

GENERAL CODE OF ORDINANCE

CHAPTER 2 – TOWN BOARD RESPONSIBILITIES

- 2.01 Title/Purpose/Definitions
- 2.02 Authority
- 2.03 Adoption of Ordinance
- 2.04 Meeting of Town Board
- 2.05 Annual and Special Town Meeting
- 2.06 Open Meeting
- 2.07 Code of Ethics

2.01 TITLE/PURPOSE/DEFINITIONS. This Ordinance is entitled the "Town of Cooperstown Town Board/Meeting Ordinance." The purpose of this ordinance is to provide a general guideline for the operation of the Town of Cooperstown according to the powers given to towns by the Wisconsin Statutes.

2.02 AUTHORITY. The Town Board of the Town of Cooperstown and the regular and special Town meetings of the residents of the Town of Cooperstown have the statutory authority, powers and duties pursuant to Chapter 60 Wisconsin Statutes to manage and direct certain affairs of the Town of Cooperstown. In addition, the Town Board has additional general and specific statutory authority, powers and duties established beyond Chapter 60 Wisconsin Statutes. The Town Board also has specific authority, powers and duties pursuant to Chapter 19 Wisconsin Statutes to manage and direct certain affairs related to public records/property.

2.03 ADOPTION OF ORDINANCE. The Town Board of the Town of Cooperstown has, by adoption of this Ordinance, confirmed the specific statutory authority, powers and duties noted above and has established the powers and duties established in Chapter 60 Wisconsin Statutes and of the regular and special Town meetings of the residents of the Town of Cooperstown.

2.04 MEETING OF TOWN BOARD. A meeting of the Town Board of the Town of Cooperstown shall be held subject to the open meeting provisions of Subchapter V of Chapter 19 Wisconsin Statutes.

A. Town Board Meeting Rules of Procedures.

1. Regular Meeting of Town Board. The regular meeting of the Town Board of the Town of Cooperstown will be held at the Town hall, 11626 Hwy Z, Maribel, WI, at 7:00 P.M. on the second Tuesday of each month (if a conflict exists with this date or time, proper notice shall be made as to the change of meeting date). 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 Chair or his/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 and on the website (see Section 2.06 D. Posting & Publishing Notices). This notice shall occur at least three (3) days prior to the meeting of the Town Board, unless in an emergency,

GENERAL CODE OF ORDINANCE

CHAPTER 2 – TOWN BOARD RESPONSIBILITIES

wherein the proper notice posting shall occur at least two (2) hours prior to the meeting of the Town Board.

2. Special Meeting of the Town Board. Any special meeting of the Town Board may be called by any three (3) members of the Town Board or the Chairman. 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 business that may come before the Town Board if such regular Town business was so noted in the written notice to the public as required by the state open meeting law Section 19.83 Wisconsin Statutes or by Town Ordinance regulations.

3. Adjourned Meeting of the Town Board. The Town Board may, by majority vote; adjourn any special meeting of the Town Board from time to time to a specific date and hour. The adjournment to the specific time and place will be in compliance with the open meeting law or regulated by Town Ordinance.

4. Order and Conduct at Town Board Meeting. The regular business order agenda for the Town of Cooperstown should be:

- a. Call to Order, Roll Call
- b. Pledge of Allegiance
- c. Approval of agenda
- d. Consent agenda
 1. Minutes of Previous Meetings
 2. Procedural motions
- e. Reports of Town Officers
 1. (List and Describe Each Individual Subject)
- f. Public Input
- g. Unfinished Business
 1. (List and Describe Each Individual Subject)
- h. New business/Public Hearings and action if needed
 1. (List and Describe Each Individual Subject)
- i. Ordinances, Resolutions and Agreements
 1. (List and Describe Each Individual Subject)
- j. Procedural motions by members of the town board
- k. Correspondence/future discussion, no action
- l. Future Meeting Agenda
- m. Adjournment

5. Quorum at Roll Call of Meeting. If no legal quorum is present at the time of the initial roll call, the meeting of the Town Board shall be rescheduled by notice to a future date and hour.

GENERAL CODE OF ORDINANCE

CHAPTER 2 – TOWN BOARD RESPONSIBILITIES

6. Absence of Town Clerk at Meeting. If the Town Clerk is not present at the time of the initial roll call of the meeting of the Town Board, the Town Chair shall appoint the Deputy Clerk or any other person present at the meeting to be the temporary Town Clerk. The temporary Town Clerk shall prepare and maintain minutes of the meeting of the Town Board. The temporary Town Clerk shall deliver these minutes to the Town Clerk after the end of the meeting of the Town Board or when the temporary Town Clerk is replaced during the meeting of the Town Board by the Town Clerk.

