

## CHAPTER 1

### TOWN ORGANIZATION AND ADMINISTRATION

1.1 NAME. The civil township of Dane County which consists of all unincorporated land lying in Sections 14 through 36 of Congressional Township 8 North, Range 6 East, shall be known as the Town of Black Earth.

1.2 STATUS. The Town of Black Earth shall exercise all of the powers of Towns pursuant to Ch. 60, Wis. Stats., and of Villages, pursuant to sec. 60.22, Wis. Stats.

1.3 TOWN BOARD. The business and policy affairs of the Town of Black Earth shall be governed by the Board of Supervisors, which shall consist of the Town Chairperson and two (2) Supervisors. All Town Board members shall be elected at the spring election for two year terms.

(1) General. The Town Board shall be vested with all the powers of the Town not specifically given some other officer. Except as otherwise provided by law, the Town Board shall have the management and control of the Town property, finances, highways, streets, navigable waters and the public service, and shall have the power to act for the government and good order of the Town, for its commercial benefit and for the health, safety, welfare and convenience of the public, and may carry its powers into effect by license, regulation, suppression, borrowing, taxation, special assessment, appropriation, fine, imprisonment and other necessary or convenient means. The powers hereby conferred shall be in addition to all other grants and shall be limited only by express language.

(2) Acquisition and Disposal of Property. The Town Board may acquire property, real or personal, within or outside of the Town, for parks, libraries, historic places, recreation, beautification, streets, waterworks, sewage or waste disposal, harbors, improvement of watercourses, public grounds, vehicle parking areas and for any other public purpose; may acquire real property within or contiguous to the Town, by means other than condemnation, for industrial sites; may improve and beautify the same; may construct, own, lease and maintain buildings on such property for instruction, recreation, amusement and other public purposes; and may sell and convey such property. Condemnation shall be as provided by the Wisconsin Statutes.

(3) Acquisition of Easements and Property Rights. Confirming all powers granted to the Town Board and in furtherance thereof, the Board is expressly authorized to acquire by gift, purchase or condemnation under the Wisconsin Statutes, any and all property rights in lands or waters, including rights of access and use, negative or positive easements, restrictive covenants, covenants running with land, scenic easements and any rights for use of property of any nature whatsoever, however denominated, which may be lawfully acquired for the benefit of the public or for any

public purpose, including the exercise of powers granted under Sections 61.35 and 62.23, Wis Stats.; and may sell and convey such easements or property rights when no longer needed for public use or protection.

(4) Town Finances. The Town Board may levy and provide for the collection of taxes and special assessments; may refund any tax or special assessment paid, or any part thereof, when satisfied that the same was unjust or illegal; and generally may manage the Town finances. The Town Board may loan money to any school district located within the Town or within which the Town is wholly or partially located in such sums as are needed by such district to meet the immediate expenses of operating the schools thereof, and the Board of the district may borrow money from such Town accordingly and give its note therefor. No such loan shall be made to extend beyond August 30 next following the making thereof or in an amount exceeding one-half of the estimated receipts for such district as certified by the State Superintendent of Public Instruction and the local School Clerk. The rate of interest on any such loan shall be determined by the Town Board.

(5) Construction of Powers. Consistent with the purpose of giving to Towns the largest measure of self-government in accordance with the spirit of the home rule amendment to the Constitution, the grants of power to the Town Board in this Section and throughout this Code of Ordinances shall be liberally construed in favor of the rights, powers and privileges of Towns to promote the general welfare, peace, good order and prosperity of the Town and its inhabitants.

(6) Intergovernmental Cooperation. The Town Board, on behalf of the Town, may join with other counties, towns, cities or other governmental entities in a cooperative arrangement for executing any power or duty in order to attain greater economy or efficiency, including joint employment of appointed officers and employees.

(7) Preservation of order. The Town Board has the power to preserve order at its meetings, including removal of disruptive individuals or groups.

1.4 TOWN CHAIRPERSON. The daily management of the Town and oversight of its business and affairs shall be vested in the Town Chairperson.

1.5 TOWN CLERK. ***The Town Clerk shall be filled by appointment by a majority of the members-elect of the Town Board.*** The Town Clerk shall perform all of the duties associated with that position in the Wisconsin Statutes, as well as such other duties as are assigned by the Town Board.

