined in Section 19.42(7), Stats.

(2) Should an official of Winnebago County knowingly be prohibited from partaking in any official action by virtue of Section 19.59(1)(c), Stats., said official shall notify the Winnebago County Clerk of said prohibition in writing no

later than ten (10) days after learning of said prohibition and the reasons therefore.

(3) PENALTY. Violation of this ordinance shall be punishable under Section 25.04 of this General Code.

(4) CANDIDATES SEEKING PUBLIC OFFICE. Nothing herein shall prevent any County employee or official, as a candidate for public office, from accepting money, property or other things of value as a campaign contribution pursuant to the provisions of Chapter 12, Wisconsin Statutes.

1.11 FEES AND LEGAL CUSTODIANS: PUBLIC RECORDS. (1)

AUTHORITY. This section of the Code is adopted under the authority granted by Sections 59.07(6) and 19.35(3), Wisconsin Statutes.

(2) DEFINITIONS. (a) "Authority" means any of the following having custody of a record: an office, elected official, agency, board, commission, committee, council, department or public body corporate and politic of Winnebago County created by constitution, law, ordinance, rule or order; or formally constituted subunit of the foregoing.

(b) "Record" means any material on which written, drawn, printed, spoken, visual or electromagnetic information is recorded or preserved, regardless of physical form or characteristics, which has been created or is being kept by an authority of Winnebago County. "Record" includes, but is not limited to, handwritten, typed or printed pages, maps, charges, photographs, films, recordings, tapes (including computer tapes), and computer printouts. "Records" does not include drafts, notes, preliminary computations and like materials

prepared for the originator's personal use or prepared by the originator in the name of a person for whom the originator is working; materials which are purely the personal property of the custodian and have no relation to his or her office; materials to which access is limited by copyright, patent or request; and published materials in the possession of an authority other than a public library which are available for sale, or which are available for inspection at a public library.

(3) LEGAL CUSTODIANS. (a) A Winnebago County elected official is the legal custodian of his or her records and the records of his or her office, but the official may designate an employee of his or her staff to act as the legal custodian.

(b) Unless otherwise prohibited by law, the County Clerk or the Clerk's designee shall act as legal custodian for the Winnebago County Board and for any committees, commissions, boards or authorities created by ordinance or resolution of the Winnebago County Board.

(c) For every authority not specified in subs. (a) or (b), the authority's chief administrative officer is the legal custodian for the authority, but the officer may designate an employee of his or her staff to act as the legal custodian.

(d) Each legal custodian shall name a person to act as legal custodian in his or her absence or the absence of his or her designate. This subsection does not apply to members of the Winnebago County Board.

(e) The designation of a legal custodian does not affect the powers and duties of an authority under this subchapter.

(4) FEES. (a) Each authority shall impose a fee upon the requester of a copy of a record which may not exceed the actual, necessary and direct cost of reproduction and transcription of the record, unless a fee is otherwise specifically established or authorized by the law.

(b) Each authority shall impose a fee upon the requester of a copy of a record for the actual, necessary and direct cost of photographing and photographic processing if the authority provides a photograph of a record, the form of which does not permit copying.

(c) Each authority shall impose a fee upon the requester of a record not, in printed form on paper such as films, computer printouts and audio or video tapes, which may not exceed the actual, necessary and direct cost of a copy of such record.

(d) Except as otherwise provided by law or as authorized to be prescribed by law or as authorized to be prescribed by law, an authority shall impose a fee upon a requester for locating a record, not exceeding the actual, necessary and direct cost of location, if the cost is \$50 or more.

(e) Each authority shall impose a fee upon a requester for the actual, necessary and direct cost of mailing or shipping of any copy or photograph of a record which is mailed or shipped to the requester.

(f) An authority may provide copies of a record without charge or at a reduced charge where the authority determines that waiver or reduction of the fee is in the public interest.

(g) Each authority shall require prepayment by a requester of any fee or fees imposed under this subsection if the total amount exceeds \$5.

(5) EFFECTIVE DATE. This ordinance shall take effect on January 1, 1983

1.12 PER DIEM, MILEAGE EXPENSES REQUIREMENT: COUNTY BOARD OF SUPERVISORS.

1.12 Per Diem and Mileage Expense Reimbursement: County Board of Supervisors. (1) AUTHORITY. This section of the Code is adopted under the authority granted by Section 59.10(3)(f) through (h) and 59.13(2), Wisconsin Statutes.

(2) DEFINITIONS.

- (a) "Committee meeting" as used in this ordinance shall mean the convening of a standing select or special committee of the County Board of subcommittee thereof for duly authorized purposes pursuant to Subchapter 5 of Chapter 19, Wisconsin Statutes and the Rules of the County Board wherein an agenda is published, quorum is present and regular business is conducted; or
- (b) The attendance by a supervisor at any school, institute, conference or meeting which the County Board or the Chairperson of the County Board, or the Vice Chairperson in the Chairperson's absence, directs him or her to attend; or
- (c) The attendance by a supervisor at a meeting of any other board, council, commission or committee, without enumeration, to which

he or she has been appointed by the County Board or by the Chairperson thereof as the official permanent County representative, and at meetings of subcommittees thereof to which said supervisor has been appointed by the Chairperson of such body.

(3) Each Board Supervisor shall be responsible for compiling his or her own expense sheet for payment by the County of per diem, mileage and other expenses.

