

STATE OF WISCONSIN

Town of Ludington
Eau Claire County

Ethics Ordinance # 060309

SECTION I – DECLARATION OF POLICY

It is declared that certain administrative actions of Town officials and Town employees are to be regulated, permitted, or limited to allow the official's and employee's actions to occur in an ethical, timely, and efficient manner. It is declared that high moral and ethical standards among Town officials and Town employees are essential to the conduct of free government and that the Town Board believes that a Code of Ethics for the guidance of Town officials and Town 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 people of the Town in their Town public officials and employees. (Optional). It is the intent of the Town Board that any elected Town official, any person appointed to elective office, any candidate for Town elective office, all heads of departments, and all other designated Town officials and Town employees, including but not limited to, those whose responsibilities involve the following shall be required to file a Statement of Economic Interests as provided for in this Ordinance:

Sale or lease of real estate.

Receipt of monies.

Purchasing of supplies.

Issuing of permits or licenses.

Assessment of property.

Inspection of property.

Construction of public works.

Settlement of claims.

Preparation or awarding of contracts.

Retention of outside service.

Performance of professional legal services for the Town.

It is the intent of the Town Board, that the Town officials and Town employees in their administrative operations shall protect to the fullest extent possible the rights of individuals affected and the Town and its Town government from improper, dishonest, and inefficient conduct of its Town officials and Town employees. The Town Board reaffirms by this Ordinance that a Town official or employee holds his or her position as a public trust, and any effort to realize personal gain through official conduct is a violation of that trust. This Ordinance does not prevent any Town official or employee from accepting other employment or following any pursuit that in no way interferes with the full and faithful discharge of his or her duties to this Town. The Town Board recognizes all of the following: That Town officials and Town employees are drawn from society and, therefore, cannot and should not be without all personal and economic interest in the decisions and policies of government. That Town officials and Town employees retain their rights as citizens to interests of a personal or economic nature. That standards of ethical conduct for Town officials and Town employees need to distinguish between minor and inconsequential conflicts that are unavoidable in a free society and conflicts that are substantial and material. That Town officials and Town employees may need to engage in employment, professional, or business activities, other than official duties, in order to support themselves or their families and to maintain a continuity of

- A preorganization subscription.
- A transferable share.
- An investment contract.
- A commodity futures contract.
- A voting trust certificate.
- Certificates of deposit for a security.
- A limited partnership interest .
- A certificate of interest or participation in an oil, gas, or mining title or lease or in payments out of production under such a title or lease.

In general, any interest or instrument commonly known as having the incidents of a security or offered in the manner in which securities are offered; or any certificate of interest or participation in, temporary or interim certificate for, receipt for, guarantee of or option, warrant, or right to subscribe to or purchase or sell, any of the foregoing. Security does not include a certificate of deposit in a bank, savings and loan association, savings bank, credit union, or similar association organized under the laws of any state or the federal government. "Substantial value" means having more than nominal or inconsequential value or having merchantable value. Any item or service with a value of \$5 or more is presumed to have substantial and not nominal or inconsequential value.

"Town" means the Town of Ludington, Eau Claire County, Wisconsin. "Town Board" means the board of supervisors for the Town of Ludington, Eau Claire, County, Wisconsin and includes designees of the board authorized to act for the board. "Town Clerk" means the clerk of the Town of Ludington, Eau Claire County, Wisconsin. "Town Employee" means any individual who is not a Town official, and who holds an office or position in the service of the Town, not including an office or position subject to the jurisdiction of the Town fire and police commission. "Town official" means any individual holding any of the following: A Town elective office. An appointive Town office or position in which an individual serves for a specified term, except a position limited to the exercise of ministerial action or a position filled by an independent contractor. An appointive Town office or position that is filled by the Town board or the executive or administrative head of the Town and in which the incumbent serves at the pleasure of the appointing authority, except a clerical position, a position limited to the exercise of ministerial action or a position filled by an independent contractor.

SECTION V- APPLICABILITY

This ordinance applies to all Town Officials and Town Employees.

SECTION VI –ADMINISTRATION AND ENFORCEMENT

The administration and enforcement of this Ethics Code is vested in the Town Board. Any individual may request of the Town Board an advisory opinion regarding the propriety of any matter or matters to which the person is or may become a party as provided in Section VI.

