

Title 2 – Chapter 4

Town Officers and Employees

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Sec. 2-4-1 Election of Town Officers; General Provisions; Appointed Officials.

- (a) **Elected Town Officers.** Pursuant to Section 2-3-1, the Town shall elect a Chairperson and two (2) Supervisors.
- (b) **Restrictions.**
 - (1) Only an elector of the Town may hold a Town office, other than an Assessor appointed under Sec. 60.307, Wis. Stats., if the Town elects to change the office of Assessor to an appointed position.
 - (2) No person may hold the offices of Town Treasurer and Town Assessor at the same time. No person may assume the office of Town Assessor unless certified by the Wisconsin Department of Revenue, under Sec. 73.09, as qualified to perform the functions of the office of Town Assessor. If the Town reverts to a system of electing instead of appointing the Assessor and a person is elected to the office and is not certified by June 1 of the year elected, the office is vacant and the Town Board shall fill the vacancy from a list of persons certified by the Wisconsin Department of Revenue.

- (c) **Notice of Election.** Within five (5) days after completion of the canvass under Sec. 7.53, Wis. Stats., the Town Clerk shall transmit a notice of election to each person elected to a Town office.
- (d) **Term of Office.**
 - (1) Every elected Town officer shall hold the office for two (2) years.
 - (2) The regular term of elected Town officers, other than the Town Assessor, if elected, expires the third (3rd) Monday at 11:59 p.m., commenced on the third (3rd) Tuesday of April in the year of local town election.
- (e) **Appointed Officials.** The following Town officials shall be appointed in the manner and for the term indicated:

<u>Official</u>	<u>How Appointed</u>	<u>Term</u>
Assesor	Town Board	Indefinite
Attorney	Town Board	Indefinite
Weed Commissioner	Town Board	Indefinite

State Law Reference: Section 60.30, Wis. Stats.

Sec. 2-4-2 Temporary Vacancies.

- (a) If any elected Town officer, other than a Supervisor, is absent or temporarily incapacitated for any cause, the Town Board may appoint, if there is no deputy officer for the office, a suitable person to discharge the duties of the office until the officer returns or the disability is removed. Appointees shall file the official oath and bond required under Sec. 60.31, Wis. Stats.
- (b) Vacancies on the Town Board shall be filled by appointment by the remaining Supervisors and the Town Clerk, except when the vacancy is caused by removal by the Circuit Judge as provided by law, which latter vacancy shall be filled by appointment by the said Judge. Persons appointed under this Subsection to fill vacancies shall hold office for the residue of the unexpired term.
- (c) If any elected Town officer, other than a Supervisor, refuses to perform any official duty, the Town Board may appoint a suitable person to perform those duties which the officer refuses to perform. An appointee shall file the official oath and bond required of the office under Sec. 60.31, Wis. Stats. This paragraph does not preclude a finding that refusal to perform official duties constitutes cause under Sec. 17.13(3), Wis. Stats.

State Law Reference: Section 60.30(5), Wis. Stats.

Sec. 2-4-3 Official Oath and Bond.

- (a) **Official Oath.** Except as provided in Subsection (c), every elected or appointed Town officer shall take and file the oath under Sec. 19.01, Wis. Stats., within five (5) days after notification of election or appointment.
- (b) **Official Bond.** The Town Clerk, Town Treasurer and elected Assessor, if applicable, shall execute and file an official bond provided by the Town. No natural person may be a surety on a bond under this Subsection. A surety company under Sec. 632.17(2), Wis. Stats, may furnish the bond. The amount of the bond shall be fixed by the Town Board. If the amount of the bond is not fixed by the Board, the amount shall be the same as that required of the last incumbent of the office. If the Town Board at any time determines that the bond is insufficient, it may require an additional bond to be filed within ten (10) days in an amount fixed by the Board. If the Town Board establishes Deputy Clerk or Treasurer positions, such persons shall be bonded.
- (c) **Exceptions.** If the Town reverts to a system of electing an Assessor and/or creates a Municipal Court:
 - (1) An elected Assessor shall take and file the official oath and bond at any time between May 27 and May 31.
 - (2) The Municipal Judges shall take and file the official oath and bond under Sec. 755.03, Wis. Stats.
- (d) **Failure to File Oath or Bond.** If any person elected or appointed to a Town office fails to file a required official oath or bond within the time prescribed by law, the failure to file constitutes refusal to serve in the office.

State Law Reference: Section 60.31, Wis. Stats.

Cross Reference: Section 2-4-19.

Sec. 2-4-4 Compensation of Elective Town Offices.

- (a) **Established by Town Meeting or Board.**
 - (1) Except as provided under Subsection (2) below, the Town meeting shall establish the compensation of elective town offices.
 - (2) If authorized by the Town meeting under Sec. 60.10(2)(k), Wis. Stats., the Town Board shall establish the compensation of elective Town offices, other than the office of Supervisor or Chairperson.
- (b) **Nature of Compensation.** Compensation under this Section may be:
 - (1) An annual salary.
 - (2) A per diem compensation for each meeting necessarily devoted to the service of the Town and the discharge of duties. Board members or Town officials shall be the Town's authorized representative at a meeting or be attending an authorized convention/training session to be eligible for per diem compensation.
 - (3) A combination of the above.
- (c) **Changes During Term.** Subject to Subsection (d), the Town meeting or,

if authorized to establish compensation, the Town Board may make a change in the compensation of an elective Town office to take effect during the term of office.