(4) Claims for expenses or for per diem reimbursement not submitted to the office of the County Board Chairperson before the first Monday of each month shall not be processed for payment in that month.

(5) The County's Personnel Department shall develop an expense and per diem reimbursement sheet, subject to the approval of the Personnel and Finance Committee, which shall be used by all supervisors to submit claims for compensation and/or expenses pursuant to this ordinance. Subject to the approval of the County Board Chairperson, or the Vice Chairperson if the Chairperson is unavailable, claims for expenses and per diem reimbursement shall be paid by the County, except those claims which are in excess of sums permitted by County Ordinance or State Statute. No claim shall be made by any supervisor for expense or per diem reimbursement which said supervisor has not actually incurred or earned.

(6) Supervisors shall be eligible for per diem and expense reimbursement for attending the following:

- (a) Regular meetings of the County Board of Supervisors;
 - (b) Regular meetings of any committee of jurisdiction of the County Board to which the supervisor has been duly appointed;
 - (c) Attendance of any "committee meeting" as that term is defined within this ordinance, or requested presence by the County Board Chairperson to represent the County;
 - (d) For attending a conference with the County Executive at the specific request of the County Executive.
- (7) Per diem and expenses shall be reimbursed while attending meetings for the Winnebago County Board of Supervisors as follows:
- (a) Per Diem

½ day meeting (One or more	\$ 44.00
meetings totaling 4 hours or less)		
Full day meeting.....		\$ 66.00
Monthly County Board meeting.....		\$ 66.00
Maximum allowable per diem per day...		\$ 66.00
 - (b) Mileage, Lodging and Meals – In accordance with Section 3.05 of the General Code of Winnebago County.
- (8) No County Board Supervisor may claim more than one per diem for each day of service as a County Board Supervisor.
- (9) In addition to the per diem eligibility set forth above, the County Board Chairman shall receive an annual salary of \$5,000 and the Vice Chairman shall

receive an annual salary of \$1500.00 for performing duties required by those positions.

(10) Non-supervisors who are duly appointed to serve on the following committees, boards and commissions who are not acting within the scope of their employment or office in so doing shall be eligible for the same per diem payments and expense reimbursements as supervisors:

- (a) Board of Adjustment
- (b) Land Conservation Committee
- (c) Solid Waste Management Board
- (d) Committee on Aging
- (e) Health Board
- (f) Public Safety Building Board – Members at Large
- (g) Information Systems Committee
- (h) Grievance Review Board
- (i) Veteran Service Commission
- (j)** Housing Authority

No per diem is allowed for civilians serving on an ad hoc and/or advisory committee.

(11) EFFECTIVE DATE. This ordinance shall be effective as of September 1, 2001.

GRIEVANCE REVIEW BOARD

1.20 COUNTY GRIEVANCE REVIEW BOARD.

(1) AUTHORITY. This section is adopted under the authority granted by Sections 49.50(5) and 59.025, Wisconsin Statutes.

(2) TITLE. This section shall be known as, referred to, or cited as, Winnebago County Grievance Review Board Ordinance.

(3) EFFECTIVE DATE. This section shall take effect October 1, 1977.

(4) MEMBERSHIP. (a) The Grievance Review Board shall be composed of five members, all of whom shall be legal residents of Winnebago County with an appreciation for and knowledge of personnel management and dedication to the concept of equal employment opportunity.

(b) No person holding any elective or appointed public position of office in County government shall be appointed to the Grievance Review Board.

(c) The Grievance Review Board shall be appointed by the County Executive, subject to confirmation by the County Board of Supervisors.

(d) Members of the Grievance Review Board shall not be employed in any capacity by the County.

(e) Except as hereinafter provided, the term of office of each member of the Grievance Review Board shall be 5 years. The terms of office initially appointed shall be as follows:

1. One member shall be appointed for a term commencing with the date of appointment and ending December 31, 1978.

2. One member shall be appointed for a term commencing with the date of appointment and ending December 31, 1979.

3. One member shall be appointed for a term commencing with the date of appointment and ending December 31, 1980.

4. One member shall be appointed for a term commencing with the date of appointment and ending December 31, 1981.

5. One member shall be appointed for a term commencing with the date of appointment and ending December 31, 1982.

(5) JURISDICTION. (a) Except as hereinafter provided, the jurisdiction of the Grievance Review Board shall be limited to appeals from County employees alleging discrimination or improper separation from County employment. Determinations by the Board shall be binding upon all parties.

(b) Nothing herein shall limit County employees' rights under Sec. 111.70, Wisconsin Statutes. If a County employee or duly authorized representative pursuant to a collective bargaining agreement elects to appeal a decision alleging discrimination or improper separation from County employment through a grievance procedure contained in such collective bargaining agreement, the Board shall have no jurisdiction to review that same decision.

PROCEDURES. The Grievance Review Board shall establish the procedures for filing appeals, hearing and other matters relating to its operation. Copies of the procedures established by the Board shall be available in the office of the County Director of Personnel, Orrin H. King Administration Building, 448 Algoma Blvd., Oshkosh, Wisconsin 54901.

CHAPTER 1

HISTORY INDEX

1.01	Ordinance adopted 6/18/74 Amended 11/16/99
1.01(10) & (11)	Amended 7/31/01
1.11	Ordinance adopted 12/21/82
1.12(7)(a)	Amended 11/13/07
1.20	Ordinance adopted 9/20/77 Amended 9/19/91
1.30	Ordinance adopted 4/20/93 (Effective 5/1/93)