

**ORDINANCE #1-2012
AS AMENDED 2015 (#1) & 2020 (#2)
TOWN OF HOLLAND
GOVERNING BODY ORDINANCE**

An Ordinance Regulating the Governing Body of the Town of Holland.

SECTION 1.0 INTRODUCTION

1.01 Purpose

The purpose of this ordinance is intended to describe and establish the organization, duties, general procedure rules, rules of conduct of meetings and code of ethics for the Town of Holland officials.

1.02 Applicability

This ordinance applies to all elected and appointed officials and employees of the Town of Holland.

SECTION 2.0 ORGANIZATION AND DUTIES

2.01 Governing Bodies

- (A) Town Board:
 - 1. The Town Board shall be composed of four Town Supervisors and one Town Chair.
 - 2. Each officer is elected at large.
 - 3. Elections are held each spring for a staggered two-year term, with the Town Chair, Supervisors #1 and #2 on the odd numbered years and Supervisors #3 & #4 on the even numbered years.
- (B) Town Treasurer: The Town Treasurer shall be appointed by a majority of the members of the Town Board for a three year term. (Duties are outlined under the provision of Sec. 60.34, Wis. Stats.)
- (C) Town Clerk: The Town Clerk shall be appointed by a majority of the members of the Town Board for a three year term. (Duties are outlined under the provision of Sec. 60.33, Wis. Stats.)
- (D) Plan Commission: The Plan Commission shall consist of seven (7) members of which one (1) or more members shall be members of the Town Board and who may be the Town Board Chairperson, and no less than five (5) citizen members, who are not otherwise Town officials, and who shall be persons of recognized experience and qualifications. (See Ordinance #4-2002 for specific organization and duties.) [Amended 2020]
- (E) Weed Commissioner: The Weed Commissioner shall be appointed by a majority of the members of the Town Board for a two year term. (Duties are outlined under the provision of Sec. 66.0407, Wis. Stats. Also, see Town Step-by-Step Procedure for specific procedures.)

- (F) Election Inspectors: Election inspectors shall be nominated by the Town Clerk and confirmed by a majority of the members of the Town Board for a two year term in December of an odd numbered year. (Duties are outlined under the provision of Chapter 7, Wis. Stats.)
- (G) Committees: All committees shall be formed and serve at the direction of the Town Board.

2.02 Membership, Officers & Duties

- (A) Town Chair: The Town Chair shall exercise the powers and perform the duties described in these rules, those assigned by the Town Board, those prescribed by parliamentary authority and those prescribed by State Statute.
 - 1. Preside at Town meetings as provided under S. 60.13.
 - 2. Preside over the Town Board and open each meeting of the Town Board at the time and place publicly noticed and call the Supervisors to order.
 - 3. Receive and submit to standing committees and commissions for consideration of all matters properly presented.
 - 4. Put to vote all questions properly moved and announce the results.
 - 5. Maintain the rules of order while Supervisors are engaged in debate.
 - 6. Lead the Town Board on all occasions in the observance of order and decorum.
 - 7. Sign documents.
 - a. Sign all ordinances, resolutions, bylaws, orders, regulations, commissions, licenses and permits adopted or authorized by the Town Board unless the Town Board, by ordinance, authorizes another officer to sign specific types of documents in lieu of the chairperson.
 - b. Sign all drafts, order checks and transfer orders as provided under s. 66.0607.
 - 8. Assure administration of statutes relating to the Town and Town operations to see that they are faithfully executed.
 - 9. Act on behalf of the Town Board to:
 - a. See that the Town orders and ordinances are obeyed.
 - b. See that peace and order are maintained in the Town.
 - c. Obtain necessary assistance, if available, in case of emergency, except as provided under Ch. 323.
 - 10. Act on authorization of the Town Board to:
 - a. Direct, as appropriate, the solicitation of bids and quotations for the Town's purchase of equipment, materials and services and submit the bids and quotations to the Town Board for approval.
 - b. Represent, or designate another officer to represent, the Town at meetings of, and hearings before, governmental bodies on matters affecting the Town.
 - 11. Perform any other responsibilities, powers and duties as provided by State Statute.
- (B) Town First Vice Chair:
 - 1. Shall be elected by the Supervisors at the first meeting of the Town Board following the Spring Election.