- (d) **When Established.** Compensation under this Section shall be established prior to the latest date and time for filing nomination papers for the office. After that date and time, no change may be made in the compensation of the office that applies to the current term of office.

State Law Reference: Section 60.32, Wis. Stats.

Sec. 2-4-5 Reimbursement of Expenses

- (a) **Generally.** The Town Board may provide for reimbursement of expenses necessarily incurred by any office 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. Expenses reimbursable under this Section include, but are not limited to:
 - (1) Traveling expenses, including mileage, lodging and meal expenses.
 - (2) Costs associated with programs of instruction related to the officer's or employee's office or employment.
- (b) **Manuals.** The Town Board may purchase handbooks and manuals that will materially assist Town officials and employees in the performance of official duties.

State Law Reference: Section 60.321, Wis. Stats.

Sec. 2-4-6 Compensation When Acting in More Than One Official Capacity.

Except for offices combined under Sec. 60.305, Wis. Stats., the Town may not compensate a Town officer for acting in more than one (1) official capacity of the Town at the same time.

State Law Reference: Secs. 60.323 and 946.13, Wis. Stats.

Sec. 2-4-7 Town Clerk.

The Town Clerk, shall:

- (a) **Clerk of Town Meeting.** Serve as Clerk of the Town meeting under Sec. 60.15, Wis. Stats.
- (b) **Clerk of Town Board.**
 - (1) Serve as Clerk of the Town Board, attend meetings of the Board and keep a full record of its proceedings.

- (2) File all accounts approved by the Town Board or allowed at Town meetings and enter a statement of the accounts in the Town's record books.
- (3) File with the Town Board claims approved by the Clerk, as required under Sec. 60.44(2)(c), Wis. Stats.
- (c) **Finance Book.** Maintain a finance book, which shall contain a complete record of the finances of the Town, showing the receipts, with the date, amount and source of each receipt; the disbursements, with the date, amount and object of each disbursement; and any other information relating to Town finances prescribed by the Town Board. The financial records a Town Clerk is expected to maintain are in addition to, not in lieu of, those a Town Treasurer is expected to maintain.
- (d) **Elections and Appointments.**
 - (1) Perform the duties required by Chapters 5 and 12, Wis. Stats., relating to elections.
 - (2) Transmit to the County Clerk, within ten (10) days after election or appointment and qualification of any Town Supervisor, Treasurer, Assessor or Clerk, a written notice stating the name and post office address of the elected or appointed officer. The Clerk shall promptly notify the County Clerk of any subsequent changes in such offices.
 - (3) Transmit to the Clerk of Circuit Court, immediately after the election or appointment of any Constable or Municipal Judge in the Town, a written notice stating the name of the Constable or Municipal Judge and the term for which elected or appointed. If the Judge or Constable was elected or appointed to fill a vacancy in the office, the Clerk shall include in the notice the name of the incumbent who vacated the office.
- (e) **Sale of Real Property.** Execute the conveyance of real property of the Town. However, prior to the sale of any property by the Town Board, the electors attending a Town meeting must have given the Town Board authorization to do so.
- (f) **Notices.**
 - (1) Publish or post ordinances and resolutions as required under Sec. 60.80, Wis. Stats.
 - (2) Give notice of annual and special Town meetings as required under Sections 60.11(5) and 60.12(3), Wis. Stats.
- (g) **Records.**
 - (1) Comply with Subch. II of Chapter 19, Wis. Stats., concerning any record of which the Clerk is legal custodian.
 - (2) Demand and obtain the official books and papers of any Municipal Judge if the office becomes vacant and the Judge's successor is not elected or appointed and qualified, or if any Municipal Judge dies. The Town Clerk shall dispose of the books and papers as required by law.
- (h) **Licenses.** Issue any license or permit granted by the Town Board when any required fee has been paid.

