

STATE OF WISCONSIN
Town of St. Germain, Vilas County

Code of Ordinances
Chapter 29: Town Procedures
(Amended July 10, 2023)

29.01 TITLE AND PURPOSE: The title of this is the Town of St. Germain Town Procedures Ordinance. The purpose of this ordinance is to provide guidance to town elected or appointed officials to assure compliance with state statutory requirements on a variety of topics.

29.02 AUTHORITY: The town board's authority for this ordinance is provided by its village powers prescribed under §60.22, Wis. stats.

29.03 DEFINITIONS: In this ordinance,
Appointed official means an individual appointed by the town board to serve in specific capacities which may include the town clerk and/or town treasurer.

Town means the Town of St. Germain, Vilas County, Wisconsin.

Town Board means the St. Germain Town Board of Supervisors

Town Committee (standing or special) means a committee created by the Town Board and functioning under the observation of the Town Board.

Elected official means an individual chosen by town electors to serve on the town board or as town clerk and/or town treasurer.

Host means the voting member of a meeting who; 1) is physically present at the meeting location; 2) has responsibility for operation of the Zoom Room equipment; 3) assures that all members of the public also physically present can reasonably see and hear all that occurs during the meeting.

Town roads non-routine maintenance means road work not regarded as routine activities of the Town Department of Public Works, therefore requiring Town Board oversight and financial planning.

Town roads routine maintenance means road work regarded as routine activities of the Town Department of Public Works including, but not limited to, plowing, sanding, patching, and storm clean-up.

Wis. stats. means the Wisconsin Statutes, including successor provisions to cited statutes.

Zoom Room means Room 4 of the St. Germain Community Center, equipped with electronic audio and video devices enabling remote participation in meetings.

29.04 MEETING AGENDAS: Any town board member, or any voting member of any town standing committee or of any town special committee, may during the course of any meeting make a motion to include a specific topic on the agenda of a future meeting. Providing the motion receives a second and is approved by majority vote, the chairperson of that body will place the topic on a future agenda as specified by the approved motion.

29.05 EMPLOYEE PAYROLL:

- (A) Specific authority for this section is provided under §60.44(2), Wis. stats.
- (B) Payroll payments for all town employees and town officials, except the Zoning Administrator, may be made by the town clerk from the town treasury without each payment first being approval by the town board. The clerk shall prepare for monthly review by the town board a list of payroll payments made in this manner.
- (C) Payroll payments for the Zoning Administrator, which consist of a fixed monthly compensation plus a variable payment based on a fixed percentage of monthly fees collected by the Zoning Administrator, shall be processed as follows:
 - (1) The Zoning Committee shall review and approve all monthly statements of compensation due submitted by the Zoning Administrator.
 - (2) After indicating the statement approved for payment by the committee, the Zoning Committee chair shall forward the statement to the town clerk for payment processing.
 - (3) The clerk shall place the payment in line for approval by the town board in the same manner as other town bills needing town board approval before payment.

29.06 ATTENDING MEETINGS FROM A REMOTE LOCATION: (Revised 03/08/2021): All meetings of the St. Germain Town Board and all meetings of Town Board committees shall be conducted in places reasonably accessible to the public and shall be open to the public unless otherwise specifically exempted by Wisconsin Statutes.

- (A) When the meeting place is Room 4 of the St. Germain Community Center:
Members of the Town Board or its committees may participate remotely in meetings conducted utilizing the Town's Zoom Room only when all the following conditions are satisfied (see definition of "Zoom Room" in section 29.03).:
 - (1) The meeting must be hosted by an elected official of the Town authorized by the Town Board to operate Zoom Room equipment (see definition of "Host" in section 29.03).
 - (2) While a quorum of voting members is required to conduct a meeting, only the host must be physically present in the meeting room. All other voting members, including the chairperson if different than the host, may attend virtually.
 - (3) The meeting host shall reasonably ensure that everyone attending, either virtually or physically present in the meeting room, can hear anyone who speaks during the meeting.
 - (4) Chairpersons may use discretion regarding voting methods. While roll call votes are not mandatory, voting by group voice vote is discouraged when some voting members are attending remotely and others virtually, especially if non-members are also attending virtually. Roll call voting should be used whenever circumstances suggest that group voice voting results may be less certain.
 - (5) Remote participation in closed session is prohibited.

