TITLE 2

Government and Administration

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Title 2 ▸ Chapter 1

General Provisions and Elections

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Sec. 2-1-1 Legal Status; General Town Powers.

(a) The Town of Big Bend, Rusk County, Wisconsin is a body corporate and politic, with those powers granted by law. The Town shall be designated in all actions and proceedings by its name, as the Town of Big Bend.

(b) The Town may:
   (1) Sue and be sued.
   (2) Acquire and hold real and personal property for public use and convey and dispose of the property.
   (3) Enter into contracts necessary for the exercise of its corporate powers.

State Law Reference: Section 60.01, Wis. Stats.

Sec. 2-1-2 Village Powers.

The Town Meeting having, by resolution, directed the Town Board to exercise all powers relating to villages and conferred on village boards by Chapter 61, Wis. Stats., the Town of Big Bend shall have said powers through its Board. This is a continuing grant of powers.

State Law Reference: Sections 60.10(2)(c), 60.22(3) and Ch. 61, Wis. Stats.

Sec. 2-1-3 Voter Registration.

(a) Pursuant to the provisions of Sec. 6.27(2) of the Wisconsin Statutes, the Town of Big Bend elects that registration shall be required for all primaries and elections in the Town of Big Bend.

(b) The Town Clerk-Treasurer of the Town of Big Bend shall forthwith certify this action to the County Clerk and to the Secretary of State.

Sec. 2-1-4 Polling Place.

The polling place serving all wards in the Town of Big Bend shall be the Town of Big Bend Town Hall.

State Law Reference: Section 5.25(2), Wis. Stats.

Sec. 2-1-5 Election Poll Hours; Workers.

(a) **Poll Hours.** The voting polls in the Town of Big Bend, Rusk County, Wisconsin, shall be open in accordance with Wisconsin State Statutes.

(b) **Number of Election Officials.**

(1) The Town Clerk-Treasurer shall be authorized to employ election officials (poll workers and tabulators) for each election sufficient to conduct said election effectively, the minimum number of election officials necessary at any one time for any one (1) election being three (3). It is further authorized that two (2) sets of election officials may be used at different times at any one (1) election with the total number of election officials working at one time to be an odd number.

(2) The Town Clerk-Treasurer shall have the power to limit or reduce the number of election officials. The Town Clerk-Treasurer shall determine in advance of each election whether the number of election officials for such election should be reduced from the number prescribed by the Wisconsin Statutes, and if such a reduction is so determined, the Town Clerk-Treasurer shall further redistribute duties among the remaining officials.

(c) **Tabulators.** The Town Clerk-Treasurer may deem necessary from time to time to select and employ tabulators for certain elections due to the high projected voter turnout. Tabulators shall assist and be under the direction of the election officials after the close of the polls. The Town Clerk-Treasurer shall select and employ tabulators, if needed, for any election.

(d) **Wards.**

(1) Wards have been established in the Town of Big Bend for election purposes. The wards reflect the school districts in the Town of Big Bend. However, there are

various elections where Town electors from more than one (1) ward vote for offices that are identical to those in other wards, and the Town Board has determined that tabulating vote totals by ward requires more time by election officials and occasionally require more inspectors to work at elections. Thus, the Town Board has determined that there is no administrative advantage to having vote totals by ward when voting for common offices.

(2) For the reasons stated above, the Town Board has determined that wards will be combined for vote reporting purposes for those wards voting for common office(s).

State Law Reference: Section 7.30(1) and (3), Wis. Stats.

Sec. 2-1-6 Official Newspaper.

The Town of Big Bend shall use posting pursuant to the Wisconsin Statutes as its means of giving notice. When publication is required by the Wisconsin Statutes or when directed by the Town Board as a substitute to posting, the official newspaper of the Town of Big Bend shall be the *Ladysmith News.*

Title 2 ▸ Chapter 2

Town Meetings

2-2-1 Town Meeting Definitions
2-2-2 Powers of Town Meeting
2-2-3 Annual Town Meeting
2-2-4 Special Town Meetings
2-2-5 Residing Officer at Town Meetings
2-2-6 Procedure at All Town Meetings
2-2-7 Clerk of Town Meetings

Sec. 2-2-1 Town Meeting Definitions.

In this Code of Ordinances:

(a) **Annual Town Meeting** means the Town meeting held under Sec. 60.11, Wis. Stats.

(b) **Special Town Meeting** means a Town meeting, other than the annual Town meeting, held under Sec. 60.12, Wis. Stats.

(c) **Town Meeting** means the annual Town meeting or a special Town meeting.

State Law Reference: Section 60.001, Wis. Stats.

Sec. 2-2-2 Powers of Town Meeting.

(a) **Direct Powers.** Town Meeting may:

(1) ***Raise money.*** Raise money, including levying taxes, to pay for expenses of the Town, unless the authority has been delegated to the Town Board under Subsection (b)(1) below.

(2) ***Town offices and officers.***

a. Fix the compensation of elective Town offices under Sec. 60.32, Wis. Stats., unless the authority has been delegated to the Town Board under Subsection (b)(1) below.

b. Combine the offices of Town Clerk and Town Treasurer under Sec. 60.305(1), Wis. Stats.

c. Combine the offices of Town Assessor and Town Clerk under Sec. 60.305(2), Wis. Stats.

d. Establish or abolish the office of Town Constable and establish the number of constables. Abolition of the office is effective at the end of the term of the person serving in the office.

e. Designate the office of Town Clerk, Town Treasurer or the combined office of Clerk and Treasurer as part time under Sec. 60.305(1)(b), Wis. Stats.

(3) ***Election of town officers.***

a. Adopt a plan under Sec. 5.60(6), Wis. Stats., to elect Town Board Supervisors to numbered seats.

b. Provide under Sec. 8.05(3)(a), Wis. Stats., for the nomination of candidates for elective Town offices at a nonpartisan primary election.

(4) ***Public Waterways.*** Appropriate money for the improvement and maintenance of a public waterway under Sec. 81.05, Wis. Stats.

(5) ***Cemeteries.*** Authorize the acquisition and conveyance of cemeteries under Sec. 157.50(1) and (3), Wis. Stats.

(6) ***Administrator agreements.*** Approve agreements to employ an Administrator for more than three (3) years under Sec. 60.37(3)(d), Wis. Stats.

(b) **Directives or Grants of Authority to Town Board.** Except as provided under Subsection (c), directives or grants of authority to the Town Board under this Subsection may be general and continuing or may be limited as to purpose, effect or duration. Resolutions adopted by a Town Meeting directing or authorizing the Town Board to exercise one of the optional powers of this Subsection shall include language that makes the intent of those attending the Town Meeting clear. A resolution adopted under this Subsection shall specify whether the directive or grant is general and continuing or whether it is limited as to purpose, effect or duration. A resolution that is continuing remains in effect until rescinded at a subsequent Town Meeting by a number of electors equal to or greater than the number of electors who voted for the original resolution. This Subsection does not limit any authority otherwise conferred on the Town Board by law. By resolution, the Town Meeting may:

(1) ***Raise money.*** Authorize the Town Board to raise money, including levying taxes, to pay for expenses of the Town.

(2) ***Membership of Town Board in populous towns.*** If the Town has a population of 2,500 or more, direct the Town Board to increase the membership of the Board under Sec. 60.21(2), Wis. Stats.

(3) ***Exercise of village powers.*** Authorize the Town Board to exercise powers of a Village Board under Sec. 60.22(3), Wis. Stats. A resolution adopted under this paragraph is general and continuing.

(4) ***General obligation bonds.*** Authorize the Town Board to issue general obligation bonds in the manner and for the purposes provided by law.

(5) ***Purchase of land.*** Authorize the Town Board to purchase any land within the Town for present or anticipated Town purposes.

(6) ***Town buildings.*** Authorize the Town Board to purchase, lease or construct buildings for the use of the Town, to combine for this purpose the Town's funds with those of a society or corporation doing business or located in the Town and to accept contributions of money, labor or space for this purpose.

(7) ***Disposal of property.*** Authorize the Town Board to dispose of Town property, real or personal, other than property donated to and required to be held by the Town for a special purpose.

(8) ***Watershed protection and soil and water conservation.*** Authorize the Town Board to engage in watershed protection, soil conservation or water conservation activities beneficial to the Town.

(9) ***Appointed assessors.*** Authorize the Town Board to select Assessors by appointment under Sec. 60.307(2), Wis. Stats.

(10) ***Compensation of elective Town offices.*** Authorize the Town Board to fix the compensation of elective Town offices under Sec. 60.32(1)(b), Wis. Stats.

(c) **Authorization to Town Board to Appropriate Money.** The Town Meeting may authorize the Town Board to appropriate money in the next annual budget for:

(1) ***Conservation of natural resources.*** The conservation of natural resources by the Town or by a bona fide nonprofit organization under Sec. 60.23(6), Wis. Stats.

(2) ***Civic functions.*** Civic and other functions under Sec. 60.23(3), Wis. Stats.

(3) ***Insects, weeds and animal diseases.*** The control of insect pests, weeds or plant or animal diseases within the Town.

(4) ***Rural numbering systems.*** Posting signs and otherwise cooperating with the county in establishment of a rural numbering system under Sec. 59.07(65), Wis. Stats.

(5) ***Cemetery improvements.*** The improvement of a Town cemetery under Sec. 157.50(5), Wis. Stats.

State Law Reference: Section 60.10, Wis. Stats.

Sec. 2-2-3 Annual Town Meeting.

(a) **Requirement.** The Town of Big Bend shall hold an annual Town meeting as provided in this Section.

(b) **When Held.**

(1) Except as provided in Subsection (b)(2) below, the annual Town meeting shall be held on the second (2nd) Tuesday of April.

(2) The annual Town meeting may set a date different than provided under Subsection (b)(a) above for the next annual Town meeting if the date is within ten (10) days after the second (2nd) Tuesday of April.

(c) **Where Held.**
(1) The annual Town meeting may be held in the Town or in any village or city within or adjoining the Town of Big Bend.
(2) The annual Town meeting shall be held at the location of the last annual Town meeting unless the location is changed by the Town Board. If the Town Board changes the location, it shall publish a Class 2 notice under Ch. 985, Wis. Stats., stating the location of the meeting, not more than twenty (20) nor less than fifteen (15) days before the date of the meeting.

(d) **Adjournment.** The annual Town meeting may be recessed to a time and date certain if the resumed meeting is held within thirty (30) days after the date of the meeting originally scheduled under Subsection (b). Business not acted on at the annual meeting, or within the thirty (30) days allowed for adjourning and reconvening the meeting, shall be left to the next annual meeting or taken up by a special Town meeting convened under Sec. 60.12, Wis. Stats.