- (i) **Schools.**
 - (1) Perform the Clerk's duties under Chapters 115 to 121, Wis. Stats., relating to public instruction.
 - (2) Within ten (10) days after the Clerk's election or appointment, report his or her name and post office address to the administrator of each cooperative educational service agency, which contains any portion of the Town. The Clerk shall report to the administrator the name and post office address of each school district clerk within ten (10) days after the name and address if filed in the Clerk's office.
 - (3) Make and keep in the Clerk's office a map of the Town, showing the exact boundaries of school districts within the Town.
 - (4) Apportion, as provided by law, taxes revenues collected by the Town for schools.
- (j) **Highways and Bridges.** Perform the duties specified in Chapters 80 to 92, Wis. Stats., relating to highways, bridges and drains.
- (k) **Notice of Property Tax Revenue.** Notify the Clerk of the county in which the Town is located, by March 15, of the proportion of property tax revenue and the credits under Sec. 79.10, Wis. Stats., that is to be disbursed by the County Clerk to each taxing jurisdiction located in the Town.
- (l) **Recording Orders and Certificates.** Obtain and maintain a cancellation book pursuant to Sec. 66.081, Wis. Stats.
- (m) **Statement of Indebtedness to Secretary of State.** Furnish, pursuant to Sec. 69.68, Wis. Stats., a full and complete summary of the bonded indebtedness and all other indebtedness, the purpose for which the sum was incurred and any accrued interest, if any, remaining unpaid to the Secretary of State.
- (n) **Managed Forest Act.** Receive copies from the Department of Natural Resources of all petitions for entry under the Managed Forest Law of all lands in the Town pursuant to Sec. 77.82(5), Wis. Stats. The Town Clerk shall receive copies of notice of hearings established pursuant to Sec. 77.82(6), Wis. Stats., and copies of any orders issued pursuant to Sec. 77.82(8), Wis. Stats.
- (o) **Notice of Cessation of Operations.** Receive the appropriate notice, pursuant to Sec. 109.07, Wis. Stats., of mergers, liquidation, disposition, relocation or cessation of operations from any employer in the Town; the Town Clerk shall then immediately inform the Town Board of receipt of such information.
- (p) **Release and Publication of Tax Roll.** Receive the assessment rolls and then publish a Class 1 notice, if applicable, or post notice under Chapter 985, Wis. Stats. The notice will provide that in the noted days the assessment roll will be open for examination by the taxable inhabitants.
- (q) **Rabies Control Program.** Promptly post notice in at least (3) public places in the Town pursuant to Sec. 95.21(3), Wis. Stats., with the notices of quarantine to be furnished by the Department of Health and Social Services.
- (r) **Prepare General Statistics and Annual Statement of Taxes.** Make out and transmit to the County Clerk by years end a statement pursuant to Sec. 69.60, Wis. Stats., showing the assessed value of all property within the Town all taxes levied, all special assessments made and purposes for special assessments. Also, a complete and detailed statement of the bonded and other indebtedness

of the Town and of any accrued interest remaining unpaid and the purpose for which the indebtedness was incurred. In addition, on or before the third Monday of December, the Town Clerk shall file a statement of taxes levied to the Department of Revenue.

- (s) **Make Tax Roll.** Make out the complete list of all taxable real property to be called the Tax Roll as required in Sec. 70.65, Wis. Stats.
- (t) **Correct Tax Roll.** Before delivering the Tax Roll to the Town Treasurer and after delivering the Tax Roll to the Town Treasurer, shall correct the errors in the Tax Roll required in Sec. 70.73, Wis. Stats.
- (u) **Receive Assessment Roll.** Receive from the assessor on or before the first Monday in May the completed Assessment Roll as required by Sec. 70.50, Wis. Stats.
- (v) **Drainage District.** Insert in the Tax Roll, in a separate column, amounts certified by the Drainage Board secretary as assessments and interest due as required under Sec. 88.42, Wis. Stats.
- (w) **In General.** Perform all other duties required by law, ordinance or lawful discretion of the Town meeting or Town Board.
- (x) **Deputy Clerk.** The Town Clerk may, pursuant to Sec. 66.331, Wis. Stats., appoint a Deputy Clerk. The Deputy Clerk shall take and file the oath and bond as required by Sec. 60.31, Wis. Stats. The Town Board shall determine what compensation is to be paid the Deputy Clerk.

Sec. 2-4-8 Town Treasurer.

The Town Treasurer, shall:

- (a) **Receive and Disburse Town Money.**
 - (1) Receive and take charge of all money belonging to the Town, or which is required by law to be paid into the Town treasury, and disburse the money under Sec. 66.042, Wis. Stats.
 - (2) Keep an itemized account of all moneys received and disbursed, specifying the source from which it was received, the person to whom it was paid and the object for which it was paid. The Town Treasurer shall issue numbered receipts for all funds received. At the request of the Town Board, the Town Treasurer shall present the account books, and any supporting documents requested, to the Board.
- (b) **Deposit of Town Money.**
 - (1) Deposit as soon as practicable funds of the Town in the name of the Town in the public depository designated by the Town Board. Failure to comply with this paragraph is grounds for removal from office.
 - (2) When money is deposited under Subsection (b)(1), the Town Clerk and the Treasurer's sureties are not liable for any loss as defined in Sec. 34.01(6), Wis. Stats. The interest arising from the money deposited shall be paid into the Town treasury.
- (c) **Records.** Comply with Subch. II of Ch. 19, Wis. Stats., concerning records of which the Treasurer is legal custodian.

- (d) **Taxes.** Perform all of the duties relating to taxation required of the Town Treasurer under Chapters 70 to 79, Wis. Stats.

State Law Reference: Sections 60.33, 60.34, and 60.305, Wis. Stats.

Sec. 2-4-9 Assessor.

