

## **CHAPTER 2 – GOVERNMENT AND ADMINISTRATION**

### **SECTION 2.00 BOARD OF SUPERVISORS**

#### **Section 2.01 Number of Supervisors**

The Town Board shall consist of five (5) supervisors. In each even-numbered year, the Town shall elect two supervisors to seats numbered four (4) and five (5) for terms of two years. The Town shall elect three supervisors to seats numbered one (1) through three (3) in odd-numbered years for terms of two years, one of these supervisors to be designated on the ballot as Town Board Chair.

#### **Section 2.02 Quorum**

Three (3) supervisors shall constitute a quorum of the Town Board.

*History Note: Adopted 8/5/99.*

### **SECTION 2.10 POLL HOURS**

The polls in any election held in the Town shall be open from 7:00 a.m. until 8:00 p.m.

*History Note: Adopted 10/3/96; Amended 2/4/99.*

### **SECTION 2.20 INFORMATION PROVIDED TO TOWN ASSESSOR FOR ASSESSMENT PURPOSES.**

#### **Section 2.21 Authority/Purpose**

By the authority of § 70.47(7)(af), Wis. Stats., income and expense information provided by a property owner to an assessor for the purpose of establishing the valuation for assessment purposes by the income method of valuation is to be confidential and not a public record open to inspection pursuant to § 19.35(1), Stats.

#### **Section 2.22 Confidential Information; Exceptions**

Whenever the Town Assessor, in the performance of the Assessor's duties, requests or obtains income and expense information pursuant to Section 70.47(7)(af), Wis. Stats., or any successor statute thereto, then such income and expense information that is provided to the Assessor shall be held by the Assessor on a confidential basis, except that the Assessor may make disclosure of such information under the following circumstances:

- (a) The Assessor has access to such information in the performance of his/her duties;

- (b) The Board of Review may review such information when needed, in its opinion, to decide upon a contested assessment;
- (c) Another person or body has the right to review such information due to the intimate relationship to the duties of an office or as set by law;
- (d) The Assessor is complying with a court order;
- (e) The person providing the income and expense information has contested the assessment level at either the Board of Review or by filing a claim for excessive assessment, in which case the base records are open and public.

*History Note: Amended 01/11/2007*

## **SECTION 2.30 TOWN GUARANTEE OF TAX PAYMENTS.**

### **Section 2.31 Authority/Purpose**

Pursuant to Wis. Stat. § 70.67, the Town Treasurer must either post a surety bond to guarantee payment of taxes collected and due to the County Treasurer or the Town may pass an ordinance obligating the Town to pay in case the Treasurer fails to do so.

### **Section 2.32 Municipality to Pay Taxes**

The Town Treasurer is exempted from giving the bond specified in Wis. Stat. § 70.67(1). The Town of West Point hereby obligates itself to pay, in case the Town Treasurer fails to do so, all state and county taxes that the Treasurer is required to pay to the County Treasurer.

*History Note: Amended 12/13/07*

## **SECTION 2.40 CODE OF ETHICS FOR THE TOWN OF WEST POINT.**

### **Section 2.41 Authority/Purpose**

Pursuant to Wis. Stats. §§ 19.41 and 19.59, the purpose of this Ethics Code is to establish guidelines for ethical standards of conduct for all such public officials and public employees by setting forth those acts or action that are incompatible with the best interests of the Town of West Point and by directing disclosure by such public officials and public 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 public 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 public employees. The Town Board hereby reaffirms that each elected appointed public official and public employee holds his or her position as a public trust, and any intentional effort to realize substantial gain through official conduct is a violation of that trust.

## **Section 2.42 Policy and Principles**

- (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. Because representatives of the Town are drawn from society they cannot be totally without personal and economic interest in the decisions and policies of government. Citizens who serve as public officials and public employees retain their rights as citizens to personal and economic interests. Therefore, the standards of ethical conduct for public officials and public employees must distinguish between minor and inconsequential conflicts which are unavoidable in a free society and those conflicts which are substantial and material. Public officials and public employees have a right to:
  - (1) Engage in employment and professional business activities, other than official duties, in order to support themselves and their families;
  - (2) Maintain continuity in their professional and business activities; and
  - (3) Maintain investments or activities which do not conflict with specific provisions of this Section.
- (B) Public officials and public employees are agents of public purpose and hold office to serve the public interest. They are bound to uphold the constitution of the United States, the constitution of the State of Wisconsin and to carry out efficiently and impartially all laws of the United States, the State of Wisconsin, Columbia County and the Town of West Point. Further they are bound to observe in their official acts, the standard of ethics set forth in this Section and to faithfully discharge the duties of their office.
- (C) This Section explicitly applies to all Town Board Supervisors and other elected or appointed officials and all Town employees including, but not limited to the Town Clerk, Treasurer, Assessor and Engineer.