1.6 TOWN TREASURER. The Town Treasurer shall perform all of the duties associated with that position in the Wisconsin Statutes, as well as such other duties as are assigned by the Town Board.

## 1.7 TOWN OFFICERS.

(1) General Powers. Officers shall have generally the powers and duties prescribed for officers of Towns, except as otherwise provided, and such powers and duties as are prescribed by law and except as to the Town Chairperson, shall perform such duties as shall be required of him/her by the Town Board. Officers whose powers and duties are not enumerated in Chapter 60 of the Wisconsin Statutes, shall have such powers and duties as are prescribed by law for like officers or as are directed by the Town Board.

(2) Rules. All officers and departments may make the necessary rules for the conduct of their duties and incidental proceedings.

(3) Applicability of Ethics Statutes. The general laws for the punishment of bribery, misdemeanors and corruption in office, including sec. 19.59, Wis. Stats., shall apply to Town officers.

(4) Legal Representation. Whenever a Town official in his/her official capacity proceeded against or obliged to proceed before any civil court, board or commission, to defend or maintain his/her official position, or because of some act arising out of the performance of his/her official duties, and he/she has prevailed in such proceedings, or the Town Board has ordered the proceedings discontinued, the Board may provide for payment to such official such sum as it sees fit, to reimburse him/her for the expenses reasonably incurred for costs and attorney's fees.

1.8 TOWN MEETINGS. At all meetings of the Town Board and the Town electorate, the proceedings shall be conducted in an orderly fashion reasonably conforming to Robert's Rules of Order unless some provision of Wisconsin Statutes or this Code requires a different procedure.

1.9 POLL HOURS. The voting polls in the Town of Black Earth, Dane County, Wisconsin shall be open from 7:00 a.m. to 8:00 p.m. for all elections.

1.10 NOMINATION OF CANDIDATES FOR ELECTIVE TOWN OFFICE. All candidates for elective office in the Town of Black Earth shall be nominated by caucus, under Sec. 8.05(1), Wis. Stats.

## 1.11 SALARIES OF TOWN OFFICIALS.

(1) General Provisions. The Town Chairperson and other Supervisors who make up the Town Board, whether operating under general or special law, may by majority vote of all the members of the Town Board determine that a salary be paid the Chairperson, Supervisors, and other Town officials and employees. The salaries and compensation to be paid to Town officers and employees shall be determined from time to time by the Town Board. Salaries heretofore established shall so remain until changed by ordinance and shall not be increased or diminished during their terms of office.

(2) Salaries Established. The salaries of all elected and appointed officials, including members of boards, committees and commissions, shall be as determined by the Town Board from time to time, provided the salary of the Chairperson and members of the Town Board, committees and commissions shall not be increased or diminished during their terms of office. Any such change in salaries shall be passed by a majority vote of all the members of the Town Board and must remain as set forth until changed by ordinance, per Sec. 66.0505(2), Wis. Stats.

~~(3) Town Chairperson; Supervisors; Treasurer; Clerk; The pay for the Chairperson and Supervisors, the Town Clerk, and the Town Treasurer shall be as follows:~~

- ~~(a) Chairperson: A salary of \$8399.65 per calendar year.~~
- ~~(b) Supervisors: A salary of \$4199.92 per calendar year.~~
- ~~(c) Treasurer: A salary of \$8399.65 per calendar year.~~
- ~~(d) Clerk: A salary of \$16,799.71 per calendar year.~~

(4) Attendance Standard. In order to receive compensation, a member must be present at least fifty percent (50%) of the actual meeting time as recorded in the minutes.

(5) Payment of Compensation. Town Board members are to be paid the first Town pay period following the months of March, June, October and the last meeting of December.

(6) Plan Commission Members. All citizens appointed to the Plan Commission shall be reimbursed Twenty dollars (\$20.00) per meeting attended. In order to receive compensation, a member must be present at least fifty percent (50%) of the actual meeting time as recorded in the minutes.

(7) Legal Actions. Any Town Board member or Town Chairperson who officially represents the Town in legal actions shall be paid an hourly rate of Twenty Dollars (\$20.00) per hour.

(8) Intent of Attendance Standard. It is the intent that committee/commission members will be paid only for attending meetings of those specific committees/commissions that they are appointed to. Board members will be paid for all meetings they attend that are posted as Town of Black Earth committee/commission/board meetings. Each board member will be paid according to the schedule under this Code. An exception may be made by the Town Board for attending other meetings.