7. Absence of Town Chair at Call to Order of Meeting. The presiding officer at the meeting of the Town Board will be the Town Chair. If the Town Chair is not present at the time for the call to order, the senior member of the Town Board present 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 as Town Chair until the Town Chair is able to preside at the meeting of the Town Board. If the Town Chair of the Town Board will not be able to, at any time, preside at the meeting, the Town Board shall make this determination after the initial roll call and then by motion elect an acting Town Chair for the meeting of the Town Board until the Town Chair is able to preside at the meeting.

8. Vacation of Town Chair or Presiding Officer at Meeting. If the Town Chair or any other presiding officer of the Town Board desires to speak on any question or to make any motion, the Town Chair or the presiding officer may speak or make a motion without vacating the chair or without designating a member of the Town Board to preside at the meeting as temporary Town Chair.

9. Public Meeting. Any business of any meeting of the Town Board shall be in open session and accessible to the public, except as provided in the state open meeting law, Section 19.85 Wisconsin Statutes.

10. Audit of Accounts. The Town Board shall at its meeting be presented by the Town Clerk with the accounts of the Town for auditing by the Town Board. All accounts shall be filed with the Town Clerk on the preceding Friday prior to the next meeting of the Town Board in order for the account to be presented by the Town Clerk at the upcoming meeting of the Town Board.

11. Receipts of Funds. Any officer, employee or agent of the Town in possession of funds, receipts or earnings of the Town shall deposit any such funds, receipts or earnings with the Town Treasurer on a timely basis. The Town Board shall be advised by the Town Treasurer on a monthly basis of any funds outstanding that have not been properly deposited with the Town Treasurer.

12. Specific Rules of Conduct at Town Board Meeting. The Town Board and the meetings of the Town Board should be governed by Roberts Rules of Order.

GENERAL CODE OF ORDINANCE

CHAPTER 2 – TOWN BOARD RESPONSIBILITIES

13. Motions with Preference. During any meeting of the Town Board certain motions will have preference. In order of precedence they are

a. Motion to adjourn. This motion can be made at anytime and has first precedence. This is a non-debatable motion.

b. 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.

c. Motion to call previous question. This motion may be made at any time after the debate or discussion commences related to 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. 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.

d. Motion to postpone to a certain date. 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. This motion must establish a date and time certain when the debate and discussion 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.

e. 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 debate and discussion. 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.

f. 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.

g. 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.

h. 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. This mo-

GENERAL CODE OF ORDINANCE

CHAPTER 2 – TOWN BOARD RESPONSIBILITIES

tion 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.

i. Suspension of Rules. These rules or any part of these rules or any other rules of the Town Board may be temporarily suspended at any meeting of the Town Board, including any special meeting of the Town Board, in connection with any matter under consideration by the Town Board. Any rule may be suspended by a recorded affirmative roll call vote of two-thirds (2/3) or more of the members of the Town Board present at the meeting of the Town Board.

j. Amendment of Rules. These rules or any part of these rules or any other rules of the Town Board may be altered or amended at any meeting of the Town Board, including any special meeting of the Town Board. Any rules may be altered or amended by a recorded affirmative roll call vote of two-thirds (2/3) or more of the members of the Town Board present at the meeting of the Town Board.

2.05 ANNUAL AND SPECIAL TOWN MEETING. The regular and special Town meetings of the residents of the Town have the statutory authority, powers and duties pursuant to Sections 60.10 to 60.16 Wisconsin Statutes to manage and direct certain affairs of the Town.

A. Requirement and Time of Annual Meeting. The Town shall hold, unless otherwise noted, the Annual Town meeting on the third (3rd) Tuesday of April. The Annual Town meeting shall convene at 7:00 P.M. and shall adjourn upon a vote of the majority of the qualified electors present and voting at time of 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 original Annual Town meeting. The Annual town meeting may set a date different than the third (3rd) Tuesday of April for the next annual town meeting if the date is within 10 days after the 3rd Tuesday of April. With a different date selected, the Town Clerk shall, not more than twenty (20) days nor less than fifteen (15) days before the new date, post the meeting notice in at least three (3) public places and on the website. The notice shall state the proposed date, time and location of the Annual Town meeting.