- (a) **Qualification.**
- (1) The Assessor, or assessment firm, shall be certified by the Department of Revenue under Section 73.03(2)(b), Wis. Stats., as qualified to perform the functions of an Assessor. The Town Assessor is appointed for an indefinite term of office. Pursuant to Sec. 60.307(2), Wis. Stats.
 - (2) The Town has elected to change the Office of Assessor to an appointed position. Pursuant to Sec. 60.307(2), Wis. Stats., the Assessor is appointed by majority vote of the Town Board for a term as determined by contract, but not less than one (1) year. The Town Assessor so appointed need not be a resident of the Town of Oshkosh and may hold the office of Assessor for another town or municipality with the consent of the Town Board.
- (b) **Duties.** The Town Assessor shall have all the statutory authority, powers and duties for property tax assessment required of the Town Assessor pursuant to Chapters 60, 66, 70 and 79, Wis. Stats. The Assessor shall begin under Section 70.10, Wis. Stats., to make an assessment of all the property in the Town liable to taxation, as prescribed by law. The Assessor shall return the assessment roll to the Town Clerk at the same time and in the same manner in which Town Assessors are required to do as required by Chapter 70, Wis. Stats.

State Law Reference: Section 60.307(2) and Ch. 70, Wis. Stats.

Annotation: *Petz v. Graves, 33 Wis. 2d 175 (1967).*

Sec. 2-4-10 Building Inspector.

- (a) **Appointment.** There is hereby created the position of Building Inspector(s), who shall be appointed by the Chairperson, subject to confirmation by the Town Board. He/she shall have an indefinite term of office or as prescribed by professional services agreement. The Building Inspector shall review plans, collect building code-related fees and arrange for on-site inspections. The Building Inspector shall proper certification in areas of responsibility from the State of Wisconsin. If an independent contractor is serving as Town Building Inspector, the Town Board may require that such Building Inspector provide evidence of liability insurance.
- (b) **Powers and Duties.**
- (1) The Building Inspector shall enforce the Town's building and housing codes and all other ordinances, laws, and orders of the Town and State, which relate to building construction, alteration, and repair. With the authorization of the Town Board, he may appoint one (1) or more Deputy

Building Inspectors and may delegate to them the above-mentioned powers and duties.

- (2) The Building Inspector shall make all on-site inspections necessary for compliance and enforcement of the Building Code.
 - (3) The Inspectors shall have the power to order all work stopped on construction, alteration, or repair of buildings in the Town when such work is being done in violation of any Town ordinance. Work shall not be resumed after the issuance of such an order, except on written permission of the appropriate Inspector.
- (c) **Right of Entry.** Inspectors shall have the power to make or cause to be made an entry into any building or premises where the work of altering, repairing, or constructing any building or structure is going on, including plumbing and electrical work.

Sec. 2-4-11 Weed Commissioner.

The Weed Commissioner shall be appointed by the Chairperson, subject to Town Board confirmation. The term of office of the Weed Commissioner shall commence on the first day of May following his or her appointment. The Weed Commissioner shall take the official oath, which oath shall be filed in the Office of the Town Clerk, and shall hold office indefinitely, until otherwise decided. The Weed Commissioner shall hold office pursuant to and fulfill the duties set out in state law.

State Law Reference: Sections 66.97 and 66.98, Wis. Stats.

Sec. 2-4-12 Town Attorney.

- (a) **Election.** The Office of Town Attorney is an appointed position. The Town Attorney may be appointed by the Town Board and shall serve at the pleasure of the Board. The Town Board shall negotiate and establish the compensation in a contract for the designation, retention or employment of an attorney based on a regular salary, per diem rate, retainer, hourly rate, or other methods agreed to by the attorney and the Town Board.
- (b) **Duties.** The Town Attorney shall have the following duties:
 - (1) The Attorney shall conduct all of the law business in which the Town is interested.
 - (2) He/she shall, when requested by Town officers, given written legal opinions, which shall be filed with the Town.
 - (3) He/she shall draft ordinances, bonds and other instruments as may be required by Town officers.
 - (4) He/she may appoint an assistant, who shall have power to perform his/her duties and for whose acts he shall be responsible to the Town. Such assistant shall receive no compensation from the Town, unless previously provided by Ordinance.
 - (5) The Town Board may employ and compensate special counsel to assist in or take charge of any matter in which the Town is interested.

- (6) The Town Attorney shall perform such other duties as provided by State Law and as designated by the Town Board.

State Law Reference: Section 60.37, Wis. Stats.

Sec. 2-4-13 Town Engineer.

The office of Town Engineer is an appointed position. The Town Engineer may be appointed by the Town Board and shall serve at the pleasure of the Board. When authorized by the Town Board, the Town Engineer shall provide engineering services to the Town. The cost of engineering services provided to the Town may be billed back to private parties when created the need for such expenditures.

Sec. 2-4-14 Town Employees; Special Office Positions.

- (a) **Town Employees.** The Town Board may employ on a temporary or regular basis persons necessary to carry out the functions of Town government. The Board may establish the qualifications and terms of employment, which may include the residency of the employee. The Board may delegate the authority to hire Town employees to any Town official or employee.
- (b) **Residency.** The following special office positions need not be Town of Oshkosh residents to hold these positions (other Town officials described in this Chapter shall be Town of Oshkosh residents):
 - (1) Town Attorney.
 - (2) Town Engineer.
 - (3) Town Auditor/Accountant.
 - (4) Town Assessor.
 - (5) Building Inspector.
- (c) **Meeting Attendance.** Special office holders listed in Subsection (b) shall attend or make all good faith efforts to attend all properly called meetings of the Town Board if their attendance is requested at least three (3) days prior to the meeting, or as established by professional services agreement.

