

Chapter 2 ADMINISTRATION

ARTICLE I. - IN GENERAL

ARTICLE II. - TOWN BOARD OF SUPERVISORS

ARTICLE III. - OFFICERS AND EMPLOYEES

ARTICLE IV. - BOARDS AND COMMISSIONS

ARTICLE V. - FINANCE

ARTICLE VI. - PUBLIC RECORDS

ARTICLE VII. - ETHICS

State Law reference— Towns generally, Wis. Stats. § 60.01 et seq.; town meeting, Wis. Stats. § 60.10 et seq.; town board, Wis. Stats. § 60.20 et seq.; town officers and employees, Wis. Stats. § 60.30 et seq.; town finance, Wis. Stats. § 60.40 et seq.; municipal budget systems, Wis. Stats. § 65.01 et seq.; general municipality law, Wis. Stats. § 62.11 et seq.; municipal borrowing and municipal bonds, Wis. Stats. § 67.01 et seq.; municipal disposal of abandoned property, Wis. Stat. § 66.0139; local government purchasing, Wis. Stat. § 66.0131; municipal police and fire departments, Wis. Stat. § 62.13; municipal administrative procedures, Wis. Stats. § 68.001 et seq.

ARTICLE I. IN GENERAL

Sec. 2-1. Form of government; town meetings.

Secs. 2-2—2-20. Reserved.

Sec. 2-1. Form of government; town meetings.

- (a) The town operates under the town system of government under Wis. Stats. ch. 60 (Wis. Stats. § 60.001 et seq.). The town board has the specific authority, powers and duties, pursuant to Wis. Stats. §§ 60.20, 60.22 and 60.23 and has, with authorization of the town meeting, additional statutory authority, powers and duties to manage and direct certain affairs of the town pursuant to Wis. Stat. § 60.10.
- (b) In addition, the town board has additional general specific statutory authority, powers and duties established beyond Wis. Stats. ch. 60 (Wis. Stats. § 60.001 et seq.).
- (c) In addition, the town has adopted specific authority to exercise powers conferred on villages pursuant to Wis. Stats. §§ 60.10(2)(c) and 60.22(3) and to engage in watershed protection and soil and water conservation activities as provided in Wis. Stat. § 60.10(2)(i).

Secs. 2-2—2-20. Reserved.

ARTICLE II. TOWN BOARD OF SUPERVISORS

Sec. 2-21. Members; terms.

Sec. 2-22. Compensation.

Sec. 2-23. Quorum of town board.

Sec. 2-24. Meetings of town board.

Sec. 2-25. General statutory authority, powers and duties of town board.

Sec. 2-26. Meeting dates and times; notice of meeting.

Sec. 2-27. Order of business.

Sec. 2-28. Presiding officer.

Sec. 2-29. Ordinances, resolutions and motions.

Sec. 2-30. General rules of procedure.

Sec. 2-31. Suspension of rules.

Sec. 2-32. Reimbursement of expenses.

Secs. 2-33—2-50. Reserved.

Sec. 2-21. Members; terms.

The town board shall consist of five members. Four members shall be known as town supervisors and one member shall be known as the town chairperson or town chair. Board members shall serve for terms of two years. The town shall elect 3 supervisors in odd-numbered years and 2 supervisors in even-numbered years.

[Editor's note: the town meeting of electors has adopted the election of supervisors to numbered seats. See Wis. Stat. §§ 60.10(1)(c)1 & 5.60(6).]

State Law reference — Size of the town board, Wis. Stat. § 60.21, Election of town officials, Wis. Stat. § 60.30(1); terms, Wis. Stat. § 60.30(4); town board chairperson as presiding officer, Wis. Stat. § 60.13.

Sec. 2-22. Compensation.

Town board members shall receive an annual salary, a per diem compensation for each day or part of a day necessarily devoted to the service of the town and the discharge of duties, or any combination of the two as established by the electors at a town meeting.

State Law reference — Compensation of elected town officials, Wis. Stat. § 60.32.

Sec. 2-23. Quorum of town board.

A legal quorum of a town board is a majority of its members. The current town board consists of five members, and three members shall be a legal quorum when they are in attendance at any duly called and any duly authorized public meeting of the town board.

State Law reference — Quorum of town board, Wis. Stat. § 60.20(2).

Sec. 2-24. Meetings of town board.

A meeting of the town board may be held within the town or in any other town, city or village in the same county or in an adjoining county subject to the open meeting provisions of Wis. Stats. § 19.81 et seq.

State Law reference — Meetings of town board, Wis. Stat. § 60.20(3).

Sec. 2-25. General statutory authority, powers and duties of town board.

The town board shall have all those powers and duties provided in Wis. Stats. §§ 60.22 and 60.23 and such other powers and duties as may be delegated from time to time by state statute. In addition, the town has adopted specific authority to exercise powers conferred on villages pursuant to Wis. Stat. § 60.10(2)(c) and to engage in watershed protection and soil and water conservation activities as provided in Wis. Stat. § 60.10(2)(i).

(Res. of 4-8-2003, §§ 1, 2)

State Law reference — Intergovernmental cooperation, Wis. Stat. § 66.0301; authority to regulate cemeteries, Wis. Stat. § 157.061; duty to name town streets, Wis. Stat. § 82.03(7); miscellaneous powers of town board, Wis. Stat. § 60.23.

Sec. 2-26. Meeting dates and times; notice of meeting.

- (a) Regular meetings. The regular meeting of the town board will be held at such times and on such dates as are established from time to time by the town board.
- (b) Regular meeting days that fall on holidays. Any regular meeting of the town board falling upon a legal holiday shall be held on an alternate day as designated by the town board.
- (c) Notice of meetings. Any meeting of the town board, including any special or adjourned meetings shall be in compliance with open meeting law requirements.
- (d) Special meetings. 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 notice to the public as required by state law and this Code.
- (e) Adjourned meetings of the town board. The town board may, by majority vote, adjourn any 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.

State Law reference — Meetings of town board, Wis. Stat. § 60.20(3).

Sec. 2-27. Order of business.

The business of the town board shall be conducted in the order established from time to time by the town board.

Sec. 2-28. Presiding officer.

- (a) Control of meeting. The town chair shall preserve order and conduct the proceedings of the meeting. A member may appeal the decision of the presiding officer. Such appeal is not debatable and must be sustained by a majority of the members present, exclusive of the presiding officer.
- (b) Absence of town chair. If the town chair is absent at any meeting, the vice chair shall call the meeting to order and preside.

State Law reference — General powers and duties, Wis. Stat. § 60.22(1); Powers and duties of town board chairperson, Wis. Stat. § 60.24.