B. Location for Annual Town Meeting. The Annual town meeting shall be held at the same 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 stating the location of the meeting, not more than 20 not less than 15 days before the date of the meeting, post the meeting notices in at least three (3) public places and on the website.

C. Notice of Annual Town Meeting. The Town Board need not, by state law, provide public notice of the Annual Town meeting unless the date, time or location has been changed. No public notice of an Annual town meeting is required if held on the 3rd Tuesday of April. If held within 10 days after the 3rd Tuesday of April, notice of the time and date of the meeting shall be given not more than 20 nor less than 15 days before the date of the Annual town meeting, publish a Class 2 no-

GENERAL CODE OF ORDINANCE

CHAPTER 2 – TOWN BOARD RESPONSIBILITIES

tice of the meeting and in at least three (3) of the usual and customary locations in the Town and on the website.

D. Jurisdiction of Annual Town Meeting. The Annual Town meeting may transact any business at the Annual Town meeting or at any properly adjourned Annual Town meeting over which the Annual Town meeting has legal jurisdiction. The Annual Town meeting or any properly adjourned Annual Town meeting shall not transact business where the legal jurisdiction to transact that business is with the Town Board.

E. Presiding Officer of Annual and Special Town Meeting. If present, the town board chairperson shall chair the town meeting. 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. If the Annual town meeting is held in a year when the office of the town board chairperson is filled by election, the person holding the office on the day prior to the date of election to fill the office shall preside at the 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 as noted above. The town meeting chairperson shall conduct the meeting's proceedings in accordance with accepted parliamentary procedure.

F. Order of Business of Annual and Special Town Meeting. At the Annual or at any other special Town meeting, the presiding officer of the Annual or special Town meeting shall state the business to be transacted and the order in which the business will be considered. No proposal by any person to levy a tax for the Town, except a tax to defray necessary Town expenses shall be acted on out of the order stated by the presiding officer of the Annual or special Town meeting.

G. Method of Action by Electors. At the Annual or at any other special Town meeting all action shall be by vote. All questions shall be decided by the majority of the qualified electors present and voting. Qualified electors may vote at an Annual or special Town meeting.

H. Enforcement Authority at Annual and Special Town Meeting. 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.

I. Reconsideration of Actions. At the Annual or special Town meeting a vote may be only reconsidered at the same Annual or special Town meeting at which the vote was taken if the qualified electors at the meeting vote to reconsider within one (1) hour after the initial vote was taken. No action of the Annual or special Town meeting may be reconsidered at a subsequent special Town meeting held prior to the next Annual Town meeting unless a special Town meeting is convened pursuant to Section 60.12(1) (b) Wisconsin Statutes or Section 60.12(1) (c) Wisconsin Statutes and the written

GENERAL CODE OF ORDINANCE

CHAPTER 2 – TOWN BOARD RESPONSIBILITIES

request or call for a special Town meeting which states that the purpose for the special Town meeting is reconsideration of prior action taken at a prior Annual or at a prior special Town meeting.

J. Town Clerk Duties at Annual and Special Town Meeting. (See Chapter 1, Section 1.06 B.)

K. Special Town Meeting. In the Town, a special Town Meeting may be convened if:

1. Called by any Annual or special Town meeting.
2. Called by written request, signed by a number of electors equal to but not less than ten percent (10%) of the votes cast in the Town for governor at the last general election as filed with the Town Clerk.
3. Called by the Town Board. Special Town meeting request or special Town meeting call shall contain the time, date and purpose of the special Town meeting. The locations for the special Town meeting shall be where the preceding Annual Town meeting was held, unless the location is changed by the Town Board. A special Town meeting may be reconvened to a time and date certain if the resumed special Town meeting is held within thirty (30) days of the original scheduled special Town meeting. Any business which may be transacted by the Annual Town meeting may be transacted at a special Town meeting. The Town Clerk shall not more than twenty (20) days or less than fifteen (15) days before the date of the special Town meeting, publish a Class 2 public notice of the special Town meeting under Chap. 985 Wisconsin Statutes. The public notice shall state the purpose, date, time and location of the special Town meeting. If, in addition, public notice is posted at the usual and customary location, the same time and content requirements shall apply.

L. Specific Statutory Authority, Powers and Duties Pursuant to Section 60.10 Wisconsin Statutes of Annual and Special Town Meeting.