(9) Board of Review. Those Board members appointed to serve on the Board of Review who are not elected or appointed officers of the Town shall be paid Forty five dollars (\$45.00) for the first set meeting (a set meeting being four (4) hours or less) and Five dollars (\$5.00) for each hour thereafter when the Board is in session. Each meeting shall be considered a single meeting, regardless of whether the meeting continues after midnight.

Board of Review members who are also elected or appointed officials of the Town shall not be compensated for so serving.

## 1.12 TOWN BOARD MEETINGS

(1) Regular Meetings. Regular meetings of the Town Board shall be held on the first Tuesday of each calendar month at a time determined by the Board, except when the day so designated falls on a legal holiday, in which case the regular meeting shall be held at such other date and time as the Town Board shall designate. When the Town Board designates a date and time for the regular Board Meeting, notice thereof shall be posted by the Clerk at the Town Hall and in three other public places. All meetings of the Board shall be held at the Town Hall unless specified otherwise in the minutes of the preceding meeting or by written notice posted at the regular meeting place at least two (2) hours prior to any meeting.

(2) Annual Organizational Meeting. The Town Board shall hold an annual organizational meeting on the second Tuesday in April or on the first regular meeting in May following the spring election for the purpose of organization.

(3) Special Meetings. Special meetings of the Board may be called by the Town Chairperson, or by two (2) Supervisors filing a request with the Town Clerk at least forty-eight (48) hours prior to the time specified for such meeting. The Town Clerk shall select the day for the special meeting and immediately notify each Supervisor of the time and purpose of such meeting. The notice shall be delivered or mailed to each Supervisor personally or left at this usual place of abode a minimum of twenty-four (24) hours prior to the meeting time. However, an emergency meeting, as defined in Chapter 19, Wis. Stats., may be held upon two (2) hours' legal notice. The Town Clerk shall cause a record of such notice to be filed in her/his office prior to the time fixed for such special meeting. No business shall be transacted at a special meeting except for the purpose stated in the notice thereof. Notice to the public of special meetings shall conform to the open meeting requirements of Sec. 19.81, Wis. Stats. The Town Clerk shall give notice immediately upon the call for such meeting being filed with her/him.

(4) Special Meeting Request. The request for any special meeting shall state the purpose for which the meeting is to be called and no business shall be transacted but that for which the meeting has been called.

(5) Open Meeting Law Compliance. All meetings shall be open to the public, unless falling within a lawful exception of the Wisconsin Open Meetings Law.

(6) Adjournment of Meetings. An adjournment to a closed session may be only for a permitted purpose as enumerated in Sec. 19.85, Wis. Stats., and must meet the other requirements of said Sec. 19.85, Wis. Stats.

(7) Meetings to be Open. During the holding of any open session in the regular meeting room or in the substituted meeting room, said room and said meeting shall at all times be open and remain open to all citizens.

(8) Closed Meetings. The provisions of this Code do not prohibit the Board or any committee thereof from having a closed meeting which is legally convened and legally held in a room in said building other than the official meeting room or in some other building in the Town, with notice of such meetings to be made pursuant to Sec. 19.85, Stats.

(9) Quorum. Two (2) members of the Town Board shall constitute a quorum, but a lesser number may adjourn or compel attendance of absent members if a majority is not present. The Town Chairperson shall be counted in computing a quorum.

### 1.13 PUBLICATION OF ORDINANCES.

(1) Notice of adoption of all general ordinances of the Town and all regulations imposing any penalty shall be posted according to sec. 60.80, Wis. Stats., and shall be immediately recorded by the Town Clerk in a book kept for that purpose and/or the Town Code of Ordinances. A printed copy of such ordinance or regulation in any book, pamphlet or newspaper and published or purporting to be published therein by direction of the Town Board shall be prima facie proof of due passage, publication and recording thereof.

(2) All ordinances shall take effect and be in force from and after passage and publication/posting thereof, unless otherwise provided.

