

**CHAPTER 2
GOVERNMENT AND ADMINISTRATION**

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SECTION 2.01 **TOWN CONSTABLE**

- (a) **Title; Purpose.**
This Ordinance is entitled the "Town of Dekorra Town Constable Ordinance." The purpose of this Ordinance is to determine the jurisdiction and duties of the Town Constable.
- (b) **Authority.**
The Town Constable of the Town of Dekorra has the specific statutory authority, powers and duties, pursuant to Wis. Stats. §§ 60.22(4), 60.35 and 60.351, and has, with authorization of the Town Meeting, additional authority, powers and duties.
- (c) **Jurisdiction, Powers and Duties of Town Constable.**
The Town Board does hereby provide, by this Ordinance, that the Town Constable shall have the following jurisdiction, powers and duties:
- (1) The Town Constable shall attend all sessions of the Columbia County Circuit Court when required by the performance of the duties of the office;
 - (2) The Town Constable shall attend regularly scheduled monthly Board meetings of the Town Board, and shall report on all activities performed;
 - (3) The Town Constable shall cause to be enforced and prosecuted all violations of Town Ordinances of which he or she has knowledge or information;
 - (4) The Town Constable shall act on behalf of the Town Board as directed to:
 - (A) See that orders of the Town Board and Ordinances of the Town are obeyed;
 - (B) Obtain necessary assistance, if available, in case of emergency, except as provided in Wis. Stats. Chap. 166 for emergency government.
- (d) **Nonexclusivity.**
Adoption of this Ordinance does not preclude the Town Board from adopting any other Ordinance or providing for the enforcement of any other law or Ordinance relating to the same matter.
The jurisdiction powers and duties of the Town Constable as stated herein shall not preclude the Town Board or any other Town officer of the Town from proceeding under any Ordinance or law or by any other enforcement method to enforce any Ordinance, regulation or order.
- (e) **Severability.**
If any provision of this Ordinance is invalid or unconstitutional, or if the application of this Ordinance to any person or circumstance is invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the provisions of this Ordinance which can be given effect without the invalid or unconstitutional provision or application.

History Note: Town Ordinance No. 2.05, adopted August 11, 1992.

SECTION 2.02 **TOWN FENCE VIEWERS**(a) **Definitions.**

Wis. Stats. Chap. 90, or any amendments or successors thereto, is hereby incorporated into this Ordinance for procedural and definitional purposes where no further definition or procedure is provided herein.

(b) **Fees.**

Whenever the services of fence viewers are requested by any person and provided, the following fee schedule shall apply, with each landowner of each parcel responsible for payment proportionate to ownership, but in the event one or more persons fail to pay the Town within 30 days of the first billing, the remaining delinquent owner(s) shall be liable for such remaining fee up to double the amount due, pursuant to Wis. Stats. § 90.15.

- (1) For each fence viewer, while occupied in the performance of duties related to Wis. Stats. Chap. 90, as specified on the current Town of Dekorra Fee Schedule;
- (2) Any publication costs connected with the fence viewing process as specified on the current Town of Dekorra Fee Schedule;
- (3) Any process service fees or postal costs connected with the fence viewing process as specified on the current Town of Dekorra Fee Schedule;
- (4) A mileage charge for each fence viewer as specified on the current Town of Dekorra Fee Schedule;
- (5) As a method of helping to ensure payment for said services, a deposit fee as specified by the Town of Dekorra Fee Schedule, shall be required of the real property owner(s) requesting fence viewing.

(c) **Billing.**

Billings for said charges established herein shall be submitted by the fence viewers to the Town Clerk, who shall notify each landowner of the amount due in total and proportionate liability of each owner, by regular or certified mail, within 30 days of receipt of billing information, which billing may also include a statement as to such liability being personal. Such billing shall include an appropriate credit for any deposit by a paying party complying with Subsection (b)(5). Fees when paid shall be deposited into the Town funds similar to license fees deposits, and paid out according to the terms of this Ordinance, payable to the fence viewers or other parties.

(d) **Town Exemption.**

In the event a landowner directly involved in the fence viewing is the Town, pursuant to under Wis. Stats. § 90.35, no liability for fees shall attach to the Town as a result of this Ordinance.

(e) **Enforcement.**

In the event any owner fails to pay assessed fees when due, the Town Board or its authorized representative may commence any legal action allowed by law for collection of said amounts, court costs associated with such action and reasonable attorneys' fees when allowed, or may charge the cost to the owner as a special charge pursuant to Wis. Stats. § 66.0627.

(f) **Severability.**

If any provision of this Ordinance is invalid or unconstitutional, or if the application of this Ordinance to any person or circumstance is invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the provision or applications of this Ordinance which can be given effect without the invalid or unconstitutional provision or application.

History Note: Town Ordinance No. 88-3, adopted March 8, 1988; amended through codification. June 8, 2004 amended by Ordinance 6-2004; amended through 2009 codification.

SECTION 2.03 **PLAN COMMISSION**

- (a) **Title.**
This ordinance is entitled the “Town of Dekorra Plan Commission Ordinance.”
- (b) **Purpose.**
The purpose of this ordinance is to establish a Town of Dekorra Plan Commission and set forth its organization, powers and duties, to further the health, safety, welfare and wise use of resources for the benefit of current and future residents of the Town and affected neighboring jurisdictions, through the adoption and implementation of comprehensive planning with significant citizen involvement.
- (c) **Authority; Establishment.**
The Town Board of the Town of Dekorra, having been authorized by the Town meeting under Wis. Stats. § 60.10(2)(c), to exercise village powers, hereby exercises village powers under Wis. Stats. § 60.22(3), and establishes a seven (7) member Plan Commission under Wis. Stats. §§ 61.35 and 62.23. The Plan Commission shall be considered the “Town Planning Agency” under Wis. Stats. §§ 236.02(13) and 236.45, which authorize, but do not require, Town adoption of a subdivision or other land division ordinance.
- (d) **Membership.**
The Plan Commission consists of one (1) member of the Town Board, who may be the Town Board Chairperson, and six (6) Town citizen members, who are not otherwise Town officials, and who shall be persons of recognized experience and qualifications.
- (e) **Alternates.**
Alternate Plan Commission members may be appointed, to serve in the absence of the Town Board member or citizen members.
- (f) **Appointments.**
The Town Board Chairperson shall appoint the members of the Plan Commission, including alternates and designate a Plan Commission Chairperson during the month of April to fill any expiring term. The Town Board Chairperson may appoint himself or herself or another Town Board member to the Plan Commission and may designate him or herself, the other Town Board member, or a citizen member as Chairperson of the Plan Commission. The Town Board Chairperson shall also appoint members to fill any vacancy that may arise. All appointments are subject to the advisory approval of the Town Board. In a year in which any Town Board member is elected at the spring election, any appointment or designation by the Town Board Chairperson shall be made after the election and qualification of the Town Board members elected. Any citizen appointed to the Plan Commission shall take and file the oath of office within five (5) days of notice of appointment, as provided under Wis. Stats. §§ 19.01 and 60.31.
- (g) **Terms of Office.**
The term of office for each citizen Commission member shall be for a period of 3 years, ending on April 30, or until a successor is appointed and qualified, except:

- (1) **Initial Terms.** If the initial appointments to the Plan Commission are made during April, the citizen members shall be appointed for staggered terms as follows: two (2) persons for a term that expires in one (1) year; two (2) persons for a term that expires in two (2) years two (2) persons for a term that expires in three (3) years.
 - (A) If the initial appointments are made after April, the first citizens appointed to the Plan Commission shall be appointed for staggered terms as follows: two (2) persons for a term that expires one (1) year from the previous April 30; two (2) persons for a term that expires two (2) years from the previous April 30; and two (2) persons for a term that expires three (3) years from the previous April 30.
 - (2) **Town Board Member and Town Chairperson Member.** The Plan Commission member who is a Town Board member or Town Board Chairperson shall serve for a period of two (2) years, as allowed under Wis. Stats. § 66.0501(2), concurrent with his or her term on the Town Board, except an initial appointment made after April 30 shall be for a term that expires two (2) years from the previous April 30.
 - (3) **Chairperson.** The Plan Commission Chairperson shall serve for a one (1) year term, after which the Town Chairperson may reappoint this person or another person, subject to confirmation by the Town Board.
- (h) **Vacancies.**
A person who is appointed to fill a vacancy on the Plan Commission shall serve for the remainder of the term. Vacancies shall be appointed by the Town Board Chairperson, subject to confirmation by the Town Board.
- (i) **Compensation; Expenses.**
The Town Board of the Town of Dekorra hereby sets a per diem allowance per meeting for citizen and Town Board members of the Plan Commission, as allowed under Wis. Stats. § 66.0501(2). In addition, the Town Board may reimburse reasonable costs and expenses, as allowed under Wis. Stats. § 60.321. Per diem and expense reimbursement shall be same as the Town Policy Guidelines for Elected Officials.
- (j) **Experts & Staff.**
The Plan Commission may, under Wis. Stats. § 62.23(1), recommend to the Town Board the employment of experts and staff, and may review and recommend to the Town Board proposed payments under any contract with an expert.
- (k) **Rules; Records.**
The Plan Commission, under Wis. Stats. § 62.23(2), may adopt rules for the transaction of its business, subject to Town ordinances, and shall keep a record of its agenda, meetings minutes, resolutions, transactions, Findings and determinations, which shall be a public record under Wis. Stats. §§ 19.21-19.39.

(l) **Chairperson & Officers.**

(1) **Chairperson.** The Plan Commission Chairperson shall be appointed and serve a term as provided in sections (f) and (g) of this ordinance. The Chairperson shall, subject to Town ordinances and Commission rules:

- (A) Provide leadership to the Commission;
- (B) Set Commission meeting and hearing dates;
- (C) Ensure notice of Commission meetings and hearings and set their agendas, personally or by his or her designee;
- (D) Arrange for attendance of alternates, in the absence of a regular member;
- (E) Preside at Commission meetings and hearings and ensure that the laws are followed in a fair and equitable manner;
- (F) Perform or have performed research as required on issues that come before the commission such as County records, statutes and ordinances;
- (G) Review information provided by those appearing before the Commission in advance. Advise when information is incomplete and require that the missing information be provided; and
- (H) Prepare occasional education sessions for Commission members, in coordination with the Town Board Chairperson.