1. Direct Powers.

a. Raise Money. The Town meeting may raise money, including levying taxes, to pay for expenses of the Town, unless the authority has been delegated to the Town Board under Section 60.10(2) (a) Wisconsin Statutes.

b Town Offices and Officers. The Town meeting may fix the compensation of elective Town offices under Section 60.32 Statutes unless the authority has been delegated to the Town Board under Section 60.10(2) (k) noted herein for nonvoting officers.

c Combine Offices of Town Clerk and Town Treasurer. The Town meeting may combine the offices of Town Clerk and the Town Treasurer under Section 60.10(1) (b) (2) Wisconsin Statutes.

GENERAL CODE OF ORDINANCE

CHAPTER 2 – TOWN BOARD RESPONSIBILITIES

d. Combine Offices of Town Clerk and Town Assessor. The Town meeting may combine the offices of Town Assessor and the Town Clerk under Section 60.10(1) (b) Wisconsin Statutes.

e. Office of Town Constable abolish the office of Town Constable and establish the number of constables. Such action is effective at the end of the current election term. (Refer to Chapter 1, Section 1.08 C.)

f. Designation of Full-Time or Part-Time status for Town Clerk and Town Treasurer. The Town meeting may designate the office of Town Clerk, Town Treasurer or the combined office of clerk and treasurer as part-time under Section 60.10(1) (b) (5) Wisconsin Statutes.

g. Election of Town Officers. The annual Town meeting may adopt a plan under Section 5.60(6) Wisconsin Statutes to elect Town board supervisors to numbered seats (see Chapter 1, Section 1.05 B.1).

h. Nomination of Officers. The Town meeting may provide under Section 8.05(3) (a) Wisconsin Statutes for the nomination of candidates for elective Town offices at a nonpartisan primary election. The Town does provide for the nomination of candidates for elective Town offices at a nonpartisan primary election.

i. Cemeteries. The Town meeting may authorize the acquisition and conveyance of cemeteries under Section 157.50(1) Wisconsin Statutes.

2. Directives or Grants of Authority to Town Board.

a. Raise Money. The Town meeting may authorize the Town Board to raise money, including levying taxes, to pay for expenses of the Town.

b. Exercise of Village Powers. (See Chapter 1, Section 1.10.)

c. General Obligation Bonds. The Town meeting may authorize the Town Board to issue general obligation bonds in the manner and for the purposes provided by law.

d. Purchase of Land. The Town meeting may authorize the Town Board to purchase any land within the Town for present or anticipated Town purposes.

GENERAL CODE OF ORDINANCE

CHAPTER 2 – TOWN BOARD RESPONSIBILITIES

e. Town Buildings. The Town meeting may authorize the Town Board to purchase, lease or construct buildings for the use of the Town, to combine for this purpose the Town 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.

f. Disposal of Property. The Town meeting may 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.

g. Exercise of Certain Zoning Authority. The Town meeting may authorize, under Section 60.62 Wisconsin Statutes, the Town Board to adopt County zoning ordinances

h. Watershed Protection and Soil and Water Conservation. The Town meeting may authorize the Town Board to engage in watershed protection, soil conservation or water conservation activities beneficial to the Town.

i. Appointed Assessors. (See Chapter 1, Section 1.08 B.)

j. Compensation of Elective Town Offices. The Town meeting may authorize the Town Board to fix the compensation of elective Town offices under Section 60.32(1) (b) Wisconsin Statutes.

3 Authorization of Town Board to Appropriate Money. The Town meeting may authorize the Town Board to appropriate money in the next annual budget for:

a. Conservation of Natural Resources. The conservation of natural resources by the Town or a bona fide nonprofit organization under Section 60.23(6) Wisconsin Statutes.

b. Civic Functions. Civic and other functions under Section 60.23(3) Wisconsin Statutes.

c. Insect, Weeds and Animal Diseases. The control of insect pests, weeds, or plant or animal disease within the Town.

d. Rural Numbering Systems. Posting signs and otherwise cooperating with the county in the establishment of a rural numbering system under Section 59.54(4) and (4m) Wisconsin Statutes.

GENERAL CODE OF ORDINANCE

CHAPTER 2 – TOWN BOARD RESPONSIBILITIES

e.Cemetery Improvements. The improvement of the Town cemetery under Section 157.50(5) Wisconsin Statutes.

2.06 OPEN MEETING. The Town Board has the specific authority, powers and duties to manage and direct public meetings in the Town to comply with the state open meeting law.

A. OPEN PUBLIC MEETING. All meetings of the Town Board shall be held in open session and shall be open to the public, except as noted in Section 2.06 F. In addition, all meetings of any other special government units of the Town shall be held in open session and open to the public, except as noted in Section 2.06 F.

