

2.01 VILLAGE POWERS ORDINANCE

(1) **Title**

This ordinance is entitled the "Village Powers Ordinance."

(2) **Authority**

The Town Board, with certain actions of the annual Town meeting or any special Town meeting in the Town of Randall, pursuant to Sec. 60.10(2), (1991-1992) Wis. Stats., may obtain, by resolution, the right for the Town Board to exercise, pursuant to Sec. 60.22, (1991-1992) Wis. Stats., powers of a village board under Chap. 61, (1991-1992) Wis. Stats., except that the Town Board cannot exercise those village board powers which conflict with statutes relating to Towns and Town Boards. This resolution, by the Town meeting, is to be general and continuing. This grant of legislative and administrative power to the Town Board is to be known as "Village Powers."

(3) **Adoption of Ordinance**

The Town meeting of the Town of Randall dated April 4, 1967, did authorize, by adoption of a resolution, and the Town Board does, by adoption of this ordinance, confirm that the Town Board has the specific authority, powers and duties noted above in Chapter 60 and 61, (1991-1992) Wis. Stats., and has established pursuant to these chapters and this ordinance the powers and duties of the Town Board to exercise village board powers pursuant to Sec. 60.22 and 61.34, (1991-1992) Wis. Stats., and subject to the conditions established in Sec. 60.22, (1991-1992) Wis. Stats.

2.02 ANNUAL TOWN AND SPECIAL TOWN MEETING ORDINANCE

(1) **Title**

This ordinance is entitled the "Annual Town and Special-Town Meeting Ordinance."

(2) **Authority**

The regular and special Town meetings of the residents of the Town of Randall have the statutory authority, powers, and duties pursuant to Sec. 60.10, 60.11, 60.12, 60.13, 60.14, 60.15, and 60.16 (1991-1992) Wis. Stats., to manage and direct certain affairs of the Town.

(3) **Adoption of Ordinance**

The Town Board has, by adoption of this ordinance, confirmed the specific statutory authority, powers, and duties noted above

and has established the powers and duties of the regular and special Town meetings of the residents of the Town.

(4) **Requirement for Annual Meeting and Time of Annual Meeting**

The Town of Randall shall hold, unless otherwise noted, the annual Town meeting on the second (2nd) Tuesday of April. The annual Town meeting shall convene at 8:00 p.m. and shall adjourn upon a vote of the majority of the qualified electors present and voting at time of adjournment. The Town of Randall annual Town meeting may be recessed to a time and date certain if the second meeting is held within thirty (30) days after the date of the original annual Town meeting.

The Town of Randall annual Town meeting may be set on a date different than the second (2nd) Tuesday of April if the prior Town of Randall annual Town meeting selected a different date and if the date selected is within ten (10) days after the second (2nd) Tuesday of April. With a different date selected, the Town Clerk shall, not more than twenty (20) days nor less than fifteen (15) days before the new date, publish a Class 2 notice of the annual Town meeting pursuant to Chapter 985, (1991-1992) Wis. Stats. If the Town has designated a weekly publication as the official general circulation newspaper, the Town Clerk shall post the meeting notice in at least three (3) public places and publish once in the official newspaper. The notice shall state the proposed date, time and location of the annual Town meeting, and if the Town Clerk also post notice in the usual and customary locations, the same time and notice content requirements shall apply.

(5) **Location for Annual Town Meeting**

The Town of Randall annual Town meeting shall be held at the Town Hall, Bassett, Wisconsin. Every Town of Randall annual Town meeting will be held at this location unless the location is changed by the Town Board.

If the Town Board does change the location of the annual Town meeting, the Town Clerk shall publish a Class 2 notice under Chapter 985, (1991-1992) Wis. Stats., stating the new location of the annual Town meeting. This notice shall be published by the Town Clerk not more than twenty (20) days nor less than fifteen (15) days prior to the date of the annual Town meeting. If the Town has designated a weekly publication as the official general circulation newspaper, the Town Clerk shall post the meeting notice in at least three (3) public places and publish once in the official newspaper.

(6) **Notice of Annual Town Meeting**

The Town Board need not, by state law, provide public notice of the annual Town meeting unless the date, time or location have been changed. If the date, time, or location has been changed, then

the Town Clerk shall comply with the notice requirements noted in Sec. (4) and Sec. (5) noted above.

If the Town Board decides to provide public notice of the annual Town meeting, the Town Clerk shall publish a public notice in the official newspaper and shall post public notice in at least three (3) of the usual and customary locations in the Town.

(7) **Jurisdiction of the Annual Town Meeting**

(a) The Town of Randall annual Town meeting may transact any business at the annual Town meeting or at any properly adjourned annual Town meeting over which the annual Town meeting has legal jurisdiction. The Town of Randall annual Town meeting or any properly adjourned annual Town meeting shall not transact business where the legal jurisdiction to transact that business is with the Town Board.

(b) The Town Board, by its Town Chairperson or senior Town Board member if the Town Chairperson is not present, shall object to any action taken at the annual Town meeting or special Town meeting where the jurisdiction for the action to be taken lies not with the Town meeting but with the Town Board or with another Town official or does not lie within the jurisdiction of the Town government. The Town Chairperson or the senior Town Board member shall note his or her objection and the reason for the objection in the public record.

