

30.03 Definitions.

(d) “Immediate family” means an individual’s spouse; and 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.

(p) “Town Employee” means any individual who is not a Town official and who holds an office or position in the service of the Town. This would exclude independent contractors and providers of outside services to the town.

30.08 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 they may be amended from time to time, are made a part of this code of ethics and shall apply to public officers and public employees whenever applicable, to-wit:

- (a) Sec 19.59 – Codes of Ethics for Local Government Officials, Employees and Candidates.
- (b) Sec. 946.10 – Bribery of Public Officials and Employees
- (c) Sec. 946.11 – Special Privileges from Public Utilities
- (d) Sec. 946.12 – Misconduct in Public Office
- (e) Sec. 946.13 – Private Interest in Public Contract Prohibited

30.09 Conduct Regulated

(a) General

No Town official or employee shall engage in any act that is violative of any State Statute. Sanctions are not imposed for non-criminal traffic offenses.

(b) Use of information gained in course of official duties

No Town official or employee may intentionally use or disclose information gained in the course of or by reason of her or his official position or activities in any way that could result in the receipt of anything of value for herself or himself, for a member of her or his immediate family, or for any other legal entity if the information has not been communicated to the public or is not a public record.

(c) Ethical campaign practices

1. As used herein, “candidate” means any person to whom anyone or more of the following applies:

- (a) Any person who receives contributions or makes expenditures with a view to bringing about his or her election to, or retention in, public office.
- (b) Any person who appoints a treasurer and designates a primary depository.
- (c) Any person who files qualification papers and subscribes to a candidate both as required by law.

2. Town Ethics Board

The Town Ethics Board shall have jurisdiction over the ethical campaign practices. The Town Ethics Board shall be empowered to review, interpret, render advisory opinions

and letters of instruction and enforce the mandatory fair campaign practices provided in subsections (b) and (c).

3. Mandatory fair campaign practices

Prohibitions: a candidate and his or her campaign staff for any municipal elective office within the Town of Randall, except municipal judge, shall not:

(a) With actual malice make or cause to be made any untrue oral statement about another candidate or a member of his or her family or staff which eposes said person to hatred or contempt or ridicule or causes said person to be shunned or avoided, or injured in his or her business or occupation; or

(b) With actual malice publish or cause to be published by writing, printing, picture, effigy, sign or otherwise than by mere speech any untrue statement about another candidate or a member of his or her family or staff which exposes said person to hatred, contempt, or ridicule or causes said person to be shunned or avoided, or injured in his or her business or occupation or campaign; or

(c) Willfully injure, deface or damage or cause to be injured, defaced, or damaged by any means any campaign poster, sign, leaflet, handbill, literature or other campaign material of another candidate or campaign; or

(d) Knowingly obtain, or cause to be obtained the campaign property of another candidate with the intent to, temporarily or permanently, deprived the candidate of her right to the property or a benefit therefrom; or

(e) Knowingly file with the Ethics Board a groundless or frivolous complaint against another candidate.

(d) Impermissible use of public office

No Town official or Town employee shall use or attempt to use his or her public privileges personally or for others.

(e) Representation before town entities

1. No elected official shall appear on behalf of private interests, with or without compensation, before any Town entity nor represent private interest in any action or proceeding against the Town. No citizen member of any administrative agency shall appear on behalf of private interest, with or without compensation, before the administrative agency in which she or he is a member nor represent private interest in any action or proceeding against the town that it involves, is related to or arises out of the work or jurisdiction of the administrative agency of which she or he is a member nor negotiate with any other Town official or employee connection with any such matter. No Town employee shall appear on behalf of private interest, with or without compensation for any entity for which the employee works or appear on behalf of private interest with or without compensation in any action or proceeding against the town. This immediately preceding sentence does not apply to matters involving collective bargaining representation.

This section shall not apply:

- (i) In a contested case that involves a party other than the town with interests adverse to those represented by the public official or employee; or
- (ii) At an open hearing before a body other than that which involves the elective official, citizen member of the administrative agency, or Town employee, at which a stenographic or tape record is maintained; or
- (iii) In a matter that involves only ministerial action by a committee or commission; or
- (iv) To representation or action by the individual and his or her official capacity.