- (B) When the meeting place is other than Room 4 of the St. Germain Community Center:
Members of the Town Board or committee members may participate from a remote location only When all the following conditions are satisfied:
- (1) The chairperson of the meeting must be physically at the location of the meeting as described in the meeting agenda.
 - (2) A quorum of the board or committee must be in attendance, however, other than the chairperson, any of the other members may participate from a remote location.
 - (3) The meeting chairperson shall reasonably ensure that everyone attending, either virtually or physically present in the meeting room, can hear anyone who speaks during the meeting.
 - (4) All votes during the meeting while any member is attending remotely shall be taken by roll call.
 - (5) Remote participation in closed session is prohibited.

29.07 STANDING COMMITTEES:

- (A) Creating: The Town Chairperson may create new standing committees at any time with a resolution that states the name and purpose of the committee. The resolution must be adopted by majority vote of the town board.
- (B) Committee chairpersons: The chairperson shall be appointed by the Town Chairman and approved by the Board of Supervisors. The committee chairperson, at the discretion of the Town Chairman, may or may not be an elected town official. The duration of the committee chair position shall be open-ended but may be terminated at any time by either the committee chairperson or the Town Chairman, subject to approval by the Board of Supervisors.
- (C) Committee members: The committee chairperson shall establish and maintain a roster of volunteer committee members to be approved by the Board of Supervisors. All subsequent revisions to the roster must also be approved by the Board of Supervisors.
- (D) Committee meetings: (Amended 06/13/2022) All meetings of Town committees shall be conducted in compliance with State of Wisconsin open meeting, open records and ethical practices laws. Public notice posting places shall be the same as used by the Clerk and Board of Supervisors. Committee Chairpersons shall also see that the following are accomplished:
- (1) Forward meeting agendas by email to the Clerk and Board of Supervisors the same day the agendas are publicly posted.
 - (2) Forward meeting minutes by email to the Clerk and Board of Supervisors:
 - (a) Unapproved minutes to be forwarded at the same time as sending them to committee members for review prior to approval.
 - (b) Approved minutes to be forwarded within two days of the meeting at which the minutes were approved.
- (E) Annual review: The town board shall consider each standing committee as an agenda item no later than the second regularly scheduled meeting of the town board following the annual April election. Each committee shall be either reconfirmed,

restructured or eliminated. The roster of each committee shall also be approved annually by the town board.

29.08 SIGNING TOWN CHECKS (Adopted 04/06/2020): Pursuant with §66.0607(3), Wis. Stats., towns may authorize supervisors to become checking account signatories in the event the chairperson is absent, ill or incapacitated. The following shall apply to the Town of St. Germain:

- (A) Upon any change in supervisors on the town board, the Treasurer shall arrange for new supervisor(s) to sign signature cards at the appropriate financial institution(s).
- (B) Upon determining that the Chairperson is absent, ill or incapacitated at the time check signatures by the Chairperson are needed, the Treasurer shall cause whichever of the Supervisors is available to sign checks as needed. Supervisor signatures shall be used only as long as the chairperson remains absent, ill or incapacitated.
- (C) Supervisors shall not be provided with and shall not use any form of facsimile signatures such as stamps.

29.09 TEMPORARY ABSENCE OF THE TOWN CHAIRPERSON (Adopted 04/06/2020):

- (A) Pursuant to §60.30(1), Wis. Stats., at the annual spring election in odd-numbered years, each town shall elect three town board supervisors. One of the supervisors shall be designated on the ballot as town board chairperson.
- (B) Pursuant §60.30(5)(c), Wis. Stats., If a town board supervisor is temporarily incapacitated because of physical or mental disability, the town board may appoint a person to discharge the supervisor's duties until the disability is removed.
- (C) Anticipated absence of the chairperson: If the St. Germain town chairperson anticipates being temporarily incapacitated because of physical or mental disability or absent from duty for any other reason, the chairperson may, in a properly convened meeting of the board of supervisors, temporarily appoint to a specific supervisor the duties of the chairperson as defined in §60.24(1), Wis Stats.
- (D) Unanticipated absence of the chairperson: If the St. Germain town chairperson becomes temporarily incapacitated because of physical or mental disability or absent from duty for any other reason without advance notice to the board of supervisors, any town supervisor in office may notice and convene a special meeting of the board of supervisors at which the supervisors in attendance shall decide which one of them will temporarily assume the duties of the chairperson as described in §60.24(1), Wis. Stats.

29.10 RECEIPT OF REAL ESTATE AND PERSONAL PROPERTY TAX PAYMENTS (Adopted 10/11/2021):

- (A) The Town Treasurer may not accept cash as payment for real estate tax or personal property tax. If possible, the Treasurer will arrange for cash payments to be accepted at a local financial institution.

