

ORDINANCE CHAPTER 30

AN ORDINANCE REPEALING AND RECREATING CHAPTER 30 OF THE MUNICIPAL CODE OF THE TOWN OF RANDALL, KENOSHA COUNTY, WISCONSIN

The Town Board of Randall, Kenosha County, Wisconsin does ordain as follows:

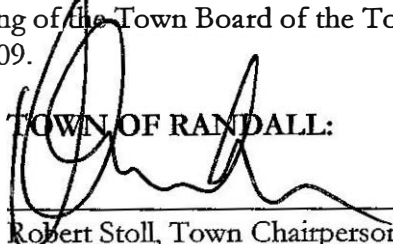
SECTION 1: Chapter 30 of the Municipal Code is hereby ~~repealed~~ ^{amended} and recreated to read as set forth in EXHIBIT A attached hereto and incorporated by reference.

SECTION 2: EFFECTIVE DATE. This ordinance shall take effect upon passage and posting or publication as provided by law.

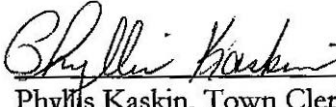
The foregoing was adopted at a regular meeting of the Town Board of the Town of Randall, Kenosha County, Wisconsin, this 25th day of June, 2009.

TOWN OF RANDALL:

By:


Robert Stoll, Town Chairperson

By:


Phyllis Kaskin, Town Clerk

CHAPTER 30

TOWN OF RANDALL ETHICS ORDINANCE

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30.01 TITLE/PURPOSE.

The title of this ordinance is the Town of Randall Ethics Ordinance.

The purpose of this ordinance is to regulate, limit, and control certain administrative actions of Town of Randall officials and employees in the Town of Randall, including any unethical actions of those officials and employees, as determined under this Ordinance.

30.02 AUTHORITY.

The Town Board, by this Ordinance, adopted pursuant to s. 19.59, Wis Stats. on proper notice with a quorum and roll call vote by a majority of the Town Board present and voting, provides the authority for the Town to regulate, permit, or limit certain acts of certain Town officials and Town employees in the Town.

30.03 DEFINITIONS.

In this Ordinance:

- (a) **"Anything of value"** means any money or property, favor, service, payment, advance, forbearance, loan, or promise of future employment to a Town official or employee, but does not include compensation and expenses paid by the Town, fees and expenses that are permitted and political contributions that are reported under chapter 11, Wis. Stats., or money or hospitality extended for a purpose unrelated to Town business by a person or an organization.
- (b) **"Associated,"** when used with reference to an organization, includes any organization in which an individual or 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% of the outstanding-equity or of which an individual or a member of his or her immediate family is an authorized representative or agent.
- (c) **"Gift,"** means the payment or receipt of anything of value without valuable consideration.
- (d) **"Immediate family,"** means parents, grandparents, children, grandchildren, brothers, sisters, parents-in-law, grandparents-in-law, brothers in-law, sisters-in-law, uncles, aunts, nephews, nieces, spouses, fiancés or fiancées.
- (e) **"Income,"** has the meaning given under Section 61 of the Federal Internal Revenue Code.
- (f) **"Internal Revenue Code,"** has the meaning given under s. 71.01(6), Wis. Stats.

- (g) **“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.
- (h) **“Nominal value,”** means having negligible, inconsequential, or slight value and not any substantial value. Examples include pens, caps, date books, calendars, or key chains having a value of less than \$25.00.
- (i) **“Organization,”** means any corporation, partnership, proprietorship, firm, enterprise, franchise, association, trust, or other legal entity other than an individual or body politic.
- (j) **“Security,”** means any of the following:
1. A stock.
 2. A treasury stock.
 3. A note.
 4. A bond.
 5. A debenture.
 6. An evidence of indebtedness.
 7. A share of beneficial interest in a business interest.
 8. A certificate of interest or participation in any profit sharing agreement.
 9. A collateral trust certificate.
 10. A preorganization subscription.
 11. A transferable share.
 12. An investment contract.
 13. A commodity futures contract.
 14. A voting trust certificate.
 15. Certificates of deposit for a security.
 16. A limited partnership interest.
 17. A certificate of interest or participation in an oil, gas, or mining title or lease or in payments out of production under such a title or lease.
 18. In general, any interest or instrument commonly known as having the incidents of a security or offered in the manner in which securities are offered; or any certificate of interest or participation in, temporary or interim

certificate for, receipt for, guarantee of or option, warrant, or right to subscribe to our purchase or sell, any of the foregoing.