1.14 ASSESSOR. Pursuant to sec. 60.307, Wis. Stats., the Town Assessor or assessing firm, shall be appointed pursuant to this section. Said person so appointed to perform the duties of such office shall have an indefinite term or as determined by contract. A corporation or an independent contractor may be appointed as the Town Assessor. The corporation or independent contractor so appointed shall designate the person responsible for the assessment. The designee shall file the official oath under Sec. 19.01, Wis. Stats., and sign the affidavit of the Assessor attached to the assessment roll under Sec. 70.49, Wis. Stats. No person may be designated by any corporation or independent contractor unless he/she has been granted the appropriate certification under Sec. 73.09, Wis. Stats. For purposes of this Subsection, "independent contractor" means a person who either is under contract to furnish appraisal and assessment services or is customarily engaged in an independently established trade, business or profession in which the services are offered to the general public.

### 1.15 BUILDING INSPECTOR; PLUMBING INSPECTOR; HEATING, VENTILATING AND AIR CONDITIONING INSPECTOR; ELECTRICAL INSPECTOR.

(1) Appointment. Building, Plumbing, Electrical and Heating, Ventilating and Air Conditioning (HVAC) Inspectors shall be appointed by the Town Board. The Town Board may elect to contract with an inspection firm to obtain inspection services.

(2) Inspectors shall:

- (a) Have proper state certification in areas of their responsibility;
- (b) Possess such executive ability as is requisite for the performance of their duties and shall have a thorough knowledge of the standard materials and methods used in the installation of equipment in their area of responsibility;
- (c) Be well versed in approved methods of construction for safety to persons and property, the Statutes of the State of Wisconsin relating to work in their area of responsibility, and any orders, rules and regulations issued by authority thereof;
- (d) Have sufficient experience in the installation of equipment to enable him/her to understand and apply the appropriate codes adopted by the Town of Black Earth.

(3) Authority to Enter Premises; Appeals. In the discharge of their respective duties, each Inspector under this Section or his/her authorized agent may enter any building, upon presentation of the proper credentials, during reasonable hours for the purpose of inspection and may require the production of any permit or license required hereunder. No person shall interfere with an Inspector or his/her authorized agent while in the performance of his/her duties; and any person so interfering shall be in violation of this Section and subject to a penalty as provided in this Code.

(4) If consent to entry to personal or real properties which are not public buildings or to portions of public buildings which are not open to the public or inspection purposes has been denied, an Inspector shall obtain a special inspection warrant under Section 66.0119, Wis. Stats.

(5) Any person feeling himself aggrieved by any order or ruling of an Inspector may, within twenty (20) days thereafter, appeal from such order or ruling to the Board of Appeals, as established in the Zoning Code, such an appeal to be in writing.

(6) Duties and Authority. The Building, Plumbing, Electrical and Heating, Ventilating and Air Conditioning (HVAC) Inspectors shall have such duties as are prescribed in this Section.

(7) Stop Work Orders and Revocations. Inspectors may order construction, installation, alteration or repair work stopped under sec. 3.18 of this Code when such work is being done in violation of this Code of Ordinances.

#### 1.16 BOARD OF REVIEW.

(1) Composition. The Board of Review of the Town of Black Earth shall be composed of the Town Chairperson, Clerk, and the Town Supervisors. The Town Clerk shall serve as

Clerk of the Board of Review. The Assessor shall attend all meetings of the Board of Review, but shall not vote. The Town Board may appoint citizens to the Board of Review by separate ordinance as it deems necessary, but such appointments are not required by Wisconsin Statute for the Board of Review to legally meet.

(2) Compensation. The members of the Board of Review who are elected or appointed officers of the Town shall receive no additional compensation as determined by resolution of the Town Board. The member who are not elected or appointed officers shall be compensated as provided in Section 1.9 of this ordinance.

(3) Duties. The duties and functions of the Board of Review shall be as prescribed in Sections 70.46 and 70.47, Wis. Stats.

(4) Meetings. In accordance with Sec. 70.47(3)b, Wis. Stats., the Town Board does hereby exercise its right to designate hours for the annual Board of Review proceedings other than those set forth in Sec. 70.47(3)a, and shall designate the hours of the annual Board of Review by separate resolution. The Board may adjourn from day to day or from time to time, until such time as its business is completed, providing that adequate notice of each adjournment is so given.

(5) Objections to Valuations to be Written. No person shall be permitted to appear and make objection before the Board of Review of the Town of Black Earth to the amount of valuation of any property unless objection thereto shall first have been made in writing and filed with the Clerk of the Board of Review.