2. No elected official Town employee, or citizen member of an administrative body shall accept employment as an expert witness to any proceeding at first to the Town's interests.

3. This section shall not be construed to limit in any fashion whatsoever and elected officials business or professional partners or associates right to practice or appear before a Town entity, provided, however, the official citizen member or employee involved does not participate in any vote or in the decision making process of the matter at issue.

4. Nothing in this section shall be construed to prohibit an individual from representing herself or himself before any town entity, including the one of which he or she is a member.

5. Nothing in this section so be construed to prohibit an individual from representing herself or himself or appearing before any judicial or quasi-judicial proceeding in response to a subpoena or is required by law on connection with the investigation by governmental bodies of potential criminal activities.

6. No person, including any Town official or Town employee, shall knowingly make any oral false statements under oath or before any Town Board, commission, committee, or body of any type that the person does not believe to be true in any matter, cause, action, or proceeding. It is not a defense to a prosecution under this ordinance that the false statement was later corrected or retracted by that person.

7. No person, including any Town official or Town employee, shall intentionally take and carry away, use, transfer, convey, or retain possession of property of the town without consent of the town board or its designated agent, with intent to deprive the town permanently of such property.

(f) Role of supervisors in legislative and administrative matters.

Any supervisor may, at any time, or on any matter, regardless of whether the supervisor serves on the committee with oversight on the matter, move for separation, postpone, personally inspect, seek more information, voice an opinion, vote for or against, a request of another supervisor that any of the above be performed, whether in person or through any form of public information media, and any subject that lawfully may come to the full town board or any standing committee thereof. Such actions lie within the normal and responsible political review process of a town board supervisor, whether at the behest of his constituents or at his own discretion, absent a showing of violation of State Statute.

(g) Receipt of fees and expenses.

1. Town officials, employees and citizen member shall not receive and retain anything of value unless the activity or occasion on or for which it is given did not arise from his or her use of the town's time, information, facilities, equipment, services or supplies not generally available to all residents of the Town, and he or she can show by a preponderance of evidence, if requested by the Town Board, employees supervisor, or administrative body involved, that the receipt of the thing of value did not arise from recipients holding or having held her or his position and was paid for a purpose unrelated to legislation, policies or issues being considered by or affecting the Town. Such persons may accept and retain from persons or entities other than the Town, the cost of reimbursement of actual and reasonable expenses related to speaking engagements, whether or not the same arise from their Town roles or promises.

2. Town officials, employees and citizen members may accept and retain anything of value, which consists of transportation, lodging, meals, food or beverage, or reimbursement thereof, if the official, employee or citizen member can show by a preponderance of evidence, if requested by the Town Board, employees supervisor, or administrative body involved, that the same was incurred or received primarily for the benefit of the town, and not primarily for his or her private benefit or that of any other person. It is prima facie evidence that the acceptance of anything of value consisting of the enumerated items or services is primarily for the benefit of the Town:

- a. When received by an official, employee or citizen member in connection with a speech, or other presentation related to town business being given by the Town official, employee or citizen member; or
- b. When received by an official, employee or citizen member attending a governmental-related function, with the same or similar items or services are provided free of direct charge to all attendees; or
- c. When received by an official, employee or citizen member in a situation where the Town would have to assume the costs of the item or service is not otherwise provided.

30.16 Complaints

The Town Ethics Board shall accept from any person, a verified complaint filed in compliance with the Town Board's policies and procedures. Members of the Town Ethics Board may make complaint to the Town Ethics Board, but shall recuse themselves from participation in consideration of the complaint. The Town Ethics Board shall review any complaint filed with it. The complaint shall state the name of the covered person alleged to have committed a violation of the code of ethical standard and shall set forth the particulars thereof. The Town Ethics Board shall forward within ten (10) days, a copy of the complaint to the covered person who was accused. The Town Ethics Board shall make all reasonable efforts to take action on the complaint within sixty (60) days after forwarding the complaint to the covered person who was accused.