(c) The Town meeting may take advisory votes on matters that pertains to actions that could or should be taken by the Town Board or any other Town official.

(8) **Presiding Officer of the Annual Town Meeting and Special Town Meeting**

The Town of Randall annual Town meeting and any other special Town meeting shall have as the presiding officer of the annual Town meeting or special Town meeting the Town Chairperson. If the Town Chairperson is absent, another member of the Town Board shall be elected the presiding officer of the annual Town meeting or special Town meeting by a majority vote of the qualified electors of the Town present and voting at the annual Town meeting or special Town meeting. If no member of the Town Board is present, the qualified electors at the annual Town meeting or special Town meeting shall elect the presiding officer of the annual Town meeting or special Town meeting by a majority vote of the qualified electors present and voting.

If the Town of Randall annual Town meeting is held in a year when the office of Town Chairperson is filled by election, the person holding the position of Town Chairperson on the date prior

to the election to fill the office of Town Chairperson shall preside as presiding officer of the Town of Randall annual Town meeting. The Town Chairperson is entitled to receive, pursuant to Sec. 60.13, (1991-1992) Wis. Stats., any per diem which is ordinarily paid to a presiding officer of the Town of Randall annual Town meeting. If such person is absent from the Town of Randall annual Town meeting, the presiding officer of the Town of Randall annual Town meeting shall be chosen as noted herein.

(9) **Order of Business of Annual Town Meeting and Special Town Meeting**

At the Town of Randall annual Town meeting or at any other special Town meeting, the presiding officer of the annual Town meeting or special Town meeting shall state the business to be transacted and the order in which the business will be considered. No proposal by any person to levy a tax for the Town of Randall, except a tax to defray necessary Town of Randall expenses shall be acted on out of the order stated by the presiding officer of the annual Town meeting or special Town meeting.

(10) **Method of Action by Electors**

At the Town of Randall annual Town meeting or at any other special Town meeting all action shall be by vote. All questions shall be decided by the majority of the qualified electors present and voting. Only qualified electors may vote at a Town of Randall annual Town meeting or special Town meeting.

(11) **Enforcement Authority at Annual Town Meeting and Special Town Meeting**

The presiding officer of the Town of Randall annual Town meeting or special Town meeting shall maintain order and decorum. The presiding officer of the Town of Randall annual Town meeting or special Town meeting may order any person to leave a Town of Randall annual Town meeting or special Town meeting if this person has conducted himself or herself in a disorderly manner and has persisted on such conduct after being requested by the presiding officer of the annual Town meeting or special Town meeting to cease such conduct. If the person refuses the order of the presiding officer of the annual Town meeting or special Town meeting, the presiding officer then may order a law enforcement officer to take the person into custody until the annual Town meeting or special Town meeting is adjourned.

(12) **Reconsideration of Actions**

At the Town of Randall annual Town meeting or special Town meeting a vote may be only reconsidered at the same annual Town meeting or special meeting at which the vote was taken if the qualified electors at the Town of Randall annual Town meeting or

special Town meeting vote to reconsider within one (1) hour after the initial vote was taken.

No action of the annual Town meeting or special Town meeting may be reconsidered at a subsequent special Town meeting held prior to the next Town of Randall annual Town meeting unless a special Town meeting is convened pursuant to Sec. 60.12(1)(b), (1991-1992) Wis. Stats., or Sec. 60.12(1)(c), (1991-1992) Wis. Stats., and written request or call for a special Town meeting which states that the purpose for the special Town meeting is reconsideration of prior action taken at a prior annual Town meeting or at a prior special Town meeting.

(13) **Town Clerk Duties at Annual Town Meeting and Special Town Meeting**

At the Town of Randall annual Town Meeting or at any other special Town meeting, the Town Clerk shall serve as clerk of the annual Town meeting or special Town meeting. If the Town Clerk is absent, the Deputy Town Clerk shall serve as clerk of the annual Town meeting or special Town meeting. If the Town Clerk and Deputy Town Clerk are both absent, the presiding officer of the annual Town meeting or special Town meeting shall appoint a clerk pro tem as clerk for the annual Town meeting or for the special Town meeting.

The clerk of the annual Town meeting or special Town meeting shall keep the minutes of the annual Town meeting or special Town meeting. The clerk of the annual Town meeting or special Town meeting shall keep a poll list of electors if required by prior annual Town meetings actions of the Town with the poll list to contain the names and address of every elector voting at the annual Town meeting or special Town meeting. The minutes of the annual Town meeting or special Town meeting shall be signed by the clerk of the annual Town meeting or special Town meeting and these minutes shall be filed in the office of the Town Clerk within five (5) days after the annual Town meeting or special Town meeting.

(14) **Special Town Meeting**

In the Town of Randall a special Town meeting may be convened if:

(a) Called by any annual Town meeting or special Town meeting.

(b) Called by written request, signed by a number of electors equal to but not less than ten percent (10%) of the votes cast in the Town for governor at the last general election as filed with the Town Clerk.

- (c) Called by the Town Board.