SECTION VII – SPECIFIC REQUIREMENTS

No Town official or Town employee may use his or her public position or office to obtain financial gain or anything of substantial value for the Town official's or Town employee's private benefit or that of his or her immediate family, or for an organization with which he or she is associated. This subsection does not prohibit any of the following: An elected official from using the title or prestige of his or her office to obtain contributions permitted and reported under Chapter 11, Wis. stats. A town official or employee from obtaining items or services of nominal or no value. The Town Board may not sell or give to any Town official or Town employee, nor may a Town official or Town employee purchase or receive as a gift from the

transportation of any person or property or for the transmission of any message or communication; or Any public officer who asks for or accepts from any person or uses in any manner or for any purpose any free pass or frank, or any privilege withheld from any person for the traveling accommodation or transportation of any person or property or for the transmission of any message or communication; or Any public utility or agent or officer thereof who offers or gives for any purpose to any public officer or to any person at the request or for the advantage of such officer, any frank or any privilege withheld from any person for any product or service produced, transmitted, delivered, furnished or rendered or to be produced, transmitted, delivered, furnished or rendered by any public utility, or any free product or service whatsoever; or Any public officer who asks for or accepts or uses in any manner or for any purpose any frank or privilege withheld from any person for any product or service produced, transmitted, delivered, furnished or rendered by any public utility. 946.12, Wis. stats., Misconduct in public office, which provides that any public officer or public employee who does any of the following is guilty of a Class I felony: Intentionally fails or refuses to perform a known mandatory, nondiscretionary, ministerial duty of the officer's or employee's office or employment within the time or in the manner required by law; or In the officer's or employee's capacity as such officer or employee, does an act which the officer or employee knows is in excess of the officer's or employee's lawful authority or which the officer or employee knows the officer or employee is forbidden by law to do in the officer's or employee's official capacity; or Whether by act of commission or omission, in the officer's or employee's capacity as such officer or employee exercises a discretionary power in a manner inconsistent with the duties of the officer's or employee's office or employment or the rights of others and with intent to obtain a dishonest advantage for the officer or employee or another; or In the officer's or employee's capacity as such officer or employee, makes an entry in an account or record book or return, certificate, report or statement which in a material respect the officer or employee intentionally falsifies; or Under color of the officer's or employee's office or employment, intentionally solicits or accepts for the performance of any service or duty anything of value which the officer or employee knows is greater or less than is fixed by law. 946.13, Wis. stats., Private interest in public contracts prohibited, which provides, except as provided in s. 946. (2) to (11) that any public officer or public employee who does any of the following is guilty of a Class I felony: In the officer's or employee's private capacity, negotiates or bids for or enters into a contract in which the officer or employee has a private pecuniary interest, direct or indirect, if at the same time the officer or employee is authorized or required by law to participate in the officer's or employee's capacity as such officer or employee in the making of that contract or to perform in regard to that contract some official function requiring the exercise of discretion on the officer's or employee's part; or In the officer's or employee's capacity as such officer or employee, participates in the making of a contract in which the 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 officer's or employee's part. 946.14, Wis. stats., Purchasing claims at less than full value, which provides that any public officer or public employee who in a private capacity directly or indirectly intentionally purchases for less than full value or discounts any claim held by another against the state or a political subdivision thereof or against any public fund is guilty of a Class I felony.

No Town official or Town employee, nor any member of a Town official's or Town employee's immediate family, nor any organization for which the Town official or Town employee or a member of the Town official's or Town employee's immediate family owns or controls at least 10% of the outstanding equity, voting rights, or outstanding indebtedness may enter into any contract or lease involving a payment or payment of more than \$15,000 within a 12-month period, in whole or in part derived from Town funds, unless the Town official or Town employee has first made written disclosure of the nature and extent of the relationship or interest to the Town Board and to the Town Clerk. Any contract or lease entered into in violation of this paragraph may be voided by the Town Board or in an action commenced within 3 years of the date on which the Town Board or officer acting for the Town in regard to the allocation of funds from

Wis. stats., in a Statement of Economic Interest filed under this subsection: (LIST SPECIFIC OFFICERS, EMPLOYEES, OR CANDIDATES). The Town Clerk has the authority to withhold salaries or expenses from any Town official or Town employee who is required to file under this subsection and fails to timely file his or her Statement of Economic Interest as required by this subsection.