Sec. 2-29. Ordinances, resolutions and motions.

- (a) Ordinances, resolutions, bylaws, communications, and other matters submitted to the board shall be read by title and author. No ordinance, resolution, or bylaw shall be considered, unless presented in writing by a supervisor. Unless requested by a supervisor before a final vote is taken, no ordinance, resolution, or bylaw need be read in full. No ordinance, resolution or other motion shall be discussed or acted upon, unless it has been seconded. No motion shall be withdrawn or amended without the consent of the person making the motion and the person seconding it.
- (b) The following additional procedures shall be used to adopt or amend an ordinance:
 - 1. The town board shall vote on a first consideration of an ordinance;
 - 2. If the town board approves the first consideration, the town ordinance committee will then consider the ordinance, make any desired modifications, and finally make a recommendation on passage of the ordinance to the town board;
 - 3. After receiving the recommendation of the ordinance committee, or after a period of at least 30 days since the first consideration, the ordinance may then return to the town board for a vote on a second consideration:
 - i. If the ordinance committee recommended approval or made no recommendation, then the town board may pass the ordinance by majority vote;
 - ii. If the ordinance committee recommended denial, then the town board may only adopt the ordinance with an affirmative vote of at least four (4) members of the town board.
 - 4. Only upon completion of all steps may the town adopt the ordinance, unless pursuant to Sec. 2-31 of this Code the rules have been suspended.

Sec. 2-30. General rules of procedure.

The deliberations of the board shall be conducted in accordance with rules of procedure adopted from time to time by the town board. In the absence of board-adopted rules, the parliamentary rules contained in the latest published edition of Robert's Rules of Order, Newly Revised, shall apply. In the event of conflict between the provisions of rules of procedure adopted by the board and in Robert's Rules of Order the board-adopted provisions will control.

Sec. 2-31. Suspension of rules.

The rules of this article or any part thereof may be temporarily suspended in connection with any matter under consideration by a recorded vote of not less than four members of the entire board.

Sec. 2-32. Reimbursement of expenses policy.

Pursuant to Wis. Stat. § 60.321(1) the town board may provide for reimbursement of expenses necessarily incurred by any officer or employee of the town in the performance of official town duties. The board may determine who is eligible for expense reimbursement, which expenses are reimbursable and the amount of reimbursement. The board will adopt such a policy, if any, by resolution.

Secs. 2-33—2-50. Reserved.

State Law reference— Town board generally, Wis. Stats. § 60.20 et seq.; eligibility for municipal office, Wis. Stats. § 66.0501; election and appointment of town officers, Wis. Stats. § 60.30.

ARTICLE III. OFFICERS AND EMPLOYEES

Sec. 2-51. Hiring of personnel.

Sec. 2-52. Town clerk.

Sec. 2-53. Appointment of weed commissioner.

Sec. 2-54. Town treasurer.

Sec. 2-55. Vice chair.

Sec. 2-56. Employee grievance procedure.

Secs. 2-57—2-79. Reserved.

Sec. 2-51. Hiring of personnel.

Temporary and permanent town employees shall be hired by the town board, with such compensation and terms and conditions as the town board shall determine. The board may delegate the authority under this section to other town personnel in the manner it deems appropriate.

Sec. 2-52. Town clerk.

Pursuant to Wis. Stats. § 60.30, the office of the town clerk shall be filled by appointment by a majority of the members of the town board. The term of the clerk shall be as established by the town board, not to exceed three years. The clerk may be reappointed for additional terms. The clerk may be removed only for cause as defined in Wis. Stats. § 17.001.

Sec. 2-53. Appointment of weed commissioner.

The town chair may, under the authority of Wis. Stat. § 66.0517(2)(a), appoint a weed commissioner, with such compensation for the performance of duties other than the destruction of noxious weeds compensation as the town board shall determine.

Sec. 2-54. Town treasurer.

Pursuant to Wis. Stat. § 60.30, the office of the town treasurer shall be filled by appointment by a majority of the members of the town board. The term of the treasurer shall be as established by the town board, not to exceed three years. The treasurer may be reappointed for additional terms. The treasurer may be removed only for cause as defined in Wis. Stats. § 17.001.

(Ord. No. 2012-04-10-1, 4-10-2012)

Sec. 2-55. Vice Chair.

The town chair shall appoint a supervisor to serve as vice chair subject to confirmation by the town board. The vice chair shall run meetings of the town and sign official papers of the town in the chair's absence.

Sec. 2-56. Employee grievance procedure.

The town board shall adopt an employee handbook or personnel policy that contains its employee grievance procedure.

Secs. 2-57—2-79. Reserved.

State Law reference— Town employees, Wis. Stats. § 60.37; duties of town clerk, Wis. Stats. § 60.33; duties of town treasurer, Wis. Stats. § 60.34; grievance procedure, Wis. Stats. § 66.0509(1m).

ARTICLE IV. BOARDS AND COMMISSIONS

DIVISION 1. - GENERALLY

DIVISION 2. - SHORELINE ADVISORY COMMITTEE

DIVISION 3. - PLAN COMMISSION

DIVISION 1. GENERALLY

Sec. 2-80. Ad hoc committees.

Secs. 2-81—2-103. Reserved.

Sec. 2-80. Ad hoc committees.

- (a) The town chairperson shall appoint all ad hoc committees, the members of which may be town board members, town citizens, or a combination thereof. Compensation of ad hoc committee members, if any, will be established by the board upon appointment.
- (b) Each ad hoc committee shall elect a committee chair and officers upon formation of the committee and as necessary or appropriate thereafter until the committee is dissolved or otherwise terminates.
- (c) Ad hoc committees shall meet as needed, upon call of the committee chair, or upon such regular schedule as determined by the committee chair.
- (d) Each ad hoc committee shall, from time to time, submit written or oral reports and recommendations as requested by the town board.

Secs. 2-81—2-103. Reserved.

DIVISION 2. SHORELINE ADVISORY COMMITTEE

Sec. 2-104. Lease with federal government regarding a portion of Lake Onalaska shoreline.

Sec. 2-105. Committee created; purpose and intent; functions and duties.

Sec. 2-106. Appointment of members.

Sec. 2-107. Rules of procedure.

Sec. 2-108. Advisory resources.

Sec. 2-109. Permit and concession fees established by town board; disposition of fees.

Sec. 2-110. Form of permits and concession agreements; approval required.

Secs. 2-111—2-133. Reserved.

Sec. 2-104. Lease with federal government regarding a portion of Lake Onalaska shoreline.