State Law Reference: Section 60.37, Wis. Stats.

Sec. 2-4-15 Custody of Official Property.

Town officers, employees, and volunteer members of the Town must observe the standards of care imposed by Section 19.21, Wis. Stats., with respect to the care and custody of official property.

State Law Reference: Section 19.21, Wis. Stats.

Sec. 2-4-16 Eligibility for Office/Incompatibility of Office.

- (a) Any person who is qualified elector in the Town of Oshkosh may hold any elected Town office. No member of the Town Board may, during his or her term, be eligible for any Town office or Town position, which, during such term, the office or position has been created by or the selection to which is vested in the Town Board. Any member of the Town Board will be eligible for such Town office or Town position if he or she resigns from the Town Board before being appointed to the Town office or Town position and if the office or position was not created during his or her term in office.
- (b) Certain Town offices are incompatible, by common law and statutory law, with other Town offices and also with other county, state or federal offices. No Town officer shall serve in both offices at the same time. If any question or concern by any person is raised to the Town Board regarding incompatibility of any office in the Town of Oshkosh, the Town Attorney, at the request of the Town Board, shall review the matter and shall provide his or her written comments to the Town Board.

Sec. 2-4-17 Official Oath and Bond.

- (a) **Authority.** The Town Board has the specific statutory authority, powers and duties, pursuant to Sections 60.20, 60.22, and 60.31, Wis. Stats., and under Section 2-4-3 of this Code of Ordinances, to require that certain elected officials take an official oath and to require that they file the appropriate bond.
- (b) **Oath.**
 - (1) **General Provision.** All elected officers and appointed officers of the Town of Oshkosh, except elected assessors and municipal judges, (if such position is established), shall take and file the below noted oath within five (5) days after notification of election or appointment by the Town Clerk. The written oath of office and the oral oath of office, pursuant to Sec. 19.01, Wis. Stats., shall be substantially in the following form:
 - a. **Written Oath.**

STATE OF WISCONSIN,

County of Winnebago

I, the undersigned, who have been elected (or appointed) to the office of _____, but have not yet entered upon the duties thereof, swear (or affirm) that I will support the constitution of the United States and the constitution of the State of Wisconsin, and will faithfully discharge the duties of said office to the best of my ability. So help me God.

Subscribed and sworn to before me this ____ day of _____, 20____.

Signature

b. **Oral Oath.**

I, _____ swear (or affirm) that I will support the constitution of the State of Wisconsin, and will faithfully and impartially discharge the duties of the office of _____ to the best of my ability. So help me God.

- (2) **Filing Locations.** The official oath of all elected officers and appointed officers of the Town shall be filed with the Town Clerk except that the Town Clerk shall file his or her oath with the Town Treasurer and except that the Municipal Judge (if applicable) shall file his her oath with the Clerk of Circuit Court.
- (3) **Failure to File Oath.** If any elected officer or appointed officer of the Town of Oshkosh fails to file the proper oath within the time prescribed by statute, the failure to file constitutes refusal to serve in the office. No Municipal Judge in the Town of Oshkosh shall be paid a salary for any time during the term during which the Municipal Judge has not executed and file his or her oath.

(c) **Bonds.**

- (1) **General Provision.** The bond costs shall be provided by the Town of Oshkosh. No natural person may be a surety on a bond. The bond may be furnished by a surety company under Sec. 632.17(2), Wis. Stats. The Town Board may at anytime determine that any bond amount established is insufficient or in excess and may therefore require any officer noted above to file a new bond within ten (10) days, in an amount fixed by the Town Board.
- (2) **Filing Location.** The official bond shall be filed with the Town Clerk except that the Town Clerk shall file his or her bond with the Town Treasurer and except that the municipal justice shall file his or her bond with the Clerk of Circuit Court.
- (3) **Failure to File Bond.** The elected officers and appointed officers of the Town required to file a bond shall file the required bond before entering upon the duties of the office. If the elected officers and appointed officers of the Town fails to file the required bond within the time prescribed by law, the failure to file the required bond constitutes refusal to serve in office and the office can be declared vacant by the Town Board. No Municipal Judge of the Town shall be paid a salary for anytime during the term during which the Municipal Judge has not executed and filed the required bond.

Title 2 – Chapter 5

Boards, Commissions and Committees

2-5-1	Board of Review
2-5-2	Town Planning Commission
2-5-3	General Provisions Regarding Meetings and Public Notice
2-5-4	Residency Required for Service on Boards, Committees or Commissions

Sec. 2-5-1 Board of Review.