A special Town meeting request or special Town meeting call shall contain the time, date and purpose of the special Town meeting. The locations for the special Town meeting shall be where the preceding annual Town meeting was held, unless the location is changed by the Town Board. A special Town meeting may be reconvened to a time and date certain if the resumed special Town meeting is held within thirty (30) days of the original scheduled special Town Meeting.

Any business which may be transacted by the annual Town meeting of the Town of Randall may be transacted at a special Town meeting. The Town Clerk, not more than twenty (20) days or less than fifteen (15) days before the date of the special Town meeting, shall publish a Class 2 public notice of the special Town meeting under Chap. 985 (1991-1992) Wis. Stats. The public notice shall state the purpose, date, time and location of the special Town meeting. If the Town has designated a weekly publication as the official general circulation newspaper, the Town Clerk shall post the meeting notice in at least three (3) public places and publish once in the official newspaper. If, in addition, public notice is posted at the usual and customary location, the same time and content requirements shall apply.

(15) **Specific Statutory Authority, Powers and Duties Pursuant to Sec. 60.10 (1991-1992) Wis. Stats., of Annual Town Meeting and Special Town Meeting**

(a) Direct Powers

1. Raise Money

The Town meeting of the Town of Randall may raise money, including levying taxes, to pay for expenses of the Town, unless the authority has been delegated to the Town Board under Sec. 60.10(2)(a), (1991-1992) Wis. Stats., noted herein.

2. Town Officers and Officers

The Town meeting of the Town of Randall may fix the compensation of elective Town offices under Sec. 60.32, (1991-1992) Wis. Stats., unless the authority has been delegated to the Town Board under Sec. 60.10(2)(k), (1991-1992) Wis. Stats.

3. Combine Offices of Town Clerk and Town Treasurer

The Town meeting of the Town of Randall may combine the offices of Town Clerk and the Town Treasurer pursuant to Sec. 60.10(1)(b)2, (1991-1992) Wis. Stats.

4. Office of Town Constable

The Town meeting of the Town of Randall did on 30 November 1990, abolish the office of Town Constable. The office of Town Constable was abolished effective 9 April 1991.

5. Designation of Full-Time or Part-Time status for Town Clerk and Town Treasurer

The Town meeting of the Town of Randall may designate the office of Town Clerk, Town Treasurer or the combined office of clerk and treasurer as part-time under Sec. 60.10(1)(b)5, (1991-1992) Wis. Stats.

6. Election of Town Officers

The annual Town meeting of the Town of Randall may adopt a plan under Sec. 5.60(6), (1991-1992) Wis. Stats., to elect Town Board supervisors to numbered seats.

7. Nomination of Officers

The Town meeting of the Town of Randall may provide, under Sec. 8.05(3)(a), (1991-1992) Wis. Stats., for the nomination of candidates for elective Town offices at a nonpartisan primary election.

8. Public Waterways

The Town meeting of the Town of Randall may appropriate money for the improvement and maintenance of a public waterway under Sec. 81.05, (1991-1992) Wis. stats.

9. Cemeteries

The Town meeting of the Town of Randall may authorize the acquisition and conveyance of cemeteries under Sec. 157.50(1) and (3), (1991-1992) Wis. Stats.

10. Administrator Agreements

The Town meeting of the Town of Randall may approve agreements to employ an administrator for more than three (3) years under Sec. 60.37(3)(d), (1991-1992) Wis. Stats.

(b) Directives or "Grants of Authority to Town Board

1. Raise Money

The Town meeting of the Town of Randall may authorize the Town Board to raise money, including levying taxes, to pay for expenses of the Town.

2. Membership of the Town Board in Populous Towns

The Town meeting of the Town of Randall may, in a Town with a population of twenty-five hundred (2,500) or more, direct the Town Board to increase the membership of the Town Board under Sec. 60.21(2), (1991-1992) Wis. Stats.

3. Exercise of Village Powers

The Town meeting of the Town of Randall did on April 4, 1967 authorize the Town Board to exercise village powers.

4. General Obligation Bonds

The Town meeting of the Town of Randall may authorize the Town Board to issue general obligation bonds in the manner and for the purposes provided by law.

5. Purchase of Land

The Town meeting of the Town of Randall may authorize the Town Board to purchase any land within the Town for present or anticipated Town purposes.

6. Town Buildings

The Town meeting of the Town of Randall may authorize the Town Board to purchase, lease or construct buildings for the use of the Town, to combine for this purpose the Town of Randall funds with those of a society or corporation doing business or located in the Town and to accept contributions of money, labor or space for this purpose.

7. Disposal of Property

The Town meeting of the Town of Randall may authorize the Town Board to dispose of Town property, real or personal, other than property donated to and required to be held by the Town for a special purpose.

8. Exercise of Certain Zoning Authority

The Town meeting of the Town of Randall may, in a Town located in a county which has adopted a zoning ordinance under Sec. 59.97, (1991-1992) Wis. Stats., authorize, under Sec. 60.62(2), (1991-1992) Wis. Stats., the Town Board to adopt Town zoning ordinances under Sec. 61.35, (1991-1992) Wis. Stats.

9. Compensation of Elective Town Offices

The Town meeting of the Town of Randall may authorize the Town Board to fix the compensation of elective Town offices under Sec. 60.32(1)(b), (1991-1992) Wis. Stats.

