

Chapter 4 - TOWN BOARD

Section 4.01 TOWN BOARD; ELECTIONS TO.

- (a) **Membership.** The Town of Turtle Town Board consists of four (4) Supervisors and the Chairperson.
- (b) **Elections.**
 - (1) There shall be elected one (1) person from the Town at large who shall be designated as the “Chairperson” and whose term shall be for a period of two (2) years.
 - (2) Biennially in odd-numbered years, at the annual spring election, there shall be elected three (3) members to the Town of Turtle Town Board, one (1) of whom shall be designated on the ballots as Chairperson and the other two (2) as Supervisor One and Two respectively.
 - (3) Biennially in even-numbered years, at the annual spring election, there shall be elected two (2) members to the Town of Turtle Town Board, designated as Supervisors Three and Four respectively.

State Law Reference: Section 60.20, Wis. Stats.

Section 4.02 GENERAL POWERS AND DUTIES OF THE TOWN BOARD.

The Town Board of the Town of Turtle has the specific authority, powers and duties, pursuant to Sections 60.10, 60.20, 60.22 and 60.23, Wis. Stats., and has, with authorization of the Town meeting, additional statutory authority, powers and duties to manage and direct certain affairs of the Town of Turtle. In addition, the Town Board of the Town of Turtle has additional general and specific statutory authority, powers and duties established beyond Chapter 60, Wis. Stats., and as prescribed by this Code of Ordinances.

- (a) **Charge of Town Affairs.** The Town Board shall have charge of all affairs of the Town not committed by law to another body or officer or to Town employee(s).
- (b) **Charge of Actions.** The Town Board has charge of any action or legal proceeding to which the Town is a party.

- (c) **Village Powers.** As authorized under Sec. 60.10(2)(c), Wis. Stats., and Sec. 2.02 of this Code, the Town Board shall exercise powers relating to villages and conferred on village boards under Ch. 61, Wis. Stats., except those powers which conflict with statutes relating to towns and town boards.
- (d) **Jurisdiction of Constable.** Pursuant to the Wisconsin Statutes, the Town Board shall determine the jurisdiction and duties of the Town Constable.
- (e) **Pursue Certain Claims of Town.** The Town Board shall demand payment of penalties and forfeitures recoverable by the Town and damages incurred by the Town due to breach of official bond, injury to property or other injury. If, following demand, payment is not made, the Board shall pursue appropriate legal action to recover the penalty, forfeiture or damages.

State Law Reference: Sections 60.10(2)(c) and 60.22, Wis. Stats.

Section 4.03 MISCELLANEOUS POWERS OF THE TOWN BOARD.

The Town Board may:

- (a) **Joint Participation.** Cooperate with the state, counties and other units of government under Sec. 66.0301, Wis. Stats., including cooperative arrangements involving the acquisition, development, remodeling, construction, equipping, operation and maintenance of land, buildings and facilities for regional projects, whether or not located in the Town.
- (b) **Utility Districts.** Establish utility districts under Sec. 66.0827, Wis. Stats., and provide that any convenience or public improvement in the district be paid for under that Section.
- (c) **Appropriations for Civic and Other Functions.** If authorized under Sec. 60.10(3)(b), Wis. Stats., appropriate reasonable amounts of money for gifts or donations to be used to:
 - (1) Further civic functions and agricultural societies.
 - (2) Advertise the attractions, advantages and natural resources of the Town.
 - (3) Attract industry.
 - (4) Establish industrial complexes.

- (5) Establish, maintain and repair ecological areas.
- (6) Provide for the organization, equipment and maintenance of a town museum or a municipal band, or for the employment of other bands to give concerts and municipal entertainment in the Town.
- (d) **Town Industrial Development Agency.** In order to promote and develop the resources of the Town, appropriate money for and create a Town industrial development agency or appoint an executive officer and provide staff and facilities for a nonprofit organization organized to act under this subsection. A Town industrial development agency created under this subsection may:
 - (1) Develop data regarding the industrial needs of, advantages of and sites in the Town.
 - (2) Engage in promotional activities to acquaint prospective purchasers with industrial products manufactured in the Town.
 - (3) Coordinate its activities with the Regional Planning Commission, the Wisconsin Department of Commerce and private credit development organizations.
 - (4) Engage in any other activity necessary for the continued improvement of the Town's industrial climate.
- (e) **Cooperation in County Planning.** Cooperate with the county in rural planning under Secs. 27.015, 59.54(4) and (4m) and 59.69, Wis. Stats.
- (f) **Conservation of Natural Resources.** If authorized by the Town meeting under Sec. 60.10(3)(a), Wis. Stats., appropriate money for the conservation of natural resources or for payment to a bona fide nonprofit organization for the conservation of natural resources within the Town or beneficial to the Town. No payment made be made to a nonprofit organization unless the organization submits and the Town Board approves a detailed plan of the work to be done. The plan shall include the name of the owner of any property on which work is to be performed.
- (g) **Emergency Pest and Disease Control.** Appropriate money for the control of insects, weeds or plant or animal diseases if:
 - (1) An emergency arises within the Town due to insects, weeds or plant or animal diseases; and