2. Shall act as Town Chair during the absence or disability of the Town Board Chair.
- (C) Second Vice Chair:
1. Shall be elected by the Supervisors at the first meeting of the Town Board following the Spring Election.
 2. Shall assume the duties of the First Vice Chair in his or her absence.
- (D) Committees & Commissions:
1. Shall be appointed by the Town Chair for a term established by the Town Board.
 2. All committees and commissions shall be chaired by a Town Board Supervisor.

SECTION 3.0 MEETINGS & GENERAL RULES OF THE TOWN BOARD

3.01 Annual Meeting

- (A) The annual meeting of the Town Board shall commence on the second Wednesday of April, except as provided in par. (B).
- (B) The annual Town meeting may set a date different than provided under par. (A) for the next annual Town meeting if the date is within 10 days after the second Tuesday of April.
- (C) Presiding officer:
1. If present, the Town Board Chair shall preside. If the Town Board Chair is absent, another Town Board supervisor shall chair the town meeting. If no Town Board supervisor is present, the Town meeting shall elect the chair of the meeting.
 2. If the annual Town meeting is held in a year when the office of the Town Board Chair is filled by election the person holding the office on the day prior to the date of the election to fill the office shall preside. If such person is absent or refuses to serve as the presiding officer, the presiding officer shall be chosen under par. 1.
- (D) Any qualified elector of the Town may vote at a Town meeting.

3.02 Regular Meetings

The regular monthly meeting of the Town Board shall be held on the second Wednesday of each month, except as otherwise provided or necessary due to holidays. All open meeting laws shall be observed.

3.03 Special Meetings

The Town Board may, either by request of a majority of the Supervisors or by the Town Chair, meet for a special meeting. Special meeting agendas shall be posted at least 24 hours in advance of the meeting time.

3.04 Closed Session

The Town Board may convene in closed session under one or more exemptions. A motion to convene in closed session shall be carried by a majority vote in such manner that the vote of each member is ascertained and recorded in the minutes. No motion to convene in closed session may be adopted unless the Town Chair announces to those present at the meeting the nature of the business to be considered at such closed session, and the specific exemption or exemptions by which such session is claimed to be authorized. No business may be taken up at any closed session except that which relates to matters contained in the announcement of the closed session. The allowable exemptions are listed under Wisc. Statutes 19.85, some of which include but are not limited to:

- (A) Deliberating concerning a case which was the subject of any judicial or quasi-judicial trial or hearing before the Town Board.
- (B) Considering dismissal, demotion, licensing or discipline of any public employee ... provided the employee is given actual notice of any evidentiary hearing which may be held prior to final action.
- (C) Considering employment, promotion, compensation or performance evaluation data of any public employee.
- (D) Deliberating or negotiating the purchasing of public properties, the investing of public funds or conducting other specified public business, whenever competitive or bargaining reasons require a closed session.
- (E) Conferring with legal counsel for the Town Board who is rendering oral or written advice concerning strategy to be adopted by a body with respect to litigation in which it is or is likely to become involved.

3.05 Emergency Meetings

Emergency meetings of the Town Board may be called by the Town Board Chair or in his/her absence by the First Vice Chair by making a written declaration of emergency and filing it with the Town Clerk and by attempting to notify each Supervisor at his/her home address or place of work, of the time and place of such emergency meeting as well as the purpose of such meeting. In addition, all news media who are routinely notified of regular meetings, shall be notified of the time, place and purpose of the emergency meeting. The emergency meeting shall take place not less than 2 hours after an attempt to contact all Supervisors and the media has occurred. An emergency meeting is a meeting called to discuss a matter upon which immediate action might be necessary in order to protect the health, safety and welfare of the citizens of the Town.

3.06 Publication

All notices for meetings shall be posted at the Town Hall, U.S. Post Office in Holmen and the Holmen Public Library and made available on the Town website.