(e) **Notice.** No public notice of the annual Town meeting is required if held as provided under Subsection (b)(1). If held as provided under Subsection (b)(1), notice of the time and date of the meeting shall be given under Sec. 60.12(3), Wis. Stats.

(f) **Jurisdiction.** The annual Town meeting may transact any business over which the Town meeting has jurisdiction.

(g) **Poll List.** The annual Town meeting may require the Clerk of the Town meeting to keep a poll list with the name and address of every elector voting at the meeting.

State Law Reference: Section 60.11, Wis. Stats.

Sec. 2-2-4 Special Town Meetings.

(a) **Who May Convene.** A special Town meeting may be convened if:
(1) Called by a Town meeting.
(2) A written request, signed by a number of electors equal to not less than ten percent (10%) of the votes cast in the Town for Governor at the last general election is filed with the Town Clerk-Treasurer.
(3) Called by the Town Board.

(b) **Time, Date and Purpose to be Stated.** If a special Town meeting is requested or called under Subsection (a), the time, date and purpose of the meeting shall be stated in the request or as part of the call.

(c) **Notice.** The Town Clerk-Treasurer shall, not more than twenty (20) nor less than fifteen (15) days before the date of a special Town meeting, publish a Class 2 notice of the meeting under Ch. 985, Wis. Stats. The notice shall state the purpose, date, time and location of the meeting. If notice is posted instead of published, the same time and content requirements apply.

(d) **Location.**
(1) A special Town meeting may be held in the Town or in any village or city within or adjoining the Town.
(2) A special Town meeting shall be held where the preceding annual town meeting was held, unless the location is changed by the Town Board.

(e) **Adjournment.** A special Town meeting may be recessed to a time and date certain if the resumed meeting is held within thirty (30) days after the date of the originally scheduled meeting.

(f) **Jurisdiction.** Any business which may be transacted at an annual Town meeting may be transacted at a special Town meeting.

State Law Reference: Section 60.12, Wis. Stats.

Sec. 2-2-5 Presiding Officer at Town Meetings.

(a) **Who Presides.**
(1) If present, the Town Board Chairperson shall chair the Town meeting, as defined in Sec. 2-1-1. If the Town Board Chairperson is absent, another Town Board Supervisor shall chair the Town meeting. If no Town Board Supervisor is present, the Town meeting shall elect the chairperson of the meeting.
(2) If the annual Town meeting is held in a year when the office of Town Board Chairperson is filled by election, the person holding the office on the day prior to the date of the election to fill the office shall preside at the annual Town meeting and is entitled to receive the per diem which is ordinarily paid to the presiding officer. If such person is absent or refuses to serve as the presiding officer, the presiding officer shall be chosen under Subsection (a)(1) above.

(b) **Duties.** The Town meeting chairperson shall conduct the meeting's proceedings in accordance with accepted parliamentary procedure.

(c) **Enforcement Authority.** The Town meeting chairperson shall maintain order and decorum and may order any person to leave a Town meeting if the person has conducted himself or herself in a disorderly manner and persisted in such conduct after being directed by the chairperson to cease the conduct. If the person refuses the chairperson's order to withdraw, the Town meeting chairperson may order a constable or other law enforcement officer to take the person into custody until the meeting is adjourned.

State Law Reference: Section 60.13, Wis. Stats.

Sec. 2-2-6 Procedure at All Town Meetings.

(a) **Qualified Voters.** Any qualified elector of the Town, as defined under Ch. 6, Wis. Stats., may vote at a Town meeting.

(b) **Definition.** A qualified elector, as defined under Ch. 6, Wis. Stats., means an individual who is a U.S. citizen, eighteen (18) years of age or older, and who has been a resident of the Town for at least ten (10) days on the date a Town meeting is held.

(c) **Method of Action; Necessary Votes.** All actions of a Town meeting shall be by vote. All questions shall be decided by a majority of the electors voting.

(d) **Order of Business.** At the beginning of the Town meeting, the Town meeting chairperson shall state the business to be transacted and the order in which the business will be considered. No proposal to levy a tax, except a tax for defraying necessary Town expenses, may be acted on out of the order stated by the Town meeting chairperson.

(e) **Reconsideration of Actions.**

(1) No reconsideration of any vote shall be had at any Town meeting unless it be taken by a majority vote within one (1) hour from the time such vote shall have been passed, or if taken later than one (1) hour, unless it be sustained by a number of votes equal to a majority of all the names entered on the poll list at such election up to the time the motion therefor shall be made. All other questions upon motions at a Town meeting shall be determined by a majority of the electors voting.

(2) No action of a Town meeting may be reconsidered at a subsequent Town meeting held prior to the next annual Town meeting unless a special Town meeting is convened under Sec. 60.12(1)(b) or (c), Wis. Stats., and the written request or the call for the meeting states that a purpose of the meeting is reconsideration of the action.

State Law Reference: Section 60.14, Wis. Stats.

Sec. 2-2-7 Clerk of Town Meetings.

The Town Clerk-Treasurer shall serve as clerk of the Town meeting. If the Town Clerk-Treasurer is absent, the Deputy Town Clerk-Treasurer, if the Town has one, shall serve as town meeting clerk. If the Deputy Clerk-Treasurer is absent, the Town meeting chairperson shall appoint a clerk of the meeting. The Clerk of the Town meeting shall keep a poll list if required by the annual Town meeting under Sec. 60.11(7), Wis. Stats. The Town meeting minutes shall be signed by the Clerk of the Town meeting and filed in the Office of the Town Clerk-Treasurer within five (5) days after the meeting.

State Law Reference: Section 60.15, Wis. Stats.

Title 2 ▸ Chapter 3

Town Board

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2-3-4	Powers and Duties of Town Board Chairperson
2-3-5	Internal Powers of the Board
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2-3-11	Order of Business
2-3-12	Introduction of Business, Resolutions and Ordinances; Disposition of Communications
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2-3-15	Motions; Voting
2-3-16	Reconsideration of Questions
2-3-17	Publication or Posting of Ordinances and Resolutions
2-3-18	Amendment of Rules
2-3-19	Suspension of Rules

Sec. 2-3-1 Town Board; Elections to.

(a) **Membership.** The Town Board consists of two (2) Supervisors of the Town of Big Bend and the Chairperson.

(b) **Elections.** Biennially in odd-numbered years, at the annual spring election, there shall be elected three (3) members to the Big Bend Town Board, one (1) of whom shall be designated on the ballots as Chairperson and the other two (2) elected as Supervisors.

State Law Reference: Section 60.20, Wis. Stats.

Sec. 2-3-2 General Powers and Duties of the Town Board.

The Town Board of the Town of Big Bend has the specific authority, powers and duties, pursuant to Sections 60.10, 60.20, 60.22 and 60.23, Wis. Stats., and has, with authorization of the Town meeting, additional statutory authority, powers and duties to manage and direct certain affairs of the Town of Big Bend. In addition, the Town Board of the Town of Big Bend has additional general and specific statutory authority, powers and duties established beyond Chapter 60, Wis. Stats., and as prescribed by this Code of Ordinances.

(a) **Charge of Town Affairs.** The Town Board shall have charge of all affairs of the Town not committed by law to another body or officer or to Town employee(s).

(b) **Charge of Actions.** The Town Board has charge of any action or legal proceeding to which the Town is a party.

(c) **Village Powers.** As authorized under Sec. 60.10(2)(c), Wis. Stats., and Sec. 2-1-2 of this Code, the Town Board shall exercise powers relating to villages and conferred on village boards under Ch. 61, Wis. Stats., except those powers which conflict with statutes relating to towns and town boards.

(d) **Jurisdiction of Constable.** Pursuant to the Wisconsin Statutes, the Town Board shall determine the jurisdiction and duties of the Town Constable.

(e) **Pursue Certain Claims of Town.** The Town Board shall demand payment of penalties and forfeitures recoverable by the Town and damages incurred by the Town due to breach of official bond, injury to property or other injury. If, following demand, payment is not made, the Board shall pursue appropriate legal action to recover the penalty, forfeiture or damages.

State Law Reference: Sections 60.10(2)(c) and 60.22, Wis. Stats.

Sec. 2-3-3 Miscellaneous Powers of the Town Board.

The Town Board may:

(a) **Joint Participation.** Cooperate with the state, counties and other units of government under Sec. 66.0301, Wis. Stats., including cooperative arrangements involving the acquisition, development, remodeling, construction, equipping, operation and maintenance of land, buildings and facilities for regional projects, whether or not located in the Town.

(b) **Utility Districts.** Establish utility districts under Sec. 66.0827, Wis. Stats., and provide that any convenience or public improvement in the district be paid for under that Section. A utility district may be used when special services such as, but not limited to, street lighting, sidewalks, sewers, water systems, etc., are to be installed in a particular area of the Town only.

(c) **Appropriations for Civic and Other Functions.** If authorized under Sec. 60.10(3)(b), Wis. Stats., appropriate reasonable amounts of money for gifts or donations to be used to:

(1) Further civic functions and agricultural societies.
(2) Advertise the attractions, advantages and natural resources of the Town.
(3) Attract industry.
(4) Establish industrial complexes.
(5) Establish, maintain and repair ecological areas.
(6) Provide for the organization, equipment and maintenance of a municipal band or for the employment of other bands to give concerts and municipal entertainment in the Town.

(d) **Town Industrial Development Agency.** In order to promote and develop the resources of the Town, appropriate money for and create a Town industrial development agency or appoint an executive officer and provide staff and facilities for a nonprofit organization organized to act under this Subsection. A Town industrial development agency created under this Subsection and Sec. 60.23(4), Wis. Stats., may:
(1) Develop data regarding the industrial needs of, advantages of and sites in the Town.
(2) Engage in promotional activities to acquaint prospective purchasers with industrial products manufactured in the Town.
(3) Coordinate its activities with the Regional Planning Commission, the Wisconsin Department of Development and private credit development organizations.
(4) Engage in any other activity necessary for the continued improvement of the Town's industrial climate.

(e) **Cooperation in County Planning.** Cooperate with the county in rural planning under Secs. 27.015, 59.07(65) and 59.97, Wis. Stats.

(f) **Conservation of Natural Resources.** If authorized by the Town meeting under Sec. 60.10(3)(a), Wis. Stats., appropriate money for the conservation of natural resources or for payment to a bona fide nonprofit organization for the conservation of natural resources within the Town or beneficial to the Town. No payment may be made to a nonprofit organization unless the organization submits and the Town Board approves a detailed plan of the work to be done. The plan shall include the name of the owner of any property on which work is to be performed.

(g) **Obstructions in Non-navigable Waters.** Remove, at the expense of the Town, any obstruction located in the Town which prevents the natural flow of water in a non-navigable stream. One or more Supervisors, or a designee of the Board, may enter upon any land if necessary to remove the obstruction.