1.17 CODE OF ETHICS. The proper operation of democratic government requires that public officials and employees be independent, impartial and responsible to the people; that government decisions and policy be made in proper channels of the governmental structure; that public office not be used for personal gain; and that the public have confidence in the integrity of its government. In recognition of these goals, there is hereby established in this Chapter a Code of Ethics for all Town of Black Earth officials and employees, whether elected or appointed, paid or unpaid, including members of boards, committees and commissions of the Town, as well as any individuals who are candidates for elective office as soon as such individuals are nominated by caucus. The purpose of this Ethics Code is to establish guidelines for ethical standards of conduct for all such officials and employees by setting forth those acts or actions that are incompatible with the best interests of the Town of Black Earth and by directing disclosure by such officials and employees of private financial or other interests in matters affecting the Town. The Town Board believes that a Code of Ethics for the guidance of elected and appointed officials and employees will help them avoid conflicts between their personal interests and their public responsibilities, will improve standards of public service and will promote and strengthen the faith and confidence of the citizens of this Town in their elected and appointed officials and employees. The Town Board hereby reaffirms that each elected and appointed Town official and employee holds his/her or her position as a public trust, and any intentional effort to realize substantial personal gain through official



conduct is a violation of that trust. The provisions and purpose of this Ethics Code and such rules and regulations as may be established are hereby declared to be in the best interests of the Town of Black Earth.

(1) Definitions.

(a) Public Official. Those persons serving in statutory elected or appointed offices provided for in Chapter 60 of the Wisconsin Statutes, and all members appointed to boards, committees and commissions established or appointed by the Town Chairperson and/or Town Board pursuant to this Code of Ordinances, whether paid or unpaid.

(b) Public Employee. Any person excluded from the definition of a public official who is employed by the Town.

(c) Anything of Value. Any money or property, favor, service, payment, advance, forbearance, loan, or promise of future employment, but does not include compensation or expense reimbursement paid by the Town, honoraria, fees and expenses under the standards and reporting requirements set forth in Sec. 19.56, Wis. Stats., campaign contributions as regulated by this Code or hospitality extended for a purpose unrelated to Town business by a person other than a firm, corporation, partnership, or joint venture.

(d) Business. Any corporation, partnership, proprietorship, firm, enterprise, franchise, association, organization, self-employed individual or any other legal entity which engages in profit-making activities.

(e) Personal Interest. Any interest arising from blood or marriage relationships or from close business or political association, whether or not any financial interest is involved.

(f) Significant Interest. Owning or controlling, directly or indirectly, at least five percent (5%) of the outstanding stock of any business.

(g) Financial Interest. Any interest which shall yield, directly or indirectly, a monetary or other material benefit to the officer or employee or to any person employing or retaining the services of the officer or employee.

(2) Statutory Standards. There are certain provisions of the Wisconsin Statutes which should, while not set forth herein, be considered an integral part of any Code of Ethics. Accordingly, the provisions of the following sections of the Wisconsin Statutes, as from time to time amended, are made a part of this Code of Ethics and shall apply to public officials and employees whenever applicable, to wit:

1. Sec. 946.10. Bribery of Public Officers and Employees.
2. Sec. 946.11. Special Privileges from Public Utilities.
3. Sec. 946.12. Misconduct in Public Office.
4. Sec. 946.13. Private Interest in Public Contract Prohibited.

(3) Public officials and employees are agents of public purpose and hold office for the benefit of the public. They are bound to uphold the Constitution of the United States and the Constitution of this State and carry out impartially the laws of the nation, state and municipality, to observe in their official acts the highest standards of morality and to discharge faithfully the duties of their office regardless of personal considerations, recognizing that the public interest must be their prime concern.

(4) Officials and employees should adhere to the rules of work and performance established as the standard for their positions by the appropriate authority.

(5) Officials and employees should not exceed their authority or breach the law or ask others to do so, and they should work in full cooperation with other public officials and employees unless prohibited from so doing by law or by officially recognized confidentiality of their work.

(6) Members of the Town staff are expected to follow their appropriate professional code of ethics. Staff members shall file a copy of such professional ethics codes with the Town Clerk. The Town Board shall notify the appropriate professional ethics board of any ethics violations involving Town employees covered by such professional standards.