- (B) Checks returned to the Town due to insufficient funds will be subject to a \$40.00 fee to cover the additional bank fees, other costs and the effort of collecting the tax payment. The Town Treasurer is responsible for invoicing the taxpayer and collecting the additional fee.
- (C) Overpayment of taxes:
 - (1) Overpayments in the amount of \$1.00 or less will be returned only when requested by the taxpayer.
 - (2) Overpayments in the amount of more than \$1.00 will be returned to the taxpayer only after the following has occurred:
 - (a) The payment has been deposited and not returned due to insufficient funds.
 - (b) The Town Board has approved the refund at a properly convened meeting.
- (D) Receipts for payment of taxes can be obtained online through the Vilas County Website. Alternatively, the Town Treasurer may, upon request by the taxpayer, provide a receipt in person during the Treasurer's posted office hours or via email. Requests for receipts to be mailed through the U. S. Postal Service will be honored only when the requester provides a pre-addressed envelope with proper postage applied.

29.11 AUTHORITY OF TOWN CLERK (Adopted 05/09/2022): The Town Board hereby grants authority for the following actions to the Town Clerk:

- (A) Closure of Cemetery Road: Per Wis. Stat. §82.35(1)(b), the clerk shall have the discretion to close Cemetery Road for events in or around the town park that may result in violation of cemetery sanctity if left open for public ingress or egress to the park area.

29.12 AUTHORITY OF TOWN CHAIR (Amended 09/12/2022): The Town Board hereby grants authority for the following actions to the Town Chair:

- (A) The discretion to appoint two town board members to oversee:
 - (1) The St. Germain Golf Club
 - (2) The Department of Public Works
 - (3) The St. Germain Golf Club Employee Performance Evaluation Process
 - (4) The Department of Public Works Employee Performance Evaluation Process

29.13 COMPENSATED DUTIES OF THE CLERK OR TREASURER (Adopted 09/22/2022):

When the following special duties are undertaken by the Clerk or Treasurer, said duties not being statutory expectations but substantial enough in workload to warrant additional pay, those duties shall be delineated in the town budget in a manner to be readily recognized and removable from the budget if the duties discontinue as Clerk or Treasurer responsibilities. **(Note: Adjustments to Clerk or Treasurer compensation must be accomplished in accordance with §60.32 Wis. stats.)**

- (A) Clerk:
 - (1) Town facilities public usage coordination
- (B) Treasurer:
 - (1) Room Tax administration

29.14 FUNDING OF TOWN ROADS NON-ROUTINE MAINTENANCE (Adopted 11/16/2022): Categories of non-routine Town roads maintenance as defined in §29.03 of this chapter, how each category is to be funded, and rules pertaining to accountability of tax levy revenues collected specifically to support the Town Roads Maintenance Program adopted November 16, 2022, shall be as follows:

- (A) Categories of non-routine Town roads maintenance:
- (1) Roads needing major reconstruction.
 - (a) Funding shall be from annual loans to be paid from the debt service portion of the Town budget.
 - (2) Roads that have been reconstructed or resurfaced within the past thirty years and are in generally good condition but in need of chip/aggregate sealing, spot asphalt repairs, shoulder repairs, crack repairing/sealing/leveling, or similar maintenance needed to extend the useful life of the roads, and, gravel roads needing more gravel than practical for the Town Department of Public Works to apply or needing grading beyond the capability of Town equipment/personnel.
 - (a) Funding shall be from the \$200,000.00 annual Road Maintenance Program property tax levy enacted November 16, 2022 and collected in 2023 and beyond.
- (B) Accountability of tax levy revenues collected specifically to support the Roads Maintenance Program:
- (1) The Town Treasurer shall maintain in a separate account the annual tax levy dollars collected in support of the Road Maintenance Program, thus preventing them from being used for purposes other than qualifying road maintenance projects.
 - (2) Unused funds will carry over from one year to the next if the balance is not exhausted on projects each year. Or, at the discretion of the Town Board, funds may be withheld from spending to accumulate more money to undertake a larger road project eligible for Road Maintenance Program funding.
 - (3) The Town Chairman shall assign a Town Board member to oversee the Road Maintenance Program. Responsibilities of that person shall include, but not be limited to, maintaining a list of eligible road projects with the Town Clerk, working with an engineering firm approved by the Town Board (when deemed necessary by the Town Board) for development of road project specifications, project bidding specifications, and coordinating all aspects of projects with the Town Board, Clerk, and Treasurer.