(2) **Vice Chairperson.** The Plan Commission may elect, by open vote or secret ballot under Wis. Stats. § 19.88(1), a Vice Chairperson to act in the place of the Chairperson when the Chairperson is absent or incapacitated for any cause.

(3) **Secretary.** The Plan Commission shall elect, by open vote or secret ballot under Wis. Stats. § 19.88(1), one of its members to serve as Secretary, or, with the approval of the Town Board, may designate the Town Clerk or other Town officer or employee as Secretary. The Secretary shall be entitled to the same per diem compensation as Commission members.

(m) **Commission Members as Local Public Officials.**

All members of the Plan Commission shall faithfully discharge their official duties to the best of their abilities, as provided in the oath of office, Wis. Stats. § 19.01, in accordance with, but not limited to, the provisions of the Wisconsin Statutes on: Public Records, Wis. Stats. §§ 19.21-19.39; Code of Ethics for Local Government Officials, Wis. Stats. §§ 19.42, 19.58 and 19.59; Open Meetings, Wis. Stats. §§ 19.81-19.89; Misconduct in Office, Wis. Stats. § 946.12; and Private Interests in Public Contracts, Wis. Stats. § 946.13. Commission members shall further perform their duties in a fair equitable, and rational manner and avoid arbitrary actions.

(n) **General & Miscellaneous Powers.**

The Plan Commission, under Wis. Stats. § 62.23(4), shall have the power:

- (1) Necessary to enable it to perform its functions and promote Town planning;

- (2) To make reports and recommendations relating to the plan and development of the Town to the Town Board, other public bodies, citizens, public utilities and organizations;
- (3) To recommend to the Town Board programs for public improvements and the financing of such improvements;
- (4) To receive from public officials, within a reasonable time, requested available information required for the Commission to do its work; and
- (5) For itself, its members and employees, in the performance of their duties, to enter upon land, make examinations and surveys, and place and maintain necessary monuments and marks thereon. However, entry shall not be made upon private land, except to the extent that the private land is held open to the general public, without the permission of the landowner or tenant. If such permission has been refused, entry shall be made under the authority of an inspection warrant issued for cause under Wis. Stats. § 66.0119, or other court-issued warrant.

(o) **Town Comprehensive Planning: General Authority & Requirements.**

- (1) The Plan Commission shall prepare and adopt a resolution recommending for adoption by the Town Board a comprehensive plan under Wis. Stats. §§ 62.23 and 66.1001, which contains the elements specified in Wis. Stats. § 66.1001(2), and follows the procedures in Wis. Stats. § 66.1001(4).
- (2) The Plan Commission shall make and adopt the comprehensive plan within the time period directed by the Town Board, but not later than a time sufficient to allow the Town Board to review the plan and pass an ordinance adopting it to take effect on or before June 2005, so that the Town comprehensive plan is in effect by the date required by the terms of the Town's state grant. In any event the plan must be in effect prior to January 1, 2010, so that any Town program or action affecting land use will be consistent with the Town comprehensive plan under Wis. Stats. § 66.1001(3).
- (3) In this section the requirement to "make" the plan means that the Plan Commission shall ensure that the plan is prepared, and oversee and coordinate the preparation of the plan, whether the work is performed for the Town by the Plan Commission, Town staff, another unit of government, the regional planning commission, a consultant, citizens, an advisory committee, or any other person, group or organization.

(p) **Procedure for Plan Commission Adoption & Recommendation of a Town Comprehensive Plan or Amendment.**

The Plan Commission, in order to ensure that the requirements of Wis. Stats. § 66.1001(4) are met, shall proceed as follows:

- (1) Public Participation Verification. Prior to beginning work on a comprehensive plan, the Plan Commission shall verify that the Town Board has adopted written procedures designed to foster public participation in every stage of preparation of the comprehensive plan. These written procedures shall include open discussion, communication programs, information services and noticed public meetings. These written procedures shall further provide for wide distribution of proposed, alternative or amended elements of a comprehensive plan and shall provide an opportunity for written comments to be submitted by members of the public to the Town Board and for the Town Board to respond to such written comments.
- (2) Resolution. The Plan Commission, under Wis. Stats. § 66.1001(4)(b), shall recommend its proposed comprehensive plan or amendment to the Town Board by adopting a resolution by a majority vote of the entire Plan Commission. The vote shall be recorded in the minutes of the Plan Commission. The resolution shall refer to maps and other descriptive materials that relate to one or more elements of the comprehensive plan. The resolution adopting a comprehensive plan shall further recite that the requirements of the comprehensive planning law have been met under Wis. Stats. § 66.1001, namely that:
 - (A) The Town Board adopted written procedures to foster public participation and that such procedures allowed public participation at each stage of preparing the comprehensive plan;
 - (B) The plan contains the nine (9) specified elements and meets the requirements of those elements;
 - (C) The (specified) maps and (specified) other descriptive materials relate to the plan;
 - (D) The plan has been adopted by a majority vote of the entire Plan Commission, which the clerk or secretary is directed to record in the minutes; and
 - (E) The Plan Commission clerk or secretary is directed to send a copy of the comprehensive plan adopted by the Commission to the governmental units specified in Wis. Stats. § 66.1001(4) and sub. (3) of this section.
- (3) Transmittal. One copy of the comprehensive plan or amendment adopted by the Plan Commission for recommendation to the Town Board shall be sent to:
 - (A) Every governmental body that is located in whole or in part within the boundaries of the Town, including any school district, Town sanitary district, public inland lake protection and rehabilitation district or other special district;
 - (B) The clerk of every city, village, town, county and regional planning commission that is adjacent to the Town;

- (C) The Wisconsin Land Council;
- (D) After September 1, 2003, the Department of Administration;
- (E) The regional planning commission in which the Town is located; and
- (F) The public library that serves the area in which the Town is located.

(q) **Plan Implementation & Administration.**

- (1) **Ordinance Development.** If directed by resolution or motion of the Town Board, the Plan Commission shall prepare or revise, or coordinate with the Town's Safety Committee to prepare or revise the following:
 - (A) **Zoning.** A Town construction site erosion control and stormwater management zoning ordinance under Wis. Stats. § 60.627(6) and any other zoning ordinance within the Town's authority.
 - (B) **Official Map.** A proposed official map ordinance under Wis. Stats. § 62.23 (6).
 - (C) **Subdivisions.** A proposed Town subdivision or other land division ordinance under Wis. Stats. § 236.45.
 - (D) **Other.** Any other ordinance specified by the Town Board (Note: e.g., historic preservation, design review, site plan review).
- (2) **Ordinance Amendment.** The Plan Commission, on its own motion, or at the direction of the Town Board by its resolution or motion, may prepare proposed amendments to the Town's ordinances relating to comprehensive planning and land use.
- (3) **Non-Regulatory Programs.** The Plan Commission, on its own motion, or at the direction of the Town Board by resolution or motion, may propose non-regulatory programs to implement the comprehensive plan, including programs relating to topics such as education, economic development and tourism promotion, preservation of natural resources through the acquisition of land or conservation easements, and capital improvement planning.
- (4) **Program Administration.** The Plan Commission shall, pursuant to Town ordinances, have the following powers:
 - (A) **Zoning Conditional Use Permits.** The Town Clerk and County zoning administrator shall refer applications for conditional use permits under County zoning to the Plan Commission for review and recommendation to the Town Board;

- (B) Subdivision Review. Proposed plats under Wis. Stats. Ch. 236, and proposed subdivisions or other land divisions under the Town subdivision ordinance under Wis. Stats. § 236.45 and Chapter 10 of the Town ordinances shall be referred to the Plan Commission for review and recommendation to the Town Board; and
- (C) Site Plan Review. Proposed site plans outside the Town Utility District 1 subject to Town Site Plan Review Ordinance shall be referred to the Plan Commission for review and recommendation to the Town Board.
- (5) Consistency. Any ordinance, amendment or program proposed by the Plan Commission, and any Plan Commission approval recommendation for approval or other action under Town ordinances or programs that implement the Town's comprehensive plan under Wis. Stats. §§ 62.23 and 66.1001 shall be consistent with that plan no later than January 1, 2010. If any such Plan Commission action would not be consistent with the comprehensive plan, the Plan Commission shall use this as information to consider in updating the comprehensive plan.
- (f) **Referrals to the Plan Commission.**
 - (1) Required Referrals Under Wis. Stats. § 62.23(5). The following shall be referred to the Plan Commission for report:
 - (A) The location and architectural design of any public building.
 - (B) The location of any statue or other memorial.
 - (C) The location, acceptance, extension, alteration, vacation, abandonment, change of use, sale, acquisition of land for or lease of land for any:
 - (i) Street, alley or other public way;
 - (ii) Park or playground;
 - (iii) Airport;
 - (iv) Area for parking vehicles; or
 - (v) Other memorial or public grounds.
 - (D) The location, extension, abandonment or authorization for any publicly or privately owned public utility.
 - (E) All plats under the Town's jurisdiction under Wis. Stats. Ch. 236, including divisions under a Town subdivision or other land division ordinance adopted under Wis. Stats. § 236.45.

- (F) The location, character and extent or acquisition, leasing or sale of lands for,
 - (i) Public or semi-public housing;
 - (ii) Slum clearance;
 - (iii) Relief of congestion; or
 - (iv) Vacation camps for children.
 - (G) The amendment or repeal of any ordinance adopted under Wis. Stats. § 62.23, including ordinances relating to: the Town Plan Commission; the Town master plan or the Town comprehensive plan under Wis. Stats. § 66.1001, a Town official map; and Town zoning under village powers.
- (2) Required Referrals Under Sections of the Wisconsin Statutes Other Than Wis. Stats. § 62.23(5). The following shall be referred to the Plan Commission for report:
- (A) An application for initial licensure of a child welfare agency or group home under Wis. Stats. § 48.68(3).
 - (B) An application for initial licensure of a community-based residential facility under Wis. Stats. § 50.03(4).
 - (C) Proposed designation of a street, road or public way, or any part thereof, wholly within the jurisdiction of the Town, as a pedestrian mall under Wis. Stats. § 66.0905.
 - (D) Matters relating to the establishment or termination of an architectural conservancy district under Wis. Stats. § 66.1007.
 - (E) Matters relating to the establishment of a reinvestment neighborhood required to be referred under Wis. Stats. § 66.1107.
 - (F) Matters relating to the establishment or termination of a business improvement district required to be referred under Wis. Stats. § 66.1109.
 - (G) A proposed housing project under Wis. Stats. § 66.1211(3).
 - (H) Matters relating to urban redevelopment and renewal in the Town required to be referred under Wis. Stats. Ch. 66, Subch. XIII.
 - (I) The adoption or amendment of a Town subdivision or other land division ordinance under Wis. Stats. § 236.45(4).