(h) **Emergency Pest and Disease Control.** Appropriate money for the control of insects, weeds or plant or animal diseases if:
(1) An emergency arises within the Town due to insects, weeds or plant or animal diseases; and
(2) The Board determines that any delay resulting from calling a special Town meeting to authorize the Town Board to appropriate money for this purpose under Sec. 60.10(3)(c), Wis. Stats., would result in serious harm to the general welfare of the Town.

(i) **Bowling Alleys, Pool Tables and Amusement Devices.** Regulate, including the licensing of, bowling alleys, billiard and pool tables and other amusement devices maintained in commercial facilities. If a license is required, the Board shall establish the term of the license, not to exceed one (1) year, and the license fee. The Board may suspend or revoke, for cause, a license issued under this Subsection. Any person violating a regulation adopted under this Subsection shall forfeit to the Town an amount established by the Town Board.

(j) **Reimbursement of School Districts for Providing Transportation in Hazardous Areas.** Reimburse a school district for costs incurred by the district under Sec. 121.54(9), Wis. Stats., in transporting pupils who reside in the Town.

(k) **Exchange Tax Credit for County Land.** Authorize the Town Treasurer to exchange any credit the Town has with the county, arising from delinquent real estate taxes, for county-owned lands.

(l) **Associations of Towns.** Appropriate money to purchase membership in any association of town boards, town officials or town government for the protection of Town interests and improvement of Town government.

(m) **Vacation of Alleys.** Vacate any alley in the Town under Sec. 66.1003, Wis. Stats. The Town Board may not vacate, under this Subsection, an alley adjacent to land fronting a state or county trunk highway.

(n) **Cemeteries.** Provide for cemeteries under Ch. 157, Wis. Stats.

(o) **Change Street Names.** Name, or change the name of, any street in the Town under Sec. 81.01(11), Wis. Stats.

(p) **Use of Firearms.** Regulate the careless use of firearms and impose forfeitures for violation of the regulations.

(q) **Fences in Subdivisions.** Require a subdivider to construct a fence under Sec.90.02, Wis. Stats., on the boundary of a subdivision, as defined under Sec. 236.02(8), Wis. Stats., as a condition of plat approval by the Town. The fence shall be maintained under Sec. 90.05(2), Wis. Stats., and repaired under Secs. 90.10 and 90.11.

(r) **Disposition of Dead Animals.** Notwithstanding Sections 59.07(84) and 95.50(3), Wis. Stats., dispose of any dead animal within the Town or contract for the removal and disposition with any private disposal facility. The Town may enter into a contract with any other governmental unit under Sec. 66.0301, Wis. Stats., to provide for the removal and disposition. The Town may recover its costs hereunder by levying a special assessment.

State Law Reference: Section 60.23, Wis. Stats.

Sec. 2-3-4 Powers and Duties of Town Board Chairperson.

(a) **General Powers and Duties.** The Town Board Chairperson shall:

(1) ***Preside at Board meetings.*** Preside over meetings of the Town Board.

(2) ***Preside at Town meetings.*** Preside over Town meetings as provided under Sec. 60.13, Wis. Stats., and Sec. 2-2-5 of this Code.

(3) ***Sign documents.***

a. Sign all ordinances, resolutions, bylaws, orders, regulations, commissions, licenses and permits adopted or authorized by the Town Board unless the Town Board, by ordinance, authorizes another officer to sign specific types of documents in lieu of the Chairperson. The Board, by ordinance, may authorize use of a facsimile signature.

b. Sign all drafts, order checks and transfer orders as provided under Sec. 66.0607, Wis. Stats.

(4) ***Assure administration of Statutes.*** Supervise the administration of the Wisconsin Statutes relating to the Town and Town operations to see that they are faithfully executed.

(5) ***Act on behalf of Board.*** Act, on behalf of the Town Board, to:

a. See that Town orders and Ordinances are obeyed.

b. See that peace and order are maintained in the Town.

c. Obtain necessary assistance, if available, in case of emergency, except as provided under Ch. 166. Wis. Stats.

(6) ***Act on authorization of Board.*** If authorized by the Town Board, act on behalf of the Board to:

a. Direct, as appropriate, the solicitation of bids and quotations for the Town's purchase of equipment, materials and services and submit the bids and quotations to the Town Board for approval. Although the Town Board may direct the Chairperson to solicit bids and quotations, the final decision as to which bid to accept or the decision to enter into a contract shall be made by the entire Board.

b. Represent, or designate another officer to represent, the Town at meetings of, and hearings before, governmental bodies on matters affecting the Town.

(b) **Administer Oaths.** The Chairperson may administer oaths and affidavits on all matters pertaining to the affairs of the Town.

(c) **Other Responsibilities.** In addition to the powers and duties under this Section, the Chairperson has the following responsibilities:

(1) Nominate election officials when the Town Board disapproves the nominee of a party committee under Sec. 7.30(4)(b)2, Wis. Stats.

(2) Serve as caucus official under Sec. 8.05(1)(c), Wis. Stats.

(3) Sue on official bonds under Sec. 19.015, Wis. Stats.

(4) Execute and sign a certificate of indebtedness in connection with obtaining a state trust fund loan under Sec. 24.67, Wis. Stats.

(5) Serve as Town fire warden under Secs. 26.13 and 26.14, Wis. Stats.

(6) Appoint members of library boards under Secs. 43.54(1)(a) and 43.60(3), Wis. Stats.

(7) Exercise the powers and duties specified for a mayor under Sec. 62.13, Wis. Stats., if the Town creates a joint board of police and fire commissioners or joint police or fire department with a village under Sec. 61.65(3g)(d)2, Wis. Stats., or a board of police and fire commissioners under Sec. 60.57, Wis. Stats.

(8) Provide an annual estimate of funds necessary for any utility district established under Sec. 66.0827, Wis. Stats.
(9) Publish annually a notice regarding noxious weeds and appoint one (1) or more commissioners of noxious weeds under Secs. 66.0407 and 66.0517, Wis. Stats.
(10) Sign general obligation bonds issued by the Town under Sec. 67.08(1), Wis. Stats.
(11) If authorized by the Town Board, represent the interests of the Town in connection with appearances before the State Tax Appeals Commission under Sec. 70.64(5), Wis. Stats.
(12) Approve the bond of the Town Clerk-Treasurer delivered to the County Treasurer under Sec. 70.67(1), Wis. Stats.
(13) Perform duties in connection with selection of jurors in actions relating to the taking of property to provide access to a cemetery, fairground or land used for industrial expositions under Sec. 80.48(3) and (4), Wis. Stats.
(14) Sign orders for payment of work performed and materials furnished on Town highways under Sec. 81.04, Wis. Stats.
(15) See that all tunnels in the Town are constructed under Sec. 81.35, Wis. Stats., and that they are kept in good repair.
(16) If applicable, serve as a member of the County Highway Committee under Sec. 83.015(1)(d), Wis. Stats.
(17) If applicable, close county trunk highways when rendered dangerous for travel and notify the Highway Commissioner under Sec. 80.09, Wis. Stats.
(18) If applicable, appoint members to Airport commissions under Sec. 114.14(2), Wis. Stats.
(19) If applicable, vote or designate another Supervisor to vote on whether to abolish a city school district and create a common school district or a unified school district containing the territory of a city school when an order for school district reorganization has been issued under Sec. 120.50, Wis. Stats.
(20) Perform the Town Chairperson's duties related to jewelry auction sales under Sec. 130.07, Wis. Stats.
(21) Under Sec. 167.10, Wis. Stats., enforce regulation of fireworks.
(22) Perform the Town Chairperson's duties related to stray animals and lost goods under Ch. 170, Wis. Stats.
(23) Perform the Town Chairperson's duties related to distrained animals under Ch. 172, Wis. Stats.
(24) Perform the Town Chairperson's duties related to animals that have caused damage in the Town under Ch. 173, Wis. Stats.
(25) If applicable, perform the Town Chairperson's duties related to municipal power and water districts under Ch. 198, Wis. Stats.
(26) If applicable, cause actions to be commenced for recover of forfeitures for violations of Town Ordinances that can be recovered in municipal court under Sec. 778.11, Wis. Stats.

(27) If applicable, notify the district attorney of forfeitures which may not be recovered in municipal court under Sec. 778.12, Wis. Stats.
(28) Approve bonds furnished by contractors for public works under Sec. 779.14(1), Wis. Stats.

State Law Reference: Section 60.24, Wis. Stats.

Sec. 2-3-5 Internal Powers of the Board.

The Town Board has power to preserve order at its meetings, compel attendance of Supervisors and punish nonattendance.

Sec. 2-3-6 Meetings of the Town Board.

Regular meetings of the Town Board of the Town of Big Bend will be held at the Big Bend Town Hall at 7:00 p.m. on the first Wednesday of each month, or as otherwise determined by the Town Board. Any regular meeting of the Town Board falling upon a legal holiday shall be held on the day designated by the Town Board. Any meeting of the Town Board, including any special or adjourned meetings that are not held at the Town Hall but at any other substitute location, shall be designated by the Town Chairperson or his or her designee, in compliance with the open meeting law, by posting a proper written notice of the substituted location at the three (3) usual and customary posting locations likely to give notice. This notice shall occur at least twenty-four (24) hours prior to the meeting of the Town Board, unless in an emergency wherein the proper notice posting shall occur at least two (2) hours prior to the meeting of the Town Board.

Sec. 2-3-7 Special Meetings of the Board.

(a) Any special meeting of the Town Board may be called by the Chairperson or two (2) members of the Town Board of the Town of Big Bend in writing with the written call for the special meeting of the Town Board filed with the Town Clerk-Treasurer at least twenty-four (24) hours prior to the proposed special meeting of the Town Board with the time specified in the written call for the special meeting.
(b) No special meeting of the Town Board shall be held unless the notice requirement of the State Open Meeting Law, pursuant to Sec. 19.82, Wis. Stats., have been complied with by the person or persons requesting the public meeting.
(c) The Town Clerk-Treasurer, upon receipt of the written call for the special meeting of the Town Board, shall immediately notify, in writing, each member of the Town Board by delivering the written notice or by having the written notice delivered personally to each

member of the Town Board. If any member of the Town Board cannot be personally notified in writing, then the Town Clerk-Treasurer shall deliver or have delivered a copy of the written notice at the home of any such member of the Town Board in the presence of an adult member of the family of the Town Board member. If any member of the Town Board cannot be noticed in writing through an adult family member as noted above, then the Town Clerk-Treasurer shall post such special meeting written notice in the above noted three (3) usual and customary locations.

(d) The Town Clerk-Treasurer shall file proof of service of such special meeting notice by filing an affidavit noting the time, place and location of authorized service of the special meeting notice upon the Town Board. If personal service upon any member of the Town Board was not completed, then the Town Clerk-Treasurer shall so state in the affidavit the type of service or written notice completed.