- (a) The town board has entered into that certain lease (the lease) between the town and the U.S. Army Corps of Engineers, dated May 2, 1990, and regarding the Brice Prairie Area of Shoreline on Lake Onalaska, which property is owned by the federal government.
- (b) The terms of the lease provide that the town shall implement and administer a permit program and establish permit fees for the use of docks, steps, boatlifts and a small storage box.
- (c) In relation to the same property, and pursuant to guidelines of the U.S. Army Corps of Engineers guidelines for recreation business operations on leased land, the town may also administer a concessionaire lease with certain existing recreation based businesses and charge fees therefor.
- (d) The property that is subject to the lease described herein is open to public access and the consideration of the lease is public benefit. A portion of the public benefit is provided through the town's operation and maintenance of the Mosey and Upper Brice Prairie public boat landings.

(Res. No. 070120041, 7-1-2004)

Sec. 2-105. Committee created; purpose and intent; functions and duties.

- (a) The town board has created the Town of Onalaska Shoreline Advisory Committee (the committee) to provide for the day-to-day administration of the lease and to advise the town board on actions necessary to comply with the lease terms and conditions.
- (b) The purpose of the committee specifically includes advising the town board regarding the regulation, management, and use of the leased public land area, to work with the town in carrying out official administrative functions related to the lease and shoreline rules, and to be a resource to town residents regarding the shoreline lease area.
- (c) The functions of the committee shall specifically include, but are not limited to:
 - (1) The gathering of information regarding the use, regulation, and management of the lease area;
 - (2) Advising the town board with regard to lease requirements, rules derived from the lease, yearly permit fees for facilities allowed under the lease to residential property owners directly adjacent to the lease area and commercial concession agreements, operation and maintenance of public boat landings and public walk-in access to the lease area;
 - (3) Administering the lease requirements using town resources.
- (d) The duties of the committee specifically include, but are not limited to, providing any documents requested or required by the U.S. Army Corps of Engineers. In carrying out this duty, the committee may utilize town resources.

(Res. No. 070120041, 7-1-2004)

Sec. 2-106. Appointment of members.

The committee is composed of five members appointed by the town board to serve at the pleasure of the board. At least one of the committee's members shall be a town board member and the remaining four members must be residents of the town with knowledge of and interests related to the leased land area.

(Res. No. 070120041, 7-1-2004)

Sec. 2-107. Rules of procedure.

The committee determines its own internal structure and meeting schedule and format; provided, however, that the committee shall at all times comply with applicable provisions of Wisconsin Open Meetings Law, Wis. Stats. § 19.81 et seq. and Wisconsin Public Records Law, Wis. Stats. § 19.21 et seq.

(Res. No. 070120041, 7-1-2004)

Sec. 2-108. Advisory resources.

Resource persons from state and federal management agencies may be advisors to the committee as necessary or appropriate in the estimation of the committee or the town board.

(Res. No. 070120041, 7-1-2004)

Sec. 2-109. Permit and concession fees established by town board; disposition of fees.

The town board shall establish permit and concession fees, as amended from time to time. Permit and concession fees are as provided in the town fee schedule. The funds derived from fees established under this section should be used for direct administrative costs of permits and concession agreements and for regular annual costs for portable toilets for the boat landings in the leased land area.

(Res. No. 070120041, 7-1-2004)

Sec. 2-110. Form of permits and concession agreements; approval required.

- (a) Applications for permits and permits and applications for concession agreements and concession agreement must be on forms approved under the U.S. Army Corps of Engineers, as provided in the lease agreement and amended from time to time. Each permit and concession agreement must be filed with the town clerk and approved and signed by the town board chair or his designee; provided, however, that the designee must be a member of the town board.
- (b) The town board chair, or his designee as provided herein, should consider and utilize the advice provided by the committee in official actions to approve, deny, or modify individual permits and concession agreements.

(Res. No. 070120041, 7-1-2004)

Secs. 2-111—2-133. Reserved.*DIVISION 3. PLAN COMMISSION*Sec. 2-134. How constituted.Sec. 2-135. Appointment, terms, and removal.Sec. 2-136. Meetings.Sec. 2-137. Quorum and voting.Sec. 2-138. Powers and duties.Sec. 2-139. Records, notices, open meetings.Secs. 2-140—2-161. Reserved.**Sec. 2-134. How constituted.**

The plan commission shall consist of seven members. The citizen members shall be persons of recognized experience and qualifications.

(Ord. No. 14, § 1, 5-2-1979; Ord. of 5-28-2003, § 1; Ord. No. 2006-328, § (a), 3-28-2006)

Sec. 2-135. Appointment, terms, and removal.

- (a) All members of the town plan commission shall be appointed by the town board chairperson, subject to confirmation by the town board. The town chairperson shall also select the presiding officer. The town board chairperson may appoint town board members to the commission and may appoint other town elected or appointed officials to the commission, except that the commission shall always have at least five citizen members who are not town officials.
- (b) Appointments shall be made by the town board chairperson during the month of April for terms that expire in April or at any other time if a vacancy occurs during the middle of a term; except that the appointees to the town plan commission may be removed before the expiration of the appointee's term by a majority vote of the town board.

(Ord. No. 14, §§ 2, 3, 5-2-1979; Ord. of 5-28-2003, § 2; Ord. No. 2006-328, § (b), 3-28-2006)

Sec. 2-136. Meetings.

The commission shall meet upon the call of the presiding officer. The town clerk shall attend all meetings and prepare the minutes of such meetings.

(Ord. No. 14, § 7, 5-2-1979; Ord. of 5-28-2003, § 5; Ord. No. 2006-328, § (c), 3-28-2006)

Sec. 2-137. Quorum.

Four members shall constitute a quorum.

(Ord. No. 14, § 7, 5-2-1979; Ord. No. 2006-328, § (d), 3-28-2006)

Sec. 2-138. Powers and duties.

The plan commission shall have the powers and duties of a village or city plan commission under Wis. Stats. §§ 61.35 and 62.23, except for the powers relating to the adoption of town zoning ordinances. Such powers shall include, but are not limited to:

- (1) Subject to town board approval, the plan commission may employ experts, engineers, consultants, or staff and pay for the services and other expenses as may be necessary and proper, not to exceed regulations and appropriations by the town board;
- (2) Make reports and recommendations to public officials, agencies and other organizations and citizens relating to the provisions and requirements of this division, the subdivision provisions of this Code, the town's comprehensive plan and other town plans, and development in the town;
- (3) Recommend public improvement plans and financing to the town board;
- (4) Request available information of any public official, applicant, property owner, or resident that may be deemed appropriate and necessary to review the plans and proposals and to carry out the plan commission's duties and responsibilities;
- (5) Appear and recommend adoption of comprehensive plans, or elements or components thereof, for the physical development of the town, and to extend or add to the comprehensive plan in accordance with Wisconsin Statutes;

- (6) Prepare and recommend to the town board adoption of an official map in accordance with Wis. Stats. § 62.23(6);
- (7) Prepare and recommend to the town board adoption of subdivision and land division regulations in accordance with Wis. Stats. § 236.45;
- (8) Make recommendations to the town board regarding any changes to the comprehensive plan, official town map, zoning regulations, land subdivision, land division, and other related regulations;
- (9) Provide statutory reviews at the direction of the town board, which shall refer all matters requiring plan commission review pursuant to Wis. Stats. § 62.23(5) to the plan commission for the period of time specified by law;
- (10) Serve as the primary reviewing body for applications under any town subdivision ordinance or erosion control ordinance; and
- (11) Perform such other duties as the town board may, from time to time, delegate to the plan commission.