30.17 Town Ethics Board

(a) Organization, compensation and operation of the Town Ethics Board

1. There is created a Town Ethics Board of five (5) members who are residents of the Town and shall serve without compensation unless the Town Board otherwise provides. Members of the Town Ethics Board shall not be an elected official or persons appointed to elective office, full-time appointed Town officials, or Town employees, nor shall they

be currently serving on any other Town Board, committee or commission, or any other Town body. Members of the Town Ethics Board shall not be immediate family members of an elected official or persons appointed to elective office, full-time appointed town officials, or Town employees. Town Ethics Board members shall be selected by the Town Chairperson and submitted to the Town Board for confirmation by the Town Board. Terms of office shall be three (3) years. The members of the Town Ethics Board shall select their own chairperson. A vacancy shall be filled within one (1) month.

2. The Town attorney, subject to Town Board approval, shall furnish the Ethics Board whatever legal assistance is necessary to carry out its functions, and the Town Clerk shall furnish the Town Ethics Board with whatever assistance it requires.

3. All members of the Town Ethics Board shall file a statement of economic interest with the Town Board and Town Clerk.

4. Any action by the Town Ethics Board requires the affirmative majority vote of those members voting.

5. No later than February 15 of each year, the Town Ethics Board shall submit a report to the Town Board concerning its actions in the preceding year. The report shall contain a summary of its determinations and advisory opinions. The Town Ethics Board shall make sufficient alterations in the summaries, to prevent disclosing the identities of individuals or organizations involved in the decision or opinions. The Town Ethics Board shall make any additional reports on matters within its jurisdiction and recommendations for further legislation, as it deems desirable.

(b) Power and duties of the Ethics Board and Town Clerk

1. The Town Clerk shall do all of the following:

a. Act as legal custodian, and accept and file any information related to the purposes of this ordinance that is voluntarily supplied by any person, in addition to the information required by this ordinance.

b. Preserve statements of economic interest filed with it pursuant to applicable statutory and Town ordinance provisions.

c. Make statements of economic interest filed with the Town Ethics Board available for public inspection and copying during office hours and make copying facilities available at a charge not to exceed actual cost.

2. Duties of the Ethics Board

a. The Ethics Board may adopt and develop written rules, which shall be submitted to the Town Board for approval. A copy of such rules shall be filed with the Town Clerk. The Ethics Board shall select members to serve as a Chairperson and Vice-Chairperson. The Ethics Board shall also select a Secretary who need not be a member.

b. The Ethics Board will review all initial and all annual disclosure of interest statements and notify the town clerk of any potential conflicts of interest.

c. Any covered person may apply to the Ethics Board for an advisory opinion and shall be guided by the opinion rendered. Such person shall have the opportunity to present his or her interpretation of the facts at issue and of the applicability of provisions of the code before the advisory opinion is rendered. The Ethics Board's deliberations and action upon such application shall be in meetings not open to the public. Records of the Ethics Board's opinions, opinion requests and investigations used to render opinions shall be

close to public inspection. The Ethics Board, however, may choose to make such records public but only with the consent of the individual requesting the advisory opinion.

d. Following the receipt of a complaint or complaint on its own motion, the Ethics Board shall conduct a review to determine if a hearing is warranted. No investigation of the activities of any covered person may be initiated unless such covered person is notified in writing. The notice shall state the exact nature and purpose of the investigation, the individual's specific actions or activities to be investigated, and a statement of such person's due process rights including but not limited to the right to appear before the ethics board to fairly, but concisely, respond to the results of the investigation.

e. If, after such review and/or investigation, the Ethics Board finds that probable cause exists for believing the allegations of the complaint, it shall conduct a hearing on the matter which shall be held not more than thirty (30) days after such finding. The Ethics Board shall give the accused at least 20 days' notice of the hearing date. Such hearings shall be at open session unless the accused petitions for a hearing closed to the public and such closed hearing is allowed by law. All evidence, including certified copies of records and documents, which the Ethics Board considers, shall be fully offered and made part of the record in the case. Every party shall be afforded adequate opportunity to rebut or offer countervailing evidence.

f. During all stages of any investigation nor proceeding conducted under this section, the accused or any person whose activities are under investigation may be represented by counsel of his or her choosing.

