

CHAPTER 1

GENERAL GOVERNMENT

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1.01 FORM OF GOVERNMENT. The Town of Fredonia, Ozaukee County, Wisconsin, operates under the town system of government under Ch. 60, Wis. Stats.

1.02 ELECTED OFFICIALS. The elected officials of the Town shall consist of the following:

(1) **TOWN BOARD MEMBERS.** The Town Board shall consist of 5 Supervisors. Three Supervisors, one of whom shall be designated on the election ballot as Town Board Chairperson, shall be elected in odd-numbered years for 2 year terms and 2 Supervisors shall be elected in even-numbered years for 2 year terms.

(2) **TOWN CLERK.** Elected in odd-numbered years for a term of 2 years.

(3) **TOWN TREASURER.** Elected in odd-numbered years for a term of 2 years.

1.03 APPOINTED OFFICIALS. The appointed officials of the Town shall consist of the following. Those appointed for one year shall be appointed in April of each year.

OFFICIALS	HOW APPOINTED	TERM
(1) Building Inspector	Town Chairperson, subject to confirmation by Town Board	Indefinite
(2) Code Enforcement Officer	Town Chairperson, subject to confirmation by Town Board	By contract
(3) Town Assessor	Town Chairperson, subject to confirmation by Town Board	By contract
(4) Culvert Inspector	Town Chairperson, subject to confirmation by Town Board	Indefinite

1.04 BOARDS AND COMMISSIONS. (1) **BOARD OF REVIEW.** (a) *Membership.* The Board of Review shall consist of the Town Board and the Town Clerk.

(b) *Powers and Duties.* The Board shall have the powers and duties as prescribed in §70.47, Wis. Stats.

(2) **BOARD OF ZONING APPEALS.** (a) *Membership.* The Board of Zoning Appeals shall consist of 5 citizen members appointed by the Town Chairperson for staggered 3 year terms, subject to confirmation by the Town Board, and one alternate member shall be appointed by the Town Chairperson, subject to confirmation by the Town Board, for a 3 year term. The alternate member shall act, with full power, only when a member of the Board is absent or refuses to vote because of an interest in the matter to be heard. The Town Chairperson shall appoint the Board Chairperson. The Town Clerk shall serve as the Board Secretary.

(b) *Powers and Duties.* The Board shall have the powers and duties prescribed in § 62.23(7)(e), Wis. Stats.

(3) **PLAN COMMISSION.** (a) *Membership.* The Plan Commission shall consist of the Town Chairperson who shall be the Chairperson of the Commission, one Supervisor and 5 Town citizens of recognized experience and qualifications. The Supervisor shall be appointed in

April by the Chairperson, subject to confirmation of the Town Board, for a one year term and all citizen members shall be appointed in April by the Town Chairperson, subject to confirmation by the Town Board, for staggered 3 year terms. The Town Clerk shall serve as Secretary to the Commission.

(b) *Meetings and Proceedings.* The Plan Commission shall meet monthly or at the call of the Chairperson.

1. Quorum. A majority of the members of the Plan Commission shall constitute a quorum.

2. Records. The Secretary shall keep a written record of the proceedings of the Commission.

3. Compensation. The Town Board shall, from time to time, fix the compensation of all Commission members and the Secretary.

(c) *Powers and Duties.* The Commission shall be responsible for developing plans and making recommendations to the Town Board relating to the development of a Town land use plan, including zoning districts; land use classifications and standards, and other matters relating to the proper use and development of lands within the Town. In addition, the Commission shall have the powers and duties granted by §62.23, Wis. Stats., and such other powers and duties as shall be vested in it from time to time by the Town Board, the Zoning Code, the Town Land Division Code and other applicable laws.

(4) WAUBEKA AREA SANITARY DISTRICT COMMISSION. (a) *Membership.* The Waubeka Area Sanitary District Commission shall consist of 3 members elected in odd-numbered years for staggered 6-year terms, pursuant to §60.75, Wis. Stats.

(b) *Powers and Duties.* The Commission shall have the powers and duties prescribed in Ch. 60, Wis. Stats

1.05 HIRING OF PERSONNEL. (1) Employees of the Town shall be hired by the Town Board in accordance with §60.27, Wis. Stats.

(2) The compensation, terms and conditions of employment of Town employes shall be established by the Town Board.

1.06 PURCHASING PROCEDURES. (1) The purchase of materials and supplies, the anticipated cost of which is under \$500, may be made by the Town Clerk, the, Town Treasurer and the Town Chairperson without the approval of the Town Board. Such purchases shall be reviewed by the Town Clerk for fund/budget availability prior to the purchase.