(Ord. No. 14, §§ 6, 8, 5-2-1979; Ord. of 5-28-2003, §§ 6—8; Ord. No. 2006-328, § (e), 3-28-2006)

Sec. 2-139. Records, notices, open meetings.

The plan commission shall comply with the Wisconsin Open Meetings Law, Wis. Stats. § 19.81 et seq., and the Wisconsin Public Records Law, Wis. Stats. § 19.21 et seq., giving notice of meetings, agendas, minutes of meetings, and records of votes cast.

(Ord. No. 14, § 7, 5-2-1979; Ord. of 5-28-2003, § 5; Ord. No. 2006-328, § (f), 3-28-2006)

Secs. 2-140—2-193. Reserved.

State Law reference— City planning, Wis. Stats. § 62.23; village planning, Wis. Stats. § 61.35; town zoning authority if exercising village powers, Wis. Stats. § 60.62; town plan commission in towns with populations of at least 2,500, Wis. Stats. § 60.62(4)(d).

ARTICLE V. FINANCE

DIVISION 1. - GENERALLY

DIVISION 2. - BUDGET

DIVISION 3. - CLAIMS

DIVISION 4. - PURCHASING

DIVISION 5. - VOLUNTEER ACCOUNTS

State Law reference— Town finances generally, Wis. Stats. § 60.40 et seq.

DIVISION 1. GENERALLY

Sec. 2-194. Fiscal year.

Sec. 2-195. Disbursement of town funds.

Sec. 2-196. Town public depository.

Sec. 2-197. Insufficient fund check charge.

Sec. 2-198. Identity theft prevention program.

Secs. 2-199—2-219. Reserved.

Sec. 2-194. Fiscal year.

The fiscal year of the town shall be the calendar year, i.e., from January 1 through December 31 of each year.

State Law reference — Town fiscal year, Wis. Stat. § 60.40(1).

Sec. 2-195. Disbursement of town funds.

All disbursements of the town shall be by town check signed by three of the following town officials:

- (1) The town chair or, in his absence, the vice town chair;
- (2) The town treasurer or, in his absence, the deputy town treasurer, if any. If there is no deputy then a town supervisor shall sign; and
- (3) The town clerk or, in his absence, the deputy town clerk, if any. If there is no deputy then a town supervisor shall sign.

State Law reference — Disbursements from municipal treasury, Wis. Stat. § 66.0607.

Sec. 2-196. Town public depository.

Pursuant to Wis. Stat. § 60.46 the town board shall designate one or more public depositories for depositing funds of the town.

Sec. 2-197. Insufficient fund check charge.

A fee set by the town board shall be imposed upon the payer of any insufficient funds check returned to the town. The treasurer is directed to post a notice of such charge at the town hall.

Sec. 2-198. Identity theft prevention program.

The town has adopted an identity theft prevention program that is on file in the office of the town clerk.

Secs. 2-199—2-219. Reserved.

DIVISION 2. BUDGET

Secs. 2-220—2-246. Reserved.

Secs. 2-220—2-246. Reserved.

DIVISION 3. CLAIMS

Sec. 2-247. Review and approval; payments.

Secs. 2-248—2-272. Reserved.

Sec. 2-247. Review and approval; payments.

- (a) All claims shall be reviewed by the town clerk and approved by the town board before payment pursuant to Wis. Stat. § 66.0607., except that as provided below the clerk may make such immediate payments as may be necessary for weekly or semimonthly payrolls, social security and health and life insurance premiums, contracted services, and utility bills.
- (b) Paragraph (a) above notwithstanding, the town board herein provides that pursuant to Wis. Stat. § 60.44(2) a procedure for approving financial claims against the town which are in the nature of bills and vouchers. Payment may be made from the town treasury under Wis. Stat. § 66.0607 after the town clerk reviews and approves in writing each bill or voucher as a proper charge against the treasury, after having determined that:
 - 1. Funds are available under the town budget to pay the bill or voucher.
 - 2. The item or service covered by the bill or voucher has been duly authorized.
 - 3. The item or service covered by the bill or voucher has been supplied or rendered in conformity with the authorization.
 - 4. The claim appears to be a valid claim against the town.
- (c) The town clerk may require submission of proof to determine compliance with the conditions under paragraph (b) 1. to 4.
- (d) The clerk shall file with the town board at least monthly a list of the claims approved, showing the date paid, name of claimant, purpose and amount.

Secs. 2-248—2-272. Reserved.

DIVISION 4. PURCHASING

Sec. 2-273. Definitions.

Sec. 2-274. Notice; advertisement for bids.

Secs. 2-275—2-296. Reserved.

Sec. 2-273. Definitions.

As used in this division, the following terms and phrases have the meanings indicated:

Public contract means a contract for the construction, execution, repair, remodeling, or improvement of any public work or building or for the furnishing of materials or supplies, with an estimated cost greater than \$5,000.00.

Responsible bidder means a person who, in the judgment of the town board, is financially responsible and has the capacity and competence to faithfully and responsibly comply with the terms of the public contract.

Sec. 2-274. Notice; advertisement for bids.

- (a) No public contract, the estimated cost of which is more than \$5,000.00, but not more than \$25,000.00, shall, as required by Wis. Stat. § 60.47(2), be let unless the town board or designated town official or employee gives class I notice under Wis. Stats. ch. 985 before execution of the contract. No public contract with a value of more than \$25,000.00 shall, as required under Wis. Stat. § 60.47(2)(b), be entered into unless the town board or designated town official or employee gives a class II notice under Wis. Stats. ch. 985.
- (b) Notwithstanding any other provisions of this Code, the town board may approve the purchase of any goods or supplies from any other unit of government, including the state or federal government, without the intervention of bids, to the extent permitted by Wis. Stat. § 66.0131(2).

