
SUBCHAPTER 1: GENERAL PROVISIONS

CHAPTER 3: TOWN ADMINISTRATION**SUBCHAPTER 1: GENERAL PROVISIONS****3.100 TITLE**

This Chapter shall be known as the “Town of Lyndon Administration Ordinance” or “Administration Ordinance,” except as referred to herein, where it shall be known as “this Chapter.”

3.101 AUTHORITY

This Chapter is enacted pursuant to the general authority granted by Chapter 60 Wis. Stats. and specifically by §60.22 Wis. Stats.

3.102 PURPOSE

The purposes of this Chapter are to establish the general rules and regulations by which the Government of the Town shall conduct itself, to establish the various elected and non-elected positions, boards, committees and commissions of the Town, and to establish the powers, duties, compensation and method of selection of such positions, boards, committees and commissions.

3.103 ELECTIONS

- (1) **POLLING PLACE:** Pursuant to § 5.25 Wis. Stats., the polling place for all electors in the Town shall be the Town Hall, located at W1797 County Hwy “J.”
- (2) **POLLING MACHINES:** The Town shall use paper ballots and a voting machine approved by the “Help Americans Vote Act” (HAVA).
- (3) **PRIMARIES:** *(See § 2.103(10) above regarding whether a directive has been adopted by a Town Meeting to establish a non-partisan primary, pursuant to § 60.10(1)(c) and 8.05(3) Wis. Stats.)*

3.104 NOTICE OF OFFICIAL ACTION

- (1) **POSTING:** The Town shall use the method of “posting” for those ordinances, resolutions, and other matters which are required by law to be posted.
- (2) **PUBLICATION:** When publication is specifically required by law or the Town Board, the “Wisconsin Dells Events” newspaper is hereby designated the official Town newspaper for such publication.
- (3) **AFFIDAVITS OF POSTING OR PUBLICATION:** If an ordinance, resolution, or other action of the Board is posted under this section, the Clerk shall sign an affidavit attesting that the item was posted as required by this section and stating the date and place of posting. If an ordinance, resolution, or other act is published, an affidavit of publication shall be obtained from the newspaper stating the dates of publication. These affidavits shall be affixed to the item posted or published and then filed with the Clerk. Failure to prepare, obtain, or file a required affidavit, due to inadvertence or unintentional conduct, shall not invalidate the ordinance, resolution, or other act.

3.105 SCHEDULE OF MEETINGS

- (1) **REGULAR MEETINGS:** The Board shall meet on the second Thursday of each month at 7:30 p.m., provided however, that the Board may occasionally cancel or reschedule a regular meeting whenever a holiday or other event might interfere with the meeting or might prevent a quorum from being available.

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- (2) **SPECIAL MEETINGS:** A special meeting may be called (i) by the Chairman, or (ii) by any two (2) supervisors filing with the Clerk a written request, signed by the supervisors, stating the purpose for which the meeting is to be called and stating the date and time of the meeting, provided the time selected for the meeting shall not be less than 48 hours after the time of filing the request. The Clerk shall give notice promptly upon receipt of the request for such meeting. Notice shall be delivered to each supervisor personally, or left at his usual place of abode, at least 24 hours before the meeting.

3.106 CONDUCT OF MEETINGS

- (1) **ROBERT'S RULES OF ORDER:** Meetings shall be conducted in accordance with the parliamentary rules contained in Robert's Rules of Order (newly revised) except as otherwise provided by law or this Code.
- (2) **ORDER OF BUSINESS:** The following general order of business shall be observed at all Town Board meetings:
- (a) Call to order by the presiding officer
 - (b) Role call (If a quorum is not present, the meeting may be adjourned to a date specified by a majority of those present).
 - (c) Reading, correcting, and approval of the Minutes of the proceeding meeting(s).
 - (d) Public appearances
 - (e) Old or unfinished business
 - (f) New business
 - (g) Reports of committees, commissions, or boards
 - (h) Adjournment.
- (3) **PROCEDURE AT PUBLIC HEARINGS:**
- (a) **Call to Order:** The Chair shall call the public hearing to order and state the subject matter of the public hearing.
 - (b) **Speakers:** The Chair shall invite the public to give their comments on the subject matter of the hearing. The Chair may limit the time afforded to each speaker to make sure that all persons are heard. The Chair shall control the speakers to ensure that their comments are limited to the subject matter of the hearing.
 - (c) **Close:** The Chair shall close the public hearing when, in the Chair's discretion, the subject matter has been fairly discussed and all points of view have been heard.

