



POLICY

Title: PRIVATE INTERESTS IN PUBLIC CONTRACTS	Code: A0115
Authority: Wis. Stats. § 946.13; Board Minutes, 7/13/81; 9/25/07	Original Adoption: 7/13/81 Revised/Reviewed: 9/25/07 Effective: 9/26/07

It shall be the policy of the district to comply with Chapter 946.13 of the Wisconsin Statutes in the matter of private interest in public contracts. MATC's policy regarding private interests in public contracts is as follows:

1. Any public officer or public employee who does any of the following is guilty of a Class E felony:
 - a. In his or her private capacity, negotiates or bids for or enters into a contract in which they have a private pecuniary interest, direct or indirect, if at the same time they are authorized or required by law to participate in their capacity as such officer or employee in the making of that contract or to perform in regard to that contract some official function requiring the exercise of discretion on their part; or
 - b. In his or her/her capacity as such officer or employee, participates in the making of a contract in which they have a private pecuniary interest, direct or indirect, or performs in regard to that contract some function requiring the exercise of discretion on their part.

2. Subsection (1) does not apply to the following:
 - a. Contracts in which any single public officer or employee is privately interested which do not involve receipts and disbursements by the state or its political subdivisions aggregating more than \$15,000 in any year; or
 - b. Contracts involving the deposit of public funds in public depositories; or
 - c. Contracts involving loans made pursuant to 67.12 of the Wisconsin Statutes; or
 - d. Contracts for the publication of legal notice required to be published, provided such notices are published at a rate not higher than that prescribed by law; or
 - e. Contracts for the issuance to a public officer or employee of tax titles, tax sale certificates, or instruments representing an interest in, or secured by, any fund consisting in whole or in part of taxes in the process of collection, providing such titles, certificates, or instruments are issued in payment of salary or other obligations due such officer or employee; or



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- f. Contracts for the sale of bonds or securities issued by a political subdivision of the state; provided such bonds or securities are sold at a bona fide public sale to the highest bidder and the public officer or employee acquiring the private interest has no duty to vote upon the issuance of the bonds or securities.
3. A contract entered into in violation of the section is void and the state or the political subdivision on whose behalf the contract was made incurs no liability thereon.
4. In this section "contact" includes a conveyance.
5. Subsection (1b) shall not apply to a public officer or public employee by reason of his or her holding not more than 2 percent of the outstanding capital stock of a corporate body involved in such contract.
6. Subsection (3) shall not apply to contracts creating a public debt, as defined in Wis. Stat. § 18.01 (4), if the requirements of in Wis. Stat. § 18.01 (1) have been met. No evidence of indebtedness, as defined in Wis. Stat. § 18.01 (3), shall be invalidated on account of a violation of this section by a public officer or public employee, but such officer or employee and the surety on his or her official bond shall be liable to the state for any loss to it occasioned by such violation.
7. Subsection (1) shall not apply to any public officer or public employee who receives compensation for his or her/her service as such officer or employee, exclusive of advances or reimbursement for expenses of less than \$10,000 per year, merely by reason of their being a director, officer, employee, agent, or attorney of or for a state or national bank, savings bank, or trust company, or any holding company thereof. This subsection shall not apply to any such person who compensation by such financial institution is directly dependent upon procuring public business. Compensation is determined by longevity, general quality of work, or the verbal performance and condition of such financial institution shall not be deemed compensation directly dependent upon procuring public business.