(e) Special meetings of the Town Board may be held without such service and notice when all members of the Town Board are present in person or consent in writing to holding of any special meeting of the Town Board. Any consent by any member of the Town Board shall be filed by the Town Clerk-Treasurer prior to the beginning of any special meeting of the Town Board.

(f) Special meetings of the Town Board attended by a quorum of the members shall be considered a regular meeting of the Town Board for the transaction of any Town of Big Bend business that may come before the Town Board is such regular Town business was so noted in the written notice to the public as required by the State Open Meeting Law, Sec. 19.82, Wis. Stats.

Sec. 2-3-8 Open Meetings.

All Town Board and official Town committee and commission meetings shall be open to the public and be in compliance with Wisconsin's Open Meeting Law.

State Law Reference: Ch. 19, Subch. IV, Wis. Stats.

Sec. 2-3-9 Quorum.

A majority of the Board shall constitute a quorum, but a lesser number may adjourn if a majority is not present. The Chairperson shall be counted in determining whether a quorum exists. If no legal quorum is present at the time of the initial roll call, the meeting of the Town Board shall be thereon adjourned by the members of the Town Board present to a specific date and hour.

Sec. 2-3-10 Presiding Officer; Absence of Chairperson or Clerk-Treasurer.

(a) **Chairperson to Preside.** The Chairperson shall preside at all meetings of the Town Board when present.

(b) **Absence of Chairperson at Call to Order of Meeting.**

(1) If the Town Chairperson is not present at the time for the call to order, the senior member of the Town Board present, known as "Supervisor I", based on date of original election as a member of the Town Board, shall call the meeting of the Town Board to order, call the initial roll call and shall preside until the Town Chairperson is able to preside at the meeting of the Town Board.

(2) If the Town Chairperson will not be able to, at anytime, preside at the meeting, the Town Board shall make this determination after the initial roll call and then by motion elect an acting Town Chairperson for the meeting of the Town Board until the Town Chairperson is able to preside at the meeting.

(c) **Absence of Town Clerk-Treasurer at Meeting.** If the Town Clerk-Treasurer is not present at the time of the initial roll call of the meeting of the Town Board, the Town Chairperson shall appoint the Deputy Clerk-Treasurer or any other person present at the meeting to be the Town Clerk pro tem. The Town Clerk pro tem shall prepare and maintain minutes of the meeting of the Town Board. The Town Clerk pro tem shall deliver these minutes to the Town Clerk-Treasurer after the end of the meeting of the Town Board or when the Town Clerk pro tem is replaced during the meeting of the Town Board by the Clerk-Treasurer..

Sec. 2-3-11 Order of Business.

(a) **Order of Business.** At all meetings, the following order may be observed in conducting the business of the Town Board:

(1) Call to Order by presiding officer;
(2) Roll call;
(3) Reading and correcting the minutes of the last preceding meeting or meetings;
(4) Clerk-Treasurer's report;
(5) Board members' reports;
(6) Comments from citizens present;
(7) Unfinished business remaining from preceding sessions in the order in which it was introduced;
(8) New business; ordinances and resolutions may be introduced and considered;
(9) Payment of bills.
(10) Adjournment.

(b) **Agenda Preparation.**

(1) The Town Clerk-Treasurer shall prepare an agenda incorporating the matters comprising the order of business; and

(2) There be included on said agenda a time for hearing citizens wishing to address the Board; and

(3) No matter requiring research, investigation or decision shall be placed on the agenda of the Town Board unless a request to do so is made to the Town Clerk-Treasurer at least five (5) business days prior to the meeting, (except in emergency situations as determined by the Chairperson or Town Clerk-Treasurer), nor shall the agenda be amended to include said matter, either prior to ordering the meeting, except when the members of the Board unanimously agree to the agenda addition.

(c) **Order to be Followed; Citizen Comments.**

(1) Any member of the Town Board may take up any business on the agenda in an order other than as described in the agenda unless there is an objection by any other member of the Town Board.

(2) a. At meetings of the Town Board no person, other than the members of this Board, shall address the Town Board or any member of the Town Board. This provision shall not apply to:

1. The Town Clerk-Treasurer.
2. Any member of the Town Board.
3. Town Engineer or Town Attorney.

b. This provision shall also not apply under the specific orders of business established to recognize residents of the Town or other persons, under the specific order of business to recognize members of any Town office, Town committee, Town agency, Town commission or a special board or other Town officers or except if the person has specifically requested the right to address the Town Board and then only after the approval of the presiding officer.

c. The Chairperson or presiding officer may impose a time limit on the length of time citizens may address the Board, following the guidelines in Section 2-3-14.

(d) **Roll Call; Procedure When Quorum Not in Attendance.** As soon as the Board shall be called to order, the Clerk-Treasurer shall proceed to call the names of the members of alphabetical order, noting who are present and who are absent and record the same in the proceedings of the Board. If it shall appear that there is not a quorum present, the fact shall be entered on the journal and the Board may adjourn.

Sec. 2-3-12 Introduction of Business, Resolutions and Ordinances; Disposition of Communications.

(a) **Ordinances to be in Writing.** All ordinances submitted to the Board shall be in writing and shall include at the outset a brief statement of the subject matter and a title. All written

material introduced shall be read and then discussed and acted upon as the Board deems appropriate.

(b) **Subject and Numbering of Ordinances.** Each Ordinance shall be related to no more than one (1) subject. Amendment or repeal of Ordinances shall only be accomplished if the amending or repealing Ordinance contains the number and title of the Ordinance to be amended or repealed, and title of amending and repealing Ordinances shall reflect their purpose to amend or repeal.

(c) **Notice.**

(1) The Town Board may take action on an Ordinance only if it appears on the written agenda for meeting at which action is requested in order to provide proper legal notice.

(2) Ordinances will be placed on the agenda for Board action only if they are submitted to the Town Clerk-Treasurer in written form a minimum of two (2) days prior to the meeting at which action is requested (except in emergency situations as determined by the Chairperson or Town Clerk-Treasurer).

(d) **Disposition of Petitions, Communication, Etc.** Every petition or other writing of any kind, addressed to the Board, Clerk-Treasurer or other Town officer for reference to the Town Board, shall be delivered by the Clerk-Treasurer or such other Town officer to the Chairperson or to the presiding officer of the Board as soon as convenient after receipt of same and, in any event, prior to or at the opening of the next meeting of the Board following the receipt of same.

Sec. 2-3-13 Conduct of Deliberations.

(a) A roll call shall not be necessary on any questions or motions except as follows:

(1) When the ayes and noes are requested by any member.

(2) On confirmation and on the adoption of any measure assessing or levying taxes, appropriations or disbursing money, or creating any liability or charge against the Town or any fund thereof.

(3) When requested by the State Statutes of Wisconsin.

(b) All aye and nay votes shall be recorded in the official minutes.

(c) Except as provided below, the Town Board shall, in all other respects, determine the rules of its procedure, which shall be governed by *Robert's Rules of Order, Copyright 1992,* which is hereby incorporated by reference, unless otherwise provided by Ordinance or Statute, except when otherwise limited or modified by this Code of Ordinances:

(1) No Supervisor shall address the Board until he/she has been recognized by the presiding officer. The Supervisor shall thereupon address himself/herself to the Chairperson and confine his/her remarks to the question under discussion and avoid all personalities.

(2) When two (2) or more members simultaneously seek recognition, the presiding officer shall name the member who is to speak first.

Sec. 2-3-14 Procedure at Public Hearings.

(a) The Chairperson shall then call on those persons who wish to speak for the proposition. Each person wishing to speak for the proposition shall give his or her name and address.
(b) Each person speaking on behalf of the proposition shall be limited in time of five (5) minutes.
(c) The Chairperson shall then call on those persons who wish to oppose the proposition.
(d) Each such person wish to speak in opposition to the proposition shall give his or her name and address and shall also be limited to five (5) minutes.
(e) Any person wishing to speak in rebuttal to any statements made may, with the permission of the Chairperson, do so, provided, however, such rebuttal statement shall be limited to three (3) minutes by any one (1) individual.
(f) When the Chairperson in his discretion is satisfied that the proposition has been heard, he/she shall announce the fact that the hearing is concluded.

Sec. 2-3-15 Motions; Voting.

(a) **Motions Stated.** Prior to any debate on a matter, the members of the Town Board shall be entitled to a clear understanding of the motion before the Town Board. The person making the motion shall clearly state the motion. There shall be a second to any motion prior to any debate or discussion of the motion. Motions made in writing by a member of the Town Board and provided to the Town Clerk-Treasurer prior to the meeting shall be provided priority in the appropriate order of business. The Town Chairperson may, if felt necessary, restate the motion prior to any debate and discussion. Any member of the Town Board, prior to a vote on the motion, may request that the motion and any amendments adopted to the motion be reduced to writing and submitted in writing to the members of the Town Board prior to the final vote on the matter.
(b) **Change of Vote.** No member of the Town Board may change his or her vote on any action item, business item, motion or question after the final result has been announced.
(c) **Motions With Preference.** During any meeting of the Town Board certain motions will have preference. In order of precedence they are:
   (1) ***Motion to Adjourn.*** This motion can be made at any time and has first precedence. This is a non-debatable motion.
   (2) ***Motion to Lay on the Table.*** This motion may be made when the subject matter appropriate for tabling is to be debated or discussed. This motion is a non-debatable motion.
   (3) ***Motion to Call Previous Question.*** This motion may be made at any time after the debate or discussion commences related to an action item, business item, motion or question that is properly before the Town Board. This motion is a non-debatable motion. This motion, if adopted, ends the debate and discussion at the meeting on the

action item, business item, motion or question. The motion, if adopted, brings the Town Board to a direct vote with the first vote on any amendments, if any, and then to the main action item, business item, motion or question.

(4) ***Motion to Postpone to a Date Certain.*** This motion may be made at any time after the debate and discussion commences on an action item, business item, motion or question that is properly before the Town Board. This motion is debatable. This motion, if adopted, ends the debate and discussion at the meeting on the action item, business item, motion or question. This motion must establish a date and time certain when the debate and discussion before the Town Board will continue. The date and time established must be on a date and time for a regularly scheduled or special meeting of the Town Board.

(5) ***Motion to a Committee.*** This motion may be made at any time after the debate and discussion commences on an action item, business item, motion or question that is properly before the Town Board. The motion is debatable. This motion, if adopted, ends the debate and discussion at the meeting on the action item, business item, motion or question. This motion, if adopted, forwards the action item, business item, motion or question to a committee for further review and discussion. The committee must be a committee of the Town Board.

(6) ***Motion to Amend or Divide the Question.*** This motion may be made at any time after debate and discussion commences on the action item, business item, motion or question properly before the Town Board. The motion is debatable. This motion, if adopted, divides the main action item, main business item, main motion or main question pursuant to the method described and adopted in the motion to divide.