3.107 ENACTMENT OF ORDINANCES

- (1) **NUMBERING:** All ordinances shall be identified by year and number, e.g. 2007-6 means the sixth ordinance adopted during 2007.

3.108 RESERVED FOR FUTURE USE**3.109 ETHICAL STANDARDS**

- (1) **DECLARATION OF POLICY:** It is declared that high ethical standards among Town officers and employees are essential to the conduct of good representative government and that a Code of Ethics for the guidance of public officers and employees will help them avoid conflicts, and will promote and strengthen the confidence of the residents of the Town in their public officers and employees. The purpose of this Section is to establish guidelines for ethical standards of conduct for all Town officers and employees by setting forth those acts that are incompatible with the public interest and which compromise, or appear to compromise, public trust in the fairness, independence, and integrity of Town officers and employees and their official actions.
- (2) **DEFINITIONS:**

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- (a) **Public Officer:** The term "public officer" as used herein shall mean those persons serving in a statutory elected or appointed office, and all members of boards, committees, and commissions of the Town, whether paid or unpaid.
- (b) **Public Employee:** The term "public employee" as used herein shall mean any person excluded from the definition of a public officer who is employed by the Town.
- (3) **ADOPTION OF STATUTES:** The provisions of the following-listed statutes, including any future revisions or amendments thereto, describing and defining regulations with respect to the conduct and ethics of government officials, employees, and candidates, including the penalty to be imposed and the procedure for prosecution, are hereby adopted and, by reference, made a part of this Ordinance as if fully set forth herein. Any act, required to be performed or prohibited by any of the following-listed statutes, is required or prohibited by this Ordinance.

Statutes Adopted

- 19.59 Codes of Ethics for Local Government Officials, Employees and Candidates
- 946.10 Bribery of Public Officers and Employees
- 946.11 Special Privileges for Public Utilities
- 946.12 Misconduct in Public Office
- 946.13 Private Interest in Public Contract Prohibited

(4) **SPECIFIC CONFLICTS OF INTEREST:**

- (a) **Use of Public Property:** No public officer or public employee shall use or permit the use of Town vehicles, equipment, materials or property for personal convenience or profit, except when such items are available for use by the public generally or except when the use of such items is authorized by the Board.
- (b) **Conflicts-of-Interest and Disclosure-of-Interest:** Except as provided herein, no public officer or public employee shall engage in any business transaction with the Town, or have a financial or other personal interest, direct or indirect, which is incompatible with the proper discharge of his official duties or which will tend to impair his independence or judgment or action in the performance of his official duties. Any public officer or employee who has a substantial financial interest, including employment, in any business entity entering into, proposing to enter into, or bidding on any transaction with the Town, or as part of his official duties will be making an official decision or recommendation significantly affecting a business competitor, client or regular customer, shall disclose such interest to the Board (or committee or commission thereof as appropriate) to be recorded in the minutes of that body. Upon such disclosure, it is advised that the public officer or employee abstain from participating in the discussion of the matter and from voting on the matter.
- (c) **Representing Private Interests:** No public officer or public employee, including persons or firms engaged to provide professional services to the Town, shall represent, for compensation, private interests before the Board or any commission or committee without disclosure of the private business relationship and explicit consent of the body.
- (d) **Disclosure of Confidential Information:** No public officer or public employee shall, without proper authorization of the Board, disclose confidential information concerning the property, government, or affairs of the Town nor shall he use

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such information to advance financial or private interest of himself or others.

- (e) **Gifts and Favors:** No public officer or public employee shall accept anything of value whether in the form of gift, service, loan or promise from any person, who, to the knowledge of the public officer or public employee, has a direct financial interest in any transaction or official business with the Town, which may tend to impair the public officer=s or public employee=s independence of judgment or action in the performance of his official duties. It is not, however, a conflict-of-interest for any public officer or employee to receive a gift or gratuity that is an unsolicited item of nominal intrinsic value.
- (f) **Award and Administration of Contracts:** No employee, officer, or agent of the Town shall participate in the selection, award, or administration of a contract if a conflict-of-interest, real or apparent, would be involved. Examples of such conflicts would arise when the employee, officer, or agent, or any member of their immediate family or their partner, or an organization which employs, or is about to employ, any of them, has a financial or other interest in a firm to whom a contract is awarded. No Town employee, officer, or agent shall solicit or accept gratuities, favors, or anything exceeding nominal intrinsic value from existing or potential contractors or subcontractors.