- (2) The Board determines that any delay resulting from calling a special Town meeting to authorize the Town Board to appropriate money for this purpose under Sec. 60.10(3)(c), Wis. Stats., would result in serious harm to the general welfare of the Town.
- (h) **Bowling Centers, Dance Halls, Roadhouses, Places of Amusement, Pool Tables and Amusement Devices.** Regulate, including the licensing of, bowling centers, dance halls, roadhouses, other places of amusement, billiard and pool tables and amusement devices maintained in commercial facilities. If a license is required, the Board shall establish the term of the license, not to exceed one year, and the license fee. The Board may suspend or revoke, for cause, a license issued under this subsection. Any person violating a regulation adopted under this subsection shall forfeit to the Town an amount established by the Town Board.
- (i) **Reimbursement of School Districts for Providing Transportation in Hazardous Areas.** Reimburse a school district for costs incurred by the district under Sec. 121.54(9), Wis. Stats., in transporting pupils who reside in the Town.
- (j) **Exchange Tax Credit for County Land.** Authorize the Town Treasurer to exchange any credit the Town has with the county, arising from delinquent real estate taxes, for county-owned lands.
- (k) **Associations of Towns.** Appropriate money to purchase membership in any association of town boards, town officials or town government for the protection of Town interests and improvement of Town government.
- (l) **Vacation of Alleys.** Vacate any alley in the Town under Sec. 66.1003, Wis. Stats. The Town Board may not vacate, under this Subsection, an alley adjacent to land fronting a state or county trunk highway.
- (m) **Cemeteries.** Provide for cemeteries under subch. II of Ch. 157, Wis. Stats.
- (n) **Change Street Names.** Name, or change the name of, any street in the Town under Sec. 82.03(7), Wis. Stats.
- (o) **Neighborhood Watch Program and Signs.** Authorize a neighborhood watch program. The Town Board may place within the right-of-way of a street or highway under the jurisdiction of the Town a neighborhood watch sign of a uniform design approved by the department of transportation. If the Town Board obtains the approval of the county board, the town board may place a sign under this subsection with the right-of-way of a county trunk highway within the limits of the town. No sign under this subsection may be placed within the right-of-way of a

highway designated as part of the national system of interstate and defense highways.

- (p) **Fences in Subdivisions.** If authorized under Sec. 60.10(2)(c) to exercise the village powers, by ordinance require a subdivider to construct a fence under Sec. 90.02 on the boundary of a subdivision, as defined under Sec. 236.02(8), as a condition of plat approval by the town. The fence shall be maintained under Sec. 90.05(2) and repaired under ss. 90.10 and 90.11.
- (q) **Disposition of Dead Animals.** Notwithstanding ss. 59.54(21) and 95.50(3), dispose of any dead animal within the town or contract for the removal and disposition with any private disposal facility. A town may enter into a contract with any other governmental unit under S.66.0301 to provide for the removal and disposition. A town may recover its costs under this subsection by imposing a special charge under s. 66.0627.
- (r) **Drug Paraphernalia.** Adopt an ordinance to prohibit conduct that is the same as that prohibited by s. 961.573(2), 961.574(2) or 961.575(2).
- (s) **Contribution to Truancy.** If the town board has established a municipal court under s. 755.01(1), adopt an ordinance to prohibit conduct that is the same as or similar to that prohibited by s. 948.45 and impose a forfeiture for a violation of the ordinance.
- (t) **School Attendance.** If the town board has established a municipal court under s. 755.01(1), enact and enforce an ordinance to impose a forfeiture, which is the same as the fine provided under s. 118.15(5), upon a person having under his or her control a child who is between the ages of 6 and 18 years and whose child is not in compliance with s. 118.15.
- (u) **Power to Prohibit Certain Conduct.** Enact and enforce ordinances, and provide forfeitures for violations of those ordinances, that prohibit conduct which is the same or as similar to that prohibited by chs. 941 to 948, except as provided in s. 66.0107(3).
- (v) **Cable Television.** Enact and enforce an ordinance, and provide forfeitures for a violation of that ordinance, that is similar to s. 100.209, or that gives a cable service subscriber greater rights than the rights under s. 100.209(2).
- (w) **Self-Insured Health Plans.** Provide health care benefits to its officers and employees on a self-insured basis, subject to s. 66.0137(4).
- (x) **Town Housing Authorities, Blighted Areas.** Engage in certain housing and redevelopment activities. The provisions of ss. 66.1201 to 66.1211, 66.1301 to 66.1329, 66.1331 to 66.1333 and 66.1335, except the