B. PUBLIC NOTICE OF MEETING. All meetings of the Town Board and any other special government units of the Town shall provide public notice of these meetings pursuant to Section 19.84 Wisconsin Statutes and pursuant to this ordinance.

1. Responsible Person. The Town Chair or his/her designee and the chair or presiding officer of any other special government unit of the Town or his/her designee, shall be the responsible person to communicate orally or in writing notice of any meeting to any concerned media who have filed a written request for such public notice of meetings and to any official newspaper for the Town.

2. Additional Notice to Media. In addition to the above noted, the Town Clerk may forward a copy of any meeting noted above to the media in a timely manner.

3. Notice of Time. The public notice of any meeting of the Town Board and of any other special government unit of the Town shall be given at least three (3) days prior to the commencement of the meeting, unless for good cause such public notice is impossible or impractical, in which case, shorter notice may be given, but in no case may public notice of any meeting be provided less than two (2) hours in advance of the meeting.

4. Elements of Notice. Any written public notice of any meeting shall set forth the time, date, place and subject matter of the meeting, including any possible closed meeting and any subject matter intended for consideration of any possible closed session. The actual form of the written public notice shall be used that is reasonably likely to apprise members of the general public and any concerned media of the Town of the meeting.

C. SPECIAL GOVERNMENT UNITS. Any special office, committee, commission, agency, board or other special government unit of the Town shall comply with Chapter 19 Wisconsin Statutes and the sections of this ordinance. Any special office, committee, commission, agency, board or other special government unit shall, in addition, provide a written copy of a public notice of any meeting to the Town Clerk or Deputy Clerk prior to any meeting.

1 Exceptions: The special government unit need not provide such public notice

GENERAL CODE OF ORDINANCE

CHAPTER 2 – TOWN BOARD RESPONSIBILITIES

pursuant to Section 19.84(6) Wisconsin Statutes:

a. If the special government unit is a formally constituted committee or subcommittee of the Town Board and is meeting during a lawful meeting, a recess of a lawful meeting, or immediately after adjournment of a lawful meeting, or for the purpose of discussing or acting upon a matter which was the subject of the meeting of the Town Board. The Town Chair must publicly announce the time, place and subject matter of the meeting of the committee or subcommittee in advance of the meeting of the Town Board.

D. POSTING AND PUBLISHING OF PUBLIC NOTICE. The Town Chairman or designee of the Town of Cooperstown shall have the responsibilities for communicating to the news media and/or posting of all notices required under Wisconsin Statutes Open Meeting Law or by town resolution.

1 Exceptions. The Town Treasurer shall be responsible for posting/communicating all notices in regard to his/her office; the Assessor shall be responsible for posting/communicating all notices in regard to his/her office; the Plan Commission Chairman or designee shall be responsible for posting/communicating all notices in regard to his/her office, except for Public Hearings; and the Town Clerk shall be responsible for posting/communicating all Public Hearings.

At minimum, the person responsible for providing any public notice or his/her designee shall post written public notice of any meeting of the Town Board and any meeting of any other special government unit of the Town in the official posting locations listed below.

2. Posting Locations. The following are the official posting locations for the Town of Cooperstown:

TOWN HALL: Located at 11626 CTH Z and Town website:

townofcooperstown@yahoo.com unless additional postings are

required by State Statues. Additional posting places: Located at Corner of

CHT R and Z, and Corner of Johnson Drive and CTH R

Bulletin boards are provided for the above posting locations.

3. Publishing. In lieu of or in addition to the above noted written posting of the public notice for the meeting of the Town Board and any other special government units noted herein, proper written public notice may be achieved under Chapter 19 Wisconsin Statutes and this ordinance by the Town Chair of the Town or his/her designee publishing a Class 1 notice pursuant to Chapter 985 Wisconsin Statutes for any meeting of the Town Board or any other government units noted herein in

GENERAL CODE OF ORDINANCE

CHAPTER 2 – TOWN BOARD RESPONSIBILITIES

the official newspaper of the town, or if none, to a news medium likely to give notice in the town. Publication of the public notice of a meeting in any publication is not required by this ordinance except as noted below.

Annual Town Meeting Dates and Location. See Sections 2.05 B&C.

Special Town Meeting Date and Location. See Section 2.05 K.3.