3.110 PUBLIC RECORDS

- (1) **PURPOSE:** The purpose of this subsection is to comply with Subchapter II of Chapter 19, Wis. Stats., commonly known as the Wisconsin Public Records Law. Furthermore, this subsection shall constitute the notice required by ' 19.34(1) Wis. Stats.
- (2) **LEGAL CUSTODIANS:** The following-identified legal custodians shall have full legal power to render decisions and to carry out the duties of an "authority" regarding the records under their control, pursuant to Subchapter II of Chapter 19, Wis. Stats., and this Ordinance.
 - (a) **Elected Officials:** Pursuant to ' 19.33 Wis. Stats., an elected official, or his designee, is a legal custodian of his records and the records of his office, and also the records of any committee for which said official is the chairperson.
 - (b) **Personnel Records:** The Town Clerk shall be the legal custodian of all personnel records (if any) of Town officials, appointees, and employees, except that the Chairman shall be the legal custodian of the personnel records of the Town Clerk.
 - (c) **All Other Records:** The Town Clerk shall be the legal custodian of all other Town records not specifically identified in subparagraphs (a) and (b) above.
- (3) **PROCEDURE:** In addition to the procedures and access requirements required by law, the following requirements shall apply to all requests for public records:
 - (a) **In Writing:** Requests for public records shall be in writing.
 - (b) **To Whom:** Written requests shall be addressed to the custodian, and mailed or delivered to the Clerk at the Town Hall.
 - (c) **Fees:** The fees authorized by ' 19.35(3) Wis. Stats. shall be charged. The amount of fees shall be set by Resolution of the Board. The term "actual costs" as used in the statutes shall mean the total cost of personnel, including wages and fringe benefits, plus expenses for supplies, postage, telephone, paper, and other materials used or purchased to make or supply a copy. The custodian may demand prepayment of the estimated fee if the custodian believes that the actual cost will probably exceed \$5.00.

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- (4) **EXEMPT RECORDS:** The following records shall be exempt from disclosure:
- (a) All records exempted under ' 19.36 Wis. Stats;
 - (b) Library records exempted under ' 43.30 Wis. Stats;
 - (c) All records restricted by substantive common law principles pursuant to ' 19.35(1)(a) Wis. Stats.;
 - (d) All records protected for reasons of public policy pursuant to ' 19.35(1) (a) Wis. Stats.
 - (e) All records supplied by, or on behalf of, a landowner to the Assessor, regarding income and expenses, pursuant to §70.47(7)(af) Wis. Stats.
- (5) **DESTRUCTION OF RECORDS:**
- (a) **Purpose:** It is the purpose of this subsection to authorize and permit the custodian of any public record to destroy said record at the earliest date permitted by law and to remove any obligation from the custodian to maintain public records beyond the minimum period required by law.
 - (b) **Time Periods:** Unless a shorter period of law has been fixed by the Public Records and Forms Board under ' 16.61(3)(e) Wis. Stats. or by any other law, the following records can be destroyed at the expiration of the following-identified times:
 - 1. **90 Days:** Pursuant to ' 19.21(7) Wis. Stats., the taped recording of a meeting of any governmental body may be destroyed no sooner than 90 days after the minutes have been approved and published if the purpose of the recording was to make minutes of the meeting.
 - 2. **Election Materials:** All election materials may be destroyed pursuant to ' 7.23 Wis. Stats.
 - 3. **Water Utility Records:** Water utility records may be destroyed pursuant to PSC 185.19 Admin. Code.
 - 4. **7 Years:** Except as provided above, all other public records may be destroyed after 7 years.
 - (c) **Approvals:** Notice shall be given to the historical society pursuant to ' 19.21(4)(a) Wis. Stats. prior to the destruction of any records. Furthermore, no assessment roll containing forest crop acreage will be destroyed without prior approval of the Secretary of Revenue.
- (6) **MICROFILM:** Pursuant to ' 19.21(4)(c) Wis. Stats., the Town may keep and preserve public records through the use of microfilm, electronic storage, or other reproductive devices or storage media. Original documents may be destroyed once the records have been preserved in some other media.

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