provisions of s. 66.1201(10) and any other provisions that conflict with statutes relating to towns and town boards, apply to towns and the powers and duties conferred and imposed by s. 66.1201 to 66.1211, 66.1301 to 66.1329, 66.1331 to 66.1333 and 66.1335, except the powers and duties conferred and imposed by s. 66.1201(10) and any other powers that conflict with statutes relating to towns and town boards, upon mayors, common councils and specified city officials are conferred upon town board chairpersons, town boards and town officials performing duties similar to the duties of the specified city officials and common councils respectively. Any town housing authorities created under this subsection may participate in any state grants-in-aid for housing in the same manner as city housing authorities created under ss. 66.1201 to 66.1211.

- (y) **Safety Buildings.** Construct, acquire, equip, furnish, operate and maintain a safety building. The provisions of s. 66.0925, as they apply to cities, shall apply to towns, and the powers and duties conferred and imposed by s. 66.0925 upon mayors, common councils and specified city officials are hereby conferred upon town board chairpersons, town boards and town officials performing duties similar to the duties of such specified city officials and common councils respectively, except those provisions or powers that conflict with statutes relating to towns and town boards.
- (z) **Billboard Regulation.** Enact and enforce an ordinance, and provide a forfeiture for a violation of the ordinance, that regulates the maintenance and construction of billboards and other similar structures on premises abutting on highways in the town that are maintained by the town or by the county in which the town is located so as to promote the safety of public travel on the highways.
- (aa) **Riding Horses, Dogs Running at Large.** Enact and enforce ordinances, and provide forfeitures for violations of those ordinances, that are the same as or similar to ordinances that may be enacted by a county to regulate riding horses and commercial stables under s. 59.54(19) or to regulate dogs running at large under s. 59.54(20).
- (bb) **Unified Local Transportation System.** Cooperate with a county under s. 59.58(2)(j) in the establishment of a comprehensive unified local transportation system as defined in s. 59.58(2)(c)2.

State Law Reference: Section 60.23, Wis. Stats.

Section 4.04 POWERS AND DUTIES OF TOWN BOARD CHAIRPERSON.

- (a) **General Powers and Duties.** The Town Board Chairperson shall:

- (1) Preside at Board meetings. Preside over meetings of the Town Board.
 - (2) Preside at Town meetings. Preside over Town meetings as provided under Sec. 60.13, Wis. Stats., and Sec. 3.05 of this Code.
 - (3) Sign Documents.
 - a. Sign all ordinances, resolutions, bylaws, orders, regulations, commissions, licenses and permits adopted or authorized by the Town Board unless the Town Board, by ordinance, authorizes another officer to sign specific types of documents in lieu of the Chairperson. The Board, by ordinance, may authorize use of a facsimile signature.
 - b. Sign all drafts, order checks and transfer orders as provided under Sec. 66.0607, Wis. Stats.
 - (4) Assure administration of Statutes. Supervise the administration of the Wisconsin Statutes relating to the Town and Town operations to see that they are faithfully executed.
 - (5) Act on behalf of Board. Act, on behalf of the Town Board, to:
 - a. See that Town orders and Ordinances are obeyed.
 - b. See that peace and order are maintained in the Town.
 - c. Obtain necessary assistance, if available, in case of emergency, except as provided under Ch. 166, Wis. Stats.
 - (6) Act on authorization of Board. If authorized by the Town Board, act on behalf of the Board to:
 - a. Direct, as appropriate, the solicitation of bids and quotations for the Town's purchase of equipment, materials and services and submit the bids and quotations to the Town Board for approval.
 - b. Represent, or designate another officer to represent, the Town at meetings of, and hearings before, governmental bodies on matters affecting the Town.
- (b) **Administer Oaths.** The Chairperson may administer oaths and affidavits on all matters pertaining to the affairs of the Town.