29.15 TOWN CREDIT CARDS: (Adopted 12/12/2022) This provision rescinds Town Resolution SG18-02-1 adopted 02/12/2018 and replaces the Town's Credit Card Use Policy enacted 02/12/2018.

- (A) The following Town officials and employees are authorized to make purchases for the Town using Town issued credit cards, subject to restrictions provided herein.
- (1) Officials:
 - (a) Town Clerk
 - (b) Town Fire Chief
 - (c) Town Board Chairperson
 - (2) Employees:
 - (a) Golf Course Professional
 - (b) Golf Course Superintendent

- (c) Department of Public Works Superintendent
 - (3) Town credit cards may be used by only the individuals to whom they have been issued. Credit cards shall be surrendered to the Town Clerk immediately upon termination of official service or termination of employment with the Town.
- (B) Restrictions:
- (1) No individual authorized by this chapter to use a Town credit card shall be issued such until the Town Clerk is in receipt of a Town Credit Card Use Agreement signed by both that individual and the Town Clerk.
 - (2) Maximum authorized purchases without obtaining prior Town Board approval shall be:
 - (a) Town Clerk \$5,000.00
 - (b) Town Fire Chief \$5,000.00
 - (c) Town Board Chairperson \$5,000.00
 - (d) Golf Course Professional \$5,000.00
 - (e) Golf Course Superintendent \$5,000.00
 - (f) Department of Public Works Superintendent \$5,000.00
 - (3) Receipts for all credit card purchases shall be provided to the Town Clerk.
 - (4) The Town Clerk shall present all credit card charges to the Town Board for review and approval prior to payment.
 - (5) Whenever possible, credit card purchases shall be made referencing the Town's sales tax exemption.
 - (6) Upon incurring expenses resulting from non-compliance with this section, and/or provisions of the Credit Card User Agreement, the Town Board shall be authorized, at its discretion, to hold responsible for such expenses the person to whom the credit card was issued.

29.16 TOWN ORDINANCES ADOPTION AND ENFORCEMENT PROCEDURES: (Adopted 03/23/2023)

- (A) In accordance with Wis. Stat. §66.0103, the Town adopted Ordinance SG17-01-1 on January 9, 2017, as the Town's general code of ordinances. A three-ring binder of ordinances adopted as chapters of the Code of Ordinances shall be maintained in the office of the Town Clerk and be made available for public review upon request.
- (B) All new chapters, or amendments to previously adopted chapters, shall be water marked with "DRAFT" until formally adopted by the Town Board.
- (C) Upon the Town Board agreeing with the draft content of a new or revised chapter, a motion shall be passed by the Town Board to "approve Chapter __ (insert chapter number and name) for adoption subject to public review and comment". Subsequent actions before adoption shall include:
 - (1) **FOR ALL CHAPTERS CONTAINING FORFEITURE PROVISIONS (OTHER THAN THE TOWN ZONING CHAPTER):** The Town Clerk shall post and publish a class II NOTICE OF INVITATION FOR PUBLIC COMMENTS stating the date, time, and location for a town board meeting at which comments will be taken regarding the new or amended ordinance. The agenda for that meeting shall include as an action item: "Take public comments on and consider adopting Chapter __ (insert chapter number and name) of the Town Code of Ordinances.

- (2) **FOR THE CHAPTER ENTITLED "ZONING"**: The Town Clerk shall post and publish a class II NOTICE OF PUBLIC HEARING CONCERNING ZONING ORDINANCE AMENDMENTS stating the date, time, and location of a formal public hearing to take comments on the draft amendment(s). The public hearing shall not be part of a town board meeting. Consideration of public comments heard by the board, and deliberation regarding adoption of the amendment(s), shall occur as a separately called meeting of the board either immediately following the public hearing or at another time.
 - (3) **CHAPTERS NOT CONTAINING FORFEITURE PROVISIONS** may be adopted without public notice or opportunity for public comment.
 - (4) Upon adoption of a new or revised chapter, the Town Clerk shall post and publish, within 30 days of adoption, a class I NOTICE OF NEW OR UPDATED ORDINANCE(S).
- (D) Enforcement of Town ordinance violations by citations is provided for in Chapter 10 – Citations of the Town Code of Ordinances. Additionally, the following provision requires that attempts be made to resolve violations without writing citations: Reasonable efforts shall be undertaken to enable individuals allegedly in violation of a Town ordinance to rectify the allegation prior to the Town issuing a citation. At least one warning in the form of a letter signed by the Town Chair (or the Town Animal Control Officer for violations of Chapter 11 – Dog Licensing and Control) and containing the following shall be delivered to the accused individual in a manner deemed appropriate by the Town Board (or the Animal Control Officer):
- (1) A summary of the alleged violation.
 - (2) A copy of the applicable ordinance (or appropriate portion(s) thereof).
 - (3) A request that, by a specific date, the alleged violation be either acknowledged and resolved or an explanation be provided of why the violation is not acknowledged.
 - (4) A warning that failure to respond to the letter could result in the issuance of a citation which also serves as a summons to appear in Couty Circuit Court.