(c) Authorization of Town Board to Appropriate Money

The Town meeting of the Town of Randall may authorize the Town Board to appropriate money in the next annual budget for:

1. Conservation of Natural Resources

The conservation of natural resources by the Town of Randall or a bona fide nonprofit organization under Sec. 60.23(6), (1991-1992) Wis. Stats.

2. Civic Functions

Civic and other functions under Sec. 60.23(3), (1991-1992) Wis. Stats.

3. Insect, Weeds and Animal Diseases

The control of insect pests, weeds or plant or animal disease within the Town.

4. Rural Numbering Systems

Posting signs and otherwise cooperating with the county in the establishment of a rural numbering system under Sec. 59.07(65), (1991-1992) Wis. Stats.

5. Cemetery Improvements

The improvement of the Town of Randall cemetery under Sec. 157.50(5), (1991-1992) Wis. Stats.

2.03 TOWN BOARD GENERAL ORDINANCE

(1) **Title**

This ordinance is entitled the "Town Board General Ordinance."

(2) **Authority**

The Town Board has the specific authority, powers and duties, pursuant to Sec. 60.10, 60.20, 60.22, and 60.23 (1991-1992) 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. In addition, the Town Board has additional general and specific statutory authority, powers and duties established beyond Chapter 60, (1991-1992) Wis. Stats.

(3) **Adoption of Ordinance**

The Town Board has, by adoption of this ordinance, confirmed the specific statutory authority, powers and duties of the Town Board established in Chapter 60, (1991-1992) Wis. Stats., and has established, pursuant to the above noted chapter and this ordinance, other statutory authority, powers and duties of the Town Board to manage and direct the affairs of the Town.

(4) **Number of Members of Town Board**

The Town Board shall consist of five (5) members. The Town Board shall be designated the "Town Board of the Town of Randall".

(5) **Quorum of Town Board**

A legal quorum of a Town Board is a majority of the members of the Town Board. The current Town Board consists of five (5) members which three (3) members shall be a legal quorum when they are in attendance at any duly called and any duly authorized public meeting of the Town Board.

(6) **Meeting of Town Board**

A meeting of the Town Board may be held within the Town of Randall or in any town, city or village within or adjoining the Town of Randall subject to the open meeting provisions of Subchapter V of Chapter 19, (1991-1992) Wis. Stats.

(7) **General Statutory Authority, Powers and Duties of Town Board**

(a) **Specific Statutory Authority, Powers and Duties Pursuant to Sec. 60.22 and 60.23, (1991-1992) Wis. Stats.**

The Town Board has the below noted specific powers and specific duties that are established in Sec. 60.22 and 60.23, (1991-1992) Wis. Stats. These powers and duties are:

1. Charge of Town Officers

The Town Board has charge of all affairs of the Town not committed by law to another body or officer or to a Town employee of the Town.

2. Charge of Actions

The Town Board has charge of any actions or legal proceeding to which the Town is a party.

3. Pursue 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 any official bond, any injury to property or other injury. If, following demand by the Town Board, payment is then not made, the Town Board shall pursue appropriate legal action to recover the appropriate penalty, forfeiture or damages.

4. Joint Participation Agreements

The Town Board may cooperate with state, county or other units of government in Wisconsin pursuant to Sec. 66.30, (1991-1992) Wis. Stats., including cooperative arrangements involving the acquisition, development, remodeling, construction, equipping, operation and maintenance of land, building and facilities for regional projects whether or not located in the Town.

5. Utility Districts in Town

The Town Board may establish utility districts pursuant to Sec. 66.072, (1991-1992) Wis. Stats., and may provide that any convenience or public improvement in the district be paid for under that section.

6. Cooperation in County Planning

The Town Board may cooperate with the county in rural planning under Sec 27.015, (1991-1992) Wis. Stats., Sec. 59.07(65), (1991-1992) Wis. Stats., and Sec. 59.97, (1991-1992) Wis. Stats.

7. Conservation of Natural Resources

The Town Board may, if authorized by the Town meeting under Sec. 60.10(3)(a), (1991-1992) 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 may be made to a nonprofit organization unless the organization submits and the Town Board approves a detailed plan of work to be done. The plan shall include the name of the owner of any property on which work is to be performed.

8. Obstruction in Non-Navigable Waters

The Town Board may remove, at the expense of the Town, any obstruction located in the Town which prevents the natural flow of water in a non-navigable stream. One or more Town Board supervisors, or a designee of the Town Board may enter upon any land if necessary to remove the obstruction.

9. Library Theft

The Town Board may adopt an ordinance to prohibit conduct which is the same or similar to that prohibited by Sec. 943.61, (1991-1992) Wis. Stats., and impose a forfeiture for violation of the ordinance.

10. Associations of Towns

The Town Board may appropriate money to purchase membership in any association of Town boards for the protection of Town interests and improvement of Town government.

11. Vacation of Alleys

The Town Board may vacate any alley in the Town under Sec. 66.296, (1991-1992) Wis. Stats. The Town Board may not vacate, under this subsection, an alley adjacent-to land fronting a state or county trunk highway.