E. RECORDING, BROADCASTING AND PHOTOGRAPHY OF MEETING.

Pursuant to Section 19.90 Wisconsin Statutes any concerned media or any other person may broadcast, photograph or record any part or all of any open session of an annual Town meeting, a special Town meeting, a meeting of the Town Board or any meeting of any other special government unit of the Town covered by this ordinance.

1. Exceptions. The Town Chair or presiding officer of any Town meeting or any other Town government meeting of the Town, its officers or its employees may, prior to or at the meeting, establish reasonable standards for the location and placement of any broadcasting, photography or recording devices. No person shall broadcast, photograph or record any matter or persons at any Town government meeting in the Town in such a manner to unreasonably interrupt the deliberations and discussions nor unreasonably block the view or the opportunity to hear any person at any Town government meeting.

F. EXCEPTIONS TO OPEN MEETING.

1. Procedure for Closed Session. Any meeting of the Town Board or any other special government unit of the Town may be held in closed session upon a motion for a closed session duly made and carried by a roll call vote of the members. The vote shall be conducted in a manner to allow the public to ascertain how each member of the Town Board or each member of any other special government unit of the Town voted on the motion. The actual vote for a closed session shall be recorded in the minutes by the recording officer of the meeting with a clear identification of the names of the members voting for the motion and the names of the members opposing the motion. Prior to the adoption of the motion, the Town Chair or the presiding officer of the meeting formally shall, at the open meeting portion, announce to all persons at the meeting the nature of the business or matter to be considered at such closed session and shall also formally announce the specific closed meeting exemption and subsection under Chapter 19 Wisconsin Statutes. No person in the closed session shall bring before any closed session meeting any business or matter except that business or matter which relates to the business or matter contained in the formal announcement of the closed session by the Town Chair or by the presiding officer of the public meeting.

2. Purposes for Closed Session. A closed session of the Town Board or a closed session of any other special government unit of the Town may be held for the following purposes:

GENERAL CODE OF ORDINANCE

CHAPTER 2 – TOWN BOARD RESPONSIBILITIES

a. Deliberation concerning a case which was the subject of any judicial or quasi judicial trial or hearing before the Town Board or before any other special government unit of the Town.

b. Considering dismissal, demotion, licensing or discipline of:

Any public employee for the Town.

Any person licensed by the Town.

Any other special government unit of the Town. The investigation of charges against any person by the Town may be done provided that the public employee or person licensed is given actual notice of any evidentiary hearing by the Town Board or by any other special government unit of the Town prior to the final action being taken by said Town Board or any other special government unit of the Town and the open meeting notice of the public meeting at which final action may be taken. The actual notice shall contain a statement that the person has the right to demand that the evidentiary hearing or meeting be held in open session.

The above paragraph and paragraph f. below do not apply to any evidentiary hearing or meeting of the Town Board or any other special government unit of the Town where the public employee or person licensed requests in writing prior to the meeting or hearing to the Town Clerk that an open session be held.

c. Considering employment, promotion, compensation or performance evaluation data of a public employee of the Town where the Town Board or any other special government unit of the Town has jurisdiction over the public employee or exercises responsibility for the public employee.

d. Considering specific strategy for crime detection or prevention in the Town.

e. Deliberating or negotiating the purchasing of public property for the Town or for other special government unit of the Town or conducting other specified public business for the Town or for any other special government unit of the Town whenever competitive or bargaining reasons require a closed session.

f. Considering financial, medical, social or personal histories or disciplinary data of specific persons, preliminary consideration of specific personnel problems or investigation of charges against specific persons except where paragraph b. above applies, which, if discussed in public, would be likely to have substantial adverse effect upon the reputation of any person referred to in such histories or data, or involved in such problems or investigations.

g. Conferring with legal counsel for the Town Board or for any other special government unit of the Town about litigation which exists or is likely to arise.

GENERAL CODE OF ORDINANCE

CHAPTER 2 – TOWN BOARD RESPONSIBILITIES

h. Consideration of requests for confidential written advice from any ethics board established by and for the Town Board.

i. Considering any and all matters related to any business under Section 560.15 Wisconsin Statutes, which, if discussed in public, could adversely affect the business, its employees or former employees.

3. Exceptions: The Town Board and any other special government unit of the Town may not commence a meeting, subsequently convene in closed session and thereafter reconvene in open session within twelve (12) hours after completion of the closed session, unless public notice of such subsequent open session was given at the same time and in the same manner as the public notice of the meeting convened prior to the closed session. Neither the Town Board nor any special government unit of the Town, nor any person, shall construe this ordinance to authorize the Town Board or any other special government unit of the Town to consider at a closed session meeting the final ratification or approval of any collective bargaining agreement under subchapter IV or V of Chapter 111 Wisconsin Statutes where this agreement has been negotiated by the Town Board or by any other special government units of the Town or on their behalf.