(7) Use of Public Property. No official or employee shall use or permit the unauthorized use of Town-owned vehicles, equipment, materials or property for personal convenience or profit, except when such services are available to the public generally or are provided as Town policy for the use of such official or employee in the conduct of official business, as authorized by the Town Board or authorized board, commission or committee.

(8) Obligations to Citizens. No official or employee shall grant any special consideration, treatment or advantage or any citizen beyond that which is available to every other citizen. No official or employee shall use or attempt to use his/her position with the Town to secure any advantage, preference or gain, over and above his/her rightful remuneration and benefits, for himself or for a member of his/her immediate family.

(9) Political Contributions. No official shall personally solicit from any Town employee a contribution to a political campaign committee for which the person subject to this Chapter is a candidate or treasurer.

(10) Financial and Personal Interest Prohibited.

(a) No official or employee of the Town, whether paid or unpaid, shall engage in any business or transaction or shall act in regard to financial or other personal interest, direct or indirect, which is incompatible with the proper discharge of official duties in the public interest contrary to the provisions of this Chapter or which would tend to impair independence of judgment or action in the performance of official duties.

(b) Any member of the Town Board who has a financial interest or personal interest in any proposed legislation before the Town Board shall disclose on the records of the Town Board the nature and extent of such interest; such official shall not participate in debate or vote for adoption or defeat of such legislation. If the matter before the Town Board involves a member(s) personal interest with persons involved, the member may participate in debate or discussion and vote on the matter following disclosure, unless an ordinance or contract is involved; if an ordinance or contract is involved, such official shall not participate in debate or discussion and vote on the matter.

(c) Any non-elected official, other than a Town employee, who has a financial interest or personal interest in any proposed legislative action of the Town Board or any board, commission or committee upon which the official has any influence or input or of which the official is a member that is to make a recommendation or decision upon any item which is the subject of the proposed legislative action shall disclose on the records of the Town Board or the appropriate board, commission or committee the nature and extent of such interest. Such official shall not participate in debate or discussion or vote for adoption or defeat of such legislation.

(d) Any Town employee who has a financial interest or personal interest in any proposed legislative action of the Town Board or any board, commission or committee upon which the employee has any influence or input, or of which the employee is a member, that is to make a recommendation or decision upon any item which is the subject of the proposed legislative action shall disclose on the records of the Town Board or the appropriate board, commission or committee the nature and extent of such interest.

(11) Disclosure of Confidential Information. No official or employee shall, without proper legal authorization, disclose confidential information concerning the property, government or affairs of the Town, nor shall such information be used to advance the financial or other private interests of the official or employee or others.

(12) Incompatible Employment. No official or employee shall engage in or accept private employment or render service, for private interest, when such employment or service is incompatible with the proper discharge of his/her official duties or would tend to impair such official or employee's independence of judgment or action in the performance of his/her official duties, unless otherwise permitted by law and unless disclosure is made as hereinafter provided.

(13) Gifts and Favors.

(a) No official or employee shall accept or offer to accept anything of value from any person who, to his/her knowledge, is interested directly or indirectly, or is seeking an interest, directly or indirectly, in any manner whatsoever in business dealings with the Town, or from any person who conducts activities which are regulated by the Town, or from any person who has interests which may be substantially affected by actions of the Town.

(b) No official or employee shall accept or offer to accept anything of value that may tend to influence such official or employee in the discharge of his/her duties, or grant in the discharge of his/her duties any improper favor, service, or thing of value.

(c) Gifts received under unusual circumstances should be referred to the Town Board within ten (10) days for recommended disposition.

(d) An official or employee is not to accept hospitality if, after consideration of the surrounding circumstances, it could reasonably be concluded that such hospitality would not be extended were it not for the fact that the guest, or a member of the guest's immediate family, was a Town official or employee. Participation in celebrations, grand openings, open houses, informational meetings and similar events are excluded from this prohibition. This paragraph further shall not be construed to prevent candidates for elective office from accepting hospitality from citizens for the purpose of supporting the candidate's campaign.

(14) Representing Private Interests Before The Town Board or Plan Commission.