29.17 TOWN FACEBOOK PAGES: (Adopted 03/23/2023) Until this provision is amended, the Town Board Facebook page shall function as follows:

- (A) Postings shall be limited to sharing information (bulletin board style postings) without the ability to receive comments or engage in public discussion.
- (B) Postings shall be created as Town "Constant Contact" email messages with extended distribution via the Facebook page. The individual generating the Town's "Constant Contact" messages shall have access to the Town's Facebook page password and shall forward messages to Facebook.
- (C) Login codes for both the Town's "Constant Contact" account and the Town's Facebook page shall be kept on file by the Town Clerk.

29.18 ANIMAL CONTROL OFFICER CITATION WRITING AUTHORITY: (Adopted ??/??/2023) Authority of the Town Animal Control Officer to enforce St. Germain Code of Ordinances, Chapter 11 - Licensing and Control of Dogs

- (A) Reasonable efforts shall be undertaken by the Animal Control Officer to bring non-compliant individuals into compliance before writing citations. At least one written warning letter detailing the nature of the alleged violation, accompanied by a copy of

Chapter 11 – Licensing and Control of Dogs, and providing a specific reasonable time for the alleged violation to be resolved, shall be delivered to the individual alleged to be in violation of the ordinance.

- (B) When the above has been completed and the alleged violation continues, the Animal Control Officer shall have the discretion of referring the matter to the Town Board for consideration of further action. If the Town Board elects to pursue the matter with a citation, the Animal Control Officer shall provide details as requested by the Clerk, and the Clerk shall then proceed with writing a citation as prescribed in Chapter 10 – Citations, Town Code of Ordinances.

29.19 DEPARTMENT OF PUBLIC WORKS: (Adopted ??/??/2023)

(A) Winter Road Maintenance:

- (1) The Public Works Department, under supervision of the Town Board, has the authority and responsibility for all decisions regarding when and how town roads will be maintained. The objective regarding winter road maintenance is to provide safe driving conditions to the extent practical for vehicles properly maintained for winter driving. It is not practical from a budgetary standpoint or with consideration of equipment capability to maintain roads free of snow and ice.
- (2) Only town roads and other public facilities within the town will be maintained for winter driving. Private roads, private driveways and private parking areas are not the responsibility of the Town to maintain.
- (3) Snow and ice control: The following are general guidelines subject to deviation at the discretion of the Public Works Department Superintendent:
 - (a) Mondays through Fridays (excluding holidays): Public Works will plow when two or more inches of snow have accumulated. Start time and order in which roads are plowed is at the discretion of Public Works.
 - (b) Holidays or weekends: Public Works will plow when four or more inches of snow have accumulated. Start time and order in which roads are plowed is at the discretion of Public Works.Sanding, widening, and snowbank removal will be done as needed with traffic safety being the primary focus. Additionally, the Public Works will respond as needed to emergency conditions upon request by Vilas County Law Enforcement or the Town of St. Germain Fire Chief. Response to these requests may result in actions beyond what are normally performed by Public Works.
- (4) Mailbox damage: The Town is not responsible for repair or replacement if snow discharged from the plow dislodges or damages a mailbox or post. However, if Town plowing equipment physically contacts the mailbox or post, Public Works will repair or replace the mailbox and/or post.

29.20 PUBLIC USE OF COMMUNITY CENTER ROOMS 4 & 5: (Adopted ??/??/2023)

One or more elected officials of the Town shall be present when either Room 4 or 5 is occupied by other than elected Town officials. It shall be the responsibility of the elected official(s) present to keep the contents of the room safe and secure from unauthorized public access. (Authorized Town employees may perform building maintenance in these rooms without an elected official being present.)