## Section 2.43 Definitions

The following definitions shall be applicable in this Chapter.

- (A) Anything of value means any gift, money or property, favor, service, payment, advance, forbearance, loan, hospitality, or promise of future employment for any public official or the public official's immediate family if it could reasonably be expected to influence the local public official's vote, official action or judgment, or could reasonably be considered to be a reward for any official action or inaction as provided in §§ 19.59(1)(b), Wis. Stats. Excluded from this definition are compensation and fees paid the State, fees and expenses permitted under § 19.56, Wis. Stats, seasonal, anniversary, or customary gifts among immediate family members or friends, hospitality unrelated to Town business, and all political contributions that are reported under Chapter 11, Wisconsin Statutes.
- (B) Associated, when used with reference to an organization, means any organization in which an individual or a member of his or her immediate family is a director, officer or trustee, or owns or controls, directly or indirectly, and severally or in the aggregate, at least 10 percent of the outstanding equity.
- (C) Business means any corporation, partnership, proprietorship, firm, enterprise, franchise, or association, organization, self-employed individual or any other legal entity that engages in profit making activities.
- (D) Elective office means an office regularly filled by vote of the people.
- (E) Financial interest means any interest which shall yield, directly or indirectly, a monetary or other material benefit to a public official.
- (F) Gift means payment or receipt of anything of value without valuable consideration.
- (G) Immediate family means:
  - (1) An individual's spouse; and
  - (2) An individual's relative by marriage, lineal descent or adoption who receives, directly or indirectly, more than one-half of his or her support from the individual or from whom the individual receives, directly or indirectly, more than one-half of his or her support.
- (H) Ministerial action means an action that an individual performs in a given state of facts in a prescribed manner in obedience to the mandate of legal

authority, without regard to the exercise of the individual's own judgment as to the propriety of the action being taken.

- (I) Organization means a political organization under whose name individuals who seek elective office appear on the ballot at any election or any national, state, or local unit or affiliate of that organization.
- (J) Political party means a political organization under whose name individuals who seek elective office appear on the ballot at any election or any national, state, or local unit or affiliate of that organization.
- (K) Privileged information means any oral or written material related to the Town government which has not become part of the body of public information and which is designated by statute, court decision, lawful orders, ordinances, resolution or custom as privileged.
- (L) Public employee means any person excluded from the definition of a public official who is employed by or contracts with the Town.
- (M) Public official means the following persons:
  - (1) A person holding an elective office under Chapter 60 of the Wisconsin Statutes.
  - (2) A person holding an appointive office or position of the Town in which an individual serves for a specified term, except a position limited to the exercise of ministerial action or a position filled by an independent contractor.
  - (3) A person holding an appointive office or position of the Town which is filled by the Town Board or the executive or administrative head of the Town and in which the incumbent serves at the pleasure of the appointing authority, except a clerical position, a position limited to the exercise of ministerial action or a position filled by an independent contractor.
- (N) Town means the Town of West Point, Columbia County, Wisconsin.

#### **Section 2.44 Responsibility of Public Officials and Public Employees**

- (A) No public official or public employee may use his or her public position or office to obtain financial gain or anything of substantial value for the private benefit of himself or herself or his or her immediate family, or for an organization with which he or she is associated. This paragraph does not prohibit a local public official from using the title or prestige of his or her

office to obtain campaign contributions that are permitted and reported as required by Chapter 11 of the Wisconsin Statutes.