- (a) **Composition.** The Board of Review shall consist of the Chairperson, Town Board Supervisors and Town Clerk.
- (b) **Duties.** The duties and functions of the Board of Review shall be as prescribed in Secs. 70.46 and 70.47, Wis. Stats.
- (c) **Meetings.** The Board of Review shall meet annually on the second Monday of May, or any day within the next thirty (30) days, at the Town Hall of the Town of Oshkosh, and notice of such meeting shall be published pursuant to the State Statutes. The Board, through its Clerk, shall establish its meeting hours pursuant to Sec. 70.47(3)(b), Wis. Stats. 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.
- (d) **Compensation.** Compensation for Board of Review members shall be as established by the Town Board.

State Law Reference: Secs. 70.46 and 70.47, Wis. Stats.

Sec. 2-5-2 Zoning and Planning Commission.

- (a) **Composition.** The Plan Commission shall consist of seven (7) members. One (1) member shall be the Town Chairperson, who shall be its presiding officer. The remaining six (6) members shall be citizens appointed by the Town Chairperson, subject to confirmation by the Town Board, to hold office for a three (3) year term in April.
- (b) **Organization of Commission.** The Plan Commission shall organize by the election among its membership of a vice-chairman, secretary and such other officers as may, in their judgment, be necessary.
- (c) **Record.** The Plan Commission shall keep a written record of its proceedings to include all actions taken, a copy of which shall be filed with

the Town Clerk. Four members shall constitute a quorum but all actions shall require the affirmative approval of a majority of all of the members of the Commission.

(d) **Duties.**

(1) ***The Master Plan.***

(a) The Plan Commission shall make, adopt and, as necessary, amend, extend or add to the master plan, subject to Town Board confirmation, for the physical development of the Town including areas outside of its boundaries which, in the Plan Commission's judgment, bear relation to the development of the Town. The master plan, with the accompanying maps, plats and descriptive and explanatory matter, shall show the Commission's recommendations for such physical development, and may include, among other things without limitation because of enumeration, the general location, character and extent of streets, highways, freeways, street grades, roadways, walks, parking areas, public places and areas, parks, parkways, playgrounds, sites for public building and structures, and the general location and extent of sewers, water conduits and other public utilities whether privately or publicly owned, the acceptance, widening, narrowing, extension, relocation, removal, vacation, abandonment or change of use of any of the foregoing public ways, grounds, places, spaces, buildings, properties, utilities, routes or terminals, the general location, character and extent of community centers and neighborhood units, and a comprehensive zoning plan.

(b) The Commission may adopt the master plan as a whole by a single resolution, or, as the work of making the whole master plan progresses, may from time to time by resolution adopt a part of parts thereof, any such part to correspond generally with one or more of the functional subdivisions of the subject matter of the plan. The adoption of the plan or any part, amendment or addition, shall be by resolution carried by the affirmative votes of not less than a majority of all the members of the Plan Commission, subject to confirmation by the Town Board. The resolution shall refer expressly to the maps, descriptive matter, and other matters intended by the Commission to form the whole or any part of the plan, and the action taken shall be recorded on the adopted plan or part thereof by the identifying signature of the secretary of the Commission, and a copy of the plan or part thereof shall be certified to the Town Board. The purpose and effect of the adoption and certifying of the master plan or part thereof shall be solely to aid the Plan Commission and the Town Board in the performance of their duties.

(2) ***Matters Referred to Plan Commission.*** The Town Board or officer of the Town having final authority thereon, shall refer to the

Plan Commission, for its consideration and report before final action is taken by the Board, public body or officer, the following matters: the location of any statue or other memorial; the location, acceptance, extension, alteration, vacation, abandonment, change of use, sale, acquisition of land for or lease of land for any street, alley or other public way, park, playground, airport, area for parking vehicles, or other memorial or public grounds; the location, extension, abandonment or authorization for any public utility whether publicly or privately owned; all plats of lands in the Town or within the territory over which the Town is given platting jurisdiction by Chapter 236, Wis. Stats.; the location, character and extent of acquisition, leasing or sale of lands for public or semi-public housing, slum clearance, relief of congestion, or vacation camps for children; and the amendment or repeal of any land use ordinance.

- (3) **Zoning Authority.** The Commission shall have all of the duties and powers assigned to a plan commission under sections 60.62 and 62.23 of the Wisconsin Statutes, including but not limited to duties and powers pertaining to the adoption and amendment of the town's zoning ordinance and other land use and planning functions. Toward this end, the membership of the Commission shall be consistent with said statutes.
- (4) **Miscellaneous Powers.** The Commission may make reports and recommendations relating to the plan and development of the Town to public officials and agencies, civic, educational, professional and other organizations and citizens. It may recommend to the Town Board, programs for public improvements and the financing thereof. All public officials shall, upon request, furnish to the Commission, within a reasonable time, such available information as it may require for its work. The Commission, its members and employees, in the performance of its functions, may enter upon any land, make examinations and surveys, and place and maintain necessary monuments and markers thereon. In general, the Commission shall have such powers as may be necessary to enable it to perform its functions and promote municipal planning in cooperation with the Town Board. The Commission shall oversee community development block grants. The Town Board may refer to the Commission for its consideration and recommendation any matter pertaining to planning and development of land within the Town and within one and one-half (1-1/2) miles of the limits of the Town.
- (e) **Compensation Oath.** Compensation may be established by the Town Board for service on the Commission. Citizen members shall take the official oath required by Sec. 19.01, Wis. Stats., which shall be filed with the Town Clerk.
- (f) **Organization.** As soon as all members of the first Commission shall have been appointed, the Town Clerk shall give each member a written notice

of the appointment and thereon shall fix the time and place of the first meeting which shall be not less than five (5) nor more than ten (10) days thereafter. Such Commission shall elect a vice-chairman and a secretary, and shall keep a written record of its proceedings to include all actions taken, a copy of which shall be filed with the Town Clerk.