29.21 DRUG AND ALCOHOL FREE: (Adopted 07/10/2023)

- (A) Policy statement: The provision of Drug and Alcohol-Free Policy is a critical aspect of safety and a Drug-Free Workplace. While on Town of St Germain premises and while conducting business-related activities off Town of St Germain premises, no employee may use, possess, distribute, sell, or be under the influence of alcohol or illegal drugs. The legal use of prescribed drugs is permitted on the job only if it does not impair the employee's ability to perform the essential functions of the job effectively and in a safe manner that does not endanger other individuals in the workplace.

St Germain is dedicated to providing safe and efficient service to our citizens, and our employees are our most valuable resource in ensuring the quality of this service. It is also Town of St Germain's desire to provide a drug-free, healthful, and safe workplace. To promote these goals, Town of St Germain will not tolerate the unauthorized use, abuse, possession, or sale of controlled substances or alcohol by its employees.

Also, pursuant to the Federal Highway Administration's (FHWA) drug and alcohol regulations, all Town of St Germain employees whose duties require them to obtain a commercial license will be subject to drug and alcohol testing as an integral part of this program.

- (B) Scope: This policy applies to all employees when on duty whenever performing, or just about to perform, a safety-sensitive function, or at any time as may be specified by the Town.

- (C) General guidelines:

The definition of "on premises" includes any work location, vehicle, property or office which is serviced or used by the Town or any client of the Town which could include Town owned, rented or leased vehicles on the property of the Town or of any client of the Town and/or vehicles of visitors or other contract persons on Town premises.

The term "illicit drugs" is meant to include any and all illegal drugs, including so-called look-alike and designer drugs; legally obtained drugs which are used in a manner other than that prescribed by a physician; and any substance which can affect a person's perceptions or motor functions.

The persons required to be tested by this policy will be tested for at least the following substances: Amphetamines, Cannabinoids, Cocaine, Opiates, Phencyclidine (PCP), and Alcohol.

- (D) Employees are required to report to work in appropriate mental and physical condition to perform their jobs in a safe and satisfactory manner. Alcohol and drug use which can affect the performance of a safety-sensitive function is prohibited. More specifically, an employee covered under this policy may not:
- (1) Report to work or remain on duty while having an alcohol concentration of .02 or higher;
 - (2) Be on duty, on premises, or perform any safety-sensitive function while in possession of an intoxicating beverage (including medications which contain alcohol).
 - (3) Use alcohol while on duty, while on premises, or while performing any safety-sensitive function;

- (4) Use alcohol within four (4) hours before going on duty, being on premises, or performing any safety-sensitive function;
- (5) When required to take a post-accident alcohol test, use alcohol within eight (8) hours following the accident or prior to undergoing the test, whichever is first;
- (6) Possess or use drugs while on duty, while on premises, or while performing any safety-sensitive function, unless prescribed by a doctor who has advised the employee that the medication does not adversely affect the employee's ability to perform their job duties;
- (7) Report to work, remain on duty, or remain on premises with any amount of illicit drugs in their system;
- (8) Refuse to submit to or cooperate in any drug or alcohol testing.

(E) Procedures:

(1) Pre-employment:

- (a) All offers by the Town to hire an applicant for those holding a CDL position are conditioned upon the following:
 - (i) Completing the Town's general "Consent and Release to be Tested for Drugs and Alcohol" form, taking a drug and alcohol test as directed by the Town, and passing such tests; and
 - (ii) Complying with any other Town conditions or requirements at time of offer.
- (b) Any applicant who refuses or fails to complete the necessary forms and releases, who refuses or fails to submit to a pre-employment/pre-duty drug and alcohol test, or whose result is positive for either test will not be considered eligible to work for Town of St Germain.
- (c) Pre-employment testing procedures will also apply to any current Town of St Germain employee who is being transferred to a position which requires a CDL.

(2) Reasonable suspicion testing:

- (a) Employees are required to submit to a drug and/or alcohol test whenever the Town has reasonable suspicion to believe that the employee has used drugs and/or alcohol in violation of this policy. Reasonable suspicion is a belief based on observations concerning the appearance, speech, behavior, or body odors of the employee.
- (b) Whenever an employee is notified that there is reasonable suspicion to be tested, a drug and/or alcohol test of the employee will be required and the employee must report to the collection facility immediately.
- (c) Employees who are required to submit to a reasonable suspicion test will be escorted to the collection site for a drug and alcohol test. If the employee refuses the Town's efforts and insists on driving their own vehicle, or a Town vehicle, the Town reserves the right to take whatever appropriate action is necessary to prevent this, including contacting law enforcement officials.