(2) The purchase of materials and supplies, permanent personal property and services, the anticipated cost of which is between \$500 and \$1,000, shall be authorized by the Chairperson and purchases over \$1,000 shall be approved by the Town Board.

(a) “Permanent personal property” includes furniture, furnishings, typewriters, calculating equipment, small machines, parts, tools and equipment or any other property which customarily has a use life of more than one year.

(b) Purchases under this subsection may be made on the open market and directly from a dealer or supplier without obtaining sealed quotations, but such purchases shall be made, when possible and practical, after multiple quotations or proposals have been obtained.

(3) The purchase of materials and supplies or permanent personal property, the anticipated cost of which is between \$2,500 and \$5,000, shall be made by the Town Board after obtaining, whenever possible and practical, at least 3 quotations.

(4) Public contracts, the estimated cost or amount of which will exceed \$15,000, shall, as required by §60.47, Wis. Stats., be let, pursuant to §66.0901, Wis. Stats. Public contracts with an estimated cost of more than \$5,000, but not more than \$15,000, shall be let only if a Class I notice is given pursuant to Ch. 985, Wis. Stats.

(5) The procedures set forth in this section may be waived when there is an immediate need for services, parts, materials, supplies or property in case of emergency, as authorized by §60.47(5), Wis. Stats.

(6) The attendance and reimbursement for expenses of Town officers and employees at seminars and conventions shall be subject to the approval of the Town Chairperson.

1.07 ELECTIONS. (1) **NOMINATION PAPERS.** All candidates for elective Town office shall file nomination papers pursuant to §8.05(4)(b), Wis. Stats., and shall be nominated as provided in §8.05(4)(a), Wis. Stats.

(2) **WARD BOUNDARIES ESTABLISHED.** As provided in §5.15, Wis. Stats., the Town shall be divided into 3 wards, the boundaries of which are set back on the Town Ward Map on file in the office of the Town Clerk.

(3) **COUNTY SUPERVISORY BOUNDARIES.** The Ozaukee County Board has designated 2 County Supervisory Districts within the Town, the boundaries of which are set forth on the County Supervisory District Map on file in the office of the Town Clerk.

(4) **POLLING PLACES.** All primary, general, special and other elections in and for each of the wards of the Town shall be held in the Town Hall.

(5) **POLLING HOURS.** The polls for all elections in the Town, unless otherwise provided by law, shall be opened at 9:00 A.M. and closed at 8:00 P.M. each election day.

(6) **REDUCTION OF NUMBER OF ELECTION OFFICIALS.** Pursuant to §7.32, Wis. Stats., the Town Clerk is hereby authorized to reduce the number of election officials for any given election to not less than 3 and redistribute the duties of such remaining election officials.

1.08 EMERGENCY MANAGEMENT. (1) **DEFINITION.** “Emergency Management” shall mean the preparation for and the carrying out of all emergency functions other than functions for which the military forces are primarily responsible, to minimize and repair injury and damage resulting from disaster caused by enemy attack, sabotage or other hostile action or by fire, flood or other natural causes.

(2) **AGENT OF TOWN.** The Ozaukee County Director of Emergency Management, upon request by the Town Chairperson during a declared emergency or under emergency conditions, is hereby designated, as agent of the Town, to act for and in behalf of the Town in all mat-

ters directly related to, or pertaining to, such emergency situation for purposes of obtaining any and all available assistance from County, State or Federal sources.

(3) **PENALTIES.** Any person who intentionally fails to comply with the directives of emergency management authorities promulgated under this section during a state of emergency or during any training program or exercise may be subject to a forfeiture of not more than \$200 and, in default of payment of such forfeiture, may be imprisoned in the County jail, but not more than 90 days.

1.09 POSTING AND PUBLICATION (1) POSTING. The Town Clerk shall, pursuant to §60.80 and Ch. 985, Wis. Stats., post, or cause to be posted, ordinances, resolutions and notices which are not legally required to be published in the following places:

- (a) Town Hall
- (b) Town Recycling Center
- (c) Schwai's Market

(2) **PUBLICATION.** Ordinances and notices required by law to be published and such other notices as the Town Board or the Plan Commission may direct to be published shall be published in the Ozaukee Press.

1.10 PUBLIC RECORDS. (1) DESIGNATION OF LEGAL CUSTODIAN OF THE RECORDS OF THE TOWN. The Town Board hereby designates the Town Clerk as the official legal custodian of the public records of the Town. It shall be the responsibility of the Clerk to carry out all duties and responsibilities imposed upon the Town and the legal custodian by the Wisconsin Public Records and Property Law, as set forth in §§19.31 to 19.39, Wis. Stats. The Clerk shall be responsible for the timely response to any request for access to the public records, the release of the public records of the Town, the conditions under which records may be inspected and the collection of costs for the location and reproduction of such records.