- (J) Any other matter required by the Wisconsin Statutes to be referred to the Plan Commission.
- (3) Required Referrals Under This Ordinance. In addition to referrals required by the Wisconsin Statutes, the following matters shall be referred to the Plan Commission for report:
- (A) Any proposal, under Wis. Stats. § 59.69, for the town to approve general county zoning so that it takes effect in the town, or to remain under general county zoning.
 - (B) Proposed regulations or amendments relating to historic preservation under Wis. Stats. § 60.64.
 - (C) A proposed driveway access ordinance or amendment.
 - (D) A proposed Town official map ordinance under Wis. Stats. § 62.23(6), or any other proposed Town ordinance under Wis. Stats. § 62.23 not specifically required by the Wisconsin Statutes to be referred to the commission.
 - (E) A proposed Town zoning ordinance or amendment adopted under authority separate from or supplemental to Wis. Stats. § 62.23, including a Town construction site erosion control and stormwater management zoning ordinance under Wis. Stats. § 60.627(6), and a Town exclusive agricultural zoning ordinance under Wis. Stats. Ch. 91, Subch. V.
 - (F) An application for a conditional use permit under the County zoning ordinance
 - (G) A proposed site plan subject to the Town Site Plan Review Ordinance.
 - (H) A proposed extraterritorial zoning ordinance or a proposed amendment to an existing ordinance under Wis. Stats. § 62.23(7a).
 - (I) A proposed boundary change pursuant to an approved cooperative plan agreement under Wis. Stats. § 66.0307, or a proposed boundary agreement under Wis. Stats. § 66.0225 or other authority.
 - (J) A proposed zoning ordinance or amendment pursuant to an agreement in an approved cooperative plan under Wis. Stats. § 66.0307(7m).
 - (K) Any proposed plan, element of a plan or amendment to such plan or element developed by the County planning commission and sent to the Town for review or adoption.
 - (L) Any proposed contract, for the provision of information, or the preparation of a comprehensive plan, an element of a plan or an implementation

measure, between the Town and the County planning commission, under Wis. Stats. § 66.0309. Another unit of government, a consultant or any other person or organization.

- (M) A proposed ordinance, regulation or plan, or amendment to the foregoing, relating to a mobile home park under Wis. Stats. § 66.0435.
 - (N) A proposed agreement, or proposed modification to such agreement, to establish an airport affected area, under Wis. Stats. § 66.1009.
 - (O) A proposed town airport zoning ordinance under Wis. Stats. § 114.136(2).
 - (P) A proposal to create environmental remediation tax incremental financing in the town under Wis. Stats. § 66.1106.
 - (Q) A proposed County agricultural preservation plan or amendment, under Wis. Stats. Ch. 91, Subch. IV, referred by the county to the Town, or proposed Town agricultural preservation plan or amendment.
 - (R) Other (none).
 - (S) Any other matter required by any Town ordinance or Town Board resolution or motion to be referred to the Plan Commission.
- (4) Discretionary Referrals. The Town Board, or other town officer or body with final approval authority or referral authorization under the Town ordinances, may refer any of the following to the Plan Commission for report:
- (A) A proposed County development plan or comprehensive plan, proposed element of such a plan, or proposed amendment to such plan.
 - (B) A proposed county zoning ordinance or amendment.
 - (C) A proposed county subdivision or other land division ordinance under Wis. Stats. § 236.45 or amendment.
 - (D) An appeal or permit application under the county zoning ordinance to the county zoning board of adjustment, county planning body or other county body.
 - (E) A proposed intergovernmental cooperation agreement under Wis. Stats. § 66.0301, or other statute affecting land use, or a municipal revenue sharing agreement under Wis. Stats. § 66.0305.
 - (F) A proposed plat or other land division under the county subdivision or other land division ordinance under Wis. Stats. § 236.45.

- (G) A proposed county plan under Wis. Stats. § 236.46, or the proposed amendment or repeal of the ordinance adopting such plan, for a system of town arterial thoroughfares and minor streets, and the platting of lots surrounded by them.
 - (H) Any other matter deemed advisable for referral to the Plan Commission for report.
- (5) Referral Period. No final action may be taken by the Town Board or any other officer or body with final authority on a matter referred to the Plan Commission until the Commission has made its report, or thirty (30) days, or such longer period as stipulated by the Town Board, has passed since referral. The thirty (30) day period for referrals required by the Wisconsin Statutes may be shortened only if so authorized by statute. The thirty (30) day referral period, for matters subject to required or discretionary referral under the Town's ordinances, but not required to be referred under the Wisconsin Statutes, may be made subject by the Town Board to a referral period shorter or longer than the thirty (30) day referral period if deemed advisable.

History Note: Ordinance 98-11-A, adopted November 10, 1998; amended through codification; amended by Ordinance 2002-03-12a March 12, 2002 and June 10, 2003, amended August 9, 2005 by Ordinance 17-2005; amended through 2009 codification.

SECTION 2.04 **HEAD OF EMERGENCY GOVERNMENT SERVICES**(a) **Appointment.**

There is created the office of Head of Emergency Government Services for the Town of Dekorra, who shall be appointed by the Town Board. The Head of Emergency Government Services shall develop and implement an effective program of emergency government consistent with Wis. Stats. Chap. 166.

(b) **Duties and Authority.**

- (1) The Head of Emergency Government Services shall have direct responsibility for the organization, subject to the control of the Town Board. He or she shall coordinate all activities for emergency government within the Town, and shall maintain liaison and cooperate with emergency government agencies and organizations of other political subdivisions and of the County and shall participate in County and State emergency government activities upon request, and shall have such additional authority, duties, and responsibilities as are authorized by Ordinance and as may, from time to time, be required by the Town Board.
- (2) The Head of Emergency Government Services shall prepare a Comprehensive Plan for the Town and shall present such Plan to the Town Board for its approval. When the Town Board has approved the Plan by Resolution, it shall be the duty of all municipal agencies and all emergency government forces of the Town to perform the duties and functions assigned by the Plan as approved. The Plan may be modified in like manner.
- (3) Subject to the approval of the Town Board, the Head of Emergency Government Services may enter into mutual aid agreements with other political subdivisions and file copies of any such agreements with the State Director of Emergency Government.
- (4) Upon declaration of an emergency, the Head of Emergency Government Services may issue all necessary proclamations as to the existence of such state of emergency and such disaster warnings or alerts as are required in the Emergency Response Plan.
- (5) Further duties and responsibilities as identified in the Town of Dekorra Emergency Response Plan. The Town Board shall, at its first meeting in April or, if the established meeting agenda does not permit, at the second meeting in April, review the provisions of the Plan.

History Note: Adopted through codification November 1999; Subsection (5) adopted by codification March 2009.

SECTION 2.05 **SAFETY COMMITTEE**(a) **Composition.**

The Town Safety Committee shall consist of not less than 7 but not more than 9 voting members, however, 5 members shall be required for a quorum regardless of the number of members. The Town Board Chairperson, the Town Clerk and at least one but not more than two other Supervisors shall be members. Not less than 3 but not more than 5 of the remaining members shall be citizens. The citizen members shall be persons of recognized experience and qualifications. [Amended by Ord. 2013-04, 3/12/13.]

(b) **Appointment.**

(1) **Supervisor Member.** Supervisor members shall be annually appointed by a *majority* vote of the Town Board at the first Town Board meeting after the 15th of April. [Amended by Ord. 2013-04, 3/12/13.]

(2) **Citizen Members.** The citizen members shall be appointed by the Town Board Chairperson, subject to Town Board approval, at the first Town Board meeting after the 15th of April. The initial appointments of three citizen members shall be for staggered terms of one, two and three years respectively. Thereafter, as terms expire, each citizen member's term shall be three years. In case of vacancy, the Town Board Chairperson may appoint a citizen member, subject to the approval of the Town Board, for the remainder of the unexpired term. In the event of a change of composition of the Safety Committee, new members shall be appointed to terms of 3 years which shall commence the date of the first Town Board meeting after the 15th of April if appointed on that date. If the appointment occurs after that date, the term shall commence retroactively to the first meeting after the 15th of April occurring in that same twelve month period. [Amended by Ord. 2013-04, 3/12/13.]

(c) **Duties and Responsibilities**

The Safety Committee shall provide advice to the Town Board in the following areas:

- (1) Oversight concerning the activities of the Constable;
- (2) Review of Ordinances on all issues, including any codification of all or any part of the Town Code, except those within the jurisdiction of the Plan Commission.

(d) **Responsibility for Activities.**

In fulfillment of its duties, the Safety Committee shall forward its recommendations relating thereto to the Town Board for final action. The Town Board may accept, reject or re-refer the recommendation of the Safety Committee back to said Committee for further action.

History Note: The above and foregoing Ordinance was duly adopted at a regular meeting of the Town Board of the Town of Dekorra on the 12th day of February, 2002. Amended February 10, 2004 Ordinance No. 4-2004 amending was duly adopted at a regular meeting of the Town Board of the Town of Dekorra on February 10, 2004; amended by Ord. 2013-04

SECTION 2.06 BOARD OF REVIEW APPOINTMENT AND PROCEDURES.**(a) Appointment of Alternate Members to the Board of Review.**

- (1) Purpose. The purpose of this ordinance is to provide, upon lawful removal of named members, alternate persons to serve as replacements to the Board of Review for the Town of Dekorra.
- (2) Authority. The Town Board of the Town of Dekorra has the specific authority under Wis. Stats. §§ 70.47(6m)(c) and 70.47 to remove members from and to appoint alternate members to the Board of Review for the Town of Dekorra.
- (3) Adoption of an Ordinance. The Town Board of the Town of Dekorra, Columbia County, Wisconsin, by this ordinance, adopted on proper notice, with a quorum and by a roll call vote of the Town Board present and voting, provides for the removal of members of the Board of Review for the Town of Dekorra and the appointment of alternate members.
- (4) Manner of Appointment. The Town Board of the Town of Dekorra, Columbia County, Wisconsin, by this ordinance, establishes and shall maintain a public list of names and persons eligible and appointed by the Town Board to serve as alternate members of the Board of Review. The list shall be arranged and maintained by the Town Clerk in a priority order of probable and likely service as an alternate. The Town Clerk shall notify any named member who has been lawfully removed under Wis. Stats. § 70.47(6m)(a) or (b), and shall notify the alternate person of his or her appointment to replace a named member of the Board of Review. The alternate, once noticed, if he or she approves the appointment, and if he or she would not violate Wis. Stats. § 19.59 or Section 2.08 of this Chapter, shall then take the oath of office and act as a member of the Board of Review under Wis. Stats. § 70.47(6m)(c).