(c) **Other Responsibilities.** In addition to the powers and duties under this Section, the Chairperson has the following responsibilities:

- (1) Nominate individuals for service as election officials to the town board whenever the town board disapproves the nominee of a party committee under Sec. 7.30(4), Wis. Stats., and the names of additional nominees are not available.
- (2) Serve as caucus official under Sec. 8.05(1)(c), Wis. Stats.
- (3) Sue on official bonds under Sec. 19.015, Wis. Stats.
- (4) Execute and sign a certificate of indebtedness in connection with obtaining a state trust fund loan under Sec. 24.67, Wis. Stats.
- (5) Serve as Town fire warden under Secs. 26.13 and 26.14, Wis. Stats.
- (6) Appoint members of the board of harbor commissioners under Sec. 30.37(3), Wis. Stats.
- (7) Appoint members of library boards under Secs. 43.54(1)(a) and 43.60(3), Wis. Stats.
- (8) Exercise the powers and duties specified for a mayor under Sec. 62.13, Wis. Stats., if the Town creates a joint board of police and fire commissioners or joint police or fire department with a village under Sec. 61.65(3g)(d)2, Wis. Stats., or a board of police and fire commissioners under Sec. 60.57, Wis. Stats.
- (9) Provide an annual estimate of funds necessary for any utility district established under Sec. 66.072(2), Wis. Stats.
- (10) Appoint, at his or her discretion, one or more commissioners of noxious weeds under Sec. 66.0517, Wis. Stats.
- (11) If authorized by the Town Board, represent the interests of the Town in connection with appearances before the State Tax Appeals Commission under Sec. 70.64(5), Wis. Stats.
- (12) Approve the bond of the Town Clerk delivered to the County Treasurer under Sec. 70.67(1), Wis. Stats.
- (13) Sign orders for payment of work performed and materials furnished on Town highways.

- (14) See that all tunnels in the Town are constructed under Sec. 82.37, Wis. Stats., and that they are kept in good repair.
- (15) Serve as a member of the County Highway Committee under Sec. 83.015(1)(d), Wis. Stats.
- (16) Close county trunk highways when rendered dangerous for travel and notify the Highway Commissioner under Sec. 80.09, Wis. Stats.
- (17) Appoint members to Airport commissions under Sec. 114.14(2), Wis. Stats.
- (18) Under Sec. 167.10(8), Wis. Stats., enforce regulation of fireworks under Sec. 167.10, Wis. Stats.
- (19) Perform the Town Chairperson's duties related to stray animals and lost goods under Ch. 170, Wis. Stats.
- (20) Perform the Town Chairperson's duties related to distrained animals under Ch. 172, Wis. Stats.
- (21) Perform the Town Chairperson's duties related to animals that have caused damage in the Town under Ch. 172, Wis. Stats.
- (22) Perform the Town Chairperson's duties related to municipal power and water districts under Ch. 198, Wis. Stats.
- (23) Cause actions to be commenced for recover of forfeitures for violations of Town Ordinances that can be recovered in municipal court under Sec. 778.11, Wis. Stats.
- (24) Notify the district attorney of forfeitures which may not be recovered in municipal court under Sec. 778.12, Wis. Stats.
- (25) Approve bonds furnished by contractors for public works under Sec. 779.14(1m), Wis. Stats.
- (26) Appoint members to the Planning Commission with approval of the Town Board.
- (27) Appoint members to all Boards and Committees created by the Town Board, including Fundraising Committees, Board of Review, Parks Committee, Cemetery Committee, Boundary Line

Committee, Safety Committee, and Board of Adjustment. All appointments must be approved by the Town Board.

- (28) Appoint Vice-Chairs No. 1 and No. 2 for the Town Board.

State Law Reference: Section 60.24, Wis. Stats.

Section 4.05 MEETINGS OF THE TOWN BOARD.