G. EXCLUSION OF MEMBERS. The Town Board may, pursuant to Section 19.89 Wisconsin Statutes, adopt written rules to exclude members of the Town Board from closed meetings of any subunit of the Town Board.

H. STATE LAW. The Town Board and any member of any other special government units of the Town shall comply with all applicable provisions of the state open meeting law (Chapter 19 Wisconsin Statutes). Any meeting notice, employee and agent of the Town shall comply with all applicable provisions of the state open meeting law.

2.07 CODE OF ETHICS.

A. Scope of Policy

1. Purpose of Ordinance. This Conflict-of-Interest Ordinance establishes ethical standards for Town of Cooperstown (“Town”) officials, and also governs ethical standards relating to Town contracts that must comply with federal law.
2. If a federal statute, regulation, or the terms of a financial assistance agreement applicable to a particular form of Federal Financial Assistance conflicts with any provision of this ordinance, such federal statute, regulation, or terms of the financial assistance agreement shall govern.

B. Conflicts of Interest

1. Conflicts of Interest Generally.

GENERAL CODE OF ORDINANCE

CHAPTER 2 – TOWN BOARD RESPONSIBILITIES

a. Definitions. Except as otherwise specified, the terms used in this section shall have the same meaning as those defined by Wis. Stat. § 19.42.

b. No public official shall do any of the following:

1. 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.
2. Solicit or accept from any person, directly or indirectly, anything of value if it could reasonably be expected to influence the person's vote, official actions or judgment, or could reasonably be considered as a reward for any official action or inaction. This paragraph does not prohibit a local public official from engaging in outside employment.
3. 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 of, or upon condition that, any other person 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 committee registered under chapter 11 of the Wisconsin Statutes, or any person making a communication that contains a reference to a clearly identified local public official holding an elective office or to a candidate for local public office.

GENERAL CODE OF ORDINANCE
CHAPTER 2 – TOWN BOARD RESPONSIBILITIES

4. Take any official action substantially affecting a matter in which the public official or a member of his or her immediate family or an organization with which the person is associated has a substantial financial interest.
 5. 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 person, one or more members of the person's immediate family either separately or together, or an organization with which the person is associated.
2. Conflicts of Interest when Federal Law Applies. In contracts that require the Town to comply with federal procurement requirements, the following restrictions apply.
 - a. Definitions. For purposes of this subsection, the following definitions shall apply.
 1. “*Direct Benefit*” means, with respect to a Public Official or employee of the Town, or the spouse of any such Public Official or employee, (i) having a ten percent (10%) ownership interest or other interest in a Contract or Subaward; (ii) deriving any income or commission directly from a Contract or Subaward; or (iii) acquiring property under a Contract or Subaward.
 2. “*Federal Financial Assistance*” means Federal financial assistance that the Town receives or administers in the form of grants, cooperative agreements, non-cash contributions or donations of property (including donated surplus property), direct appropriations, food commodities, and other Federal financial assistance (except that the term does not include loans, loan guarantees, interest subsidies, or insurance).

GENERAL CODE OF ORDINANCE
CHAPTER 2 – TOWN BOARD RESPONSIBILITIES

3. *“Immediate Family Member”* means: (i) a spouse; (ii) a child or spouse of a child; (iii) a parent or spouse of a parent; (iv) a sibling or spouse of a sibling; (v) a grandparent or grandchild, or their spouse; (vi) domestic partners or their parents, including domestic partners of any individual in (ii) through (v) of this definition; and (vii) any individual related by blood or affinity whose close association with the person is the equivalent of a family relationship.
4. *“Involved in Making or Administering”* means (i) with respect to a Public Official or employee, (a) overseeing the performance of a Contract or Subaward or having authority to make decisions regarding a Contract or Subaward or to interpret a Contract or Subaward, or (b) participating in the development of specifications or terms or in the preparation or award of a Contract or Subaward, (ii) only with respect to a Public Official, being a member of a board, commission, or other body of which the Public Official is a member that is taking action on the Contract or Subaward, whether or not the Public Official actually participates in that action.
5. *“Pass-Through Entity”* means a non-Federal entity that provides a Subaward to a Subrecipient to carry out part of a Federal program.
6. *“Public Official”* means an individual who is elected or appointed to serve or represent the Town (including, without limitation, any member of the Town Board), other than an employee or independent contractor of the Town.