Secs. 2-275—2-280. Reserved.

DIVISION 5. VOLUNTEER ACCOUNTS

Sec. 2-281. Volunteer accounts authorized.

Sec. 2-281. Volunteer accounts authorized.

- (a) The town grants the members of any fire department, emergency medical technician department, or first responder department serving the town the exclusive control over the deposit and expenditure of volunteer funds of such a department.
 - (1) "Volunteer funds" means funds that are raised by the members of the volunteer department, by other volunteers, or by donation to the volunteer department, for the benefit of the volunteer department.
 - (2) The department shall use an account in the name of the department in a public depository.
 - (3) "Public depository" means a federal or state credit union, federal or state savings and loan association, state bank, savings and trust company, federal or state savings bank, or national

bank in this state which receives or holds any public deposits or the local government pooled-investment fund.

- (4) The respective department's chief or that person's designee is designated as the department member who shall have control over the deposit and expenditure of the volunteer funds.
- (5) Specific uses of the volunteer funds shall be determined by the chief or that person's designee.
- (6) The chief or that person's designee shall annually provide to the town board a report describing the collection, deposit and uses made of the volunteer funds by October 1.
- (7) Notwithstanding this ordinance volunteer funds shall remain the property of the town until the funds are disbursed.
- (8) Volunteer funds shall be exclusively for purposes serving the volunteer department for which they were raised.

Secs. 2-282—2-296. Reserved.

ARTICLE VI. PUBLIC RECORDS

DIVISION 1. - GENERALLY

DIVISION 2. - DESTRUCTION OF PUBLIC RECORDS

State Law reference— Public records generally, Wis. Stat. § 19.21 et seq.

DIVISION 1. GENERALLY

Sec. 2-297. Legal Custodian.

Sec. 2-298. Public Access to Records.

Sec. 2-299. Access Procedures.

Sec. 2-300. Limitation on Right to Access.

Sec. 2-297. Legal Custodian.

- (a) The Town Clerk is hereby designated as the legal custodian of the Town of Onalaska and is vested with full legal power to render decisions and carry out the Town's public records responsibilities pursuant to Wis. Stats. Ch. 19, Subchapter II.

- (b) Paragraph (a) above notwithstanding, an elective official is the legal custodian of his or her records and the records of his or her office. However, an elective official may designate an employee to act as the legal custodian.
- (c) Paragraph (a) above notwithstanding, the chairperson of a committee of elective officials, or the chairperson's designee, is the legal custodian of the records of the committee. Similarly, the co-chairpersons of a joint committee of elective officials, or their designees, are the legal custodians of the records of the committee.

Sec. 2-298. Public Access to Records.

- (a) The public may obtain information and access to records in the custody of the clerk or other appropriate legal custodian, make requests for records, or obtain copies of records, and learn the costs of obtaining copies of records from the clerk or other appropriate legal custodian during the Town's regular office hours of 8:00 a.m. until noon and 1:00 p.m. until 5:00 p.m. Monday through Thursday, and 8:00 a.m. until noon on Friday, at the Town Hall located at N5589 Commerce Road W7024 Josie Street, Onalaska, WI 54650.
- (b) The legal custodian may require supervision during inspection or may impose other reasonable restrictions on the manner of access to an original record if the record is irreplaceable or easily damaged.
- (c) The Town is not required to create a new record by extracting information from existing records and compiling the information in a new format, except that: any requester has a right to receive a copy of a record which is in the form of a comprehensible audio recording substantially as audible as the original or the Town may instead provide a transcript of the recording to the requester if he or she requests; any requester has a right to receive a copy of information contained in the record assembled and reduced to written form on paper if it is not in a readily comprehensible form; and if a record contains information that is subject to disclosure under Wis. Stat. § 19.35(1)(a) or (am) and information that is not subject to such disclosure, the Town shall provide the information that is subject to disclosure and delete the information that is not subject to disclosure from the record before release.
- (d) The Town shall provide a requestor with facilities comparable to those used by its employees to inspect, copy and abstract the record during established office hours. However, the Town is not required to purchase or lease photocopying, duplicating, photographic or other equipment or to provide a separate room for the inspection, copying or abstracting of records.
- (e) The Town will impose a fee upon the requester of a copy of a record which may not exceed the actual, necessary and direct cost of reproduction and transcription of the record, unless a fee is otherwise specifically established or authorized to be established by law. Actual, necessary and direct fees for public records requests shall be charged to requestors as follows:
 1. The costs of photocopying shall be \$0.25 per page.
 2. Other methods of reproduction, including but not limited to photographic or transcriptions, shall be at cost.
 3. Computer programming expenses required to respond to a request shall be at cost.
 4. Mailing or shipping expenses required to respond to a request shall be at cost.
 5. Staff time calculated on the pay rate of the lowest paid employee capable of performing the task.
 6. Locating a record if the actual cost therefor exceeds \$50.00.
 7. The legal custodian shall estimate the cost of all applicable fees and require a prepayment if such estimate exceeds \$5.00.

8. The Town may provide copies of a record without charge or at a reduced charge where the legal custodian determines that waiver or reduction of the fee is in the public interest.
9. Elected and appointed officials of the Town shall not be required to pay for public records they may reasonably require for the proper performance of their official duties.
10. Continuing or ongoing requests are not possible. Requests can only be made and fulfilled for records that exist at the time the request is made.

Sec. 2-299. Access procedures.

- (a) A request to inspect or copy a record shall be made to the legal custodian.
- (b) A request is deemed sufficient if it reasonably describes the requested record or the information requested. A request for a record without a reasonable limitation as to subject matter or length of time represented by the record does not constitute a sufficient request and may be denied for those reasons. However, nothing herein this Code shall prevent the legal custodian from contacting the record requestor in an attempt to better identify what the person is seeking.
- (c) Upon request for any record a legal custodian shall as soon as practicable and without unnecessary delay either fulfill the request or notify the requester of the Town's determination to deny the request in whole or in part and the reasons therefor.
- (d) A requester may be required to show acceptable identification only when the requested record is being kept at a private residence or whenever security reasons or federal law or regulations require it. Otherwise, no request may be refused because the person making the request is unwilling to be identified or to state the purpose of the request.
- (e) A request may be made orally or in writing and need not be made in person. If a request is made orally, the Town may deny the request orally unless a demand for a written statement of the reasons denying the request is made by the requester within 5 business days of the oral denial. If the Town denies a written request in whole or in part, the requester shall receive from the Town a written statement of the reasons for denying the written request. Every written denial of a request by the Town shall inform the requester that if the request for the record was made in writing, then the determination is subject to review by mandamus under Wis. Stat. § 19.37(1) or upon application to the attorney general or a district attorney.
- (f) No record may be destroyed after the receipt of a request for inspection or copying of the record until after the request is granted or until at least 60 days after the date that the request is denied or, if the requester is a committed or incarcerated person, until at least 90 days after the date that the request is denied. Upon written notice that an action relating to a record has been commenced under Wis. Stat. § 19.37, the record may not be destroyed until after the order of the court in relation to such record is issued and the deadline for appealing that order has passed, or, if appealed, until after the order of the court hearing the appeal is issued. If the court orders the production of any record and the order is not appealed, the record may not be destroyed until after the request for inspection or copying is granted.
- (g) In limited circumstances a request can experience minor delay in order to properly notify a record subject pursuant to Wis. Stat. § 19.356.