The first regular meeting of the Town Board following the spring election, the Board shall establish regular meeting dates and times of the Town Board. Such dates/times may be modified by subsequent resolutions by the Town Board. Regular Town Board meetings are held on the second (2nd) Wednesday of each month. Any meeting of the Town Board including any special or adjourned meetings that are not held at the Town of Turtle Community Center but at any other substitute location, shall be designated by the Town Chairperson or his or her designee, in compliance with the open meeting law, by posting a proper written notice of the substituted location at the three (3) usual and customary posting locations likely to give notice. This notice shall occur at least twenty-four (24) hours prior to the meeting of the Town Board, unless in an emergency wherein the proper notice posting shall occur at least two (2) hours prior to the meeting of the Town Board.

Section 4.06 SPECIAL MEETINGS OF THE TOWN BOARD.

- (a) Any special meeting of the Town Board may be called by the Chairperson or two (2) members of the Town Board in writing with the written call for the special meeting of the Town Board filed with the Town Clerk at least twenty-four (24) hours prior to the proposed special meeting of the Town Board with the time specified in the written call for the special meeting.
- (b) No special meeting of the Town Board shall be held unless the notice requirement of the State Open Meeting Law, pursuant to sec. 19.82, Wis. Stats., has been complied with by the person or persons requesting the public meeting.
- (c) The Town Clerk, upon receipt of the written call for the special meeting of the Town Board, shall immediately notify, either by telephone or in writing, each member of the Town Board. If any member of the Town Board cannot be personally notified, then the Town Clerk shall deliver or have delivered a copy of a written notice 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 any member of the Town Board cannot be

noticed in writing through an adult family member as noted above, then the Town clerk shall post such special meeting written notice in the above noted three (3) usual and customary locations.

- (d) The Town Clerk shall file proof of notice of such special meeting by filing an affidavit noting the time, place and type of notice given to the Town Board.
- (e) Special meetings of the Town Board may be held without such notice when all members of the Town Board are present in person or consent in writing to holding of any special meeting of the Town Board. Any consent by any member of the Town Board shall be filed by the Town Clerk prior to the beginning of any special meeting of the Town Board.
- (f) 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 of Turtle business that may come before the Town Board is such regular Town business was noted in the written notice to the public as required by the State Open Meeting Law, Sec. 19.82, Wis. Stats.

Section 4.07 OPEN MEETINGS.

All Town Board and official Town committee and commission meetings shall be open to the public and be in compliance with Wisconsin's Open Meeting Law.

State Law Reference: Ch. 19, Subch. IV, Wis. Stats.

Section 4.08 QUORUM.

A majority of the Board shall constitute a quorum, but a lesser number may adjourn if a majority is not present. The Chairperson shall be counted in determining whether a quorum exists. If no legal quorum is present at the time of the initial roll call, the meeting of the Town Board shall be thereon adjourned by the members of the Town Board present to a specific date and hour.

Section 4.09 PRESIDING OFFICER; ABSENCE OF CHAIRPERSON OR CLERK.

- (a) **Chairperson to Preside.** The Chairperson shall preside at all meetings of the Town Board when present.

- (b) **Absence of Chairperson; Chairperson Pro Tem.** The Town Board at its first meeting subsequent to the regular election and qualification of new members shall after organization, annually choose from its members a Vice-Chair No. 1 and Vice-Chair No. 2. In the absence of the Chairperson, the Vice-Chair No. 1 shall preside at meetings of the Town Board. In the absence of the Chairperson and Vice-Chair No. 1, Vice-Chair No. 2 shall preside at meetings of the Town Board. When Vice-Chair No. 1 or Vice-Chair No. 2 preside at meetings, they shall have the powers and duties of the Chairperson.

- (c) **Absence of Town Clerk at Meeting.** If the Town Clerk is not present at the time of the initial roll call of the meeting of the Town Board, the Town Chairperson shall appoint the Deputy 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 of the Town Board by the Town Clerk.

Section 4.10 ORDER OF BUSINESS.

- (a) **Order of Business.** At all meetings, the following order may be observed in conducting the business of the Town Board:
 - (1) Call to Order.
 - (2) Pledge of Allegiance.
 - (3) Roll Call/Quorum Call.
 - (4) Approval of Agenda.
 - (5) Committee Reports.
 - a. Highway Department Report.
 - b. Fire Department Report.
 - c. Police Department Report.
 - d. Safety Committee Report.
 - e. Parks Committee.
 - f. Cemetery Committee.