g. During the hearing, the accused or his or her representative, shall have an adequate opportunity to examine all documents and records to be used at the hearing under this code, to bring witnesses, to establish all pertinent facts and circumstances, and to question or refute any testimony or evidence, including opportunity to confront and cross-examine adverse witnesses.

h. The Ethics Board shall have the power to compel the attendance of witnesses and to issue subpoenas granted under ethics boards and commissions under section 885.01(3) of the Wisconsin Statutes.

i. Upon conclusion of the hearing, the Ethics Board shall file within thirty (30) days its written decision with the complainant, the covered person and the Town Clerk. The decision shall be signed by all participating Ethics Board members and shall include findings of fact and conclusions of law concerning the propriety of the conduct of the covered person. If appropriate, the Ethics Board will refer the matter to a proper authority for its consideration.

j. The affirmative vote of those Ethics Board members voting shall be required for any action taken by the Ethics Board.

30.18 Procedure before the Town Board

(a) The person or persons filing the ethics complaint, the individual affected by the complaint, or any person adversely affected by the findings of fact and conclusions of law of the Ethics Board, may appeal the matter to the Town Board based upon a claim to lack of jurisdiction, claims of findings of fact contrary to the evidence, claims that the conclusions of the law of the Ethics Board are erroneous, claims of abuse of discretion or conflict or interest by the Ethics Board, or other legal contentions and claims justifying reversal and/or modification of the findings of fact and/or conclusions of law of the

Ethics Board. The Town Board shall make a review upon the record submitted to the Ethics Board, but may review conclusions of law of the Ethics Board de novo. The Town Board may also remand the matter to the Ethics Board for further proceedings, and the town board's discretion for purposes of supplementation of the record for reconsideration of the findings of fact or conclusions of law.

(b) The Town Board may dismiss the charges, reprimand, discipline, or discharge a Town employee, or censure, suspend, or remove a Town official from office, subject to sections 9.10 and 17.13, Wis. Stats. Town Board action shall be by majority vote. Failure of an official to file a statement of economic interest required may constitute grounds for removal from office.

© Town funds may be used to reimburse individuals for reasonable legal expenses incurred in their successful defense of charges filed against them with the Town Ethics Board or of charges filed with the Town Ethics Board by the Town Ethics Board.

30.22 Manner of Presenting Opinions

(a) An official position of the town board may only be advanced in the following manner:

(1) the position being advanced is one that has been approved by the Town Board, or by a committee acting for the Town Board;

(2) the position is presented by a Town Board member or designee, which Town Board member or designee is specifically authorized to present the position; and

(3) whose Town Board member or designee's title is disclosed to or who known by the legislative body.

(b) A Town Board member expressing an opinion before legislative body or submitted for publication, about matters affecting the town or under the jurisdiction of the town board, which expression is in a manner other than as required subsection (a), shall include a disclaimer. The disclaimer shall be substantially in the following form: "This position is not the official position of the town of Randall. It is the personal position of the speaker (or author, as appropriate.) If the position is presented in writing, the disclaimer shall also be in writing and shall appear boxed on the first page of the document. If a verbal position is taken, the disclaimer must precede the discussion.

30.23 Messages in Tax Bills

No Town official shall insert or cause to be inserted in any tax bill intended to be sent to any Town taxpayer any message or information whatsoever other than:

(a) information mandated by the Wisconsin Department of Revenue;

(b) information which is required under state law;

(c) a chart indicating the average distribution of taxes among jurisdictions in the town and a listing prepared by the controller of major Town department expenditures and revenues in the Town budget; and

(d) other information approved by the Town Board.

30.24 Sanctions

In addition to the sanctions available under this ordinance, any Town official or Town employee violating the provisions of this section shall be subject to a non-reimbursable forfeiture of not less than One Hundred Dollars (\$100) nor more than One Thousand Dollars (\$1000). The Town attorney, when requested by the Town Board, shall institute

proceedings to prove and recover any forfeiture incurred under this section or any other section of this ordinance in the Municipal Court of the Town of Randall. The Town Board may seek injunctive relief from a court of record to enjoin further violations. All forfeitures should be paid to the Town Treasurer.