12. Fences in Subdivisions

The Town Board may, if authorized under Sec. 60.10(2)(c), (1991-1992) Wis. Stats., to exercise village powers, by ordinance require a sub-divider to construct a fence under Sec. 90.02, (1991-1992) Wis. Stats., on the boundary of a subdivision, as defined under Sec. 236.02(8), (1991-1992) Wis. Stats., as a condition of plat approval by the Town. The fence shall be maintained under Sec. 90.05(2)

(1991-1992) Wis. Stats., and required under 90.10, (1991-1992) Wis. Stats., and Sec. 90.11, (1991-1992) Wis. Stats.

13. Disposition of Dead Animals

The Town Board may, notwithstanding Sec. 59.07(84), (1991-1992) Wis. Stats., and Sec. 95.50(3), (1991-1992) Wis. Stats., dispose of any dead animal within the Town or contract for the removal and disposition with any private disposal facility.

14. Emergency Pest and Disease Control

The Town Board may appropriate money for the control of insects, weeds or plant or animal disease if:

a. An emergency arises within the Town due to insects, weeds or plant or animal diseases; and

b. The Town 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), (1991-1992) Wis. Stats., would result in serious harm to the general welfare of the Town.

15. Exchange Tax Credit for County Land

The Town Board may authorize the Town Treasurer to exchange any credit the Town has with the county, arising from delinquent real estate taxes, for county-owned land.

16. Use of Firearms

The Town Board may regulate the careless use of firearms and impose forfeitures for violation of the regulations.

17. Change of Street Names

The Town Board may name or change the name of any street in the Town under Sec. 81.01(11), (1991-1992) Wis. Stats.

(8) **Town Board Meeting Rules of Procedures**

(a) Regular Meeting of Town Board

The regular meetings of the Town Board will be held at the Town hall located in Bassett, Wisconsin at the time designated by the Town Board, on the second (2nd) and fourth (4th) Thursday of each month. Any regular meeting of the Town Board falling upon a legal holiday shall be held on the day designated by the Town Board. Any meeting of the Town Board including any special or adjourned meetings that are not held

at the Town hall 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.

(b) Special Meeting of Town Board

Any special meeting of the Town Board may be called by any three (3) 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.

No special meeting of the Town Board shall be held unless the notice requirement of the state open meeting law, pursuant to Subchapter V of Chapter 19, (1991-1992) Wis. Stats., and notice requirements of the open meeting ordinance adopted as Ordinance No. 2.04 have been complied with by the person or persons requesting the public meeting.

The Town Clerk, upon receipt of the written call for the special meeting of the Town Board, shall immediately notify, in writing, each member of the Town Board by delivering the written notice or by having the written notice delivered personally to each member of the Town Board. If any member of the Town Board cannot be personally notified in writing, then the Town Clerk shall deliver or have delivered a copy of the 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.

The Town Clerk shall file proof of service of such special meeting notice by filing an affidavit noting the time, place and location authorized service of the special meeting notice upon the Town Board. If personal service upon any member of the Town Board was not completed, then the Town Clerk shall so state in the affidavit the type of service or written notice completed.

Special meetings of the Town Board may be held without such service and 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.

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 such regular Town business was so noted in the written notice to the public as required by the state open meeting law, Subchapter V of Chapter 19, (1991-1992) Wis. Stats., and as required by the open meeting ordinance adopted as "Ordinance 2.04."

(c) Adjourned Meeting of the Town Board

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. The adjournment to the specific time and place will be in compliance with the open meeting law.

(d) Order and Conduct at Town Board Meeting

1. Business Order

The regular business order agenda for the Town shall be:

- a. Call to Order
- b. Roll Call
- c. Pledge of Allegiance
- d. Reading of minutes of prior meeting and approving these minutes after any errors in the minutes have been rectified to the satisfaction of the Town Board.
- e. Procedural motions by members of the Town Board.
- f. Reports of standing Committees
- g. Reports of special committee, special commissions and special boards.
- h. Reports of Town officers
- i. Unfinished business from prior meeting
- j. New Business
- k. Comments and suggestions from residents of the Town and other persons present.
- l. Consideration of payment of the bills
- m. Future meeting agenda
- n. Adjournment

2. 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 Chairperson or

to the person presiding at the meeting of the Town Board.

3. 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 thereon adjourned by the members of the Town Board present to a specific date and hour.

4. 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 of the Town 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.

5. Absence of Town Chairperson at Call to Order of Meeting

The presiding officer at the meeting of the Town Board will be the Town Chairperson. If the Town Chairperson is not present at the time for call to order, the Town Clerk if present, shall call the meeting of the Town Board to order, call the initial roll call and shall preside as Town Chairperson until the Town Chairperson is able to preside at the meeting of the Town Board.

If the Town Chairperson will not be able to, at anytime, preside at the meeting, the Town Board shall make this determination after the initial roll call and then by motion elect an acting Town Chairperson for the meeting of the Town Board until the Town Chairperson is able to preside at the meeting.

6. Vacation of Town Chairperson or Presiding Officer at Meeting

If the Town Chairperson or any other presiding officer of the Town Board desires to speak on any question or to make any motion, the Town Chairperson 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 Chairperson pro tem.

7. Meeting in the Public

Any business of any meeting of the Town Board shall be in open session and accessible to the public, except as provided in the open meeting law, Sec. 19.85(1), (1991-1992) Wis. Stats., and except as provided in the open meeting ordinance adopted as "Ordinance No. 2.04" located herein.