- g. Any Additional Reports.
 - (6) Public Notices - Future Meetings.
 - (7) Citizens' Questions/Comments.
 - (8) Board Member Comments.
 - (9) Approval of Minutes.
 - (10) Approval of Invoices.
 - (11) Treasurer Report.
 - (12) Planning Commission Report.
 - (13) Unfinished Business.
 - (14) New Business.
 - (15) Adjournment.
- (b) **Agenda Preparation.**
- (1) The Town Chairperson shall prepare and the Town Clerk shall distribute and post an agenda incorporating the matters comprising the order of business; and
 - (2) There shall be included on said agenda a time for hearing citizens wishing to address the Board; and
 - (3) No matter requiring research, investigation or decision shall be placed on the agenda of the Town Board unless a request to do so is made to the Town Chairperson at least two (2) business days prior to the meeting.
- (c) **Order to be Followed; Citizen Comments.**
- (1) Any member of the Town Board may take up any business on the agenda in an order other than as described in the agenda unless there is an objection by any other member of the Town Board.
 - a. At meetings of the Town Board no person, other than the members of this Board shall address the Town Board or

any member of the Town Board. This provision shall not apply to:

1. The Town Clerk/Treasurer.
2. Any member of the Town Board.
3. Town Engineer.
4. Town Attorney.
5. Chief of Police.
6. Fire Chief.
7. Highway Superintendent or Designee.

- b. This provision shall also not apply under the specific orders of business established to recognize residents of the Town or other persons, under the specific order of business to recognize members of any Town office, Town committee, Town agency, Town commission or a special board or other Town officers or except if the person has specifically requested the right to address the Town Board and then only after the approval of the presiding officer.
- c. The Chairperson or presiding officer may impose a time limit on the length of time citizens may address the Board.

- (d) **Roll Call; Procedure When Quorum Not in Attendance.** As soon as the Board shall be called to order, the Clerk shall proceed to call the names of the members, noting who are present and who are absent and record the same in the proceedings of the Board. If it shall appear that there is not a quorum present, the fact shall be entered on the record and the Board may adjourn.

Section 4.11 INTRODUCTION OF BUSINESS, RESOLUTIONS AND ORDINANCES; DISPOSITION OF COMMUNICATIONS.

- (a) **Ordinances to be in Writing.** All ordinances submitted to the Board shall be in writing and shall include at the outset a brief statement of the subject matter and a title. All written material introduced shall be read and then discussed and acted upon as the Board deems appropriate.

Ordinances may be submitted for consideration by the Town Board by any member of the Town Board, Chairperson, or other Town officials.

- (b) **Subject and Numbering of Ordinances.** Each Ordinance shall be related to no more than one (1) subject. Amendment or repeal of Ordinances shall only be accomplished if the amending or repealing Ordinance contains the number and title of the Ordinance to be amended or repealed, and title of amending and repealing Ordinances shall reflect their purpose to amend or repeal.
- (c) **Notice.**

- (1) The Town Board may take action on an Ordinance only if it appears on the written agenda for meeting at which action is requested in order to provide proper legal notice.

- (2) Ordinances will be placed on the agenda for Board action only if they are submitted to the Town Clerk in written form a minimum of two (2) days prior to the meeting at which action is requested.

- (c) **Disposition of Petitions, Communication, Etc.** Every petition or other writing of any kind, addressed to the Board, Clerk of other Town officer for reference to the Town Board, shall be delivered by the Clerk or such other Town officer to the Chairperson or to the presiding officer of the Board as soon as convenient after receipt of same and, in any event, prior to or at the opening of the next meeting of the Board following the receipt of same.

Section 4.12 CONDUCT OF DELIBERATIONS.

- (a) A roll call shall not be necessary on any questions or motions except as follows:

- (1) When yes and no is requested by any member.
 - (2) On confirmation and on the adoption of any measure assessing or levying taxes, appropriations or disbursing money, or creating any liability or charge against the Town or any fund thereof.
 - (3) When requested by the State Statutes of Wisconsin.
 - (4) When requested by the Chairperson.

- (b) All yes and no votes shall be recorded in the official minutes.

- (c) Except as provided below, the Town Board shall, in all other respects, determine the rules of its procedure, which shall be governed by Robert's

Rules of Order (Revised), which is hereby incorporated by reference, unless otherwise provided by Ordinance or Statute, except when otherwise limited or modified by this Code of Ordinances:

(1) No Supervisor shall address the Board until he/she has been recognized by the presiding officer. He/she shall thereupon address himself/herself to the Chairperson and confine his/her remarks to the question under discussion and avoid all personalities.