History Note: Adopted at a regular meeting of the Town Board of the Town of Dekorra on March 8, 2005, Ordinance 3-2005; amended at Special Town Board meeting, November 8, 2007; amended through 2009 codification; Section 2.06(b) repealed by Ord. 2011-07 on 4/12/11

SECTION 2.07 UTILITY DISTRICT ARCHITECTURAL REVIEW COMMITTEE**(a) Purpose.**

The purpose of this Ordinance is to create an Architectural Review Committee to review, advise and make recommendation on the development of parcels within the Town of Dekorra Utility District #1 which was created on April 14, 1998 and expanded on February 10, 2005. The Architectural Review Committee shall have the authority to review development plans for new construction and improvement of current structures only within the jurisdictional boundaries of the Utility District, as the boundaries of the district may be amended from time-to-time. This Ordinance is implemented under Town authority to promote and protect the public health, safety and welfare; to protect property values and the property tax base; to protect the beauty and amenities of landscapes and developments; and to assist in the full implementation of the Town's Comprehensive Plan, Interchange Area Design Guidelines, and Site Plan Ordinance.

(b) How Constituted.

There is hereby created the Town of Dekorra Utility District Architectural Review Committee. This Committee shall consist of seven (7) members: One member of the Town Board, one member of the Town Plan Commission, one representative of the Town Engineer, the Town Planner, at least one person that owns real estate within the jurisdictional boundaries of the Utility District, and at least one other town citizen. The citizen members shall be persons of recognized experience and qualifications in land use planning and site design issues. The Committee shall elect its own presiding officer and secretary. [Amended by Ord. 2013-20A, 12/10/13.]

(c) Appointment.

(1) The representative from the Town Board and the representative from the Town Plan Commission shall be appointed by the Town Chair, subject to Town Board confirmation, on an annual basis, said terms to expire on the third Tuesday in April of each year. [Amended by Ord. 2013-20A, 12/10/13.]

(2) The Utility District property owner and citizen members shall be appointed by the Town Chair subject to confirmation by the Town Board. [Amended by Ord. 2013-20A, 12/10/13.]

(3) The Town Board may select alternate members to serve in the absence of any member. They shall be selected in a manner similar to the regular members.

(d) Compensation.

The members of the Committee shall be compensated at a rate to be set by the Town Board.

(1) Any person or entity seeking review of plans by the Committee (hereafter "Developer") shall pay the Town all fee as may be required by Town Ordinances or Resolution. The Developer shall pay a fee equal to the actual cost to the Town for all

services provided by the members in sitting on this Committee and any additional service provided by the Town Engineer related to Developer's proposal. The Developer shall pay a fee equal to the cost of any administrative or fiscal work, publication and special meeting costs which may be incurred or undertaken by the Committee in connection with the review of the Developer's plans.

(e) **Meetings.**

The Committee shall meet at times when notified by the Town Clerk that a Developer has requested that the Committee review a proposal for new construction or improvements to a parcel within the boundaries of the Utility District, or at the call of the Committee Chair. All meetings of the Committee shall be held in compliance with the Wisconsin Open Meetings Law, and the Town of Dekorra Ordinances.

(f) **Quorum and Voting.**

Four (4) members shall constitute a quorum.

(g) **Powers and Duties.**

The Committee shall have the power and duty to review all plans, specifications and site plans for all construction of buildings and other improvements, to advise Developers appearing before them of their findings and to make written recommendation to the Town Board as to:

- (1) Quality of proposed materials, the harmony of exterior design, including exterior colors, size and location with respect to topography and finish grade elevation, landscaping and conformance to appropriate dimensional standards;
- (2) Whether the proposed development is consistent with the existing development on the abutting parcels;
- (3) Whether the proposed development is aesthetically pleasing;
- (4) Whether the proposed development represents the best use of the land;
- (5) Whether the proposed development complies with the Interchange Area Design Guidelines adopted by the Town of Dekorra;
- (6) Whether the proposed development complies with the Site Plan Review Ordinance adopted by the Town of Dekorra;
- (7) Whether the proposed development complies with the Columbia County Zoning Code; and
- (8) Proposed changes in the Site Review Ordinance and Design Guideline Standards, or any other ordinance associated with the work of the Committee including, but not limited to, the Town of Dekorra Land Division and Subdivision Ordinance, Driveway and Highway Access Control Ordinances, Storm Water Management and Erosion Control Ordinances.

(h) **Records.**

The Committee shall comply with the Wisconsin Open Meetings Law regarding notice of meeting, agenda, minutes of meetings and records of votes cast. All such records shall be filed with the Town Clerk.

History Note: Section 2.07 adopted at a regular meeting of the Town Board of the Town of Dekorra on May 10, 2005 as Ordinance 5-2005; amended by Ordinance No. 2013-20A, 12/10/13.

SECTION 2.08 **ETHICS****(a) Declaration of Policy:**

To ensure that the public can have complete confidence in the integrity of Town of Dekorra Government, each elected official, citizen volunteer and employee shall respect and adhere to the fundamental principals of ethical service. The proper operation of local government demands that:

- (1) Town of Dekorra officials, citizen volunteers and employees be independent, impartial and responsible to the people;
- (2) Decisions be made in the proper channels of the town governmental structure;
- (3) Town offices should not be used for personal gain; and
- (4) Town business should be conducted in such a way so as to re-enforce the public's confidence in its integrity. In recognition of these fundamental principles, there is hereby created a Code of Ethics.

(b) Purpose.

The purpose of this Code is to establish ethical standards of conduct for all Town officials, citizen volunteers and employees by identifying those acts or actions that are not compatible with the best interest of the Town. Because representatives of the Town are drawn from society, they cannot and should not be without all personal and economic interest in the decisions and policies of government. Citizens who serve as Town officials, citizen volunteers and employees retain their rights as citizens to personal and economic interests. Therefore, the standards of ethical conduct for Town officials, citizen volunteers and employees must distinguish between minor and inconsequential conflicts which are unavoidable and those conflicts which are substantial and material. The provisions of this code, and such rules and regulations which may be established, are to be interpreted in the context of the above principles and are deemed to be in the best interest of the public.

(c) Responsibility of Public Office.

Town officials, citizen volunteers and employees are agents of public purpose and hold office to serve the public interest. They are bound to uphold the Constitution of the United States, the Constitution of the State of Wisconsin and to carry out efficiently and impartially all laws of the United States, the State of Wisconsin, and the Ordinances of Columbia County and the Town of Dekorra. Further, they are bound to observe in their official acts, the standards of ethics set forth in this code and to faithfully discharge the duties of their office. The public interest must be their primary concern.

(d) Coverage.

This code governs all Town officials, whether elected or appointed, paid or unpaid, including members of boards, committees and commissions, department heads, and other Town employees.

(e) **Exemptions.**

Political contributions which are reported under Chapter 11, Wis. Stats., are exempt from the provisions of this code.

(f) **Definitions.**

(1) **Person:** Any individual, corporation, partnership, joint venture, association or organization.

(2) **Financial Interest:** Any interest which yields, directly or indirectly, a monetary or other material benefit to the Town officer, citizen volunteer, employee or to any person employing or retaining services of the Town officer, citizen volunteer or employee or related person as defined herein.

(3) **Anything of Value:** Any money or property, favor, service, payment, advance forbearance, loan or promise of future employment, but 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 other thing which is not likely to influence the judgment of individuals covered by this code.

(4) **Privileged Information:** Any written or oral material related to Town government which has not become part of the body of public information and which is designated by statute, court decision, lawful orders, ordinances, resolution or custom as privileged.

(5) **Official:** All Town supervisors, and all other town elected and appointed officers.

(6) **Employee:** All persons filling an allocated position of Town employment.

(7) **Citizen Volunteers:** appointed members of boards, committees & commissions.

(8) **Immediate Family:** An official's, citizen volunteer's or employee's spouse, domestic partner, children, stepchildren, parents, stepparents, or other legal relation who contributes more than one-half of the support of the official or receives that level of support from the official, citizen volunteer or employee.

(g) **Fair and Equal Treatment.**

(1) **Use of Public Property:** An official, citizen volunteer or employee shall not use, or knowingly permit the use, of Town services or Town-owned vehicles, equipment, materials for unauthorized nongovernmental purposes or for unauthorized personal convenience or for profit, unless such services or use are available to the public generally and consistent with practices and policies of the Town.

- (2) Obligations to Citizens: An official, citizen volunteer or employee shall not grant any special consideration, treatment or advantage to any citizen beyond that which is available to every other citizen. This section does not affect the duty of Town supervisors to diligently represent their constituency.

(h) **Conflicts of Interest.**

- (1) Receipt of Gifts and Gratuities Prohibited: An official, citizen volunteer or employee shall not accept anything of value whether in the form of a gift, service, loan or promise from any person which may impair his or her independence of judgment or action in the performance of his or her official duties.
- (2) Exception: It is not a conflict of interest for an official, citizen volunteer or employee to receive a gift or gratuity that is an unsolicited item of insignificant value or anything which is given to them independent of their position as an official, citizen volunteer or employee.
- (3) Business Interest: An official, citizen volunteer or employee shall not engage in any business or transaction or act in regard to any financial interest, direct or indirect, which:
- (A) is incompatible with the proper discharge of his or her official duties for the benefit of the public;
 - (B) is contrary to the provisions of this code; or
 - (C) may impair his or her independence of judgment or action in the performance of his or her official duties.
- (4) Employment: An official, citizen volunteer 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 his or her official duties or which may impair his or her independence of judgment or action in the performance of his or her official duties unless otherwise permitted by law or unless disclosure is made as hereinafter provided. An employee shall obtain prior approval from the Town Chairperson, before engaging in outside employment.
- (5) Contracting: An official, citizen volunteer, employee or a business in which an official, citizen volunteer 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 \$1,000 amount within a twelve month period unless the official, citizen volunteer 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 Wis. Stats. § 946.13, an official, citizen volunteer or employee is prohibited from participating in the formation of a

contract or contracts with the Town of Dekorra involving the receipts or disbursements of more than \$15,000 in any year.