(a) Non-elected Town officials and employees shall not appear on behalf of any private person (other than him or herself, his/her spouse or minor children) before any Town agency, board, commission or the Town Board if the official or employee or any board, commission or committee of which the official or employee is a member has any jurisdiction, discretion or control over the matter which is the subject of such representation.

(b) Elected Town officials may appear before Town agencies on behalf of constituents in the course of their duties as representatives of the electorate or in the performance of public or civic obligations. However, the disclosure requirements of Subsection (10) above shall be applicable to such appearances.

(c) Ad Hoc Committee Exceptions. No violation of the conflict of interest restrictions of this Section shall exist, however, where an individual serves on a special ad hoc committee charged with the narrow responsibility of addressing a specific issue or topic in which that individual, or the employee or a client of that individual, has an interest so long as the individual discloses to the Town Board that such interest exists.

(15) Contracts with the Town. No official or employee who, in his/her capacity as such officer or employee, participates in the making of a contract in which such officer or employee has a private pecuniary interest, direct or indirect, or performs in regard to that contract some function requiring the exercise of discretion on the part of such official or employee, shall enter into any contract with the Town unless:

(a) The contract is awarded through a process of public notice and competitive bidding;

(b) The contract or activity is exempt from or otherwise deemed appropriate by Sec. 946.13, Wis. Stats.

(c) The Town Board waives this requirement after determining that it is in the best interest of the Town to do so.

(16) Disclosure of Interest in Legislation. To the extent known, any member of the Town Board who has a financial or personal interest in any proposed legislation before the Board shall disclose on the record of the Board the nature of and extent of such interest. Any other official or employee who has a financial or personal interest in any proposed legislative action of the board and who participates in discussion with or gives official opinions or recommendations to the Board shall disclose on the record of the Board the nature of and extent of such interest.

(17) When an official or employee has doubt as to the applicability of a provision of this Section, such official or employee may apply to the Town Attorney for an advisory opinion. The official or employee shall have the opportunity to present his/her interpretation of the facts at issue and of the applicability of provisions of this Section before such advisory decision is made. This Section shall be operative in all instances covered by its provisions, except when superseded by an applicable statutory provision and statutory action is mandatory, or when the application of a statutory provision is discretionary but determined to be more appropriate or desirable. If an official or employee has accurately stated the facts in their request for an advisory opinion, and acts in conformity to the advice rendered in the opinion, the official or employee shall be immune from liability under this section.

(18) This Section governs the proposed hiring of individuals for full-time or part-time work as Town employees who are members of the immediate family of Town employees or elected officials. Immediate family includes those relatives by blood or marriage defined in this section as personal interest. Hiring an immediate family member of any current Town employee or elected Town official will be considered only if that individual has the knowledge and skills, experience or other job-related qualifications that warrant consideration for the position. It is required that either the current employee or the relative seeking employment will make the personal interest relationship known to the hiring authority (department head, Town Board or commission) before a hiring decision is made.

(19) A determination that an employee's actions constitute improper conduct under the provisions of this Chapter shall constitute a cause of suspension, removal from office or 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.

(20) No full-time officer or employee of the Town shall engage in other ongoing, significant remunerative employment within or without the Town which is in conflict with the responsibilities or duties the officer or employee performs for the Town. The Town Board may approve such outside employment or activity if it finds that it does not interfere or conflict with such officer's ability to perform his/her duties in an efficient and unbiased manner. Violation of this provision shall be grounds for removal from office of any such officer or employee.

1.18 ORDINANCE ASSUMING RESPONSIBILITY OF TREASURER. Whereas, Subsection (2) of Section 70.67 of the 1951 Wisconsin Statutes provides that the Treasurer of each town or village shall be exempt from filing the bond or bonds provided under Section 70.67(1) upon the condition that the governing body thereof shall by Ordinance obligate such municipality to pay, in case the Treasurer thereof shall fail to do so, all taxes required by law to be paid by such Treasurer to the County Treasurer. Now therefore:

The Town Board of the Town of Black Earth, Dane County, Wisconsin, does ordain as follows: That pursuant to Section 70.67(2) Wisconsin Statutes of 1951 do, and hereby does, obligate the said Town of Black Earth to pay in case the Treasurer thereof shall fail to do so, all taxes required by law to be paid by such Treasurer to the County Treasurer for the taxes of 2008 and for each year thereafter unless or until this ordinance is repealed by the Town of Black Earth Town Board.