(7) ***Motion to Postpone Indefinitely.*** This motion may be made at any time after debate and discussion commences on the action item, business item, motion or question properly before the Town Board. This motion is debatable. This motion, if adopted, ends the debate and discussion at the meeting on the action item, business item, motion or question.

(8) ***Motion to Introduce a Matter Related to the Action Item, Business Item, Motion or Question.*** This motion may be made at any time after the debate and discussion commences on the action item, business item, motion or question properly before the Town Board. This motion is debatable. This motion, if adopted, expands or adds to the debate and discussion new items related to the main action item, main business item, main motion or main question pursuant to the method described and approved in the motion to introduce a matter related.

(d) **Public Directory Votes.** No member of the Town Board shall request, at a meeting of the Town Board, a vote from the general public unless the proposed vote of the general public is so noted by the Town Chair or the presiding officer of the meeting as strictly an advisory vote to the Board. Any vote taken by the general public at a meeting of the Town Board shall be considered by this Board only as an advisory vote and shall not be considered as a directory vote. Directory votes to require certain actions to be taken by the Town Board may occur at an annual or special Town meeting.

Sec. 2-3-16 Reconsideration of Questions.

It shall be in order for any member if, in the majority, to move for the reconsideration of any vote in question at the same meeting or at the next succeeding regular adjourned meeting. A motion to reconsider being put and lost shall not be renewed.

Sec. 2-3-17 Publication or Posting of Ordinances and Resolutions.

(a) **General Requirement.**

(1) The Town Clerk-Treasurer shall publish as a Class 1 notice under Ch. 985, Wis. Stats., or post in at least three (3) places in the Town likely to give notice to the public, the following, within thirty (30) days after passage or adoption:

a. Resolutions, motions and other actions adopted by the Town meeting, or in the exercise of powers, under Sec. 60.10, Wis. Stats.

b. Ordinances adopted by the Town Board.

c. Resolutions of general application adopted by the Town Board and having the effect of law.

(2) All ordinances and bylaws shall be signed by the Town Board and countersigned by the Clerk-Treasurer; and, if any penalty or forfeiture is thereby imposed, shall be published as a Class 1 notice, under Ch. 985, Wis. Stats., and shall take effect on the day after its publication or a later date if expressly prescribed. If there is no newspaper published in the Town, the Town Board may in lieu of newspaper publication have copies of ordinances and bylaws posted in at least three (3) public places in the Town and proof thereof filed and recorded by the Town Clerk-Treasurer, and the same shall take effect the day after the proof of posting has been filed and recorded, or at a later date if expressly provided in the ordinance or bylaw.

(b) **Requirement for Forfeitures.** If an ordinance imposes a forfeiture, posting may not be used in lieu of publication under Subsection (a).

(c) **Effective Upon Publication.** An ordinance, resolution, motion or other action required to be published or posted under this Section shall take effect the day after its publication or posting, or at a later date if expressly provided in the ordinance, resolution, motion or action.

(d) **Affidavit of Posting.** If an ordinance, resolution, motion or other action is posted under this Section, the Clerk-Treasurer shall sign an affidavit attesting that the item was posted as required by this Section and stating the date and place of posting. The affidavit shall be filed with other records under the jurisdiction of the Clerk-Treasurer.

State Law Reference: Section 60.80, Wis. Stats.

Sec. 2-3-18 Amendment of Rules.

The rules of this Chapter shall not be rescinded or amended unless the proposed ordinance amendment or motion to rescind has laid over from a regular meeting, and then it shall require a vote of two-third (2/3) of all the members of the Board.

Sec. 2-3-19 Suspension of Rules.

Any of the provisions of Sections 2-3-13 through 2-3-16, inclusive, of this Code may be suspended temporarily by a majority of the Board members present at any meeting.

Title 2 ▸ Chapter 4

Town Officers and Employees

2-4-1	Election of Town Officers; General Provisions; Appointed Officials
2-4-2	Temporary Vacancies
2-4-3	Official Oath and Bond
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2-4-7	Town Clerk-Treasurer
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2-4-16	Form of Oath and Bond

Sec. 2-4-1 Election of Town Officers; General Provisions; Appointed Officials.

(a) **Elected Town Officers.** Pursuant to Section 2-3-1, the Town shall elect a Chairperson and two (2) Supervisors.

(b) **Restrictions.**

(1) Only an elector of the Town may hold a Town office, other than an Assessor appointed under Sec. 60.307, Wis. Stats., if the Town elects to change the office of Assessor to an appointed position.

(2) No person may hold the offices of Town Treasurer and Town Assessor at the same time. No person may assume the office of Town Assessor unless certified by the Wisconsin Department of Revenue, under Sec. 73.09, as qualified to perform the functions of the office of Town Assessor. If the Town reverts to a system of electing instead of appointing the Assessor and a person is elected to the office and is not

certified by June 1 of the year elected, the office is vacant and the Town Board shall fill the vacancy from a list of persons certified by the Wisconsin Department of Revenue.

(c) **Notice of Election.** Within five (5) days after completion of the canvass under Sec. 7.53, Wis. Stats., the Town Clerk-Treasurer shall transmit a notice of election to each person elected to a Town office.

(d) **Term of Office.**

(1) Every elected Town officer shall hold the office for two (2) years.

(2) The regular term of elected Town officers, other than the Town Assessor, if elected, commenced on the second (2nd) Tuesday of April in the year of their election.

(e) **Appointed Officials.** The following Town officials shall be appointed in the manner and for the term indicated:

Official	How Appointed	Term
Assessor	Town Board	Indefinite
Attorney	Town Board	Indefinite
Constable	Town Board	1 Year
Weed Commissioner	Town Board	1 Year

State Law Reference: Section 60.30, Wis. Stats.

Sec. 2-4-2 Temporary Vacancies.

(a) If any elected Town officer, other than a Supervisor, is absent or temporarily incapacitated for any cause, the Town Board may appoint, if there is no deputy officer for the office, a suitable person to discharge the duties of the office until the officer returns or the disability is removed. Appointees shall file the official oath and bond required under Sec. 60.31, Wis. Stats.

(b) Vacancies on the Town Board shall be filled by appointment by the remaining Supervisors and the Town Clerk-Treasurer, except when the vacancy is caused by removal by the Circuit Judge as provided by law, which latter vacancy shall be filled by appointment by the said Judge. Persons appointed under this Subsection to fill vacancies shall hold office for the residue of the unexpired term.

(c) If any elected Town officer, other than a Supervisor, refuses to perform any official duty, the Town Board may appoint a suitable person to perform those duties which the officer refuses to perform. An appointee shall file the official oath and bond required of the office under Sec. 60.31, Wis. Stats. This paragraph does not preclude a finding that refusal to perform official duties constitutes cause under Sec. 17.13(3), Wis. Stats.

State Law Reference: Section 60.30(5), Wis. Stats.

Sec. 2-4-3 Official Oath and Bond.

(a) **Official Oath.** Except as provided in Subsection (c), every elected or appointed Town officer shall take and file the oath under Sec. 19.01, Wis. Stats., within five (5) days after notification of election or appointment.

(b) **Official Bond.** The Town Clerk-Treasurer and elected Assessor, if applicable, shall execute and file an official bond provided by the Town. No natural person may be a surety on a bond under this Subsection. The bond may be furnished by a surety company under Sec. 632.17(2), Wis. Stats. The amount of the bond shall be fixed by the Town Board. If the amount of the bond is not fixed by the Board, the amount shall be the same as that required of the last incumbent of the office. If the Town Board at any time determines that the bond is insufficient, it may require an additional bond to be filed within ten (10) days in an amount fixed by the Board. If the Town Board establishes Deputy Clerk or Treasurer positions, such persons shall be bonded.

(c) **Exceptions.** If the Town reverts to a system of electing an Assessor and/or creates a Municipal Court:

(1) An elected Assessor shall take and file the official oath and bond at any time between May 27 to May 31.

(2) The Municipal Judges shall take and file the official oath and bond under Sec. 755.03, Wis. Stats.

(d) **Failure to File Oath or Bond.** If any person elected or appointed to a Town office fails to file a required official oath or bond within the time prescribed by law, the failure to file constitutes refusal to serve in office.

State Law Reference: Section 60.31, Wis. Stats.
Cross-Reference: Section 2-4-19.

Sec. 2-4-4 Compensation of Elective Town Offices.

(a) **Established by Town Meeting or Board.**

(1) Except as provided under Subsection (2) below, the Town meeting shall establish the compensation of elective town offices.

(2) If authorized by the Town meeting under Sec. 60.10(2)(k), Wis. Stats., the Town board shall establish the compensation of elective Town offices, other than the office of Supervisor or Chairperson.

(b) **Nature of Compensation.** Compensation under this Section may be:

(1) An annual salary.

(2) A per diem compensation for each meeting necessarily devoted to the service of the Town and the discharge of duties. Board members or Town officials shall be the

Town's authorized representative at a meeting or be attending an authorized convention/training session to be eligible for per diem compensation.

(3) A combination of the above.

(c) **Changes During Term.** Subject to Subsection (d), the Town meeting or, if authorized to establish compensation, the Town Board may make a change in the compensation of an elective Town office to take effect during the term of office.

(d) **When Established.** Compensation under this Section shall be established prior to the latest date and time for filing nomination papers for the office. After that date and time, no change may be made in the compensation of the office that applies to the current term of office.

State Law Reference: Section 60.32, Wis. Stats.

Sec. 2-4-5 Reimbursement of Expenses.

(a) **Generally.** The Town Board may provide for reimbursement of expenses necessarily incurred by any office or employee of the Town in the performance of official Town duties. The Board may determine who is eligible for expense reimbursement, which expenses are reimbursable and the amount of reimbursement. Expenses reimbursable under this Section include, but are not limited to:

(1) Traveling expenses, including mileage, lodging and meal expenses.

(2) Costs associated with programs of instruction related to the officer's or employee's office or employment.

(b) **Manuals.** The Town Board may purchase handbooks and manuals that will materially assist Town officials and employees in the performance of official duties.

State Law Reference: Section 60.321, Wis. Stats.

Sec. 2-4-6 Compensation When Acting in More Than One Official Capacity.

Except for offices combined under Sec. 60.305, Wis. Stats., the Town may not compensate a Town officer for acting in more than one (1) official capacity or office of the Town at the same time.

State Law Reference: Secs. 60.323 and 946.13, Wis. Stats.

Sec. 2-4-7 Town Clerk-Treasurer.

The Town Clerk-Treasurer, shall:

(a) **Consolidated Positions.** Pursuant to Sec. 60.305(1), Wis. Stats., the Town of Big Bend, as directed by the Town Meeting, consolidates the offices of Town Clerk and Town Treasurer.