(i) **Financial Interest in Legislation.**

A member of the Town Board 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 and shall refrain from participating in the discussion of and/or voting on such action. A member of the Town Board shall request to be excused by the Board or Committee chairperson for the duration of any deliberations concerning such action in which the member has a financial interest. Any other official, citizen volunteer or employee who has a financial interest in any proposed action before the Town Board, and who participates in discussion with or gives an official opinion or recommendation to the Town Board, shall first disclose the nature and extent of such interest to the Town Board.

(j) **Disclosure of Privileged Information.**

An official, citizen volunteer or employee shall not knowingly disclose or permit the disclosure of privileged information to any person not lawfully authorized to receive such privileged information. An official, citizen volunteer or employee shall not use privileged information to advance his or her personal financial interest or that of his or her immediate family.

(k) **Gifts and Favors.**

An official, citizen volunteer or employee shall not accept, from any person or organization directly or indirectly, anything of value without full payment, if it could reasonably be expected to influence his or her vote, governmental actions or judgments or is provided to such official, citizen volunteer or employee because of their position or office and could reasonably be considered as a reward for any governmental action or inaction.

(l) **Nepotism.**

- (1) The Town Chair and Supervisors are prohibited from hiring a person related to them for Town employment.
- (2) No person shall be employed, promoted, or transferred to any department, division, or work unit when, as a result, the employee would be directly supervising or receiving direct supervision from a related person.
- (3) "Related person" shall mean spouse, domestic partner, parents, children, siblings, uncle, aunt, nephew, niece, grandparents, grandchildren, father-in-law, mother-in-law, stepchildren, stepparents and any person sharing the employee's residence.

(m) **State Statutes Incorporated.**

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

§19.01 (Oaths and Bonds)

§19.21 (Custody and Delivery of Official Property and Records)

§19.81-§19.89 (Open Meetings of Governmental Bodies)

§19.59 (Codes of Ethics for Local Government Officials, Employees and Candidates).

- (2) Violation of Incorporated Statutes: Officials shall comply with the sections of the Wisconsin Statutes incorporated in this Code and failure to do so shall constitute a violation of this Code of Ethics.

(n) **Investigations and Enforcement.**

- (1) Advisory Opinions: Any person governed by this Code of Ethics may apply in writing to the Town Counsel for an advisory opinion and shall be guided by any opinion rendered. The applicant shall present his or her interpretation of the facts at issue and of the applicability of provisions of this Code before the advisory opinion is rendered. All requests for opinion and opinions rendered shall be in writing. Records of the Town Counsel's opinions, opinion requests and investigations of violations shall be closed to public inspection, as required by Wis. Stats. Chap. 19. However, such records may be made public with the consent of the applicant.
- (2) Complaints: The Town Counsel shall accept from any person a verified written complaint which states the name of the officer, citizen volunteer or employee alleged to have committed a violation of this Code and sets forth the material facts involved in the allegation. The Town Counsel shall forward a copy of the complaint to the accused officer or employee and the Ethics Inquiry Board within twenty (20) days. If no action on the verified complaint is taken by the Ethics Inquiry Board within sixty (60) days, the complaint shall be dismissed.
- (3) Preliminary Investigations: Following the receipt of a verified complaint, the Ethics Inquiry Board may make preliminary investigations with respect to alleged violation of this Code. A preliminary investigation shall not be initiated unless the accused is notified in writing. The notice shall state the exact nature and purpose of the investigation, the individual's specific action or activities to be investigated and a statement of such person's due process rights. If the Ethics Inquiry Board finds probable cause to believe the allegations contained in the complaint, the complaint shall be referred to hearing pursuant to subparagraph 2.08(n)(5) below before the Ethics Inquiry Board.

- (4) Time Limitations: The Ethics Inquiry Board may investigate any complaint properly filed with it. However, no action may be taken on any complaint which is filed more than one year after a violation of the Ethics Code is alleged to have occurred.
- (5) Ethics Inquiry Board: There is hereby created an Ethics Inquiry Board to consist of three members and one alternate, one of whom shall be an attorney licensed to practice law in the State of Wisconsin, appointed by the Town Board Chairperson with the approval of the Town Board. The members of the Ethics Inquiry Board shall be residents of the Town of Dekorra and shall not be Town Public Officials during the time of appointment, and shall serve staggered three year terms expiring on the third Tuesday in April of the third year following their appointment except as otherwise provided in the implementation of this ordinance. The Town Counsel shall provide legal advice, secretarial service and assistance to the Ethics Inquiry Board. The Ethics Inquiry Board shall be entitled to mileage and per diem payments for meetings and hearings of the Ethics Inquiry Board on the same basis as provided other Town Boards, Committees or Commissions.
- (A) Powers and Duties: The Ethics Inquiry Board shall be responsible for investigating a complaint, and conducting a fact finding hearing pursuant to subparagraph 2.08(n)(5)(C) below, in any case where the Ethics Inquiry Board has found that probable cause exists for believing the allegations of a complaint referred to the Board after preliminary review pursuant to subparagraph 2.08(n)(3) above.
- (B) Burden of Proof: The burden of proving a violation alleged in the complaint shall be on the complainant. Violations shall be proved by evidence that is clear, satisfactory and convincing.
- (C) Hearing: The Ethics Inquiry Board may hold, and an individual against whom a complaint has been made and where the complaint has been referred to the Ethics Inquiry Board may request, a hearing before the Ethics Inquiry Board. The Ethics Inquiry Board shall keep a record of the hearing. The Ethics Inquiry Board shall have the power to compel the attendance of witnesses and to issue subpoenas as granted to other boards and commissions under Wis. Stats. § Section 885.01 Wisconsin Statutes.
- (i) Within fifteen work days of the conclusion of the hearing, the Ethics Inquiry Board shall file its written findings and recommendations signed by all participating Ethics Inquiry Board members, together with findings of fact and conclusions of law, concerning the propriety of the conduct of the public official. If the Ethics Inquiry Board determines that no violation of the Code of Ethics has occurred, it shall dismiss the complaint, and if requested to do so by the accused, issue a public statement.

- (ii) No recommendation of the Ethics Inquiry Board becomes effective until thirty work days after it is issued, or while an application for rehearing or rehearing before the Ethics Inquiry Board is pending, or the Ethics Inquiry Board has announced its final determination on rehearing.
- (D) Enforcement and Penalties: If the Ethics Inquiry Board finds that clear, satisfactory and convincing evidence exists for believing the allegations of the complaint, the Ethics Inquiry Board shall refer its findings and recommendation to the Town Board. The Ethics Inquiry Board may make the following recommendations:
- (i) Recommend that the Town Board order the officer, citizen volunteer or employee to conform his or her conduct to the ethics code or recommend that the official, citizen volunteer or employee be censured, suspended, removed from office, be issued a private reprimand, public reprimand, and in the case of an employee may also recommend denial of merit increase, suspension without pay, discharge, or other appropriate disciplinary action.
 - (ii) The Ethics Inquiry Board may also refer the matter to the District Attorney to commence enforcement pursuant to the procedures and remedies of §19.59, Wis. Stats.

History Note: The above and foregoing Ordinance was duly adopted at a regular meeting of the Town Board of the Town of Dekorra on the 12th day of July, 2005 as Ordinance 14-2005.

SECTION 2.09 **EXEMPTION FROM TREASURER'S BOND**

The Town Treasurer is hereby exempted from giving Bond specified in Wis. Stats. 70.67(2). The Town hereby obligates itself to pay, in case the Town Treasurer fails to do so, all state and county taxes that the Treasurer is required to pay to the County Treasurer.

The above and foregoing Ordinance was duly adopted at a regular meeting of the Town Board of the Town of Dekorra on the 11th day of December, 2007 as Ordinance 2007-15; renumbered through 2009 codification

SECTION 2.10 **COMMISSION AND COMMITTEE ATTENDANCE**(a) **Purpose.**

It is necessary for the proper functioning of Town Committees and Commissions for members of those bodies to attend meetings on regular basis. While perfect attendance is not a reasonable expectation, repeated and habitual absence of members of Town Committees and Commissions should not occur and represent an implicit statement that such members do not accept the responsibilities attendant to public service and may be deemed to have effectively vacated their office.

(b) **Attendance Required.**

Members of any Town Committee and Commission are expected to be in attendance for each meeting of the body upon which they serve unless absence is caused by illness of the member or of someone in the member's household that requires the member's care, a death in the member's family or obligations dictated by the member's employer.

(c) **Vacation of Office.**

(1) Any member of a Town Committee or Commission who fails to attend any meeting of the Committee or Commission on which the member serves three (3) times within any twelve month period without having previously informed the chairperson of the reason for the absence under sub. (b), above, shall be deemed to have vacated the member's office and a new member shall be appointed to serve the unexpired residue of the member's term consistent with the procedure applicable for filling vacancies on that body.

(2) Any member of a Town Committee or Commission who fails to attend any meeting of the Committee or Commission on which the member serves for three (3) consecutive months for any reason shall be deemed to have vacated the member's office and a new member shall be appointed to serve the unexpired residue of the member's term consistent with the procedure applicable for filling vacancies on that body.

History Note: Adopted April 18, 2006 as Ordinance 2006-04; renumbered through 2009 codification

SECTION 2.11 **TOWN BOARD MEETING PROCEDURES**(a) **Purpose.**

The purpose of this ordinance is to establish specific procedures for the actions of the town board in the operation of the town.

(b) **Authority.**

The town board has the specific authority to adopt this Town Board Meeting and Parliamentary Procedure Ordinance under Wis. Stats. §60.22(1) and common law and in accordance with Wis. Stats. §§60.20 and 19.81 to 19.98.