3.07 Ordinances

- (A) A proposed ordinance shall be drafted by the Town Clerk and, when appropriate, reviewed by the Town attorney.
- (B) A proposed ordinance may be reviewed by a standing committee or Plan Commission. After review, the standing committee or Plan Commission shall report to the Town Board its recommendations or comments on the proposed ordinance.
- (C) The ordinance shall be placed on the Town agenda and introduced, at which time it may be debated. The ordinance shall be referred to the next meeting of the Town Board for consideration, unless this rule is waived by a 2/3 vote of the Supervisors present.
- (D) A public hearing on the proposed ordinance shall be held if required by statute or if requested by a Supervisor and approved by a majority vote of the Supervisors present.

3.08 Referral to Committee or Commission

- (A) Any resolution, ordinance or motion, not previously reviewed or studied by an appropriate committee, may be referred by the Town Board to an appropriate committee.
- (B) All matters referred to a committee or Plan Commission shall be reported out to the Town Board within 90 days of its referral unless otherwise specified by the Town Board.

3.09 Action on Fiscal Matters

- (A) Non-budgeted items:
All transfer of funds used for a purpose not anticipated in the budget requires review and a resolution with approval by a vote of 2/3 of the entire membership of the Town Board. Any change in the annual budget shall be published as a Class I notice pursuant to Chapter 985 of the Wis. Statutes. The following actions shall require a 2/3 vote of the entire membership of the Town Board if they occur outside the budget process:
 - 1. A transfer of monies from a budgeted purpose to a purpose that was not budgeted.
 - 2. All transfers from the current budgeted accounts to another departmental budget for expenditures not anticipated or provided for in the budget.
 - 3. To add new employment positions outside of the budget process that are not fully funded by budgeted sources.
 - 4. To approve all new programs receiving grant funds outside of the budget that are funded in whole or in part by Town funds.
- (B) Budgeted items:
 - 1. The Town Chair shall approve repairs and maintenance costs for items required for continued Town operations that fall within the budgeted expenditures. Any items that total more than \$500 per month and is not considered an emergency or necessary for continued daily Town operations shall require Town Board approval.

2. Claims and invoices shall be listed and reviewed by the Town Board at each monthly meeting. That list shall be approved by a majority of the Town Board supervisors present and checks issued and processed thereafter.
3. Utilities, payroll and regular monthly claims that require payment prior to a monthly Town Board meeting may be settled and checks issued prior to the meeting. All such payments shall be listed with the claims and invoices listing referred to in par. 2 above.
4. All committee recommendations, including items allocated in the annual budget, shall receive Board approval.

3.10 Agenda

- (A) All resolutions or other business to be brought before the Town Board shall be reported to the Town Clerk no later than 9:00 a.m. on the Monday preceding the Town Board meeting week in order to be placed on the agenda.
- (B) The Town Chair shall set the agenda and the Town Clerk shall prepare the printed version, legally posting in three locations.
- (C) An addendum may be considered at the discretion of the Town Board Chair and shall not be in violation of the Open Meetings Law.
- (D) The Town Clerk shall send the agenda to each Town Supervisor by electronic mail on the date of public posting.
- (E) The Town Clerk shall prepare a packet containing minutes, reports, resolutions, ordinances and other background information. All information to be placed in the packet shall be delivered to the Town Clerk before noon on the Thursday preceding the Town Board meeting. The packets shall be delivered by 5:00 p.m. on the Friday preceding the Town Board meeting whenever possible or practical.

3.11 Attendance

- (A) Three supervisors constitute a quorum of the 5-member Town Board.
- (B) A Supervisor shall attend all Town Board meetings.
- (C) A Supervisor may be excused from a session of the Town Board by giving prior notice to the Town Board Chair or Town Clerk.
- (D) Failure to comply with this attendance requirement will subject the Supervisor to an “unexcused absence”.

SECTION 4.0 RULES FOR CONDUCT OF MEETINGS

- 4.1 Order of Business. The order of business at the regular meeting shall be established by the Town Chair during the agenda setting process.
- 4.2 Meeting Time. The starting time of the regular monthly meeting shall be 7:00 p.m. unless otherwise established by previous consent and indicated on the agenda.
- 4.3 Parliamentary Procedure. Roberts’ Rules of Order New Revised, current edition, shall prevail regarding the parliamentary procedure when not in conflict with any Wisconsin Statute or rule of the Town Board.