(3) Random testing:

- (a) Under federal rules, the Town is required to perform unannounced, random drug and alcohol testing for all employees holding a CDL.
- (b) Whenever an employee holding a CDL is randomly selected to be tested, they will be notified of this in writing and instructed to report to the collection site immediately. A employee may only be tested for alcohol use just before, during, or just after performance of safety-sensitive duties, however, there is no such timing requirement for drug testing.

- (4) Post-accident testing:
- (a) Employees who have an accident while performing a safety-sensitive function must submit to a post-accident drug and alcohol test as soon as practicable after an accident if the accident involves a fatality or if an employee receives a citation under state or local law for a moving traffic violation arising from the accident.
 - (b) Any employee subject to post-accident testing shall remain readily available for such testing or may be deemed to have refused to submit to testing.
 - (c) If a post-accident test has already been performed by a law enforcement official, and the test was done in conformity with this policy, the test results may be substituted for a test done under this policy.
- (5) Consequences of rule:
- (a) Employees who test positive after or who refuses to submit to any of the tests listed above shall be subject to disciplinary action up to and including dismissal.
 - (b) Employees who test positive or who refuses to submit to one of the tests listed above will also be considered to be medically unqualified to drive and/or perform any other safety-sensitive function. The employee will be on unpaid leave pending disciplinary action. Also, the employee cannot be returned to duty, if at all, until:
 - (i) The employee undergoes evaluation and, where necessary, rehabilitation;
 - (ii) A substance abuse professional determines that the employee has successfully complied with any required rehabilitation; and
 - (iii) The employee takes a return-to-duty test with a negative test result.
 - (c) The employee will also be randomly tested six (6) times in the subsequent twelve (12) months. A second positive test result will result in termination of employment. After the initial test, the employee will be responsible for all costs of subsequent tests, evaluation and rehabilitation.
- (6) Test procedures and confidentiality: To ensure the integrity and accuracy of each test, all specimen collection, analysis, and laboratory procedures will be performed in accordance with protocols (DOT) and safeguards as set forth in Part 40 of Title 49 of the Code of Federal Regulations for covered employees. This will include:
- (a) Procedures to ensure identity of the employee at the time of specimen collection;
 - (b) Strict chain-of-custody procedure to ensure that the employee's specimen is not tampered with;
 - (c) The use of a trained breath alcohol technician (BAT) and National Highway Transportation Safety Administration on (NHTSA) approved testing equipment for conducting alcohol tests;
 - (d) The use of a laboratory which has been certified by the Substance Abuse and Mental Health Services Administration (SAMHSA);
 - (e) The confirmation of an initial positive drug screen by a second analysis using gas chromatography/mass spectrometry (GCMS);
 - (f) The confirmation of an initial positive alcohol screen by a second analysis; use of a qualified Medical Review Officer (MRO) to review

drug test results before they are reported to the Town's designated contact person.

(7) Collection procedures:

- (a) Alcohol/drug testing will be performed at an approved collection site. This policy is not intended to prohibit the use of medication legally prescribed by a licensed physician, who is familiar with the employee's medical history and specific safety-sensitive duties, and who has advised the employee that the prescribed medication will not adversely affect the employee's ability to operate a motor vehicle. Medications prescribed for someone other than the employee, however, will not be considered lawfully used when taken by the employee under any circumstances.
- (b) An employee who fails to cooperate with drug/alcohol testing will be treated as though they had tested positive and will be subject to disciplinary action up to and including dismissal.
- (c) Prior to each alcohol breath test conducted by the Town, the BAT will instruct the employee on how the test will be conducted.

29.22 CONFLICTS OF INTEREST FOR FEDERALLY FUNDED PROJECTS: (Adopted 07/10/2023)

- (A) Purpose: With respect to any project funds received from the Federal government, no employee, officer, or agent of the Town shall participate in the selection, award, or administration of such contract if a conflict of interest, real or apparent, would be involved. Examples of such conflicts would arise when (a) the employee, officer, or agent, (b) any member of their immediate family, (c) their partner, or (d) an organization which employs, or is about to employ, any of the above, has a financial or other interest in the firm selected for the award.
- (B) Provisions: Each employee, officer, and agent of the Town of St. Germain shall disclose in writing any conflict of interest and the nature and extent of such interest to the applicant's governing board. If a conflict or potential conflict of interest is brought to the attention of the Town Board, then with respect to the matter creating such conflict or potential conflict of interest, the following procedures apply
 - (1) Any interested member of the Town Board will be counted in determining whether a quorum is present.
 - (2) An interested member of the Town Board may make a presentation at a meeting of the Town Board, but after the presentation, he/she shall leave the meeting during the discussion of, and the vote on, the transaction or arrangement involving the possible conflict of interest.
 - (3) The Town Chairman shall, if appropriate, appoint a disinterested person or committee to investigate alternatives to the proposed transaction or arrangement.
 - (4) After exercising due diligence, the Town Board shall determine whether the Town can obtain with reasonable efforts a more advantageous transaction or arrangement from a person or entity that would not give rise to a conflict of interest.
 - (5) If a more advantageous transaction or arrangement is not reasonably possible under circumstances not producing a conflict of interest, the Town Board shall determine by a majority vote of the disinterested members of the Town Board whether the transaction or arrangement is in the Town's best interest, for its own benefit, and whether it is fair and