- (k) **“Security” does include** a certificate of deposit in a bank, savings and loan association, savings bank, credit union, or similar association organized under the laws of any state or the federal government.
- (l) **“Substantial value”** means having more than nominal or inconsequential value or having merchantable value. Any item or service with a value of \$25.00 or more is presumed to have substantial and not nominal or inconsequential value.
- (m) **“Town”** means the Town of Randall, Kenosha County, Wisconsin.
- (n) **“Town Board”** means the board of supervisors for the Town of Randall, Kenosha County, Wisconsin and includes designees of the Town Board authorized to act for the Town Board.
- (o) **“Town Clerk”** means the clerk of the Town of Randall, Kenosha County, Wisconsin.
- (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, not including an office or position subject to the jurisdiction of the volunteer Town fire department or enforcement officer. The definition of a Town employee includes only persons who received compensation subject to withholding. This would exclude independent contractors and providers of outside services to the town.
- (q) **“Town official”** means any individual holding any of the following:
 - 1. A Town elective office other than a municipal judge.
 - 2. An appointive Town office or position 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. An appointive Town office or position that 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.
- (r) **“Town Ethics Board”** means the Town Ethics Board of the Town of Randall.

(s) “Wis. Stats.” means the Wisconsin Statutes, including successor provisions to cited statutes.

30.04 APPLICATION OF ORDINANCE.

This Ordinance shall apply to all Town officials and Town employees.

30.05 ADMINISTRATION.

The Randall Town Ethics Board shall be the administrative body with respect to the enforcement of the provisions of this ordinance. The Town Ethics Board may call upon the Town Board for staff assistance as the need arises. The Town attorney shall provide such legal assistance, as the Town Ethics Board requires.

30.06 CERTAIN TOWN TRANSACTIONS PROHIBITED.

The Town shall not have or seek to have a business or financial relationship with a Town official which would potentially place the official in violation of any provision of this Ordinance. It shall be the duty of the Town Chair, or committee or commission chair, overseeing negotiations and requests for bids or proposals or other proposed transactions to assure compliance with this section.

30.07 STATEMENT OF POLICY.

(a) The proper operation of democratic government requires that Town officials and employees be independent, impartial and responsible to the people; that government decisions and policy be made in the 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 a code of ethics for all Town of Randall officials and employees. The purpose of this code is to establish guidelines for ethical standards of conduct for all such officials and employees, to set forth those acts or actions that conflict with the best interests of the Town and conflict with or are incompatible with the proper discharge of duties and required independence of judgment, and to direct disclosure by Town officials and managerial employees of substantial financial interests in matters affecting the Town. The provisions and purpose of this code and such rules and regulations as may be established are hereby declared to be in the best interests of the Town of Randall.

- (b) The Town Board hereby reaffirms that each Town official and employee holds his or her position as a public trust, and any intentional effort to realize personal gain through official conduct is a violation of that trust.
- (c) The various provisions of this section constitute only the preamble of the Ethics Code, establishing the Town Ethics Board's underlying purpose in formulating the provisions that follow but do not, standing alone, constitute the basis for any substantive finding of a violation of the code.

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. 946.10 – Bribery of Public Officials 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

30.09 RESPONSIBILITY OF PUBLIC OFFICE.

Town 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 to carry out impartially the laws of the nation, state and town. They are bound to discharge faithfully the duties of their office regardless of personal considerations, recognizing that the public interest must be their primary concern. Town officials and employee shall adhere to the rules of work and performance established as the standard for their positions by the appropriate authority. They shall not exceed their authority or breach the law or ask others to do so, and shall work in full cooperation with others unless prohibited from so doing by law or by officially recognized confidentiality of their work.

30.10 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 any one or more of the following applies:

(a) Any person who receives contributions or makes expenditures, or gives his or her consent for any other person to receive contributions or make 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's oath 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, within the Town of Randall 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 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

- (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, deprive the candidate of a 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 office or employment to influence or gain unlawful benefits, advantages or 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 interests 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 in 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 adverse to the Town's interest.
 3. This section shall not be construed to limit in any fashion whatsoever an elected official's business or professional partner's or associate's 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 shall 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 in 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, on any matter, regardless of whether the supervisor serves on a committee with oversight on the matter, move for separation, postpone, personally inspect, seek more information, voice an opinion, vote for or against, or request of another supervisor that any of the above be performed, whether in person or through any form of public information media, on 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 & EXPENSES.

1. Town officials, employees and citizen members 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, employee's supervisor, or administrative body involved, that the receipt of the thing of value did not arise from the recipient's 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 therefore, if the official, employee or citizen member can show by a preponderance of evidence, if requested by the Town Board, employee's 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, where 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 if not otherwise provided.

(h) DEPOSIT AND REPORT OF CERTAIN RECEIPTS.