(c) **Town Board Meetings.**(1) **Meetings of Town Board, Generally.**

(A) All meetings of the town board, including any special and adjourned meetings, shall be on proper notice under Wis. Stats. §19.84. The notice of any town board meeting shall include the Open Meeting Agenda and shall be given at least 24 hours prior to the meeting of the town board, unless for good cause such notice is impossible or impractical, in which case shorter notice may be given, but in no case may the notice be provided less than 2 hours in advance of the meeting. The town chair, or his or her designee, shall be responsible for proper posting or publication of the meeting notice and agenda. No members of the town board shall be excluded from a meeting of the town board or any other meeting of any subunit of the town, unless by court order, or unless under Wis. Stats. § 19.89 and the rules of the town.

(B) All meetings of the town board, including any special or adjourned meetings, shall be held at the town hall, except that a different location may be designated by the town chair, or his or her designee, by giving proper written notice of the meeting and agenda, and of the substituted location, in conformance with Wis. Stats. §19.84.

(2) **Regular meetings of the Town Board.** Regular meetings of the town board shall be held generally on the second and fourth Tuesday of each month at 6:30 p.m.

(3) **Posting locations.** The three usual and customary posting locations for the notice and agenda shall be the following:

- (A) Dekorra School, W8460 Bilkie Road, inside across from gym, outside by gym entrance;
- (B) Recycle Site, W8901 Hall Road, inside building with recycle dumpsters;
- (C) North Point, W9290, CTH CS, on post between Northpoint and McDonalds;

- (D) Mi Place, N3188 CTH V, on post near CS entrance; and
- (E) Hookers, W9370 CTH V, on Riverside Park sign in back.

(d) **Special Meetings of the Town Board.**

- (1) A special meeting of the Town Board may be called by the Town Chair in writing with the written call for the special meeting of the Town Board filed with the Town Clerk at least 24 hours prior to the proposed special meeting of the Town Board, with the time specified in the written call for the special meeting. The Town Chair, or his or her designee, shall properly and timely give notice of the special meeting, including the meeting agenda.
- (2) A member of the Town Board, other than the Town Chair, may request that a special meeting of the Town Board be called by filing with the Town Clerk in writing a request for the calling of a special meeting of the Town Board, designating the agenda item or items for the special meeting. Upon receipt of the request, the Town Clerk shall immediately cause the request for special meeting to be personally served upon the other members of the Town Board, including the Town Chair, along with a notice to each Town Board member that if any Town Board member other than the member requesting the special meeting, including the Town Chair, files a written authorization for the requested special meeting of the Town Board with the Town Clerk not later than 24 hours after receipt of the request for special meeting, a special meeting of the Town Board will be called. Upon receipt of a written authorization for a special meeting of the Town Board, the Town Clerk shall set a time for the special meeting not more than 2 business days thereafter and shall properly and timely give notice of the special meeting, including the meeting agenda.
- (3) The town clerk, upon receipt of the written call for a special meeting of the town board, shall immediately notify, in writing, each member of the town board by delivering the written Open Meeting Notice and Agenda or by having the written Open Meeting Notice and Agenda delivered personally to each member of the town board. If any member of the town board cannot be personally notified in writing, the town clerk shall deliver or have delivered a copy of the written Open Meeting Notice and Agenda at the home of any such member of the town board in the presence of an adult member of the family of the town board member. If written notice of the special meeting cannot be served upon any member of the town board through an adult family member, the town clerk shall post the special meeting written notice in the places specified in subsection (c)(4). The Town Chair, or his or her designee, shall be responsible for publishing notice of the agenda as required by law.
- (4) The town clerk shall file proof of service of the special meeting notice by filing an affidavit noting the time, place, and location of authorized service of the special meeting notice upon the town board. If personal service upon any member of the town board of the town was not completed, the town clerk shall state in the affidavit the type of service or written notice completed.

- (5) Special meetings of the town board may be held without service and notice to town board members under subsections (d)(2) and (3) when a quorum of members of the town board are present at a prior town board meeting at which oral notice of the special meeting is given or when a quorum of the town board members consent in writing to the holding of a future special meeting of the town board. Any consent by any member of the town board shall be noted on record by the town clerk prior to the beginning of any special meeting of the town board.
 - (6) No person other than a town board member may assert insufficient service upon a town board member under subsections (d)(2) or (3) as the basis of any claim that any meeting or action of the town board is invalid. Appearance at the special meeting by a town board member shall act as waiver of any claim of insufficient service upon that member so long as the meeting is otherwise properly noticed.
 - (7) Special meetings of the town board, attended by a quorum of the members shall be considered a regular meeting of the town board for the transaction of any town business that may come before the town board if the business considered was so noted in the written meeting notice and agenda.
 - (8) The town board may, by majority vote, adjourn any special meeting of the town board from time to time to a specific date and hour. Notice of the adjourned meeting and agenda shall be posted in the same manner as all other meetings.
- (e) **Order and Conduct at any Town Board Meeting.**
- (1) The Town Chair, in consultation with the Town Clerk, shall establish the specific business items included in the agenda for each meeting and shall post the Open Meeting Agenda Notice for the meeting. Any Town Board Supervisor may contact the Town Clerk to request a specific item be placed on the agenda and that item shall be placed on the agenda, unless the Town Board has, at a previous meeting, determined that the item shall not be included. The agenda order for specific issues or items related to any procedural motions, communications, petitions, reports, unfinished business, motions, resolutions, ordinances, and new business shall be established by the Town Chair after consultation with the Town Clerk. However, a majority of the Town Board may at the meeting properly move or remove any matter included on the agenda. No matters may be added to the agenda without proper notice under Wis. Stats. § 19.84. **[Amended by Ord. 2010-03; 9/14/10.]**
 - (2) The regular business order agenda for the Town Board shall generally be as follows, subject to the discretion of the Town Chair and the Town Board Supervisors exercised as provided in subsection (e)(1): **[Amended by Ord. 2010-03; 9/14/10.]**
 - (A) Call to order.
 - (B) Pledge of Allegiance.
 - (C) Roll call/Quorum call.

- (D) Verification of public notice.
 - (E) Approval of agenda of the town board meeting.
 - (F) Introduction of guests.
 - (G) Chair comments and meeting ground rules.
 - (H) Public comments and suggestions from residents of the town and other persons present.
 - (I) Reading, if requested, and approval of minutes of prior meeting after errors in the minutes have been rectified to the satisfaction of the town board.
 - (J) Procedural motions by members of the town board.
 - (K) Consideration of and approval for payment of bills.
 - (L) Reports of town officers.
 - (i) Treasurer's Report
 - (ii) Clerk's Report
 - (iii) Constable's Report
 - (M) Reports of standing commissions and committees, including the following. No action to be taken other than approval of published reports or minutes.
 - (i) Plan Commission
 - (ii) Parks Commission
 - (iii) Safety Committee
 - (iv) Fireworks Committee
 - (v) Architectural Review Committee
 - (vi) Columbia Corridor Communities Economic Development Group
 - (N) Reports of special committees, special commissions, and special boards. Each committee or commission shall be listed.
 - (O) Public hearings and advisory votes. Each individual subject and content and any possible discussion and possible action to be taken by the town board after the hearing shall be listed.
 - (P) Specific matters for discussion and possible action by town board in open session. Each matter shall be listed.
 - (Q) Specific matters intended for discussion and possible action by town board for closed session. Each matter and the specific exemption under Wis. Stats. § 19.85(1) shall be listed.
 - (R) Specific matters intended for discussion and possible action by town board for reconvened open session.
 - (S) Discussion of specific items for inclusion on or exclusion from future agenda.
 - (T) List of correspondence.
 - (U) List of upcoming meetings.
 - (V) Adjournment.
- (3) At the meeting of the town board, any member of the town board may take up any business on the agenda in any other order unless there is objection by any other member of the town board.
- (4) All written petitions, written communications, and written reports to the town board and all written and oral requests to address the town board shall be

presented by the town clerk to the town chair, or to the person presiding at the meeting of the town board.

(f) **Quorum at Roll Call of Meeting.**

If no legal quorum is present at the time of the initial roll call, the meeting of the town board shall be immediately adjourned to a specific date and hour by the members of the town board then present. At any time during a meeting when a legal quorum is not present, a motion to adjourn to a specific date and hour is proper.

(g) **Absence of Town Clerk at Meeting.**

If the town clerk is not present at the time of the initial roll call of a meeting of the town board, the town chair shall appoint the deputy town clerk or any other person present at the meeting to be the town clerk pro tem. The town clerk pro tem shall prepare and maintain minutes of the meeting of the town board. The town clerk pro tem shall deliver these minutes to the town clerk after the end of the meeting of the town board or when the town clerk pro tem is replaced during the meeting by the town clerk.

(h) **Absence of Town Chair at Call to Order of Meeting.**

The presiding officer at the meeting of the town board is the town chair. If the town chair is not present at the time for the call to order, the senior member of the town board present, based on date of original election as a member of the town board shall call the meeting of the town board to order, call the initial roll call, and preside as town chair until the town chair is able to preside at the meeting. If after the initial roll call the town board determines that the town chair will not be able to at anytime preside at the meeting, the town board shall by motion elect an acting town chair for the meeting.

(i) **Vacation of Town Chair or Presiding Officer at Meeting.**

If the town chair or any other presiding officer of the town board desires to speak on any question or to make any motion, the town chair or the presiding officer may speak or make a motion without vacating the chair or without designating a member of the town board to preside at the meeting as town chair pro tem.

(j) **Meeting in Open Session.**

Any meeting of the town board to exercise its responsibilities, authority, power, or duties shall be in open session and accessible to the public, except as provided in Wis. Stats. §§19.82, 19.83 or 19.85. All discussion shall be held and all action of any kind, formal or informal, shall be initiated, deliberated upon, and acted upon only in open session except as provided Wis. Stats. §19.85.

(k) **Audit of Accounts.**

The town board shall at each regular meeting be presented by the town clerk or town treasurer with the financial accounts of the town for auditing and possible action by the town board. All accounts shall be filed with the town clerk at least seven (7) days prior to the next meeting of the town board in order for the account to be presented by the town clerk at the upcoming meeting of the town board.

(1) **Receipts of Funds.**

Any town officer, town employee, or agent of the town in possession of funds or receipts or earnings of the town shall deposit any such funds, receipts, or earnings with the town treasurer on at least a weekly basis unless approved otherwise by the town board. The town board shall be advised by the town treasurer on a monthly basis of any funds outstanding that have not been properly deposited with the town treasurer. All elected and nonelected town officers and town employees, within seven (7) days of taking office, hiring, or rehiring, shall be informed of the requirements of this provision by the town treasurer, however, failure of the town treasurer to provide such information shall not absolve any officer, employee or agent from compliance with this subsection.