Sec. 2-300. Limitations on right of access.

- (a) Although there is a presumption of access to a record, the legal custodian must also consider whether there are any explicit rights or prohibitions to access in statute or case law, and finally by a balancing test weighing possible harm against benefit to the public.

- (b) If a record contains both information that may be made public and information that may not be made public, the custodian shall provide the information that may be made public and redact the information that may not be made public from the record before release. The custodian shall confer with the Town attorney prior to releasing any such record and shall follow the guidance of the Town attorney when separating out the exempt material. If in the judgment of the custodian and the Town attorney there is no feasible way to separate the exempt material from the nonexempt material without unreasonably jeopardizing nondisclosure of the exempt material, the entire record shall be withheld from disclosure.
- (c) A requester has a greater right of access than the general public to any personally identifiable information pertaining to the individual in a record containing personally identifiable information that is maintained by the Town.

Secs. 2-301—2-325. Reserved.

Secs. 2-301—2-325. Reserved.

DIVISION 2. DESTRUCTION OF PUBLIC RECORDS

Sec. 2-326. Retention of records.

Sec. 2-327. Notice to state historical society.

Secs. 2-328—2-346. Reserved.

Sec. 2-326. Retention of records.

The Town shall keep the following records for at least the quantified time periods set herein below and by statute unless the state Public Records Board has adopted a shorter period pursuant to Wis. Stat. § 16.61(3)(e), then it shall apply instead.:

- (a) Do not destroy; retain for an indefinite period: minutes of meetings; original copies of ordinances and ordinance amendments; original copies of resolutions; deeds and other property records; information about plats, certified survey maps, public streets and highways; legal opinions received from the town attorney; information on the Village's "Class B" liquor license quota; and insurance policies.
- (b) Unless otherwise enumerated in statute or herein below, a record shall be kept at least seven (7) years pursuant to Wis. Stat. § 19.21(4)(b).
- (c) Pursuant to Wis. Stat. § 19.21(7), a tape recording of a meeting for the sole purpose of making the minutes can be destroyed no sooner than ninety (90) days after the minutes are approved.
- (d) Pursuant to Wis. Stat. § 125.04(3)(i)3, liquor license applications shall be retained for at least four (4) years.

- (e) Pursuant to Wis. Stat. § 7.23, all materials and supplies associated with an election, except as provided in sub. (12) may be destroyed according to the following schedule:
1. Except as provided in par. (2), unused materials after an election and the contents of the blank ballot box after a primary may be destroyed at a time and in a manner designated by the clerk.
 2. Unused ballots may be discarded or destroyed no earlier than the day after the latest day for the filing of a petition for a recount under Wis. Stat. § 9.01 for any office on the ballots.
 3. Registration forms of electors whose registrations are changed to ineligible status under Wis. Stat. § 6.50(7) may be destroyed four (4) years after the change, unless an elector becomes eligible again during that period.
 4. Financial reports may be destroyed six (6) years after the date of receipt. Financial registration statements may be destroyed six (6) years after termination of registration.
 5. Poll lists created for any election may be destroyed twenty-two (22) months after the election at which they were created.
 6. Except as authorized in par. (7), ballots, applications for absentee ballots, registration forms, or other records and papers requisite to voting at any federal election, other than registration cards, may be destroyed after twenty-two (22) months.
 7. Detachable recording units and compartments for use with tabulating equipment for an electronic voting system may be cleared or erased fourteen (14) days after any primary and twenty-one (21) days after any other election. Before clearing or erasing the units or compartments, a municipal clerk shall transfer the data contained in the units or compartments to a disk or other recording medium which may be erased or destroyed twenty-two (22) months after the election to which the data relates. The requirement to transfer data does not apply to units or compartments for use with tabulating equipment for an electronic voting system that was approved for use prior to January 1, 2009, and that is not used in a federal election.
 8. Except as provided in par. (6), ballots may be destroyed thirty (30) days after any election.
 9. Official canvasses may be destroyed ten (10) years after the election to which they relate.
 10. Election notices, and proofs of publication and correspondence filed in connection with such notices may be destroyed one year after the date of the election to which they relate.
 11. All other materials and supplies associated with an election may be destroyed ninety (90) days after the election.
 12. If a recount is pending or if the time allowed for filing a recount petition at any election or an appeal or petition for review of any recount determination or decision at an election has not expired, no materials may be destroyed until after the recount is completed and the applicable time period has expired. In addition, if there is litigation pending with respect to a recount at an election, materials may be destroyed and recording units or compartments may be cleared or erased only by order of the court in which litigation is pending. Upon petition of the attorney general or a district attorney or U.S. attorney for

the affected jurisdiction, a circuit judge for the affected jurisdiction may order that specified materials not be destroyed or that specified recorders, units or compartments not be cleared or erased as otherwise authorized under this subsection until the court so permits.

- (f) Pursuant to Wis. Stat. § 19.21(4)(a), no assessment roll containing land enrolled in the Forest Crop program can be destroyed without prior approval of the state secretary of revenue.

Sec. 2-327. Notice to historical society.

Prior to the destruction of any public record at least sixty (60) days' notice in writing shall first be given to the State Historical Society of Wisconsin.

Secs. 2-328—2-346. Reserved.

ARTICLE VII. ETHICS

DIVISION 1. - GENERALLY

DIVISION 2. - REGULATIONS AND RESTRICTIONS

DIVISION 3. - BOARD OF ETHICS

DIVISION 4. - ADVISORY AND SUMMARY OPINIONS

DIVISION 5. - COMPLAINT PROCEDURE

State Law reference— Code of ethics for public officials and employees, Wis. Stats. § 19.41 et seq.; code of ethics for local government officials, employees and candidates, Wis. Stats. § 19.59.

DIVISION 1. GENERALLY

Sec. 2-347. Declaration of policy.

Sec. 2-348. Definitions.