1. If a Town official or employee receives anything of value in connection with their employment or services for Town, she or he shall either return the item to the payer or giver or, in the alternative, shall deposit with the Town Treasurer, a sum of money equivalent to the fair market value of the item or service.
2. Whenever a Town official or employee receives anything of value, in connection with their employment or service for the Town, or has any fee or expense waived or reduced by a person or entity other than the Town in connection with his or her official duties, he or she shall, within ten (10) days

of the occurrence, file a report with the Town Clerk or forms provided by the clerk showing:

- a. The name, address and telephone number of the payer or giver;
- b. A summary of the activity or service provided giving rise to the receipt and a close approximation of the time spent in the activity or service;
- c. The date of the activity or service and the date of the receipt of the thing of value; and
- d. An accounting of the amounts received, waived or reduced, the purposes of the amounts, the disposition thereof, whether retained, deposited or returned and the date of the disposition.

(i) DISCLOSURE BY TOWN OFFICIALS.

A Town official who has a substantial financial interest or is likely to have in a matter pending before a town body or town official shall disclose the nature of the interest. The disclosure shall be made on the record before the body, or if there is no formal record, in writing to the body.

30.11 STATEMENTS OF ECONOMIC INTEREST

All Town officials shall file a disclosure statement

FORM OF STATEMENT.

- (a) The disclosure statement shall be verified by the official signing it and shall be made on a form developed by the Ethics Board.
- (b) Officials required to file disclosure statements shall provide the following information, which shall be placed on the form:
 1. The identity of every organization, having a contractual agreement with the Town of Randall, with which the person affiliated or associated or was associated within the preceding twelve (12) months and the nature of his or her association with the organization. No identification need be made of any organization of a social, religious or political nature that is no organized for the purpose of supporting a profit-making venture or profession.
 2. The identity of every organization in which the official owns or owned within the preceding twelve months, directly or indirectly, securities having a value of \$5,000 or more, and an identification of the nature of such securities.

No identification need be made of any organization not doing business with the Town or of a security or issuer of a security when it is issued by any organization not doing business in this Town, or by any government, or instrumentality or agents thereof, or an authority or public corporation created and regulated by an act of such government, other than the State of Wisconsin, its instrumentalities, agencies and political subdivisions or authorities or public corporations created and regulated by an act of legislature of this state.

3. The name of any creditor who does business with the Town, except a bank, savings and loan association, mortgage lender, credit card company, consumer lender or other commercial lending institution, to whom the official severally or in the aggregate, owes \$5,000 or more.
4. The real property located in this Town or any real property which is contiguous to the borders of this Town in which the official holds any ownership interest, other than the principal residence of the official, and the nature of the interest held. An ownership interest in real property does not include a prorata share of interests in real property if the official's share is less than 10% of the outstanding shares, or is less than an equity value of \$5,000.
5. Gross income of \$1,000 or more within the year preceding execution of this form (including, without limitation, salary, wages, fees, or rents), from any single source that has either ever done business with the Town of Randall, is currently an official of the Town of Randall, or is an employee of the Town of Randall. The form shall identify the person and general nature of the business for which the income was received.
6. Any gift or gifts of total value exceeding \$50.00, received directly or indirectly, from any business, organization, or person other than a relative (parent, child, grandchild, brother, sister, spouse, grandparent, uncle, aunt, niece, nephew, fiancé) and other than from a business partner, and the identity of such donor. Note: a gift is anything of value, including services, for which you did not give fair exchange. A gift which is not received by virtue of your office or employment with the Town need not be disclosed.

30.12 FILING DATES FOR STATEMENT

- (a) Candidates for elected office shall file a disclosure statement not more than fourteen (14) days after the deadline for filing their respective nomination papers.
- (b) Persons affected by this ordinance shall file a disclosure statement by the date of assuming office.
- (c) Town officials appointed to administrative agencies shall file a disclosure statement no later than the first meeting of the administrative agency or within thirty (30) days of confirmation by the Town Board, whichever comes first. Such statements shall expire as of April 30 of even numbered years, unless the statement was filed within the sixty (60) day period prior to the scheduled expiration date.
- (d) In March of even numbered years, the Town Clerk shall cause a notice to be sent to all officials having a disclosure statement on file, notifying them that updated statements are to be filed.
- (e) The Town Clerk shall notify candidates for elected office of the provisions of this ordinance at the time that nomination papers are filed.

30.13 PLACE OF FILING.

All disclosure statements shall be filed in the office of the Town Clerk.