GENERAL CODE OF ORDINANCE
CHAPTER 2 – TOWN BOARD RESPONSIBILITIES

7. “*Recipient*” means an entity, usually but not limited to a non-Federal entity, that receives a Federal award directly from a Federal awarding agency. The term does not include Subrecipients or individuals that are beneficiaries of the award.
8. “*Related Party*” means (i) an Immediate Family Member of a Public Official or employee, (ii) a partner of a Public official or employee, or (iii) a current or potential employer (other than the Town) of a Public official or employee, of a partner of a Public Official or employee, or of an Immediate Family Member of a Public Official or employee.
9. “*Subaward*” means an award provided by a Pass-Through Entity to carry out part of a Federal award received by the Pass-Through Entity. It does not include payments to a contractor or payments to an individual that is a beneficiary of a Federal program.
10. “*Subcontract*” means mean any agreement entered into by a Subcontractor to furnish supplies or services for the performance of a Contract or a Subcontract. It includes, but is not limited to, purchase orders and changes and modifications to purchase orders.
11. “*Subcontractor*” means an entity that receives a Subcontract.
12. “*Subrecipient*” means an entity, usually but not limited to a non-Federal entity, that receives a subaward from a Pass-Through Entity to carry out part of a Federal award, but does not include an individual that is a beneficiary of such award. A subrecipient may also be a recipient of

GENERAL CODE OF ORDINANCE

CHAPTER 2 – TOWN BOARD RESPONSIBILITIES

other Federal awards directly from a Federal awarding agency.

- b. Prohibited Conflicts of Interest in Federal Contracts. Without limiting any specific prohibition set forth in Section II(a), elected officials, appointed officials, or employees shall not participate in the selection, award, or administration of a contract if the person has a real or apparent conflict of interest.

- 1. Real Conflict of Interest. A real conflict of interest shall exist when the Public Official or employee or any Related Party has a financial or other interest in or a tangible personal benefit from a firm considered for a Contract or Subaward.
- 2. Apparent Conflict of Interest. An apparent conflict of interest exists where a real conflict of interest may not exist, but where a reasonable person with knowledge of the relevant facts would find that an existing situation or relationship creates the appearance that an elected official, appointed official, or employee, or any Related Party has a financial or other interest in or a tangible personal benefit from a firm considered for a Contract or Subaward.
- 3. Gift Standards. No elected official, appointed official, or employee shall solicit or accept gratuities, favors, or anything of monetary value from a Contractor or a Subcontractor.

C. Violations of Policy

- 1. Disciplinary Actions for Public Official or Employees. Any elected official, appointed official, or employee that fails to disclose a real, apparent, or potential real or apparent conflict of interest arising with respect to the person or the person's Related Party may be subject to disciplinary action, including, but not limited to,

GENERAL CODE OF ORDINANCE

CHAPTER 2 – TOWN BOARD RESPONSIBILITIES

an employee's termination or suspension of employment with or without pay, the consideration or adoption of a resolution of censure, prosecution under this Ordinance, or termination of the contract with the Town.

2. Penalties. Any violation of this Ordinance shall be punishable by a forfeiture not to exceed \$500.
3. Disciplinary Actions for Contractors and Subcontractors. The Town shall terminate any Contract with a Contractor or Subcontractor that violates any provision of this Ordinance.
4. Protections for Whistleblowers. In accordance with 41 U.S.C. § 4712, the Town shall not discharge, demote, or otherwise discriminate against an employee in reprisal for disclosing information to a member of Congress or a representative of a committee of Congress; an Inspector General; the Government Accountability Office; a Treasury or other federal agency employee responsible for grant oversight or management; an authorized official of the Department of Justice or other law enforcement agency; a court or grand jury; a management official or other employee of the Town; or a Contractor or Subcontractor who has the responsibility to investigate, discover, or address misconduct that the employee reasonably believes is evidence of gross mismanagement of a federal contract or grant; a gross waste of federal funds; an abuse of authority relating to a federal contract or grant; a substantial and specific danger to public health or safety; or a violation of law, rule, or regulation related to a federal contract (including the competition for or negotiation of a contract) or grant.

Amended 021417 Posted 031517 Ordinance 2017-1

Amended 101122 Posted 102522 Ordinance 2022-4 Ordinance 2022-06