(2) When two (2) or more members simultaneously seek recognition, the presiding officer shall name the member who is to speak first.

Section 4.13 PROCEDURE AT PUBLIC HEARINGS.

- (a) The Chairperson, or the Town Attorney, shall first call on those persons who wish to speak for the proposition. Each person wishing to speak for the proposition shall give his or her name and address.
- (b) Each person speaking on behalf of the proposition shall be limited in time of five (5) minutes.
- (c) The Chairperson, or the Town Attorney, shall then call on those persons who wish to oppose the proposition.
- (d) Each such person wishing to speak in opposition to the proposition shall give his or her name and address and shall also be limited to five (5) minutes.
- (e) Any person wishing to speak in rebuttal to any statements made may, with the permission of the Chairperson, do so, provided, however, such rebuttal statement shall be limited to three (3) minutes by any one (1) individual.
- (f) When the Chairperson, in his discretion, is satisfied that the proposition has been heard, he/she shall announce the fact that the hearing is concluded.

Section 4.14 MOTIONS; VOTING.

(a) **Motions Stated.** Prior to any debate on a 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 a second to any motion prior to any debate or discussion of the motion. 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 Chairperson may, if felt necessary, 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.

(b) **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.

(c) **Motions With Preference.** During any meeting of the Town Board certain motions will have preference. In order of precedence, they are:

- (1) Motion to Adjourn. This motion can be made at any time and has first precedence. This is a non-debatable motion.
- (2) Motion to Lay on the Table. This motion may be made when the subject matter appropriate for tabling is to be debated or discussed. This motion is a non-debatable motion.
- (3) Motion to Call Previous Question. This motion may be made at any time after the debate or discussion commences related to an action item, business item, motion or question that is properly before the Town Board. This motion is a non-debatable 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 a Date Certain. This motion 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 a Committee. This motion 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 the Question. This motion 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, amends or divides the main action item, main business item, main motion or main question pursuant to the method described and adopted in the motion to amend or divide.
- (7) Motion to Postpone Indefinitely. This motion 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 debate and discussion at the meeting on the action item, business item, motion or question.
- (8) Motion to Introduce a Matter Related to the Action Item, Business Item, Motion or Question. This motion 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.

(d) **Public Directory Votes.** 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 Board. Any vote taken by the general public at a meeting of the Town Board shall be considered by this Board only as an advisory vote and shall not be considered as a directory vote. Directory votes to require certain actions to be taken by the Town Board may occur at an annual or special Town meeting.

Section 4.15 RECONSIDERATION OF QUESTIONS.

It shall be in order for any member if, in the majority, to move for the reconsideration of any vote in question at the same meeting or at the next succeeding regular adjourned meeting. A motion to reconsider being put and lost shall not be renewed.

Section 4.16 PUBLICATION OR POSTING OF ORDINANCES AND RESOLUTIONS.

(a) **General Requirement.** The Town Clerk shall post in at least three (3) places in the Town likely to give notice to the public, the following, within thirty (30) days after passage or adoption:

(1) Resolutions, motions and other actions adopted by the Town meeting, or in the exercise of powers, under Sec. 60.10, Wis. Stats.

(2) Ordinances adopted by the Town Board.

(3) Resolutions of general application adopted by the Town Board and having the effect of law.

(b) **Effective Upon Publication.** An ordinance, resolution, motion or other action required to be published or posted under this section shall take effect the day after its publication or posting, or at a later date if expressly provided in the ordinance, resolution, motion or action.

(c) **Affidavit of Posting.** If an ordinance, resolution, motion or other action is posted under this section, the Clerk shall sign an affidavit attesting that the item was posted as required by this section and stating the date and place of posting. The affidavit shall be filed with other records under the jurisdiction of the Clerk.

State Law Reference: Section 60.80, Wis. Stats.

Section 4.17 AMENDMENT OF RULES.

The rules of this Chapter shall not be rescinded or amended unless the proposed ordinance amendment or motion to rescind has laid over from a regular meeting, and then it shall require a vote of two-third (2/3) of all the members of the Board.

Section 4.18 SUSPENSION OF RULES.

Any of the provisions of Section 4.12 through 4.15, inclusive, of this Code may be suspended temporarily by a majority of the Board members present at any meeting.