- (g) **Employees; Budget.** The Plan Commission shall have the power to employ experts and such staff as may be necessary, and to pay for their services and such other expenses as may be necessary and proper, within the limits of the budget established by the Town Board, or placed at its disposal through gift, and subject to any ordinance or resolution enacted by the Town Board. As far as possible, the Commission shall utilize the services of existing Town officials and employees.
- (h) **Rules of Procedure; Report.** The Plan Commission is hereby authorized to adopt rules governing its own proceedings. The Commission shall make a monthly report in writing to the Town Board of its transactions and expenditures, if any, for the preceding month, with such general recommendations as to matters covered by its prescribed duties and authority as seem proper.
- (i) **Special Meetings.** Individuals requesting a special meeting of the Plan Commission may be required to pay a fee in accordance with the Town Board's current fee schedule for such meeting.

State Law Reference: Sections 61.35, 62.23, and Chapter 236, Wis. Stats.

Sec. 2-5-3 General Provisions Regarding Meetings And Public Notice.

- (a) **Regular Meetings; Public Notice.**
 - (1) Every Board, Committee and Commission created by or existing under the ordinances of the Town shall:
 - (a) Schedule a date, time and place for its meetings;
 - (b) Post, or when necessary publish, notice in or notify the official Town newspaper in advance of each such regular meeting of the date, time, and place thereof, in compliance with state law, thereof; and/or
 - (c) Post and/or publish an agenda of the matters to be taken up at such meeting.
 - (2) A separate public notice shall be given for each meeting at a time and date reasonably proximate to the time and date of the meeting, but not less than twenty-four (24) hours prior to the commencement of such meeting unless otherwise authorized by law.
- (4) Such notice shall set forth the time, date, place and subject matter of the meeting, including that intended for consideration at any contemplated closed session which may be authorized by law, and may be in the following form:

NOTICE OF MEETING
TOWN OF OSHKOSH, WISCONSIN

(commission)

Please take notice that a meeting of the (commission) of the Town of Oshkosh will be held on (date), 20,____, at (time) p.m., at the Oshkosh Town Hall to consider the following:

1. (Agenda items set forth).
2. Such other matters as authorized by law.

Dated:_____

_____(Commission)_____

By:_____

Any person who has a qualifying disability as defined by the Americans with Disabilities Act that requires the meeting or materials at the meeting to be in accessible location or format must contact the Town Office at (__phone__), __(address)_____ by 2:00 p.m., the Friday prior to the meeting so any necessary arrangements can be made to accommodate each request.

- (b) **Notice to Members.** Every member of any board, commission or committee of the Town of Oshkosh shall be notified by the secretary thereof that a meeting is to be held, and the time and place of such meeting and the subject to be considered thereat. No member shall be intentionally excluded from any meeting by a failure to give proper notice or a reasonable attempt to give proper notice to such member.

- (c) **Special Meetings.** Nothing in Subsection (a) shall preclude the calling of a special meeting or dispensing with the publication of notice or such posting of the agenda, for good cause, but such special meetings shall nonetheless comply in all respects with the provisions of Sections 19.81 and 19.89, Wis. Stats.
- (d) **Minutes to Be Kept.** Every board, commission and committee shall keep a record of the minutes of its proceedings and shall cause a signed copy thereof to be filed by its secretary with the Town Clerk within one (1) week of the meeting date.

**Sec. 2-5-4 Residency Required for Service on Boards,
Committees or Commissions.**

No person not a legal resident of the Town of Oshkosh shall be appointed in a voting capacity to any Town board, committee or commission. Any voting board, commission or committee member who moves from the Town shall immediately be removed from such board or committee.

Title 2 – Chapter 6

Ethics Code

2-6-1	Statement of Purpose
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Sec. 2-6-1 Statement of Purpose

- (a) 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 to 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 Oshkosh 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 file nomination papers with the Town.
- (b) The purpose of this Ethics Code is to establish guidelines for ethical standards of conduct for all such officials and employees by setting forth acts or actions that are incompatible with the best interests of the Town of Oshkosh 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 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 Oshkosh.

Sec. 2-6-2 Definitions.