(m) **Specific Rules of Conduct at Town Board or Town Meetings.**

- (1) **Roberts Rules of Order.** Unless other rules of conduct are specifically adopted and codified by ordinance by the town board, all meetings of the town board and of the town meeting shall be governed by Roberts Rules of Order, newly revised.
- (2) **Members to be Recognized.** The presiding officer of the meeting of the town board shall recognize any member of the town board prior to that town board member addressing the town board. At any town meeting the presiding officer shall recognize any person at the town meeting prior to that person addressing the town meeting.
- (3) **Remarks to Presiding Officer.** All members of the town board shall address all remarks to the presiding officer at any meeting of the town board. All persons addressing the town meeting shall address all remarks to the presiding officer of the town meeting.
- (4) **Speaking Before Town Board.** No person at a meeting of the town board being conducted in open session, other than the members of the town board, shall address the town board or any member of the town board, except when public comments are authorized on the meeting agenda, and then only with approval of the town chair or by majority vote of the town board. This provision shall not apply under the specific items of business listed on the meeting agenda to recognize members of any town office, town committee, town agency, town commission, or a special board or other town officers in an open meeting if the subject and content for discussion has been noted specifically on the meeting agenda.
- (5) **Order and Decorum.** The presiding officer at any town board meeting or town meeting shall maintain order and decorum. Any person who conducts himself or herself in a disorderly manner as determined by the presiding officer may be removed from the town board or town meeting by order of the presiding officer. The presiding officer may seek law enforcement assistance of the constable or other law enforcement officer for such removal until the meeting is adjourned.

- (6) Town Meeting Procedure. A town meeting, annual or special, shall follow the procedures set forth in Wis. Stats. §60.14. All votes taken shall be by voice vote or by open ballot. All reconsideration of actions at the town meeting shall follow the procedure noted in Wis. Stats. §60.14(4). All of the following apply to the conduct of a town meeting:
- (A) The current town chair, if present, shall be the presiding officer of a town meeting. If the town chair is not present, another town supervisor shall preside at the meeting upon the vote of the meeting. If no town supervisor is present, the meetings shall nominate and elect the presiding officer of the meeting.
 - (B) The town clerk, deputy town clerk, or an appointed clerk shall perform the duties of clerk for the town meeting under Wis. Stats. §60.15.
 - (C) The town meeting may require the clerk to keep a poll list with the name and address of each elector voting at the meeting.
- (7) Public Comment Period. When a public comment period is included in the agenda of a meeting of the Town Board, it shall be for the purpose of providing a forum for town residents to bring information, issues and concerns to the attention of the Town Board for possible future discussion or action. Because meeting notices do not express the specific subject matter of public comments that may be raised during the public comment period, the Town Board finds that it is inconsistent with the spirit, if not the letter, of Wisconsin's Open Meetings Law, to permit discussion or debate among the Town Board Supervisors or between Town Board Supervisors and members of the public during such periods. Further, in the interest of conducting orderly meetings and to ensure the Town Board can address town business in a timely manner, the Town Board finds that it is important to establish rules for the conduct of public comment sessions when included in a Town Board meeting agenda. In addition to all other rules regarding the conduct of Town Board meetings, the following rules shall apply to the conduct of a public comment period at a Town Board meeting: **[Created by Ord. 2010-03, 9/14/10.]**
- (A) Public comments shall be limited to topics which are not the subject of a topic listed on the meeting agenda. Public comments relating to items listed on the meeting agenda will be taken at the time the topic is addressed and only if the acceptance of public comments is approved by the Town Board.
 - (B) Speakers shall be limited to three minutes. The Town Board may increase or decrease the time limit whenever it deems appropriate in light of the subject matter and time available to conduct other business.
 - (C) The Town Board may end the public comment period at any time.
 - (D) To assist in the orderly conduct of the public comment period, the Town Chair may require speakers to register their intent to speak during the public comment period with the Town Clerk. Such registration shall be submitted on a form provided by the Town Clerk. Such form shall include

the speaker's name and address. Speakers shall be called in the order the registration forms are received.

- (E) To promote meeting efficiency and to enhance the purpose of the public comment period, repetitive comments raising no new issues or offering no new information are out of order.
- (F) The Town Board shall not engage in any discussion or debate during the public comment period with members of the public or between Town Board Supervisors nor shall the public comment period be used to question or obtain information from the Town Board or any Town Board Supervisor. Further discussion or debate on issues raised during public comments may only occur pursuant to a properly noticed agenda item at a future meeting. This prohibition shall not extend to any incidental exchanges conducted for the purpose of clarifying facts or to otherwise provide a better understanding of the issue presented. This paragraph shall not be interpreted to limit discussions members of the public may have with any Town Board Supervisor or the Town Board Chair outside of a Town Board meeting.

(n) **Excused Voting.**

For voting upon orders, motions, resolutions, ordinances, action items, business items, or any other question, all individual members of the town board present at the town board meeting, shall vote when that individual town board member's name is called unless for special cause a town board member has been excused prior to the vote by an affirmative roll call vote of the remaining members or if the town board member states that he or she refuses to vote. No reason need be stated for a refusal to vote. Any member of the town board voting in the majority on any matter may move for reconsideration of the vote at the meeting at which the vote was taken. A motion to reconsider being proposed and then defeated shall not be renewed. No vote for rescission of any action shall be taken without majority vote of the town board and then only if rescission of the action is an agenda item.

(o) **Motions Stated.**

Prior to any debate on any matter, the members of the town board shall be entitled to a clear understanding of the motion before the town board. The person making the motion shall clearly state the motion. There shall be requested a second to any motion prior to any debate or discussion of the motion by the town board. Motions made in writing by a member of the town board and provided to the town clerk prior to the meeting shall be provided priority in the appropriate order of business. The town chair shall restate the motion prior to any debate and discussion. Any member of the town board, prior to a vote on the motion, may request that the motion and any amendments adopted to the motion be reduced to writing and submitted in writing to the members of the town board prior to the final vote on the matter. All votes on motions, resolutions, orders, and ordinances shall be recorded by town clerk or other agent of the town board.

(p) **Change of Vote.**

No member of the town board may change his or her vote on any action item, business item, motion, or question after the final result has been announced by the presiding officer.

(q) **Priority Matters.**

When any action item, business item, motion, or question is before the town board, no other action item, business item, motion, or question shall be in order except any of the following:

- (1) A motion to adjourn or recess the meeting;
- (2) A motion to lay the question on the table;
- (3) A motion to call the question;
- (4) A motion to postpone the question to a date certain;
- (5) A motion to refer the question to a standing committee or other committee;
- (6) A motion to amend or divide the questions;
- (7) A motion to postpone the question indefinitely; or
- (8) A motion to introduce a matter related to the question.

(r) **Motions with Preferences.**

During any meeting of the town board certain motions will have preference. In order of preference the items to be given preference are:

- (1) **Motion to Adjourn.** A motion to adjourn can be made at any time and has first precedence. This is a nondebatable motion.
- (2) **Motion to Lay on Table.** A motion to lay on the table may be made when the subject matter appropriate for tabling is to be debated or discussed. This motion is a nondebatable motion.
- (3) **Motion to Call Previous Question.** A motion to call the previous question may be made at any time after the debate or discussion commences related to any action item, business item motion, or question that is properly before the town board. This motion is a nondebatable motion. This motion, if adopted, ends the debate and discussion at the meeting on the action item, business item, motion, or question. The motion, if adopted, brings the town board to a direct vote with the first vote on any amendments, if any, and then to the main action item, business item, motion, or question.
- (4) **Motion to Postpone to Date Certain.** A motion to postpone to a certain date may be made at any time after the debate and discussion commences on an action item, business item, motion, or question that is properly before the town board. This motion is debatable. This motion, if adopted, ends the debate and discussion at the meeting on the action item, business item, motion, or question. This motion must establish a date and time certain when the debate and discussion before the town board will continue. The date and time established must be on a date and time for a regularly scheduled or special meeting of the town board.
- (5) **Motion to Committee.** A motion to refer to a committee may be made at any time after the debate and discussion commences on an action item, business item, motion, or question that is properly before the town board. The motion is

debatable. This motion, if adopted, ends the debate and discussion at the meeting on the action item, business item, motion, or question. This motion, if adopted, forwards the action item, business item, motion, or question to a committee for further review and discussion. The committee must be a committee of the town board.

- (6) Motion to Amend or Divide Question. A motion to amend or divide the question may be made at any time after debate and discussion commences on the action item, business item, motion, or question properly before the town board. The motion is debatable. This motion, if adopted, divides the main action item, main business item, main motion, or main question pursuant to the method described and adopted in the motion to divide.
- (7) Motion to Postpone Indefinitely. A motion to postpone indefinitely may be made at any time after debate and discussion commences on the action item, business item, motion, or question properly before the town board. This motion is debatable. This motion, if adopted, ends the action item, business item, motion, or question.
- (8) Motion to Introduce Matter Related to Action Item, Business Item, Motion, or Question. A motion to introduce a matter related to the action item, business item, motion, or question may be made at any time after the debate and discussion commences on the action item, business item, motion, or question properly before the town board. This motion is debatable. This motion, if adopted, expands or adds to the debate and discussion new items related to the main action item, main business item, main motion or main question pursuant to the method described and approved in the motion to introduce a matter related.
- (9) Motion to Reconsider. A motion to reconsider may be made by a member who cast a vote on the prevailing side of the question proposed to be reconsidered if the motion is made at the same meeting at which the decision was made or at the next meeting of the town board. A motion to reconsider being made and the vote lost shall not be renewed nor shall the subject be considered a second time. The town board shall not act upon the motion to reconsider if vested rights of the town or any person will be violated by the reconsideration action of the town board.
- (10) Motion to Rescind. A motion to rescind may be made by any member of the town board at any time to rescind a decision made at a prior town board meeting, but shall require a majority vote of the town board. The town board shall not act upon the motion if vested rights of the town or any person will be violated by the rescission action.
- (11) Action Items, Business Items, Motions, or Questions. No action item, business item, motion, or question at a public meeting shall be included, or considered, by the town board on its business order agenda unless the action item, business item, motion, or question was initially presented to the town board and included on the meeting agenda by a town board member or the town clerk. No member of the town board shall request, at a meeting of the town board, a vote from the general public unless the proposed vote of the general public is so noted by the town chair or the presiding officer of the meeting as strictly an advisory vote to the town board and the vote was specifically included as a possible action item before the town board on the meeting agenda. Any vote taken by the general public at a

meeting of the town board shall be considered by the town board only as an advisory vote and shall not be considered as a directory vote. Specific directory votes to require certain actions to be taken by the town board may only occur at an annual or special town meeting if the action by the electors at the annual or special town meeting is provided for by state law. No directory vote will be taken at an annual or special town meeting if the action cannot be demonstrated as a statutory power of the annual or special town meeting.