Sec. 2-349. Notice; distribution of copies; annual review and certification.

Sec. 2-350. Penalty and sanctions.

Secs. 2-351—2-373. Reserved.

Sec. 2-347. Declaration of policy.

It is declared that high moral and ethical standards among town officials and employees are essential to the conduct of free government and that the town board believes that a code of ethics for the guidance of town officials and employees:

- (1) Will help them avoid conflicts between their personal interests and their public responsibilities;

- (2) Will improve standards of public service; and
- (3) Will promote and strengthen the faith and confidence of the people in their public officials and employees.

Sec. 2-348. Definitions.

Wis. Stat. § 19.42 is hereby incorporated by reference and adopted into this Code. Further guidance as to the definitions contained in Wis. Stat. § 19.42 is provided by the ethics opinions maintained by the state Government Accountability Board, Ethics Division, respectively.

Sec. 2-349. Notice; distribution of copies; annual review and certification.

- (a) A copy of the declaration of policy shall be continuously posted on the town bulletin board located at the town hall.
- (b) The town clerk shall cause a copy of the Code of Onalaska Article VIII on ethics set forth herein, to be distributed to every public official and employee of the town before entering upon his duties.
- (c) Each public official, the town chair and the chair of each board, commission, committee, or department shall review the provisions of the Code of Onalaska Article VIII on ethics with his fellow board members or subordinates, upon taking office and annually thereafter.
- (d) Each public official and employee shall, in connection with subsection (c) of this section, also complete and file with the department head or town clerk, as appropriate, the following statement of understanding:

"I have read and understand the Town of Onalaska Code on ethics. I also understand that I am expected to adhere to and conduct myself according to rules, guidance and direction as set forth in the town Code., state statutes and interpretative opinions maintained by the state Government Accountability Board, Ethics Division for local officials."

Sec. 2-350. Penalty and sanctions.

Violation of any provision of this article may constitute a cause for suspension, termination of employment or other disciplinary action. Sanctions, including any disciplinary action that may affect employees covered under a labor agreement will be consistent with the terms and conditions set forth in the applicable labor agreement.

Secs. 2-351—2-373. Reserved.

DIVISION 2. REGULATIONS AND RESTRICTIONS

Sec. 2-374. Standards of conduct

Sec. 2-375. Statutory standards of conduct.

Sec. 2-376. Prohibited acts

Sec. 2-377. Fair and equal treatment required.

Sec. 2-378. Rights not restricted.

Secs. 2-379—2-401. Reserved.

Sec. 2-374. Standards of conduct

- (a) The town board hereby reaffirms that a town official holds his position as a public trust and any effort to realize personal gain through official conduct is a violation of that trust.
- (b) The board further recognizes:
 - (1) That governmental representatives are drawn from society and, therefore, cannot and should not be without all personal and economic interest in the decisions and policies of government;
 - (2) That citizens who serve as town officials retain their rights as citizens to interests of a personal or economic nature; and
 - (3) That town officials may need to engage in employment, professional, or business activities other than official duties in order to support themselves or their families and to maintain a continuity of professional or business activity, or may need to maintain investments, which activities or investments do not conflict with the specific provisions of this article.
- (c) The standards of ethical conduct for town officials needs to distinguish between those minor and inconsequential conflicts that are unavoidable in a free society, and those conflicts that are material.

Sec. 2-375. Statutory standards of conduct.

There are certain provisions of the state statutes that, while not set forth in this section, are considered an integral part of any code of ethics. Accordingly, the provisions of the following sections of the statutes, as from time to time amended, are incorporated by reference herein and made a part of this code of ethics and shall apply to public officials and employees whenever applicable:

Wis. Stats. § 946.10, bribery of public officers and employees.

Wis. Stats. § 946.11, special privileges from public utilities.

Wis. Stats. § 946.12, misconduct in public office.

Wis. Stats. § 946.13, private interest in public contract prohibited.

State Law reference— Bribery and official misconduct, Wis. Stats. § 946.10 et seq.

Sec. 2-376. Prohibited acts

Wis. Stat. § 19.59, codes of ethics for local government officials, employees and candidates is hereby adopted by reference and incorporated into this Code. Further guidance as to the code contained in Wis. Stat. § 19.59 is provided by the ethics opinions maintained by the state Government Accountability Board, Ethics Division, respectively.

Sec. 2-377. Fair and equal treatment required.

- (a) Use of town property. No official or employee shall request or permit the use of town-owned vehicles, equipment, materials, or property for personal convenience or profit.
- (b) Purchase of town property. No official or employee may purchase any town-owned vehicle, equipment, materials or property pursuant to Wis. Stat. § 175.10.
- (c) Obligations to citizens. No official or employee shall grant any special consideration, treatment or advantage to any citizen beyond that which is available to every other citizen.

Sec. 2-378. Rights not restricted.

- (a) Nothing in this article shall deny any town official or employee his rights as a citizen under the Constitution of the United States of America, the state constitution, the state statutes or any other bona fide regulations of the state, county or town.
- (b) This article does not prevent any town official from accepting employment or following any pursuit that in no way interferes with the full and faithful discharge of his duties to this town.

Secs. 2-379—2-401. Reserved.

DIVISION 3. BOARD OF ETHICS

Sec. 2-402. Creation; composition; chair, vice-chair, and secretary.

Sec. 2-403. Powers and duties of board.

Sec. 2-404. Legal assistance to board.

Sec. 2-405. Member qualifications.

Sec. 2-406. Procedure for appointment of members.

Sec. 2-407. Terms of office.

Sec. 2-408. Meetings; attendance of town board members.

Sec. 2-409. Voting.

Secs. 2-410—2-431. Reserved.

Sec. 2-402. Creation; composition; chair, vice-chair, and secretary.

The town board has created a board of ethics consisting of five voting members and two alternates who serve without compensation unless the town board otherwise provides. The board shall elect its own chair, vice-chair and secretary.

Sec. 2-403. Powers and duties of board.

The board of ethics shall have such powers and duties, as approved by the town board from time to time, as are necessary to review and administer the town code of ethics.

Sec. 2-404. Legal assistance to board.

The town attorney may furnish the board legal assistance when necessary and when doing so does not present a conflict of interest to the town attorney. With the prior approval of the town board, the board of ethics may retain independent counsel, at the town's expense, when the town attorney is unable to provide legal assistance to the board.

Sec. 2-405. Member qualifications.

The members of the board of ethics shall be residents of the town. The members shall not be elected officials, full-time appointed officials or town employees, nor shall they be currently serving on any other town board, commission or committee.

Sec. 2-406. Procedure for appointment of members.