8. Audit of Accounts

The Town Board shall at its meeting be presented by the Town Clerk with the accounts of the Town for auditing by the Town Board. All accounts shall be filed with the Town Clerk at least three (3) days prior to the next meeting of the Town Board in order for the accounts to be presented by the Town Clerk at the upcoming meeting of the Town Board.

9. Receipts of Funds

Any officer, 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. All such funds, receipts or earnings shall be deposited with the Town Treasurer on or before the 10th day of the succeeding calendar month. 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 non-elected Town officers and Town employees, within fifteen (15) days of taking office, hiring or rehiring, shall be informed of this provision by the Town Treasurer.

10. Specific Rules of Conduct at Town Board Meeting

a. Unless other rules of conduct are specifically adopted and codified by ordinance by the Town Board, the meetings of the Town Board shall be governed by Roberts Rules of Order.

b. 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.

No member of the Town Board shall speak more than three (3) times on the same action item, business item or motion except by leave of the Town Board.

c. 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.

d. Speaking Before Town Board

At a meeting of the Town Board, no person, other than the board members present shall address the Town Board or any member of the Town Board. This provision shall not apply to:

- 1) The Town Clerk
- 2) The Town Treasurer
- 3) The Town Enforcement Officer
- 4) Water Patrol Chief
- 5) Town Fire Department Chief
- 6) Any member of the Town Board
- 7) Town Attorney

This provision shall also not apply under the specific order 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 from a member of this Board the right to address the Town Board and then only after the approval of either the presiding officer or the Town Board through an affirmative vote by the Town Board.

e. 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 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, however, no member of the Town Board shall be excused from voting after the actual voting has commenced.

Any member of the Town Board voting in the majority on any matter may move for reconsideration of the vote at the meeting or at a succeeding regular meeting where the topic is an agenda item. A motion to reconsider being proposed and then deleted shall not be renewed.

f. 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 shall restate the motion prior to any debate and discussion. Any member of the Town Board, prior to 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.

g. 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.

h. 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 anytime 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 anytime after the debate or discussion commences related to 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 anytime 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 anytime 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 anytime 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. This motion may be made at anytime 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 anytime 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.

i. Action Items, Business Items, Motions and Questions

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 Chairperson 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.

(e) Suspension of Rules

These rules or any part of these rules or any other rules 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 rule may be suspended by a recorded affirmative roll call vote of two-thirds (2/3) or

more of the members of the Town Board present at the meeting of the Town Board.

(f) Amendment of Rules

These rules or any part of these rules or any other rules of the Town Board may be altered or amended at any meeting of the Town Board, including any special meeting of the Town Board. Any rules may be altered or amended by a recorded affirmative roll call vote of two-thirds (2/3) or more of the members of the Town Board present at the meeting of the Town Board.

2.04 OPEN MEETING ORDINANCE

(1) Title

This ordinance is entitled the "Open Meeting Ordinance."

(2) Authority

The Town Board has the specific authority, powers and duties, pursuant to Sec. 60.22, 60.24, ' 19.85, 19.89 and 19.90, (1991-1992) Wis. Stats., to manage and direct public meetings in the Town to comply with the state open meeting laws.

(3) Adoption of Ordinance

The Town Board has, by adoption of this ordinance, confirmed the statutory authority, powers and duties of the Town, the Town Board, and the Town officers and has established, by the above noted chapters and this ordinance, the powers and duties of the Town Board, the Town employees and the Town officers related to properly managing and directing Town meetings under the state open meeting laws.

(4) Open Public Meeting

All meetings of the Town Board shall be held in open session and shall be open to the public, except as noted in Section 9. In addition, all meetings of any special offices, any committees, any commissions, any agencies, and any boards and any other special government units of the Town shall be held in open session and open to the public, except as noted in Section 9.

(5) Public Notice of Meeting

(a) General Public Notice

All meetings of the Town Board and all meetings of any special offices, any committees, any commissions, any

agencies, any boards or any other special government units of the Town shall provide public notice of these meetings pursuant to Sec. 19.84, (1991-1992) Wis. Stats., and pursuant to this ordinance.

(b) Responsible Person

The Town Chairperson, or his or her designee and the chairperson or presiding officer of any special office, committee, commission, agency, board or any other special government unit of the Town, or his or her designee, shall be the responsible person to communicate orally or in writing notice of any meeting to any concerned media who have filed a written request for such public notice of meetings and to any official newspaper for the Town.

(c) Addition Notice to Media

In addition to the above noted, the Town Clerk shall forward a copy of the adopted meeting annual calendar of the Town Board to any concerned media and to any official newspaper for the Town within thirty (30) days of its adoption. The Town Clerk shall forward any change by the Town Board in its annual meeting calendar related to the time or date of a regular meeting or to the location of a regular public meeting within seven (7) days of the formal change.

(d) Time for Notice

The public notice of any meeting of the Town Board and the public notice of any meeting of any special office, committee, commission, agency, board or any other special government unit of the Town shall be given at least twenty-four (24) hours prior to the commencement of the meeting, unless for good cause such public notice is impossible or impractical, in which case, shorter notice may be given, but in no case may public notice of any meeting be provided less than two (2) hours in advance of the meeting.