(s) **Town Board Action at First Meeting after Spring Elections.**

- (1) Date of First Public Meeting. The first regular meeting of the town board shall be held on the second Tuesday in April, immediately after the Annual Town Meeting to be also held on the second Tuesday of April.
- (2) Appointment of Commissions and Committees. Except as specifically provided elsewhere in the Code of Ordinances of the Town of Dekorra, the town chair shall, subject to town board approval, at the first meeting in April or, if the established meeting agenda does not permit, at the second regular meeting in April, or the first meeting in May, appoint or reappoint persons whose terms have expired to standing regular committees and commissions or other governmental bodies as may be created by the town board from time to time.
- (3) Appointment, Designation, Retention, or Employment of Officers. The town board shall, at its first meeting in April or, if the established meeting agenda does not permit, at the second regular meeting in April, or the first meeting in May, appoint, reappoint, designate, retain, or employ persons to the following town offices, if these offices have been previously created by the town board and their terms have expired, namely:
 - (A) Town Attorney;
 - (B) Town Engineer;
 - (C) Town Auditor;
 - (D) Town Surveyor;
 - (E) Town Health Officer;
 - (F) Town Humane Officer;
 - (G) Town Superintendent of Highways;
 - (H) Town Assessor;
 - (I) Town Administrator;
 - (J) Town Emergency Government Officer;
 - (K) Town Ethics Board Members; and
 - (L) Town Planner.
- (4) Public Depositories. The town board shall, at its first meeting in April or, if the established meeting agenda does not permit, at the second meeting in April, designate one or more public depositories for depositing town funds.
- (5) Review Emergency Response Plan. The town board shall, at its first meeting in April or, if the established meeting agenda does not permit, at the second meeting in April, review the provisions of the Plan.

(t) **Suspension of Rules.**

The rules of conduct under this ordinance or any part of these rules or any other rules of conduct of the town board may be temporarily suspended at any meeting of the town board, including any special meeting of the town board, in connection with any matter under consideration by the town board. Any rules of conduct may be suspended by a recorded affirmative roll call vote of two-thirds or more of the members of the town board present at the meeting unless the suspension would violate federal or state laws or regulations.

(u) **Applicability of Rules of Conduct to Town Subunits.**

The rules of conduct stated in this ordinance shall control the conduct all meetings subunits of the town such as commissions and committees to the extent such rules are applicable.

(v) **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.

History Note: Adopted January 13, 2009 in Ordinance No. 2009-01; amended by Ord. 2010-03, 9/14/10\

SECTION 2.12 **JOINT MUNICIPAL COURT****(a) Joint Municipal Court Created.**

Pursuant to Wis. Stats. Chap. 755, there is hereby created and established a Municipal Court designated “Joint Municipal Court for the Village of Cambria, the City of Columbus, the Village of Fall River, the City of Lodi, the Village of Pardeeville, the Village of Poynette, the Village of Randolph, the Village of Rio, the Town of Columbus, the Village of Dane and the Town of Dekorra” (hereinafter a/k/a “Joint Municipal Court” or “Eastern Columbia County Joint Municipal Court”), presided over by a Municipal Judge.

(b) Municipal Court Committee Composition.

The Municipal Court Committee shall be comprised of one representative of each Member Municipality who shall be appointed by the Mayor, President or Chairman of the Member Municipality, subject to confirmation by the respective governing body and, in addition, one member who shall be a police chief of a Member Municipality. The initial member of this class shall be the Chief of Police of Fall River, replaced on a yearly basis by means of rotation among the Chiefs. Chiefs will rotate as follows: Fall River, Pardeeville, Randolph, Rio, Cambria, Poynette, Lodi and Columbus. In order to assure participation and continuity of representation, each Member Municipality may appoint an alternate representative who shall act on Committee matters in the absence of the representative.

(c) Creation and Qualification of the Position of Municipal Judge.

Pursuant to Wis. Stats. Chap. 755, the office of Municipal Judge is hereby created. Eligibility for the office of Municipal Judge shall be as follows: To be eligible for the office of Municipal Judge a person must be a qualified elector in either the Village of Cambria, or the City of Columbus, or the Village of Fall River, or the City of Lodi, or the Village of Pardeeville, or the Village of Poynette, or the Village of Randolph, or the Village of Rio, or the Town of Columbus, the Village of Dane or the Town of Dekorra.

(d) Election and Term of Municipal Judge.

The appointed Judge must run for the election at large the following spring election, for a four (4) year term, commencing on May 1st succeeding his or her election. Electors of the Village of Cambria, and the City of Columbus, and the Village of Fall River, and the City of Lodi, and the Village of Pardeeville, and the Village of Poynette, and the Village of Randolph, the Village of Rio and the Town of Columbus, the Village of Dane and the Town of Dekorra shall be eligible to vote for the Municipal Judge of the Joint Municipal Court.

(e) Creation of the Position of Clerk of the Municipal Court.

Pursuant to Wis. Stats. Chap. 755, the office of the Clerk of the Municipal Court is hereby created. Said Clerk shall take the position upon hire by the Municipal Court Committee and written appointment by the Judge. Training and compensation of said Clerk shall be as determined by the governing bodies of member municipalities.

(f) **Salary of Municipal Judge.**

The Municipal Judge shall receive a fixed salary and Municipal Judge's training pursuant to Wis. Stats. § 755.18, the salary to be determined by the governing bodies of member municipalities, subject to Wis. Stats. § 755.04, which shall be in lieu of fees and costs. The salary shall be paid quarterly. No salary shall be paid to the Municipal Judge for any time during his or her term for which he or she has not executed and filed the official bond and oath as required by subsection (g) of this section.

(g) **Bond and Oath of Municipal Judge.**

The Municipal Judge shall, after election or appointment to fill a vacancy, take and file the official oath as prescribed in Wis. Stats. § 757.02(1), pursuant to Wis. Stats. § 755.03 with the Clerk of Circuit Court for Columbia County, and at the same time shall execute and file an official bond.

(h) **Bond and Oath of Municipal Court Clerk.**

The Municipal Court Clerk shall, before entering upon the duties of the office, take and file the official oath as prescribed in Wis. Stats. § 19.01, with the City Clerk of the City of Columbus and, at the same time, shall execute and file an official bond. The Columbus City Clerk will provide file copies to the other seven communities.

(i) **Jurisdiction of Municipal Judge.**

The Municipal Judge shall have jurisdiction as provided by the statutes and laws of the State of Wisconsin and pursuant to Wis. Stats. § 755.045.

(j) **Procedures of Joint Municipal Court.**

- (1) The Joint Municipal Court's location and time be determined by order of the Municipal Judge.
- (2) The procedure in Joint Municipal Court shall be provided by the statutes and laws of Wisconsin.
- (3) The Court Clerk or his/her designee shall make daily deposits of all forfeitures, fees, penalties, assessments and costs collected in any action or proceeding before the Joint Municipal Court. These deposits will be made to a designated bank account as determined by the Joint Municipal Court Committee.

(k) **Contempt in Joint Municipal Court.**

The Municipal Judge may impose a sanction as authorized under Wis. Stats. § 800.12(2) for contempt of court as defined in Wis. Stats. § 785.01(1), in accordance with the procedures under Wis. Stats. § 785.03.

History Note: Created July 26, 2011 by Ordinance No. 2011-11

SECTION 2.13 **VOLUNTEER FIREFIGHTER FUNDS**(a) **Purpose and authority.**

This section is enacted pursuant to the authority of Wis. Stats. § 66.0608 for the purpose of authorizing volunteer funds to be held and controlled by the employees and volunteers of the Poynette-Dekorrra Community Fire Department. This ordinance and its terms shall be interpreted in accordance with Wis. Stats. § 66.0608. Unless the context clearly indicates otherwise, all references to persons, offices, bodies or legal entities shall be presumed to relate to the Poynette-Dekorrra Community Fire Protection District as established by intergovernmental agreement between the District municipalities, the Town of Dekorrra, Village of Poynette and Town of Lowville.

(b) **Authorization to deposit funds.**

The Dekorrra Town Board hereby authorizes the Fire Chief, on behalf of the volunteers, to deposit volunteer funds in a separate account in any public depository designated by the District municipalities under Wis. Stats. § 34.05. Pursuant to Wis. Stats. § 66.0608(4), the volunteer funds shall be and remain the property of the District municipalities until such time as the funds are disbursed.

(c) **Control of funds.**

The volunteers shall have exclusive control over the expenditure of the volunteer funds. This authority is granted without limitation as to amount or type of funds but shall be subject to the limitations of subsection (d) below.

(d) **Limitations and requirements.**

The following limitations and requirements shall apply to the handling and disbursement of all volunteer funds:

- (1) **Expenditures.** Expenditures withdrawn from the accounts may be made only upon majority vote of the volunteers present at a meeting noticed in accordance with Wis. Stats. § 19.84. Such withdrawals and expenditures may be made for any purpose that promotes the ability of the Fire Department to provide services for which it is organized.
- (2) **Accounting.** The Fire Chief shall annually provide the Fire District and Town Board with a financial statement. The statement shall be provided within thirty (30) days after the end of the District's fiscal year. The statement shall include a detailed itemization of all receipts, expenditures, and the balance on hand at the end of the year. The statement shall further state the source of all funds and the identity of the payee and purpose for each disbursement.
- (3) **Audit.** All accounts holding volunteer funds shall be included in any and all audits of the Fire District. In addition, the volunteers may appoint an internal audit committee from its membership after the close of each fiscal year to review all transactions to ensure compliance with this ordinance and any internal policies of the Fire Department or Fire District. Any such audit committee shall issue a report of its findings to the membership of the Fire Department and to the Town Board.

History Note: Created March 12, 2013 by Ordinance No. 2013-02.

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