

TOWN OF COTTAGE GROVE - CODE OF ORDINANCES

CHAPTER 01 - GENERAL GOVERNMENT

01.01 VILLAGE POWERS

(1) AUTHORITY AND PURPOSE

- (a) The town board of the Town of Cottage Grove, Dane County, Wisconsin, is hereby authorized and directed to exercise all village board powers; pursuant to ss. 60.10(2)(c) and 60.22, Wis. Stat.
- (b) All ordinances and resolutions adopted by any action of the town board, prior to the effective date of this section, are hereby ratified, adopted, and confirmed in all respects.

(2) EFFECTIVE DATE

- (a) The original ordinance was adopted on 3 Apr 1956.
- (b) This section shall take effect upon passage and publication.

01.02 NONPARTISAN PRIMARY

(1) AUTHORITY AND PURPOSE

- (a) The electors of the town, present at the annual town meeting held in April 1981, directed the town board to establish by ordinance, a town nonpartisan primary with nomination papers; pursuant to § 8.05(3), Wis. Stat.
- (b) The town nonpartisan primary will replace the caucus system in effect prior to the effective date of this section; pursuant to § 8.05(1), Wis. Stat.

(2) ADMINISTRATION

- (a) The town clerk shall administer the terms of this ordinance pursuant to the authority granted under § 60.33, Wis. Stat.; in accordance with the provisions of Ch. 8, Wis. Stat., and at the direction of the state elections board.
- (b) All candidates for elected town office, shall be nominated using official nomination papers; available from the town clerk, or the state elections board.
- (c) Nomination papers for candidates for elected town office shall be signed by not less than 20, and not more than 100 electors of the town, and shall designate the office for which the candidate is nominated.
- (d) No additional candidates for town elective office shall be nominated; pursuant to the caucus method, set forth in §. 8.05(1), Wis. Stat.
- (e) A town nonpartisan primary election shall only be held when the number of candidates for an elective town office exceeds twice the number to be elected to that office. When the number of candidates for an elective town office does not exceed twice the number to be elected, there shall be no primary required for that office; and the candidates' names shall appear directly on the official ballot for the spring election.

(3) EFFECTIVE DATE

- (a) The original ordinance was adopted on 6 Jul 1981.
- (b) This section shall take effect upon passage and publication.

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01.03 STANDING COMMITTEES

(1) DESIGNATION

- (a) The town chair, with the approval of the town board, shall designate appropriate committees to provide input to the board, and to assist in the administration of town affairs.
- (b) The town chair shall designate the committees that will act during their term of office, within 30 days from the date the chair takes office; with the exception of any committee whose term of service is otherwise specified under state statute, or town ordinance.
- (c) The committee designation may be such that: it is a standing committee which is continuing in nature; or that it is a limited term committee, which has been developed to address a specific issue, and has a specified term of service. Joint committees, established between the town and village of Cottage Grove, may also be designated as either standing, or limited term committees.

(2) APPOINTMENT AND TERM OF SERVICE

- (a) The town chair shall solicit names of electors of the town who wish to serve on a town committee. Any elector of the town shall be eligible for appointment to a committee; subject to ratification by the town board.
- (b) The name of any person recommended for appointment to a committee shall be presented to the town board for their consideration at the first scheduled meeting in May, by the town chair.
- (c) The town board shall consider the nominations for appointment to a town committee, and shall vote to ratify these appointments at the second scheduled board meeting in May. A majority vote of the board members present, shall be considered approval of the nominee.
- (d) The length of the term of office of each committee shall be two years from the date of appointment; with the exception of any committee which has a member's term of office otherwise specified by state statute, or town ordinance.
- (e) In the event a vacancy occurs on any town committee, prior to the end of the term of office specified in (d), the town chair shall nominate a replacement; and the town board shall act on this nomination at the next scheduled board meeting, following the date the vacancy occurs.

(3) DUTIES AND RESPONSIBILITIES

- (a) The members of each committee designated under s. TCG 01.03(1)(a), shall elect a committee secretary on an annual basis at the first scheduled meeting that follows the appointment of new members to the committee.
- (b) The designated committee secretary shall keep a full and accurate record of all proceedings of the committee and shall provide the town clerk with a written record of these proceedings, on or before the date of the town board meeting where action would be taken on any recommendations made by the committee.

(4) EFFECTIVE DATE

- (a) The structure of the standing committees was initially approved in May 1993.
- (b) This section shall take effect upon passage and publication.

01.04 BOARD OF ABSENTEE CANVASSERS

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Pursuant to Sections 7.52 and 7.53(2m), Wis. Stats., the Town Board of the Town of Cottage Grove hereby creates a Board of Absentee Canvassers and authorizes the centralized counting of absentee ballots on election days as follows:

- (1) The Board of Absentee Ballot Canvassers shall be composed of the Town Clerk, or a qualified elector of the Town designated by the Town Clerk, and two other qualified electors of the Town appointed by the Town Clerk for a term of two years commencing on January 1 of each odd-numbered year. The Town Clerk may appoint additional inspectors under § 7.52(1)(b), Wis. Stats., to assist the board of absentee ballot canvassers in canvassing absentee ballots under this section.
- (2) In lieu of canvassing absentee ballots at polling places under § 6.88, wis. Stats., the Board of Absentee Ballot Canvassers shall canvass all absentee ballots at all elections held in the Town.
- (3) The Town Clerk shall give at least 48 hours' notice of any meeting of the Board of Absentee Ballot Canvassers under this section.
- (4) The Town Clerk, no later than the closing hour of the polls, shall post at his or her office and on the Internet at a site announced by the Town Clerk before the polls open, and shall make available to any person upon request, a statement of the number of absentee ballots that the Town Clerk has mailed or transmitted to electors and that have been returned by the closing hour on election day.