30.14 PENALTY FOR FAILURE TO TIMELY FILE.

- (a) Any paid Town employee or paid Town official who fails to timely file statements of economic interests shall forfeit - \$100.00 for each violation. Unpaid Town volunteers failing to timely file statements of economic interest, shall be suspended from service on boards or committees until in compliance with filing requirements.
- (b) In addition to the initial violation, each subsequent thirty (30) day period after expiration of the initial thirty (30) day period during which a required filing is not made, shall constitute a separate violation.
- (c) Any officials or employee subject to a penalty under subsections 30.11 or 30.12 of this section shall first be given a notice by the Town Clerk that the required filing has not been made. Such notice shall be sent by certified mail, return receipt requested, to the incumbent's last known address and shall allow the official or employee, within the thirty (30) day period from date of receipt, an opportunity to meet the requirements of this ordinance without penalty. Within such thirty (30) day time period, the official or employee may, in lieu of filing a statement, request a

hearing before the town Ethics Board to determine whether a statement is required from him or her. In addition to notification, any violations of subsections 30.11 or 30.12 shall be referred to the Town Ethics Board for action by it, in accordance with this Ordinance.

30.15 FALSE INFORMATION.

It shall be unlawful and a violation of this Ordinance, for any person to file a disclosure statement in which the person knowingly omits or misstates required information in any manner whatsoever. There shall be imposed a forfeiture of \$100.00 for any such violation.

30.16 COMPLAINTS.

The Town Ethics Board shall accept from any person, a verified complaint filed in compliance with the Town Ethics Board's Policies and Procedures. Members of the Town Ethics Board may make a 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 Standards 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 is accused. If no action on the complaint is taken by the Town Ethics Board within sixty (60) days, the complaint shall be void.

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, fulltime 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 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. The Town Attorney or retained special counsel shall investigate and prosecute, as appropriate, any ethics complaint.
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, except an action relating to procedure of the Town Ethics Board, requires the affirmative majority vote of members.
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 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 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 applications 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 closed 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 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 twenty (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. The rules of criminal evidence shall apply to such hearings. 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 or proceeding conducted under this Section, the accused or any person whose activities are under investigation shall be entitled to be represented by counsel or his or her own choosing.
- g. 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 at a reasonable time before the date of the hearing as well as during the hearing, 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 other 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 five (5) days its written decision with the complainant, the covered person and the Town Clerk. The decision shall be signed by all participating 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 the Town Board, or other proper authority, for its consideration.

- j. The affirmative vote of the Ethics Board shall be required for any action taken by the Ethics Board, with the exception that action taken by the Ethics Board pursuant to a hearing conducted under this Code shall require a unanimous vote of all of those voting.

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 claimed lack of jurisdiction, claims of findings of fact contrary to the evidence, claims that the conclusions of law of the Ethics Board are erroneous, claims of abuse of discretion or conflict of 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 records 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, in 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.
- (c) Town funds shall 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.

30.19 BURDEN OF PROOF

The burden of proof in any proceeding brought under this Ordinance shall rest with the complainant.

30.20 REVIEW OF TOWN ETHICS BOARD DECISION

Upon submissions of findings of fact and conclusions of law to the Town Board by the Ethics Board, the Town Board shall upon such findings of fact and conclusions of law, unless reversed, modified, or remanded, confirm the decision of the Ethics Board, determine sanctions to be imposed or pursued, and refer the matter to enforcement authority or the Town Attorney for prosecution as appropriate. The final decision of the Town with respect to the imposition of sanctions and/or the pursuit of additional legal remedies shall be vested in the Town Board based upon the records and proceedings of the Ethics Board.

30.21 PUBLIC INSPECTION OF RECORDS.

- (a) Any candidate for Town elective office who is not elected shall have his or her disclosure statement destroyed, but no less than one year after the election, provided that no such statement shall be destroyed during the pendency of any recount or other challenge to the election.
- (b) Any elected or appointed official who leaves office shall have his or her disclosure statement destroyed, but not less than one year after he or she leaves office.

30.22 LOBBYING REGULATED.

The Town Board by statute has the authority to grant the Town Chairman the right to appear before legislative bodies.

- (a) Unless the position being advanced before a legislative body is one that has been approved by the Town Board, or by a committee acting for the Town Board or by a committee acting for the Town Board and is represented by a Town Board member or designee, whose Town position or office is disclosed to or known by the legislative body a Town official or member of a Town administrative body shall first make either a written or oral disclaimer to the legislative body.
- (b) 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.
- (c) 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.]" This disclaimer notice shall also appear in OP-EDs and Letters To The Editor that are not officially representative and sanctioned by the Town Board.

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 nonreimbursable forfeiture or not less than One Hundred Dollars (\$100) nor more than One Thousand Dollars (\$1,000). 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.

30.25 SEVERABILITY.

The provisions of this Ordinance are severable. If any provision of this Ordinance is held to be invalid or unconstitutional or if the application of any provision of this Ordinance to any person or circumstance is held to be invalid or unconstitutional, such holding shall not affect the other provisions or applications of this Ordinance which can be given effect without the invalid or unconstitutional provisions or applications. It is hereby declared to be the intent of the Town Board that this Ordinance would have been adopted – had any invalid or unconstitutional provisions or applications not been included herein.

END OF ORDINANCE