(b) **Duties as Clerk.** The Town Clerk-Treasurer shall perform the following duties as Clerk:

(1) ***Clerk of Town Meeting.*** Serve as Clerk of the Town meeting under Sec. 60.15, Wis. Stats.

(2) ***Clerk of Town Board.***

a. Serve as Clerk of the Town Board, attend meetings of the Board and keep a full record of its proceedings.

b. File all accounts approved by the Town Board or allowed at Town meetings and enter a statement of the accounts in the Town's record books.

c. File with the Town Board claims approved by the Clerk-Treasurer, as required under Sec. 60.44(2)(c), Wis. Stats.

(3) ***Finance Book.*** Maintain a finance book, which shall contain a complete record of the finances of the Town, showing the receipts, with the date, amount and source of each receipt; the disbursements, with the date, amount and object of each disbursement; and any other information relating to Town finances prescribed by the Town Board. The financial records a Town Clerk is expected to maintain are in addition to, not in lieu of, those a Town Treasurer is expected to maintain.

(4) ***Elections and Appointments.***

a. Perform the duties required by Chapters 5 to 12, Wis. Stats., relating to elections.

b. Transmit to the County Clerk, within ten (10) days after election or appointment and qualification of any Town Supervisor, Treasurer, Assessor or Clerk, a written notice stating the name and post office address of the elected or appointed officer. The Clerk-Treasurer shall promptly notify the County Clerk of any subsequent changes in such offices.

c. Transmit to the Clerk of Circuit Court, immediately after the election or appointment of any Constable or Municipal Judge in the Town, a written notice stating the name of the Constable or Municipal Judge and the term for which elected or appointed. If the Judge or Constable was elected or appointed to fill a vacancy in the office, the Clerk-Treasurer shall include in the notice the name of the incumbent who vacated the office.

(5) ***Sale of Real Property.*** Execute the conveyance of real property of the Town. However, prior to the sale of any property by the Town Board, the electors attending a Town meeting must have given the Town Board authorization to do so.

(6) ***Notices.***

a. Publish or post ordinances and resolutions as required under Sec. 60.80, Wis. Stats.

b. Give notice of annual and special Town meetings as required under Sections 60.11(5) and 60.12(3), Wis. Stats.

(7) ***Records.***

a. Comply with Subch. II of Chapter 19, Wis. Stats., concerning any record of which the Clerk-Treasurer if legal custodian.

b. Demand and obtain the official books and papers of any Municipal Judge if the office becomes vacant and the Judge's successor is not elected or appointed and qualified, or if any Municipal Judge dies. The Town Clerk-Treasurer shall dispose of the books and papers as required by law.

(8) ***Licenses.*** Issue any license or permit granted by the Town Board when any required fee has been paid.

(9) ***Schools.***

a. Perform the Clerk's duties under Chapters 115 to 121, Wis. Stats., relating to public instruction.

b. Within ten (10) days after the Clerk-Treasurer's election or appointment, report his or her name and post office address to the administrator of each cooperative educational service agency which contains any portion of the Town. The Clerk-Treasurer shall report to the administrator the name and post office address of each school district clerk within ten (10) days after the name and address is filed in the Clerk-Treasurer's office.

c. Make and keep in the Clerk-Treasurer's office a map of the Town, showing the exact boundaries of school districts within the Town.

d. Apportion, as provided by law, tax revenues collected by the Town for schools.

(10) **Highways and Bridges.** Perform the duties specified in Chapters 80 to 92, Wis. Stats., relating to highways, bridges and drains.

(11) **Notice of Property Tax Revenue.** Notify the clerk of the county in which the Town is located, by March 15, of the proportion of property tax revenue and the credits under Sec. 79.10, Wis. Stats., that is to be disbursed by the County Clerk to each taxing jurisdiction located in the Town.

(12) **Statement of Indebtedness to Secretary of State.** Furnish, pursuant to Sec. 69.68, Wis. Stats., a full and complete summary of the bonded indebtedness and all other indebtedness, the purpose for which the sum was incurred and any accrued interest, if any, remaining unpaid to the Secretary of State.

(13) **Managed Forest Act.** Receive copies from the Department of Natural Resources of all petitions for entry under the Managed Forest Law of all lands in the Town pursuant to Sec. 77.82(5), Wis. Stats. The Town Clerk-Treasurer shall receive copies of notice of hearings established pursuant to Sec. 77.82(6), Wis. Stats., and copies of any orders issued pursuant to Sec. 77.82(8), Wis. Stats.

(14) **Notice of Cessation of Operations.** Receive the appropriate notice, pursuant to Sec. 109.07, Wis. Stats., of mergers, liquidation, disposition, relocation or cessation

of operations from any employer in the Town; the Town Clerk-Treasurer shall then immediately inform the Town Board of receipt of such information.

(15) **Release and Publication of Tax Roll.** Receive the assessment rolls and then publish a Class 1 notice, if applicable, or post notice under Chapter 985, Wis. Stats. The notice will provide that in the noted days the assessment roll will be open for examination by the taxable inhabitants.

(16) **Rabies Control Program.** Promptly post notice in at least three (3) public places in the Town pursuant to Sec. 95.21(3), Wis. Stats., with the notices of quarantine to be furnished by the Department of Health and Social Services.

(17) **Prepare General Statistics and Annual Statement of Taxes.** Make out and transmit to the County Clerk by years end a statement pursuant to Sec. 69.60, Wis. Stats., showing the assessed value of all property within the Town all taxes levied, all special assessments made and purposes for special assessments. Also, a complete and detailed statement of the bonded and other indebtedness of the Town and of any accrued interest remaining unpaid and the purpose for which the indebtedness was incurred. In addition, on or before the third Monday of December, the Town Clerk-Treasurer shall file a statement of taxes levied to the Department of Revenue.

(18) **Make Tax Roll.** Make out the complete list of all taxable real property to be called the Tax Roll as required in Sec. 70.65, Wis. Stats.

(19) **Correct Tax Roll.** Shall correct the errors in the Tax Roll required in Sec. 70.73, Wis. Stats.

(20) **Receive Assessment Roll.** Receive from the assessor on or before the first Monday in May the completed Assessment Roll as required by Sec. 70.50, Wis. Stats.

(21) **Drainage District.** Insert in the Tax Roll, in a separate column, amounts certified by the Drainage Board secretary as assessments and interest due as required under Sec. 88.42, Wis. Stats.

(22) **In General.** Perform all other duties required by law, ordinance or lawful direction of the Town meeting or Town Board.

(23) **Deputy Clerk.** The Town Clerk-Treasurer may, pursuant to Sec. 60.331, Wis. Stats., appoint a Deputy Clerk-Treasurer. The Deputy Clerk-Treasurer shall take and file the oath and bond as required by Sec. 60.31, Wis. Stats. The Town Board shall determine what compensation is to be paid the Deputy Clerk-Treasurer.

(c) **Duties as Treasurer.** The Town Clerk-Treasurer shall perform the following duties as Treasurer:

(1) ***Receive and Disburse Town Money.***

a. Receive and take charge of all money belonging to the Town, or which is required by law to be paid into the Town treasury, and disburse the money under Sec. 66.0607, Wis. Stats.

b. Keep an itemized account of all moneys received and disbursed, specifying the source from which it was received, the person to whom it was paid and the object for which it was paid. The Town Treasurer shall issue numbered receipts for all

funds received. At the request of the Town Board, the Town Treasurer shall present the account books, and any supporting documents requested, to the Board.

(2) ***Deposit of Town Money.***

a. Deposit as soon as practicable funds of the Town in the name of the Town in the public depository designated by the Town Board. Failure to comply with this paragraph is grounds for removal from office.

b. When money is deposited under Subsection (b)(1), the Town Clerk-Treasurer's sureties are not liable for any loss as defined in Sec. 34.01(6), Wis. Stats. The interest arising from the money deposited shall be paid into the Town treasury.

(3) ***Records.*** Comply with Subch. II of Ch. 19, Wis. Stats., concerning records of which the Treasurer is legal custodian.

(4) ***Taxes.*** Perform all of the duties relating to taxation required of the Town Treasurer under Chapters 70 to 79, Wis. Stats.

(d) **Audits.** The financial records of the Clerk-Treasurer shall annually be audited as required by Sec. 305., Wis. Stats.

State Law Reference: Sections 60.33, 60.34, and 60.305, Wis. Stats.

Sec. 2-4-8 Assessor.

(a) **Qualification.**

(1) The Assessor, or assessment firm, shall be certified by the Wisconsin Department of Revenue under Section 73.03(2)(b), Wis. Stats., as qualified to perform the functions of an Assessor. The Town Assessor is appointed for an indefinite term of office. Pursuant to Sec. 60.307(2), Wis. Stats.,

(2) The Town has elected to change the Office of Assessor to an appointed position. Pursuant to Sec. 60.307(2), Wis. Stats., the Assessor is appointed by majority vote of the Town Board for a term as determined by contract, but not less than one (1) year. The Town Assessor so appointed need not be a resident of the Town of Big Bend and may hold the office of Assessor for another town or municipality with the consent of the Town Board.

(b) **Duties.** The Town Assessor shall have all the statutory authority, powers and duties for property tax assessment required of the Town Assessor pursuant to Chapters 60, 66, 70 and 79, Wis. Stats. The Assessor shall begin under Section 70.10, Wis. Stats., to make an assessment of all of the property in the Town liable to taxation, as prescribed by law. The Assessor shall return the assessment roll to the Town Clerk-Treasurer at the same time and in the same manner in which Town Assessors are required to do as required by Chapter 70, Wis. Stats.

State Law Reference: Section 60.307(2) and Ch. 70, Wis. Stats.
Annotation: Petzek vs. Graves, 33 Wis. 2d 175 (1967).

Sec. 2-4-9 Weed Commissioner.

The Weed Commissioner shall be appointed by the Chairperson, subject to Town Board confirmation. The term of office of the Weed Commissioner shall commence on the first day of May following his or her appointment. The Weed Commissioner shall take the official oath, which oath shall be filed in the Office of the Town Clerk-Treasurer, and shall hold office for one (1) year. The Weed Commissioner shall hold office pursuant to and fulfill the duties set out in state law.

State Law Reference: Sections 66.0407 and 66.0627, Wis. Stats.

Sec. 2-4-10 Town Attorney.

(a) **Election.** The Office of Town Attorney is an appointed position. The Town Attorney may be appointed by the Town Board and shall serve at the pleasure of the Board. The Town Board shall negotiate and establish the compensation in a contract for the designation, retention or employment of an attorney based on a regular salary, per diem rate, retainer, hourly rate, or other methods agreed to by the attorney and the Town Board.

(b) **Duties.** The Town Attorney shall have the following duties:

(1) The Attorney shall conduct all of the law business in which the Town is interested.