01.05 ETHICS CODE

(1) AUTHORITY

The electors of the Town, present at the annual Town Meeting held on April 14, 1992, directed the Town Board to adopt the state statutes as the code of ethics for the Town.

(2) INCORPORATION BY REFERENCE

The provisions of §§ 19.41 to 19.59, Wis. Stat., as amended, are hereby adopted and made a part of the code of ordinances of the Town, as Appendix 01-A (available in the Clerk's Office); with the same force and effect as if they were fully reprinted herein.

(3) EFFECTIVE DATE

- (a) The state ethics code was adopted on April 14, 1992.
- (b) This section shall take effect upon passage and publication.

01.06 COMPENSATION OF MUNICIPAL OFFICIALS, EMPLOYEES AND COMMITTEE MEMBERS

(1) MUNICIPAL OFFICIALS, EMPLOYEES AND COMMITTEE MEMBERS.

- (a) The compensation of appointed officials shall be determined by the Town Board.
- (b) The per diem rates for elected officials shall be determined by the electors and subject to the Town's per diem policy.
- (c) The compensation of Town employees shall be determined by the Town Board.
- (d) Committee members appointed to a standing committee in accordance with s. TCG §01.03 shall be entitled to per diem in accordance with the Town's per diem policy.

(2) PER DIEM POLICY.

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- (a) Board members collect per diem for all scheduled meetings.
 - (b) All meeting times and dates are to be logged on a monthly activity sheet (copy attached), which is due by the first day of the following month, or as requested by the Town Treasurer.
 - (c) County Board meetings attended by board-designated supervisors representing the position of the board will be paid a per diem.
 - (d) An elected official replacing the office secretary during scheduled work hours will receive a per diem.
 - (e) Any elected official may attend and receive a per diem for a board-approved convention. Food and lodging shall be paid for elected officials only.
 - (f) Mileage may be collected for out of town travel only.
 - (g) Long distance phone calls shall be logged on the activity sheet for reimbursement.
 - (h) Any elected official may attend and receive a per diem for board approved training.
- (3) PER DIEM RATES.

The current per diem rates are as stated in the approved, in-effect statement of per diem rates, available in the Clerk's office.

01.07 DESTRUCTION OF PUBLIC RECORDS

(1) AUTHORITY.

This destruction of public records ordinance is enacted pursuant to the authority vested in the Town by §§ 60.83 and 19.21(4) Wis. Stat.

(2) RETENTION PERIOD.

The Town has adopted the General Records Schedule for Wisconsin Municipal and Related Records as approved by the Wisconsin Public Records Board. All public records must be retained by the Town for a minimum of seven (7) years unless:

- (a) a shorter retention period has been fixed by the State of Wisconsin Public Records Board under § 16.61(3)(e) Wis. Stat.; or
- (b) a shorter retention period has been fixed by statute; or
- (c) a longer retention period has been fixed by the Public Records Board or by statute, in which case such Public Records Board or statutory retention periods shall apply.

(3) DESTRUCTION OF RECORDS.

Upon expiration of the required retention period and upon completion of any required audit by the Bureau of Municipal Audit or by a Wisconsin certified public accountant, Town officers may destroy public records of which they are legal custodians subject to the provisions of this ordinance.

(4) HISTORICAL RECORDS.

No public record may be destroyed by the Town unless the Town has given the State Historical Society of Wisconsin (SHSW) at least sixty (60) days written notice of the Town's intent to

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destroy the public record, or the SHSW has waived the notice requirement for such record. No public record requested by the SHSW may be destroyed until after any SHSW request for inspection has been granted.

(5) **DESTRUCTION AFTER OPEN RECORDS REQUEST FOR INSPECTION.**

If an open records request is made for inspection of a public record, no such record may be destroyed until after such request is granted or until 60 days after the open records request is denied. If an action is commenced under § 19.37, Wis. Stat. the requested record may not be destroyed until after a court order is issued authorizing such destruction and all appeals have been completed. § 19.35(5), Wis. Stat.

(6) **DESTRUCTION PENDING LITIGATION.**

No public record subject to pending litigation may be destroyed until the litigation is resolved.

(7) **PRESERVATION OF RECORDS THROUGH MICROFILM OR OTHER ELECTRONIC MEANS.**

Any custodian of records may keep and preserve public records by means of microfilm or another reproductive device, optical imaging or electronic formatting. Such records shall meet the standards for reproduction set forth in Wis. Stats. §§ 16.61(7) and 16.612, and shall be considered original records for all purposes.