- 4.4 Procedures. Except as otherwise provided, meeting procedures shall be at the discretion of the Town Chair.
- 4.5 Public Input. Members of the public shall be permitted to address the Board during the “public comment” portion or during such agenda items as appropriate and approved by the Board. Public comments may be allotted a time limitation at the discretion of the Town Chair. The Town Board reserves the right to limit the time that the public may comment and the degree to which members of the public may participate in the meeting.
- 4.6 Voting
- (A) Although it is the duty of all Supervisors present to vote yes or no, a Supervisor may abstain, since he or she cannot be compelled to vote.
 - (B) The Chair may call for a voice vote or a show of hands unless a roll call vote is requested or required by State Statute.
 - (C) No secret ballot may be utilized to determine any decision of the Town Board except the election of the Town Board First Vice Chair and Second Vice Chair.

SECTION 5.0 CODE OF ETHICS

- 5.01 Declaration of Policy. The proper operation of Town government demands that:
- (A) Town officials and employees be independent, impartial and responsible to the general public.
 - (B) Decisions be made according to proper administrative procedures.
 - (C) Town offices shall not be used for personal or financial gain.
 - (D) Town business shall be conducted in a manner that will instill confidence.
- 5.02 Town Officials and Employee Rights. Town officials and employees have the right to:
- (A) Engage in professional or business activities, other than official duties.
 - (B) Maintain investments or activities that do not conflict with specific provisions of this code.
- 5.03 Responsibility of Public Service
- Town officials and employees are public servants and hold office to serve the public interest. They are required to uphold the Constitution of the United States and the Constitution of the State of Wisconsin, and to carry out efficiently and impartially all laws of the United States, the State of Wisconsin, La Crosse County and the Town of Holland. They are required to adhere to the standards of ethics set forth in this code and to faithfully discharge the duties of their office.
- 5.04 Coverage
- This code governs all Town officials, whether elected or appointed, paid or unpaid, including members of boards, committees and commissions and all Town employees.

5.05 Exceptions

Political contributions which are reported pursuant to Chapter 11, Wis. Statutes, are exempt from the provisions of this code.

5.06 Definitions

- (A) Person. Any individual, corporation, partnership, joint venture, association or organization.
- (B) Financial Interest. Any interest which yields directly or indirectly, a monetary or other material benefit to:
 - 1. A Town official, employee or his/her immediate family.
 - 2. Any person employing or retaining services of a Town official or employee.
- (C) Anything of Value. Any money or property, favor service, payment, loan or promise of future payment or benefit. This DOES NOT INCLUDE such things as compensation and expenses paid by the state, county or Town, fees, honorariums and expenses, unsolicited advertising or promotional material such as pens, pencils, notepads, calendars, informational or educational materials of unexceptional value, plaques, other advertising giveaways or any similar thing which is not likely to influence the judgment of individuals covered by this code.
- (D) Privileged Information. Any written or oral material related to Town government which has not become public information and which is designated by statute, court decision, lawful orders, ordinances, resolution or custom as privileged.
- (E) Official. All Town Board Supervisors and all other Town officers.
- (F) Employee. All persons employed by the Town and all members of boards, committees and commissions.
- (G) Immediate Family. Any individual who is a spouse, child, or parent of the employee or Town official.

5.07 Fair and Equal Treatment

- (A) Use of Public Property. An official or employee shall not use or knowingly permit the use of Town services or Town-owned vehicles, equipment, materials for unauthorized non-governmental purposes or for unauthorized personal convenience or for profit, unless such services or use are available to the general public and are consistent with practices and policies of the Town.
- (B) Obligations to Citizens. An official or employee shall not grant or receive any special consideration, treatment or advantage beyond that which is available to every other citizen.

5.08 Conflict of Interest

- (A) Receipt of Gifts, Gratuities, and Preferential Treatment Prohibited. An official or employee shall not solicit or accept anything of value whether in the form of a gift, service, loan or promise from any person which may impair independence of judgment or action in the performance of official duties. Nor shall an official or

employee accept from any person or organization, directly or indirectly, preferential treatment of anything of value without full payment, if it could reasonably be expected to influence a vote, a contract or could reasonably be considered as a reward for any governmental action or inaction.