(2) He/she shall, when requested by Town officers, given written legal opinions, which shall be filed with the Town.

(3) He/she shall draft ordinances, bonds and other instruments as may be required by Town officers.

(4) He/she may appoint an assistant, who shall have power to perform his/her duties and for whose acts he shall be responsible to the Town. Such assistant shall receive no compensation from the Town, unless previously provided by Ordinance.

(5) The Town Board may employ and compensate special counsel to assist in or take charge of any matter in which the Town is interested.

(6) The Town Attorney shall perform such other duties as provided by State law and as designated by the Town Board.

State Law Reference: Section 60.37, Wis. Stats.

Sec 2-4-11 Town Engineer.

The office of Town Engineer is an appointed position. The Town Engineer may be appointed by the Town Board and shall serve at the pleasure of the Board. When authorized by the Town Board, the Town Engineer shall provide engineering services to the Town. The cost of

engineering services provided to the Town may be billed back to private parties when created the need for such expenditures.

Sec. 2-4-12 Town Auditor/Accountant.

(a) **Retention.** The Town Board may, pursuant to Sections 60.41 and 60.43, Wis. Stats., designate, retain or employ one (1) or more accountants, including certified public accountants, on a temporary or continuing basis for financial matters or to represent the Town in financial matters.

(b) **Compensation.** The Town Board shall negotiate and establish the compensation in a contract for the designation, retention or employment of an accountant based on a regular salary, per diem rate, retainer, hourly rate or other methods agreed to by the accountant and the Town Board.

(c) **Duties.** The accountant has the duties and powers established in Sections 60.41 and 60.43, Wis. Stats., plus any additional powers and duties established pursuant to the retainer contract between the accountant and the Town Board. The appropriate bond shall be filed prior to the Town Board executing the written contract.

Sec. 2-4-13 Town Employees; Special Office Positions.

(a) **Town Employees.** The Town Board may employ on a temporary or regular basis persons necessary to carry out the functions of Town government. The Board may establish the qualifications and terms of employment, which may include the residency of the employee. The Board may delegate the authority to hire Town employees to any Town official or employee.

(b) **Residency.** The following special office positions need not be Town of Big Bend residents to hold these positions (other Town officials described in this Chapter shall be Town of Big Bend residents):
   (1) Town Attorney.
   (2) Town Engineer.
   (3) Town Auditor/Accountant.
   (4) Town Assessor.
   (5) Other consultants.

(c) **Meeting Attendance.** Special office holders listed in Subsection (b) shall attend or make all good faith efforts to attend all properly called meetings of the Town Board if their attendance is requested at least three (3) days prior to the meeting, or as established by professional services agreement.

State Law Reference: Section 60.37, Wis. Stats.

Sec. 2-4-14 Custody of Official Property.

Town officers must observe the standards of care imposed by Section 19.21, Wis. Stats., with respect to the care and custody of official property.

State Law Reference: Section 19.21, Wis. Stats.

Sec. 2-4-15 Eligibility for Office/Incompatibility of Office.

(a) Any person who is a qualified elector in the Town of Big Bend may hold any elected Town office. No member of the Town Board may, during his or her term, be eligible for any Town office or Town position which, during such term, the office or position has been created by or the selection to which is vested in the Town Board. Any member of the Town Board will be eligible for such Town office or Town position if he or she resigns from the Town Board before being appointed to the Town office or Town position and if the office or position was not created during his or her term in office.

(b) Certain Town offices are incompatible, by common law and statutory law, with other Town offices and also with other county, state or federal offices. No Town officer shall serve in both offices at the same time. If any question or concern by any person is raised to the Town Board regarding incompatibility of any office in the Town of Big Bend, the Town Attorney, at the request of the Town Board, shall review the matter and shall provide his or her written comments to the Town Board.

Sec. 2-4-16 Official Oath and Bond.

(a) **Authority.** The Town Board has the specific statutory authority, powers and duties, pursuant to Sections 60.20, 60.22 and 60.31, Wis. Stats., and under Section 2-4-3 of this Code of Ordinances, to require that certain elected officials take an official oath and to require that they file the appropriate bond.

(b) **Oath.**

(1) ***General Provision.*** All elected officers and appointed officers of the Town of Big Bend, except elected assessors and municipal judges, (if such position is established), shall take and file the below noted oath within five (5) days after notification of election or appointment by the Town Clerk-Treasurer. The written oath of office and the oral oath of office, pursuant to Sec. 19.01, Wis. Stats., shall be substantially in the following form:

a. ***Written Oath.***

STATE OF WISCONSIN,

County of Rusk

I, the undersigned, who have been elected (or appointed) to the office of _____, but have not yet entered upon the duties thereof, swear (or affirm) that I will support the constitution of the United States and the constitution of the state of Wisconsin, and will faithfully discharge the duties of said office to the best of my ability. So help me God.

Subscribed and sworn to before me this _____ day of _____, 20__.

_____
Signature

b. ***Oral Oath.***

I, _____ swear (or affirm) that I will support the constitution of the state of Wisconsin, and will faithfully and impartially discharge the duties of the office of _____ to the best of my ability. So help me God.

(2) ***Filing Locations.*** The official oath of all elected officers and appointed officers of the Town shall be filed with the Town Clerk-Treasurer except that the Municipal Judge (if applicable) shall his or her oath with the Clerk of the Circuit Court.

(3) ***Failure to File Oath.*** If any elected officer or appointed officer of the Town of Big Bend fails to file the proper oath within the time prescribed by statute, the failure to file constitutes refusal to serve in the office. No Municipal Judge in the Town of Big Bend shall be paid a salary for anytime during the term during which the Municipal Judge has not executed and filed his or her oath.

(c) **Bonds.**

(1) ***General Provision.*** The bond costs shall be provided by the Town of Big Bend. No natural person may be a surety on a bond. The bond may be furnished by a surety company under Sec. 632.17(2), Wis. Stats. The Town Board may at anytime determine that any bond amount established is insufficient or in excess and may therefore require any officer noted above to file a new bond within ten (10) days, in an amount fixed by the Town Board.

(2) ***Filing Location.*** The official bond shall be filed with the Town Clerk-Treasurer except that the municipal justice shall file his or her bond with the Clerk of Circuit Court.

(3) ***Failure to File Bond.*** The elected officers and appointed officers of the Town required to file a bond shall file the required bond before entering upon the duties of the office. If the elected officers and appointed officers of the Town fails to file the required bond within the time prescribed by law, the failure to file the required bond constitutes refusal to serve in office and the office can be declared vacant by the Town Board. No Municipal Judge of the Town shall be paid a salary for anytime during the term during which the Municipal Judge has not executed and filed the required bond.

Title 2 ▸ Chapter 5

Boards, Commissions and Committees

2-5-1 Board of Review
2-5-2 General Provisions Regarding Meetings and Public Notice
2-5-3 Residency Required for Service on Boards, Committees or Commissions

Sec. 2-5-1 Board of Review.

(a) **Composition.** The Board of Review shall consist of the Chairperson, Town Board Supervisors and Town Clerk-Treasurer. At least one member shall have completed Department of Revenue training.

(b) **Duties.** The duties and functions of the Board of Review shall be as prescribed in Secs. 70.46 and 70.47, Wis. Stats.

(c) **Meetings.** The Board of Review shall meet annually on the second Monday of May, or any day within the next thirty (30) days, at the Town Hall of the Town of Big Bend, and notice of such meeting shall be published pursuant to the State Statutes. The Board, through its Clerk-Treasurer, shall establish its meeting hours pursuant to Sec. 70.47(3)(b), Wis. Stats. The Board may adjourn from day to day or from time to time, until such time as its business is completed, providing that adequate notice of each adjournment is so given. Objections shall be in writing.

(d) **Compensation.** Compensation for Board of Review members shall be as established by the Town Board.

State Law Reference: Secs. 70.46 and 70.47, Wis. Stats.

Sec. 2-5-2 General Provisions Regarding Meetings and Public Notice.

(a) **Regular Meetings; Public Notice.**

(1) Every Board, Committee and Commission created by or existing under the ordinances of the Town shall:

a. Schedule a date, time and place for its meetings;

b. Post, or when necessary publish, notice in or notify the official Town newspaper in advance of each such regular meeting of the date, time, and place thereof, in compliance with state law, thereof; and/or

c. Post and/or publish an agenda of the matters to be taken up at such meeting.

(2) A separate public notice shall be given for each meeting at a time and date reasonably proximate to the time and date of the meeting, but not less than twenty-four (24) hours prior to the commencement of such meeting unless otherwise authorized by law.

(3) Such notice shall set forth the time, date, place and subject matter of the meeting, including that intended for consideration at any contemplated closed session which may be authorized by law, and may be in the following form:

NOTICE OF MEETING

TOWN OF BIG BEND, WISCONSIN

(commission)

Please take notice that a meeting of the (commission) of the Town of Big Bend will be held on (date), 20___, at (time) p.m., at the Big Bend Town Hall to consider the following:

1. (Agenda items set forth).
2. Such other matters as authorized by law.

Dated: _____

_____(Commission)_____

By_____

Any person who has a qualifying disability as defined by the Americans with Disabilities Act that requires the meeting or materials at the meeting to be in accessible location or format must contact the Town Office at _phone_____, _____ _(address)_____ by 2:00 p.m. the Friday prior to the meeting so any necessary arrangements can be made to accommodate each request.

(b) **Notice to Members.** Every member of any board, commission or committee of the Town of Big Bend shall be notified by the secretary thereof that a meeting is to be held, and the time and place of such meeting and the subject to be considered thereat. No member shall be intentionally excluded from any meeting by a failure to give proper notice or a reasonable attempt to give proper notice to such member.

(c) **Special Meetings.** Nothing in Subsection (a) shall preclude the calling of a special meeting or dispensing with the publication of notice or such posting of the agenda, for good cause, but such special meetings shall nonetheless comply in all respects with the provisions of Sections 19.81 and 19.89, Wis. Stats.

(d) **Minutes to Be Kept.** Every board, commission and committee shall keep a record of the minutes of its proceedings and shall cause a signed copy thereof to be filed by its secretary with the Town Clerk-Treasurer within one (1) week of the meeting date.

Sec. 2-5-3 Residency Required for Service on Boards, Committees or Commissions.

No person not a legal resident of the Town of Big Bend shall be appointed in a voting capacity to any Town board, committee or commission. Any voting board, commission or committee member who moves from the Town shall immediately be removed from such board or committee.

Title 2 ▸ Chapter 6

Ethics Code

2-6-1	Statement of Purpose
2-6-2	Definitions
2-6-3	Statutory Standards of Conduct
2-6-4	Responsibility of Public Office
2-6-5	Dedicated Service
2-6-6	Fair and Equal Treatment
2-6-7	Conflict of Interest
2-6-8	Advisory Opinions
2-6-9	Sanctions

Sec. 2-6-1 Statement of Purpose.