(e) Elements of Notice

Any written public notice of any meeting shall set forth the time, date, place and subject matter of the meeting, including any possible closed meeting and any subject matter intended for consideration of any possible closed session. The actual form of the written public notice shall be used that is reasonably likely to apprise members of the general public, any concerned media and the official newspaper of the Town of the meeting.

(6) **Special Government Unit**

(a) **Special Office and Special Government Units Notice**

Any special office, committee, commission, agency, board or other special government unit of the Town shall comply with Chapter 19, (1991-1992) Wis. Stats., and the sections of this ordinance. Any special office, committee, commission, agency, board or other special government unit shall, in addition, provide a written copy of a public notice of any meeting to the Town Clerk or to the Deputy Clerk prior to any meeting.

(b) **Exceptions**

The special government unit need not provide such public notice pursuant to Sec. 19.84(6), (1991-1992) Wis. Stats.;

1. if the special government unit is a formally constituted committee or subcommittee of the Town Board,
2. if the committee or subcommittee of the Town Board is a meeting during a lawful meeting of the Town Board, during a recess of a lawful meeting of the Town Board or immediately after adjournment of a lawful meeting of the Town Board,
3. if the committee or subcommittee of the Town Board is meeting for the purpose of discussing or acting upon a matter which was the subject of the meeting of the Town Board,
4. if the Town Chairperson publicly announces the time, place and subject matter of the meeting of the committee or subcommittee in advance at the meeting of the Town Board.

(7) **Posting and Publishing of Public Notice**

(a) **Posting**

At minimum, the responsible person designated to provide any public notice or his or her designee shall post written public notice of any meeting of the Town Board and any meeting of any special office, committee, commission, agency, board or any other special government unit of the Town at or near at least three (3) of the five (5) following locations:

1. Town Hall
2. Bassett Post Office
3. Bassett Auto Repair
4. Randall Consolidated Grade School

5. Pyatt Automotive

(b) Publishing

In lieu of or in addition to the above noted written posting of the public notice for the meeting of the Town Board and any other special office or other special government units noted herein, proper written public notice may be achieved under Chapter 19, (1991-1992) Wis. Stats., and this ordinance by the Town Chairperson or his or her designee publishing a Class 1 notice pursuant to Chapter 985, (1991~1992) Wis. Stats., for any meeting of the Town Board or any other government units noted herein, in the Town official newspaper and by publishing public notice of any meeting at the discretion of the Town Chairperson, in any other publication likely to apprise the general public of the meeting. Publication of the public notice of a meeting in the official newspaper or in any other publication is not required by this ordinance except as noted below.

(c) Annual Town Meeting Dates and Location

Any annual Town meeting that has been established at a date different than the second (2nd) Tuesday of April or established at any location different than the location of the last annual meeting shall require that the Town Clerk or his or her designee, pursuant to Chapter 985, (1991-1992) Wis. Stats., publish a Class 2 notice stating the purpose, date, time, and location of the annual Town meeting. The time for publication of the notice shall be not more than twenty (20) nor less than fifteen (15) days prior to the annual Town meeting. If the Town has designated a weekly publication as the official general circulation newspaper, the Town Clerk shall post the meeting notice in at least three (3) public places and publish once in the official newspaper.

(d) Special Town Meeting Date and Location

Any special Town meeting that has been established shall require that the Town Clerk or his or her designee publish a Class 2 notice stating the purpose, date, time and location of the special Town meeting. The time for publication shall be not more than twenty (20) nor less than fifteen (15) days prior to the special meeting. If the Town has designated a weekly publication as the official general circulation newspaper, the Town Clerk shall post the meeting notice in at least three (3) public places and publish once in the official newspaper.

(8) **Recording, Broadcasting and Photography of Meeting**

(a) General Media Coverage Rule

Pursuant to Sec. 19.90, (1991-1992) Wis. Stats., any concerned media, the official newspaper of the Town or any other person may broadcast, photograph or record any part or all of any open session of an annual Town meeting, a special Town meeting, a meeting of the Town Board or any meeting of any special office, committee, commission, agency, board or other special government unit of the Town covered by this ordinance.

(b) Exceptions

The Town Chairperson or the chairperson or presiding officer of any Town of Randall Town meeting or any other Town government meeting of the Town, its officers or its employees may, prior to or at the meeting, establish reasonable standards for the location and placement of any broadcasting, photography or recording devices. No person shall broadcast, photograph or record any matter or persons at any Town government meeting in the Town in such a manner to unreasonably interrupt the deliberations and discussions nor unreasonably block the view or the opportunity to hear any person at any Town government meeting.

(9) **Exceptions to Open Meeting**

(a) Procedure for Closed Session

Any meeting of the Town Board and any public meeting of any special office, committee, commission, agency, board or any other special government unit of the Town may be held in closed session upon a motion for a closed session duly made and carried by a roll call of the members. The vote shall be conducted in a manner to allow the public to ascertain how each member of the Town Board or each member of the committee, commission, board or any other special government unit of the Town voted on the motion. The actual vote for a closed session shall be recorded in the minutes by the recording officer of the meeting with a clear identification of the names of the members voting for the motion and the names of the members opposing the motion. Prior to the adoption of the motion, the Town Chairperson or the presiding officer of the meeting formally shall, at the open meeting portion, announce to all persons at the meeting the nature of the business or matter to be considered at such closed session and shall also formally announce the specific closed meeting exemption and subsection under Sec. 19.85, (1991-1992), Wis. Stats.