- (B) No person may offer or give to a public employee or public official, anything of value, directly or indirectly, and no public official may solicit or accept from any person, directly or indirectly, anything of value if it could reasonably be expected to influence the vote, official action or judgment of the public employee or public official; or could reasonably be considered as a reward for any official action or inaction on the part of the public employee or public official. This paragraph does not prohibit a public official or public employee from engaging in outside employment.
- (C) No public employee, public official or candidate for public office may, directly or by means of an agent, give, or offer or promise to give, or withhold, or offer or promise to withhold, his or her vote or influence, or promise to take or refrain from taking official action with respect to any proposed or pending matter in consideration, or, upon condition that, any other persons make or refrain from making a political contribution, or provide or refrain from providing any service or other thing of value, to or for the benefit of a candidate, a political party, any person who is subject to a registration requirement under sec. 11.05, Wis. Stats., or any person making a communication that contains a reference to a clearly identified public official holding an elective office or to a candidate for public office.
- (D) Except as otherwise provided in paragraph (E), no public official or public employee may:
  - (1) Take any official action substantially affecting a matter in which the official, a member of his or her immediate family, or an organization with which the public official or public employee is associated has a substantial financial interest.
  - (2) Use his or her office or position in a way that produces or assists in the production of a substantial benefit, direct or indirect, for the official, one or more members of the official's immediate family either separately or together, or an organization with which the public official or public employee is associated.
- (E) Paragraph (D) does not prohibit a public official from taking any action concerning the lawful payment of salaries or employee benefits or reimbursement of actual and necessary expenses or prohibit a local public official from taking official action with respect to any proposal to modify a municipal ordinance.
- (F) An official or employee shall not accept anything of value whether in the form of a gift, service, loan or promise from any person which may impair

his or her independence or judgment or action in the performance of his or her official duties.

- (G) A member of the Town Board who has a financial interest in any proposed action before the Town Board shall disclose the nature and extent of such interest to the Town Clerk and the Town Board prior to or during the initial discussion of such action.
- (H) A public official or public employee shall not knowingly disclose or permit the disclosure of privileged information to any person not lawfully authorized to receive such privileged information to advance his or her personal financial interest or that of his or her immediate family.

### **Section 2.45 Statutory Standards of Conduct.**

- (A) 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 public employees whenever applicable, to-wit:
  - (1) Sec. 946.10 Bribery of Public Officers and Employees.
  - (2) Sec. 946.11 Special Privileges from Public Utilities.
  - (3) Sec. 946.12 Misconduct in Public Office.
  - (4) Sec. 946.13 Private Interest in Public Contract Prohibited.
  - (5) Sec. 19.01 Oaths and Bonds
  - (6) Sec. 19.21 Custody and Delivery of Official Property and Records
  - (7) Sec. 19.81-19.89 Open Meetings of Governmental Bodies
  - (8) Sec. 19.59 Codes of Ethics for Local Government Officials, Employees and Candidates.
- (B) Public officials and public employees shall comply with the sections of the Wisconsin Statutes incorporated in this Code and failure to do so shall constitute a breach of this Ordinance.

## **Section 2.46 Use of Town Property.**

No public official or public 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 public official or public employee in the conduct of official business, as authorized by the Town Board or authorized board, commission or committee.

## **Section 2.47 Advisory Opinions**

Any questions as to the interpretation of any provisions of this Code of Ethics 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.

## **Section 2.48 Complaint Procedure**

- (A) The Town Attorney shall accept a verified written complaint from any person which states the name of the public official or public employee alleged to have committed a violation of this Code and sets forth the material facts involved in the allegation. Within 10 days the Town Attorney shall forward a copy of the complaint to the accused public official or public employee and to each member of the Town Board.
- (B) If the Town Board finds reasonable suspicion to investigate the allegations of the complaint, the Town Board may direct the Town Attorney to conduct a preliminary investigation with respect to the alleged violation or the Town Board may conduct its own investigation of the alleged violation after the accused public official or public employee has been notified in writing of the exact nature and purpose of the investigations and the specific actions or activities to be investigated.
- (C) If, after investigation, the Town Board finds that probable cause exists for believing the allegations of the complaint, the Town Board may:
  - (1) Request the public official or public employee conform his or her conduct to the Ethics Code.
  - (2) Discipline, suspend or terminate any public employee.
  - (3) Issue a censure or public reprimand to the public official or public employee.



- (4) Refer the matter to the Columbia County District Attorney to commence enforcement proceedings consistent with Wis. Stat. § 19.59.

*History Note: Amended 04/10/08*