(a) 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 in this Chapter a Code of Ethics for all Town of Big Bend officials and employees, whether elected or appointed, paid or unpaid, including members of boards, committees and commissions of the Town, as well as any individuals who are candidates for elective office as soon as such individuals file nomination papers with the Town.

(b) The purpose of this Ethics Code is to establish guidelines for ethical standards of conduct for all such officials and employees by setting forth those acts or actions that are incompatible with the best interests of the Town of Big Bend and by directing disclosure by such officials and employees of private financial or other interests in matters affecting the Town. The Town Board believes that a Code of Ethics for the guidance of elected and appointed officials and employees will help them avoid conflicts between their personal interests and their public responsibilities, will improve standards of public service and will promote and strengthen the faith and confidence of the citizens of this Town in their elected and appointed officials and employees. The Town Board hereby reaffirms that each elected and appointed Town official and employee holds his or her position as a public trust, and any intentional effort to realize substantial personal gain through official conduct is a

violation of that trust. The provisions and purpose of this Ethics Code and such rules and regulations as may be established are hereby declared to be in the best interests of the Town of Big Bend.

Sec. 2-6-2 Definitions.

The following definitions shall be applicable in this Chapter:

(a) **Public Official.** Means those persons serving in statutory elected or appointed offices provided for in Chapter 60 of the Wisconsin Statutes, and all members appointed to boards, committees and commissions established or appointed by the Chairperson and/or Town Board pursuant to this Code of Ordinances, whether paid or unpaid.

(b) **Public Employee.** Means any person excluded from the definition of a public official who is employed by the Town.

(c) **Anything of Value.** Means any gift, favor, loan, service or promise of future employment, but does not include reasonable fees and honorariums, or the exchange of seasonal, anniversary or customary gifts among relatives and friends.

(d) **Business.** Means any corporation, partnership, proprietorship, firm, enterprise, franchise, association, organization, self-employed individual or any other legal entity which engages in profit-making activities.

(e) **Personal Interest.** Means the following specific blood or marriage relationships:
   (1) A person's spouse, mother, father, child, brother or sister; or
   (2) A person's relative by blood or marriage who receives, directly or indirectly, more than one-half (1/2) support from such person or from whom such person receives, directly or indirectly, more than one-half (1/2) of his support.

(f) **Significant Interest.** Means owning or controlling, directly or indirectly, at least ten percent (10%) or Five Thousand Dollars ($5,000.00) of the outstanding stock of at least ten percent (10%) or Five Thousand Dollars ($5,000.00) of any business.

(g) **Financial Interest.** Any interest which shall yield, directly or indirectly, a monetary or other material benefit to the officer or employee or to any person employing or retaining the services of the officer or employee.

Sec. 2-6-3 Statutory Standards of Conduct.

There are certain provisions of the Wisconsin Statutes which should, while not set forth herein, be considered an integral part of any Code of Ethics. Accordingly, the provisions of the following sections of the Wisconsin Statutes, as from time to time amended, are made a part of this Code of Ethics and shall apply to public officials and employees whenever applicable, to wit:

(a) **Sec. 946.10.** Bribery of Public Officers and Employees.

(b) **Sec. 946.11.** Special Privileges from Public Utilities.

(c) **Sec. 946.12.** Misconduct in Public Office.
(d) **Sec. 946.13.** Private Interest in Public Contract Prohibited.

Sec. 2-6-4 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 carry out impartially the laws of the nation, state and Town, to observe in their official acts the highest standards of morality and to discharge faithfully the duties of their office regardless of personal considerations, recognizing that the public interest must be their prime concern.

Sec. 2-6-5 Dedicated Service.

(a) Officials and employees should adhere to the rules of work and performance established as the standard for their positions by the appropriate authority.
(b) Officials and employees should not exceed their authority or breach the law or ask others to do so, and they should work in full cooperation with other public officials and employees unless prohibited from so doing by law or by officially recognized confidentiality of their work.
(c) Members of the Town staff are expected to follow their appropriate professional code of ethics. Staff members shall file a copy of such professional ethics codes with the Town Clerk-Treasurer. The Town Clerk-Treasurer may notify the appropriate professional ethics board of any ethics violations involving Town employees covered by such professional standards.

Sec. 2-6-6 Fair and Equal Treatment.

(a) **Use of Public Property.** No official or employee shall use or permit the unauthorized use of Town-owned vehicles, equipment, materials or property for personal convenience or profit, except when such services are available to the public generally or are provided as Town policy for the use of such official or employee in the conduct of official business, as authorized by the Town Board or authorized board, commission or committee.
(b) **Use of Town Stationery.** Copies of any correspondence written on Town stationery shall be filed with the Town Clerk-Treasurer, or their designee.
(c) **Obligations to Citizens.** No official or employee shall grant any special consideration, treatment or advantage to any citizen beyond that which is available to every other citizen. No official or employee shall use or attempt to use his or her position with the Town to

secure any advantage, preference or gain, over and above his rightful remuneration and benefits, for himself or for a member of his or her immediate family.

(d) **Political Contributions.** No official shall personally solicit from any Town employee, other than an elected official, a contribution to a political campaign committee for which the person subject to this Chapter is a candidate or treasurer.

(e) **Failure to Follow Board Directive.** No Town official or employee, whether elected or appointed, shall deliberately, by individual action, direct a member of the public or a party under contract with the Town to take an action or perform an act that is contrary to an official Town policy adopted by the Town Board.

Sec. 2-6-7 Conflict of Interest.

(a) **Financial and Personal Interest Prohibited.**

(1) No official or employee of the Town, whether paid or unpaid, shall engage in any business or transaction or shall act in regard to financial or other personal interest, direct or indirect, which is incompatible with the proper discharge of official duties in the public interest contrary to the provisions of this Chapter or which would tend to impair independence of judgment or action in the performance of official duties.

(2) Any member of the Town Board who has a financial interest or personal interest in any proposed legislation before the Town Board shall disclose on the records of the Town Board the nature and extent of such interest; such official shall not participate in debate or vote for adoption or defeat of such legislation. If the matter before the Board involves a member's personal interest with persons involved, the member may participate in debate or discussion and vote on the matter following disclosure, unless an ordinance or contract is involved; if an ordinance or contract is involved, such official shall not participate in debate or discussion and vote on the matter.

(3) Any non-elected official, other than a Town employee, who has a financial interest or personal interest in any proposed legislative action of the Town Board or any board, commission or committee upon which the official has any influence or input or of which the official 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 Town Board or the appropriate board, commission or committee the nature and extent of such interest. Such official shall not participate in debate or discussion or vote for adoption or defeat of such legislation.

(4) Any Town employee who has a financial interest or personal interest in any proposed legislative action of the Town Board or any board, commission or committee upon which the employee has any influence of input, or of which the employee is a member, that is a make to recommendation or decision upon any item which is the subject of the proposed legislative action shall disclose on the records of the Town Board or the appropriate board, commission or committee the nature and extent of such interest.

(b) **Disclosure of Confidential Information.** No official or employee shall, without proper legal authorization, disclose confidential information concerning the property, government or affairs of the Town, nor shall such information be used to advance the financial or other private interests of the official or employee or others.

(c) **Gifts and Favors.**

(1) No official or employee, personally or through a member of his immediate family, may solicit or accept, either directly or indirectly, from any person or organization, money or anything of value if it could be expected to influence the employee's official actions or judgments or be considered a reward for any action or inaction on the part of the official or employee.

(2) No official or employee personally, or through a member of his/her immediate family, shall accept any gift, whether in the form of money, service, loan, thing or promise, from any person which may tend to impair his/her independence of judgment or action in the performance of his/her duties or grant in the discharge of his/her duties any improper favor, service or thing of value.

(3) An official or employee is not to accept hospitality if, after consideration of the surrounding circumstances, it could reasonably be concluded that such hospitality would not be extended were it not for the fact that the guest, or a member of the guest's immediate family, was a Town official or employee. Participation in celebrations, grand openings, open houses, informational meetings and similar events are excluded from this prohibition. This paragraph further shall not be construed to prevent candidates for elective office from accepting hospitality from citizens for the purpose of supporting the candidate's campaign.

(4) Gifts received by an official or employee or his/her immediate family under unusual circumstances shall be referred to the Town Board within ten (10) days of receipt for recommended disposition. Any person subject to this Chapter who becomes aware that he/she is or has been offered any gift, the acceptance of which would constitute a violation of this Subsection, shall, within ten (10) days, disclose the details surrounding said offer to the Town Board. Failure to comply with this reporting requirement shall constitute an offense under this Chapter.

(d) **Representing Private Interests Before Town Agencies.**

(1) Non-elected Town officials and employees shall not appear on behalf of any private person (other than him or herself, his or her spouse or minor children) before any Town agency, board, commission or the Town Board if the official or employee or any board, commission or committee of which the official or employee is a member has any jurisdiction, discretion or control over the matter which is the subject of such representation.

(2) Elected Town officials may appear before Town agencies on behalf of constituents in the course of their duties as representatives of the electorate or in the performance of public or civic obligations. However, the disclosure requirements of Subsection (a) above shall be applicable to such appearances.

(e) **Ad Hoc Committee Exceptions.** No violation of the conflict of interest restrictions of this Section shall exist, however, where an individual serves on a special ad hoc committee charged with the narrow responsibility of addressing a specific issue or topic in which that individual, or the employer or a client of that individual, has an interest so long as the individual discloses to the Town Board that such interest exists.

(f) **Contracts with the Town.** No Town official or employee who, in his capacity as such officer or employee, participates in the making of a contract in which he has a private pecuniary interest, direct or indirect, or performs in regard to that contract with some function requiring the exercise of discretion on his part shall enter into any contract with the Town unless, within the confines of Sec. 946.13, Wis. Stats.:

(1) The contract is awarded through a process of public notice and competitive bidding or the Town Board waives the requirement of this Section after determining that it is in the best interest of the Town to do so.

(2) The provisions of this Subsection shall not apply to the designation of a public depository of public funds.

Sec. 2-6-8 Advisory Opinions.

Any questions as to the interpretation of any provisions of this Code of Ethics Chapter shall be referred to the Town Attorney. Such requests shall be as detailed as possible and shall be made in writing. Advisory requests and opinions shall be kept confidential, except when disclosure is authorized by the requestor, in which case the request and opinion may be made public.

Sec. 2-6-9 Sanctions.

A determination that an official's or employee's actions constitute improper conduct under the provisions of this Chapter may, in the case of an employee, constitute a cause of 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. In the case of an elected or appointed Town official, the Town Board, upon a review of the facts with the individual, may officially reprimand the official or remove such official from certain committee assignments or responsibilities.