For the initial appointment of members to the board of ethics, each town board member shall submit one name of a resident to be considered for appointment by the town board. The town chair shall also submit names of two alternates to the town board for consideration for appointment by the town board. Future appointments of persons to fill vacancies arising for any reason in the membership of the board of ethics shall be made by the town chair, subject to confirmation by the town board.

Sec. 2-407. Terms of office.

Members shall be appointed in May for three years. The alternates shall be appointed for three-year terms. The alternates shall serve on the board when one of the voting members is unavailable.

Sec. 2-408. Meetings; attendance of town board members.

The board of ethics shall meet at such times and places as is determined from time to time by the board of ethics or the town board. Records of the board's investigations of violations of this article shall be closed to public inspection; provided, however, that the board may make such records public with the consent of the accused person or if the accused person makes public any portion of the board's records regarding the investigation.

State Law reference— Similar provision, Wis. Stats. § 19.59(3)(d).

Sec. 2-409. Voting.

A vote of at least four-fifths of the board shall be required for any action taken by the board with the exception that action taken by the board pursuant to a hearing conducted under division 4 of this article shall require a unanimous vote.

Secs. 2-410—2-431. Reserved.

State Law reference— Boards of ethics, Wis. Stats. § 19.59(3)(d).

DIVISION 4. ADVISORY AND SUMMARY OPINIONS

Sec. 2-432. Application; presentation of issues; closed deliberations.

Sec. 2-433. Records of proceedings.

Sec. 2-434. Assistance of town attorney.

Sec. 2-435. Issuance of summary opinions.

Secs. 2-436—2-453. Reserved.

Sec. 2-432. Application; presentation of issues; closed deliberations.

- (a) Any person to whom this section applies may apply in writing to the board for an advisory opinion as to the interpretation and application of this article and shall be guided by the opinion rendered.

- (b) Such person shall have the opportunity to present his interpretation of the facts at issue and of the applicability of provisions of this article before the advisory decision is rendered.
- (c) Meetings for deliberations and action upon such applications shall not be open to the public.

Sec. 2-433. Records of proceedings.

Opinions rendered by the board shall be in writing. Records of the board's opinions, opinion requests, and investigations of violations shall be closed to public inspection. The board, however, may make such records public with the consent of the individual requesting the advisory opinion or if the individual makes public any portion of the opinion.

State Law reference— Similar provision, Wis. Stats. § 19.59(3)(d).

Sec. 2-434. Assistance of town attorney.

If the board deems it necessary or appropriate, it may request an advisory opinion from the town attorney.

Sec. 2-435. Issuance of summary opinions.

The board of ethics may, if it determines that its opinion in response to a request for an advisory opinion as to the interpretation or application of a provision of the code of ethics to certain factual situations would be of value to other officials or employees in terms of providing guidance or guidelines in future fact situations of a same or similar nature, issue a summary opinion setting forth what it deems to be appropriate conduct in such a manner that it does not disclose the identity of the individual whose original request prompted the issuance of such summary opinion.

Secs. 2-436—2-453. Reserved.

DIVISION 5. COMPLAINT PROCEDURE

Sec. 2-454. Form of complaint.

Sec. 2-455. Acceptance of complaint; notice to accused.

Sec. 2-456. Preliminary investigation.

Sec. 2-457. Probable cause; dismissal of complaint; reconsideration.

Sec. 2-458. Hearings.

Sec. 2-459. Authority of board to compel appearance of witnesses.

Sec. 2-460. Rights of accused.

Sec. 2-461. Decision and recommendation of board.

Sec. 2-454. Form of complaint.

All complaints shall be in writing and verified and shall state the name of the official or employee alleged to have committed a violation of this article and the particulars thereof. Complaints shall be addressed to the board of ethics and filed with the town clerk.

Sec. 2-455. Acceptance of complaint; notice to accused.

Within 14 days after the filing of a properly verified complaint, the board shall meet to accept the complaint. Within three days after accepting the complaint, the board shall mail a copy of the complaint to the accused by certified mail.

Sec. 2-456. Preliminary investigation.

- (a) Following the acceptance of a verified complaint, the board may make preliminary investigations with respect to the alleged violation of this article.
- (b) No preliminary investigation of the activities of any official or employee may be initiated, unless such official or employee is notified in writing by certified mail. 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.
- (c) The preliminary investigation shall be completed within 30 days from acceptance of a verified complaint, except that the board may extend that period an additional 30 days with like notice to the official or employee and to the complainant.

Sec. 2-457. Probable cause; dismissal of complaint; reconsideration.

- (a) If, after the investigation, the board finds that probable cause does not exist for believing the allegations of the complaint or believing that the conduct complained of violates the code of ethics, it shall dismiss the complaint.
- (b) The board shall promptly notify the accused and the complainant of its decision in writing by certified mail.
- (c) The board's decision to dismiss a complaint shall be final.
- (d) The same complaint or a complaint which is substantially the same shall not be reconsidered by the board, unless the complainant provides additional material information which was not available to the complainant at the time the original complaint was filed and which, if true, would probably change the outcome. The board's decision to reconsider or not to reconsider shall be final.

Sec. 2-458. Hearings.

- (a) If, after the investigation, the 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 30 days after such finding.
- (b) The board shall give the accused at least 20 days' notice of the hearing date.
- (c) The hearings shall be at open session, unless the accused petitions for a hearing closed to the public.
- (d) The rules of criminal evidence shall apply to such hearings. All evidence, including certified copies of records and documents that the board considers, shall be fully offered and made part of the record in the case.
- (e) Every party shall be afforded adequate opportunity to rebut or offer countervailing evidence.

Sec. 2-459. Authority of board to compel appearance of witnesses.

The board shall have the power to compel the attendance of witnesses and to issue subpoenas granted other boards and commissioners under Wis. Stats. § 885.01(3).

Sec. 2-460. Rights of accused.

- (a) During all stages of any investigation or proceeding conducted under this article, the accused shall be entitled to be represented by counsel of his own choosing at his own expense.
- (b) The accused or his representative shall have an adequate opportunity to examine all documents and records to be used at the hearing at a reasonable time before the date of the hearing as well as during the hearing.
- (c) The accused shall have the right to bring witnesses and establish all pertinent facts and circumstances and to question or refute any testimony or evidence, including the opportunity to confront and cross examine adverse witnesses.

Sec. 2-461. Decision and recommendation of board.

Upon conclusion of the hearing, the board shall file its decision with the town clerk within five days, in writing, signed by all participating board members, with findings of fact, conclusions of law concerning the propriety of the conduct of the official or employee and, if appropriate, refer the matter to the town board or other proper authority with a recommendation for suspension, removal from employment, or other disciplinary action.