The following definitions shall be applicable in this Chapter:

- (a) **Public Official.** Means 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 Chairperson and/or Town Board pursuant to this Code of Ordinances, whether paid or unpaid.
- (b) **Public Employee.** Means any person excluded from the definition of a public official who is employed by the Town.
- (c) **Anything of Value.** Means any gift, favor, loan, service or promise of future employment, but does not include reasonable fees and honorariums, or the exchange of seasonal, anniversary or customary gifts among relatives and friends.
- (d) **Business.** Means 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.** Means the following specific blood or marriage relationships:
 - (1) A person's spouse, mother, father, child, brother or sister; or
 - (2) A person's relative by blood or marriage who receives, directly or indirectly, more than one-half (1/2) of his support.
- (f) **Significant Interest.** Means owning or controlling, directly or indirectly, at least ten percent (10%) or Five Thousand Dollars (\$5,000.00) of the outstanding stock of at least ten percent (10%) or Five Thousand Dollars (\$5,000.00) 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.

Sec. 2-6-3 Statutory Standards of Conduct.

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:

- (a) **Sec. 946.10.** Bribery of Public Officers and Employees.
- (b) **Sec. 946.11.** Special Privileges from Public Utilities.
- (c) **Sec. 946.12.** Misconduct in Public Office.
- (d) **Sec. 946.13.** Private Interest in Public Contract Prohibited.

Sec. 2-6-4 Responsibility of Public Office.

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 Town, 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.

Sec. 2-6-5 Dedicated Service.

- (a) Officials and employees should adhere to the rules of work and performance established as the standard for their positions by the appropriate authority.
- (b) 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.
- (c) 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 Clerk may notify the appropriate professional ethics board of any ethics violations involving Town employees covered by such professional standards.

Sec. 2-6-6 Fair and Equal Treatment.

- (a) **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.
- (b) **Use of Town Stationery.** Copies of any correspondence written on Town stationery shall be filed with the Town Clerk, or their designee.
- (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. No official or employee shall use or attempt to use his or her position with the Town to secure any advantage, preference or gain, over and above his rightful remuneration and benefits, for himself or for a member of his or her immediate family.
- (d) **Political Contributions.** No official shall personally solicit from any Town employee, other than an elected official, a contribution to a political campaign committee for which the person subject to this Chapter is a candidate or treasurer.

- (e) **Failure to Follow Board Directive.** No Town official or employee, whether elected or appointed, shall deliberately, by individual action, direct a member of the public or a party under contract with the Town to take an action or perform an act that is contrary to an official Town policy adopted by the Town Board.

Sec. 2-6-7 Conflict of Interest.

- (a) **Financial and Personal Interest Prohibited.**
- (1) 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.
 - (2) 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 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.
 - (3) 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.
 - (4) 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 of input, or of which the employee is a member, that is a make to 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.

- (b) **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.
- (c) **Gifts and Favors.**
- (1) No official or employee, personally or through a member of his immediate family, may solicit or accept, either directly or indirectly, from any person or organization, money or anything of value if it could be expected to influence the employee's official actions or judgments or be considered a reward for any action or inaction on the part of the official or employee.
 - (2) No official or employee personally, or through a member of his/her immediate family, shall accept any gift, whether in the form of money, service, loan, thing or promise, from any person which may tend to impair his/her independence of judgment or action in the performance of his/her duties or grant in the discharge of his/her duties any improper favor, service or thing of value.
 - (3) An official or employee is not to accept hospitality if, after consideration of the surrounding circumstances, it could reasonable 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 candidates campaign.
 - (4) Gifts received by an official or employee or his/her immediate family under unusual circumstances shall be referred to the Town Board within ten (10) days of receipt for recommended disposition. Any person subject to this Chapter who becomes aware that he/she is or has been offered any gift, the acceptance of which would constitute a violation of this Subsection, shall, within ten (10) days, disclose the details surrounding said offer to the Town Board. Failure to comply with this reporting requirement shall constitute an offense under this Chapter.
- (d) **Representing Private Interests Before Town Agencies.**
- (1) Non-elected Town officials and employees shall not appear on behalf of any private person (other than him or herself, his or 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.

- (2) 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 (a) above shall be applicable to such appearances.
- (e) **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 employer or a client of that individual, has an interest so long as the individual discloses to the Town Board that such interest exists.
- (f) **Contracts with the Town.** No Town official or employee who, in his capacity as such officer or employee, participates in the making of a contract in which he has a private pecuniary interest, direct or indirect, or performs in regard to that contract with some function requiring the exercise of discretion on his part shall enter into any contract with the Town unless, within the confines of Sec. 946.13, Wis. Stats.:
 - (1) The contract is awarded through a process of public notice and competitive bidding or the Town Board waives the requirement of this Section after determining that it is in the best interest of the Town to do so.
 - (2) The provisions of this Subsection shall not apply to the designation of a public depository of public funds.

Sec. 2-6-8 Advisory Opinions.

Any questions as to the interpretation of any provisions of this Code of Ethics Chapter shall be referred to the Town Attorney. Such requests shall be as detailed as possible and shall be made in writing. Advisory requests and opinions shall be kept confidential, except when disclosure is authorized by the requestor, in which case the request and opinion may be made public.

Sec. 2-6-9 Sanctions.

A determination that an official's or employee's actions constitute improper conduct under the provisions of this Chapter may, in the case of an employee, constitute a cause of suspension, removal from office or employment or other 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. In the case of an elected or appointed Town official, the Town Board, upon a review of the facts with the individual, may officially reprimand the official or remove such official from certain committee assignments or responsibilities.