- (B) Exception. It is not a conflict of interest for an official or employee to receive an unsolicited gift or gratuity of insignificant value or anything given to him/her independent of his/her position as an official or employee.
- (C) Business Interest. An official or employee shall not engage in any financial transaction which:
 - 1. Is incompatible with the proper discharge of official duties for the benefit of the public;
 - 2. Is contrary to the provisions of this code; or
 - 3. May impair independence of judgment or action in the performance of official duties.
- (D) Employment. An official or employee shall not engage in or accept any private employment or render any service for a private interest when such employment or service is incompatible with the proper discharge of official duties or which may impair independence of judgment or action in the performance of official duties unless otherwise permitted by law or unless disclosure is made as hereinafter provided.
- (E) Contracting. An official or employee or a business in which an official or employee holds a 10% or greater interest, may not enter into a contract with the Town involving a payment or payments of more than \$2,000 within a 12 month period unless the official or employee has made a written disclosure of the nature and extent of such relationship or interest to the Town Clerk, and reported such interest to the Town Board. Further, pursuant to s. 945.13, Wis. Stats., an official or employee is prohibited from participating in the formation of a contract(s) with the Town involving the receipts or disbursement of more the \$15,000 in any year.
- (F) Financial Interest in Legislation. An official or employee who has a financial interest in any proposed action before the Town Board shall disclose the nature and extent of such interest to the Town Clerk and the Town Board prior to or during the initial discussion of such action. Prior to giving an official opinion or recommendation to the Town Board, such official or employee shall first disclose the nature and extent of such interest to the Town Board. An official or employee who has a financial interest in any proposed action shall abstain from speaking to the issue and from voting on that action. If there is a question to this regard, the official or employee may seek an opinion from the Town attorney.
- (G) Disclosure of Privileged Information. An official or employee shall not knowingly disclose or permit the disclosure of privileged information to any person not lawfully authorized to receive such information. An official or employee shall not use privileged information to advance personal financial interest of himself/herself or his/her immediate family or any other person.

5.09 Compliance with State Statutes

- (A) Statutes Incorporated by Reference. The following sections of the Wisconsin Statutes are hereby incorporated by reference and made part of this Code of Ethics:

1. S. 19.01 – Oaths and Bonds
 2. S. 19.21 – Custody and Delivery of Official Property and Records
 3. SS. 19.81-89 – Open Meetings of Governmental Bodies
 4. S. 19.59 – Codes of Ethics for Local Government Officials, Employees & Candidates
- (B) Violation of Incorporated Statutes. Official shall comply with the sections of the Wisconsin Statutes incorporated in this code and failure to do so shall constitute a breach of this Code of Ethics.

5.10 Complaints

- (A) The Town Clerk shall accept from any person a signed, original complaint that states the name of the official or employee alleged to have violated this code and sets for the material facts involved in the allegation. The Town Clerk shall forward the original complaint to the Town Board Chair within 3 working days. If the Town Chair is the alleged offender, the complaint shall be forwarded to the First Vice Chair. If the Town Clerk is the alleged offender, all documentation shall be accepted by the Town Chair.
- (B) Time Limitation. No action may be taken on any complaint that is filed more than one year after a violation of the Ethics Code is alleged to have occurred.
- (C) Procedures:
1. The Town Board shall notify the accused within 5 calendar days.
 2. The Town Board shall convene within 45 calendar days but no earlier than 30 days from the date the accused receives the complaint.
 3. The Town Board may make preliminary investigations with respect to alleged violation of this code. A preliminary investigation shall not be initiated unless the accused official or employee is notified in writing within 10 days from the initial meeting. The notice shall state the purpose of the investigation and the individual's specific action or activities to be investigated.
 4. The Town Board shall make every effort to conclude within 120 calendar days.
 5. If the Town Board finds that probable cause exists, they may issue an order setting a date for a hearing, giving the accused at least 20 calendar days notice of the hearing date. Such hearing shall be conducted pursuant to the requirements of Chapter 227 Wis. Stats., at open session unless the accused petitions for a hearing closed to the public and good cause to close the hearing is shown.
 6. During all stages of an investigation or proceeding conducted under this section, the accused or any person whose activities are under investigation is entitled to be represented by counsel of personal choice and at personal expense.
 7. Due process. The accused or his/her representative shall have an adequate opportunity to:
 - a. Examine all documents and records to be used at the hearing within a reasonable time before the date of the hearing as well as during the hearing.
 - b. Bring witnesses.