reasonable. If it is determined that the transaction or arrangement is in the Town's best interest, for its own benefit, and fair and reasonable, then the Town may enter into the transaction or arrangement.

- (6) If it is determined that an employee's, officer's, or agent's actions constitute improper conduct under the provisions of this policy it may constitute a cause for suspension, removal from office or employment, or other disciplinary actions.
- (7) The provisions of this section shall be applicable only for projects which received funds from the Federal government and shall control over any inconsistent provisions found in this Chapter.

29.23 EQUAL EMPLOYMENT OPPORTUNITY: (Adopted 07/10/2023) The Town is committed to providing equal opportunity in employment and advancement to all qualified individuals and, in accordance with applicable federal and state statutes and regulations prohibiting discrimination in employment on the basis of race, color, creed, religion, national origin, ancestry, age, sex, sexual orientation, gender identity, gender expression, marital status, pregnancy, genetic information, disability, military service, protected veteran status, honesty testing, arrest record or conviction record. The equal employment opportunity policy covers all aspects of the employment relationship including, but not limited to, recruitment, interviewing, screening, testing, selection, placement, evaluation, transfer, promotion, tenure, compensation, benefits, training, and termination.

29.24 LIMITED ENGLISH PROFICIENCY: (Adopted 07/10/2023) The Town is committed to providing equal opportunity in all programs, services and activities to individuals who do not speak English as their primary language and who have a limited ability to read, write, speak or understand English. Those individuals are referred to as limited English proficient, or "LEP." Meaningful access to Federally funded programs and activities is required by Title VI of the Civil Rights Act of 1964 and its implementing regulations.

- (A) Meaningful access to LEP individuals is provided in two ways: Oral interpretation and written translation.
 - (1) Oral interpretation can range from on-site interpreters for critical services provided to a high volume of LEP persons, to access through commercially available telephonic interpretation services.
 - (2) Written translation can range from translation of an entire document to translation of a short description of the document.
- (B) The Town fulfills this obligation by one or more of the following: contracting for interpreters/translation services, using telephone interpreter lines, and/or using community volunteers. The entity understands that the interpretation/translation must be performed in a competent, confidential, ethical, and accurate manner at no cost to the LEP individual. The entity does not rely on the LEP individual to provide an interpreter.
- (C) If an LEP person requests to use a family member, friend or other adult as an interpreter, the entity makes the LEP person aware that the entity will provide a qualified interpreter at no cost to the LEP person. The entity respects the LEP person's choice of interpreters. If the LEP person chooses a family member, friend, or other adult to interpret instead of one provided by the entity, the entity makes a record of that decision. If the entity believes the interpreter selected by the LEP person is not competent or appropriate, the


entity supplements it with its own qualified interpreter. Minors should not act as interpreters unless there is an emergency situation and another interpreter is not immediately available.

- (D) This Town shall monitor its changing demographics and population trends on an annual basis to ensure awareness of the language needs in its service area.
- (E) The Town shall require its subrecipients to comply with the LEP policies requirements.
- (F) To assist the Town in complying with all applicable limited English proficiency rules, regulations, and guidelines, the LEP Coordinator is the Town Clerk. LEP individuals are encouraged to request language assistance or discuss any perceived discrimination problems with the Clerk. Information about discrimination complaint resolution is available upon request.

29.25 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 this end the provisions of this ordinance are severable.

29.26 EFFECTIVE DATE: This rescinds and replaces previous versions of St. Germain Code of Ordinances, Chapter 29 – Town Procedures and is effective on publication or posting. The Town Clerk shall post or publish this chapter as required under §60.80, Wis. stats.

Adopted this 10th day of July 2023



Tom Christensen, Town Chairman



June Vogel, Town Clerk