(2) **DESIGNATION OF DEPUTY LEGAL CUSTODIAN.** The Town Treasurer or the Town Chairperson is hereby designated as deputy legal custodian to act as legal custodian in the absence of the Town Clerk.

(3) **POWERS AND DUTIES OF THE OFFICIAL LEGAL CUSTODIAN.** All requests for the release, inspection and/or reproduction of public records of the Town shall be directed or referred to the Town Clerk who is hereby vested with full legal power to make all necessary decisions relative to the release, inspection and reproduction of public records and is further granted all authority necessary to carry out all duties and responsibilities required by either the Wisconsin Public Records and Property Law or this section. The Town Clerk shall establish times by appointment when persons shall have access to records maintained in the Town Hall. The Clerk shall prepare and post a notice to the public regarding access to public records, pursuant to §19.34, Wis. Stats.

(4) **FEE SCHEDULE REGARDING THE COSTS OF LOCATING AND/OR REPRODUCING RECORDS AND PROPERTY OF THE TOWN.** The cost of photocopying shall be 25¢ per page plus the cost of faxing or postage for which prepayment is required. It is intended that this fee schedule shall cover the payment of the actual, necessary and direct costs incurred in locating a document or in providing any person with a reproduction of any of the records of the Town. The fees estimated to exceed \$5 shall be paid in advance.

(5) **PRESERVATION OF RECORDS.** The records of the Town shall be retained and preserved by the legal custodian, as required by all applicable laws, and no records shall be destroyed without the prior written approval of the legal custodian. Further, no record of the Town shall be destroyed after the receipt of a request for such record until after the request is granted or until any dispute concerning the request has been completely and finally resolved.

(6) **DESTRUCTION OF OBSOLETE PUBLIC RECORDS.** (a) *Financial Records.* The Town Clerk may destroy the following nonutility records of which he is the legal custodian and which are considered obsolete after completion of an audit by State auditors or an auditor licensed under Ch. 442, Wis. Stats., but not less than 7 years after payment or receipt of any sum involved in the particular transaction unless a shorter period has been fixed or will, in the future, be fixed by the committee on public records, pursuant to §16.61(3)(e), Wis. Stats., and then after such shorter period:

1. Bank statements, deposit books, slips and stubs
2. Bonds and coupons after maturity
3. Cancelled checks, duplicates and check stubs
4. License and permit applications, stubs and duplicates
5. Official bonds
6. Payrolls and other time and employment records of personnel
7. Receipt forms
8. Special assessment records
9. Vouchers, requisitions, purchase orders and all other supporting documents pertaining thereto
10. Utility receipts.

(b) *Other Records.* The Town Clerk may destroy the following records of which he is the legal custodian and which are considered obsolete, but not less than 7 years after the record was effective.

1. Contracts and papers relating thereto
2. Correspondence and communications
3. Financial reports other than annual financial reports
4. Oaths of office
5. Reports of boards, commissions, committees and officials duplicated in the Town Board minutes
6. Petitions

(c) *Alternative Periods.* The Town Board may direct the retention of any record listed in pars. (a) and (b) above for a longer period of time.

(d) *Notice Required.* Prior to the destruction of any public record described above, at least 60 days' notice shall be given to the State Historical Society.

(e) *Limitation.* This section shall not be construed to authorize the destruction of any public record after a period less than prescribed by statute or State administrative regulation.

(7) **CERTAIN ASSESSOR'S RECORDS CONFIDENTIAL.** Whenever the Assessor, in the performance of his duties, requests or obtains income and expense information pursuant to §70.47(7)(af), Wis. Stats., or any successor statute thereto, such income and expense information that is provided to the Assessor shall be held by the Assessor on a confidential basis, except,

however, that said information may be revealed to and used by persons in the discharging of duties imposed by law, in the discharge of duties imposed by office (including, but not limited to, use by the Assessor in performance of official duties of the Assessor's office and use by the Board of Review in performance of its official duties); or pursuant to order of a court. Income and expense information provided to the Assessor under §70.47(7)(af), Wis. Stats., unless a court determines that it is inaccurate, is, pursuant to §70.47(7)(af), not subject to the right of inspection and copying under §19.35(1), Wis. Stats.

1.11 USE OF TOWN EQUIPMENT, TOOLS AND FURNISHINGS. Town equipment, including trucks, tractors, mowers, etc., and other property of the Town shall not be rented, lent or otherwise made available for use to town residents, commercial or nonprofit enterprises or the general public without the written consent of the Town Board.