- c. Establish all pertinent facts and circumstances; and
 - d. Question or refute any testimony or evidence, including the opportunity to confront and cross-examine adverse witnesses.
8. The Town Board shall have the power to administer oaths and compel the attendance of witnesses by issuing subpoenas, pursuant to s. 885.01(3) Wis. Stats.
 9. The majority vote shall be required for any action taken by the Town Board.
 10. If the recommendation is that a violation of the Ethics Code has occurred, the Town Board must be convinced by clear and convincing evidence that such violation occurred.

5.11 Violations

- (A) If the Town Board finds that a violation of the Ethics Code has occurred, they shall report their findings in writing to the complainant and accused through the Town Clerk, within 10 working days after reaching a decision.
- (B) If the Town Board determines that an official or employee has violated any provision of this code, the Town Board may make the following recommendations:
 1. In the case of an official who is an elected Town Board Supervisor, the Town Board may consider sanctioning, censuring or removing the person;
 2. In the case of a citizen member, or other elected or appointed Town officer, the Town Board may consider removing the person from the committee, board or office;
 3. In the case of an employee, the Town Board may consider discipline up to and including discharge of the employee.
 4. The Town Board may consider imposing a civil forfeiture in an amount not exceeding \$1,000 for each offense.
- (C) If the Town Board finds that no violation has occurred, they shall notify the complainant and the accused in writing through the Town Clerk, within 5 working days.

5.12 Sanctions

- (A) How Sanctions are Initiated.
 1. By motion. A motion for sanctions under this rule shall be made separately from other motions or requests and shall describe the specific conduct violation of this ordinance and as prescribed in Wis. Statutes s. 801.14.
 2. By Town Board Initiative. On its own initiative, the Town Board may enter an order describing the specific conduct that appears to violate this ordinance and direct an attorney, law firm or party to show cause why it has not violated the specific conduct described in the order.
- (B) Nature of Sanction. An action imposed for violation of this rule may be limited to what is sufficient to deter repetition of such conduct or comparable conducted by others similarly situated. The sanction may consist of, or include, directives of a nonmonetary nature and/or an order direct payment to the movant of some or all

of the reasonable attorney fees and other expenses incurred as a direct result of the violation. Monetary sanctions may not be awarded unless the Town Board issues its order to show cause before a voluntary dismissal or settlement of the claims made by or against the party that is, or whose attorney are, to be sanctioned.

- (C) Order. If the Town Board elects to impose sanctions, they shall describe in written form the conduct determined to constitute a violation of the rule and explain the basis for the action and the amount of the sanction imposed.

5.13 Censure, Suspend or Remove From Office.

The Town Board may censure, suspend or remove from office a Town Board Supervisor. To remove a Supervisor from Office, the Town Board must approve such a removal, for cause, by a vote of 2/3 of all supervisors entitled to seats on such Board.

SECTION 6.0 APPLICABILITY

The provisions of this Code shall apply in all instances except when superseded by an applicable statutory provision. This section is mandatory except in cases where the application of a statute is discretionary. In such case, the Town Board may choose which is more appropriate or desirable.

SECTION 7.0 EFFECTIVE DATE

Following passage by the Town Board, this ordinance shall take effect the day after the date of publication or posting as provided by sec. 60.80, Wis. Stats.

Adopted by the Holland Town Board of the Township of Holland, La Crosse County, Wisconsin, this 8th day of February, 2012.

By: David Carlson, Town Chairman
Attest: Marilyn Pedretti, Town Clerk
Date Posted: 2/10/12 & Published: 2/16/12

Amendment #1: Adopted by the Holland Town Board of the Township of Holland, La Crosse County, Wisconsin, this 12th day of August, 2015.

By: Katherine Warzynski, Town Chair
Attest: Marilyn Pedretti, Town Clerk
Date Posted: 8/14/15

Amendment #2: Adopted by the Holland Town Board of the Township of Holland, La Crosse County, Wisconsin, this 13th day of May, 2020.

By: Steven Michaels, Town Chair
Attest: Marilyn Pedretti, Town Clerk
Date Posted: 5/14/20