No person in the closed session shall bring before any closed session meeting any business or matter except that business or matter which relates to the business or matter contained in the formal announcement of the closed session by the Town Chairperson or the presiding officer of the public meeting.

(b) Purposes for Closed Session

A closed session of the Town Board or a closed session of any special office, committee, commission, agency, board or any other special government unit of the Town may be held for the following purposes:

1. Deliberation concerning a case which was the subject of any judicial or quasi judicial trial or hearing before the Town Board or before any special office, committee, commission, agency, board or any other special government unit of the Town.
2. Considering dismissal, demotion, licensing or discipline of:
 - a. Any public employee for the Town.
 - b. Any person licensed by the Town.
 - c. Any special office, committee, commission, agency, board or any other special government unit of the Town.

The investigation of charges against any person by the Town may be done provided that the public employee or person licensed is given actual notice of any evidentiary hearing by the Town Board or by any special office committee, commission, agency, board or any other special government unit of the Town prior to the final action being taken by said Town Board or the special office, committee, commission, agency, board or any other special government unit of the Town and the open meeting notice of the public meeting at which final action may be taken. The actual notice shall contain a statement that the person has the right to demand that the evidentiary hearing or meeting be held in open session.

The above paragraph and paragraph 6. do not apply to any evidentiary hearing or meeting of the Town Board or any special office, committee, commission, agency, board or any other special government unit of the Town where the public employee or person licensed requests in writing prior to the meeting or hearing to the Town Clerk that an open session be held.

3. Considering employment, promotion, compensation or performance evaluation data of a public employee of the Town where the Town Board or any special office, committee, commission, agency, board or any other special government unit of the Town has jurisdiction over the public employee or exercises responsibility for the public employee.
4. Considering specific strategy for crime detection or prevention in the Town.
5. Deliberating or negotiating the purchasing of public property for the Town or for any special office, committee, commission, agency, board or any other special government unit of the Town or conducting other specified public business for the Town or any special office, committee, commission, agency, board or any other special government unit of the Town whenever competitive or bargaining reasons require a closed session.
6. Considering financial, medical, social or personal histories or disciplinary data of specific persons, preliminary consideration of specific personnel problems or investigation of charges against specific persons except where paragraph (b) applies, which, if discussed in public, would be likely to have substantial adverse effect upon the reputation of any person referred to in such histories or data, or involved in such problems or investigations.
7. Conferring with legal counsel for the Town Board or any special office, committee, commission, agency, board or any other special government unit of the Town who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved.
8. Consideration of requests for confidential written advice from any ethics board established by and for the Town Board.
9. Considering any and all matters related to any business under Sec. 560.15, (1991-1992) Wis. Stats., which if discussed in public, could adversely affect the business, its employees or former employees.

(c) Exception

The Town Board and any special office, committee, commission, agency, board or any other special government unit of the Town may not commence a meeting, subsequently convened in closed session and thereafter reconvene in open session within twelve (12) hours after completion of the closed session, unless public notice of such subsequent open session was given at the same time and in the same manner as the public notice of the meeting convened prior to the closed session. For this purpose, the officer or designee effecting notice may use the phrase "The board may reconvene in open session to consider other topics."

Neither the Town Board nor any special office, committee, commission, agency, board or any other special government unit of the Town nor any member of the above noted, nor any person shall construe this ordinance to authorize the Town Board or any special office, committee, commission, agency, board or any other special government unit of the Town to consider at a closed session meeting the final ratification or approval of any collective bargaining agreement under subch. IV or V of Chapter 111, (1991-1992) Wis. Stats., where this agreement has been negotiated by the Town Board or any special office, committee, commission, agency, board or any other special government unit of the Town or on their behalf.

(10) Exclusion of Members

The Town Board may, pursuant to Sec. 19.89, (1991-1992) Wis. Stats., adopt written rules to exclude members of the Town Board from closed meetings of any special office, committees, commissions, agency, boards or any other special government units of the Town if those committees, commissions, boards or other special government units of the Town are subunits of the Town Board.

The Town Clerk shall have the right to attend all closed sessions of the Town Board unless the Town Board by a majority vote excludes the Town Clerk from any particular closed session.

No member of the Town Board that has or believes he or she has any direct or indirect conflict or conflicts shall knowingly attend or continue to remain at any closed or open meeting of any special office, committee, commission, agency, board or any other special government units of the Town where at these meetings items related to the conflict will be discussed and/or will be voted upon.

(11) **State Law**

The Town Board and any member of any special office, committee, commission, agency, board or any other special government unit of the Town shall comply with all applicable provisions of the state open meeting law (Chapter 19, (1991-1992) Wis. Stats.). At any meeting established, upon proper notice provided, any employee and any agent of the Town shall comply with all applicable provisions of the state open meeting law (Chapter 19, (1991-1992) Wis. Stats.).