Time to File. Town officials or Town employees required to file under this subsection shall file a Statement of Economic Interest with the Town Board as follows: Any individual who in January of any year is a Town official or Town employee and is required to file under subsection A shall file with the Town Board no later than February 28 of that year a Statement of Economic Interests. The information on the statement shall be current as of December 31 of the preceding year. Any newly appointed or employed individual required to file under subsection A shall file a Statement of Economic Interests within 21 days following the date he or she assumes office if the individual has not previously filed a Statement of Economic Interest with the Town Board during that year. The information on the statement shall be current as per the date he or she assumes office. Any nominee to a Town board, commission, committee, or other body of any type requiring Town Board confirmation who is required to file under subsection A shall file a Statement of Economic Interest within 21 days of being nominated unless the nominee has previously filed a statement with the Town Board for that year. The information on the statement shall be current as of the date he or she is nominated. Following the receipt of a nominee's statement, the Town Board shall forward copies of the statement to the members of the committee of the Town Board to which the nomination is referred. The Statement of Economic Interest shall be submitted by the nominee in advance of the meeting of the Town Board committee considering the nomination for confirmation by the Town Board. Any nominee to a Town board, commission, committee, or other body of any type, not requiring Town Board confirmation, who is required to file under subsection A shall file a Statement of Economic Interest within 21 days of being nominated unless the nominee has previously filed a statement with the Town Board for that year. The information on the statement shall be current as of the date he or she is nominated. A candidate for elective Town office required to file under this subsection shall file a Statement of Economic Interest with the Town Clerk no later than 4:30 p.m. on the third day following the deadline for filing nomination papers for the office the candidate seeks at the time of filing of nomination papers. The information on the statement shall be current as of December 31 of the year preceding the filing deadline. A copy of the Statement of Economic Interest shall also be filed at the same time with the Town Board. On its own motion or at the request of any individual who is required to file a Statement of Economic Interest under subsection A, the Town Board may extend the time for filing or waive any filing requirement if the Town Board determines that the literal application of the filing requirements of this section would work an unreasonable hardship on that individual or that the extension of the time for filing or waiver is in the public interest. The Town Board shall set forth in writing as a matter of public record its reason for the extension or waiver. Extensions and waivers shall not be granted to candidates for public office.

Failure to File. If a Town official or Town employee who is required to file under subsection A has failed to file a Statement of Economic Interest within the required time, no salary, compensation, or reimbursement of expenses may be paid to the Town official or Town employee until the Town official or Town employee files the required statement. The Town Board shall officially inform the Town Treasurer when it has determined that an official's salary, compensation, and reimbursement expenses shall be withheld. All payments shall be withheld until the Town Board notifies the Town Treasurer that the official has complied with this Ordinance. The Town Board shall also notify the appropriate appointing authority of the failure of the Town official or Town employee to file a Statement of Economic Interest. If a candidate for elective Town office required to file under this subsection has failed to file a Statement of Economic Interest within the required time, the name shall of the candidate for Town office shall be removed from the election ballot. The Town Board shall officially inform the Town Clerk when it has determined that a candidate's name shall be removed from a ballot.

Treasurer. The Town attorney, when so requested by the Town Board, shall institute proceedings to recover any forfeiture incurred under this section in circuit court that is not paid by the person against whom it is assessed. The Town Board or Town Board may seek injunctive relief from a Court of record to enjoin further violations.

SECTION XI –SEVERABILITY

If any provision of this ordinance or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this ordinance that can be given effect without the invalid provision or application, and to his end the provisions of this ordinance are severable.

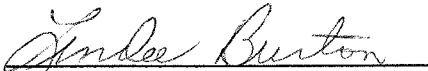
SECTION XII- EFFECTIVE DATE

This Ordinance is effective on publication. The Town Clerk shall properly post or publish this ordinance as required under s. 60.80, Wis. stats.

Adopted this 9th day of March, 2006



Gary Gibson, Chairman



Linda Burton, Supervisor



Bill Ruff, Supervisor

Attest:



Colleen Steininger, Clerk