

Chapter 2

**ADMINISTRATION**

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## ARTICLE I. GENERAL

### Sec. 2.101. Statutes adopted.

The provisions of Wis. Stat., Ch. 6, as amended, in regard to voter registration is incorporated and made a part of this section as if fully set forth at length.

### Sec. 2.102. Voter registration.

1. *Authorization.* Before any adult resident of the town shall be permitted to vote at any election held within the limits of the town, he shall register as a qualified elector.
2. *Registration.* The town clerk shall receive applications for registration at his/her office during regular office hours throughout the year and at such other places and at such times as he deems advisable, except that pre-registration for any election or primary shall be closed at 5:00 p.m. on the second Wednesday next preceding the election or primary. Registration at other times and places is permissible in accordance with Wis. Stats., ch. 6.

### Sec. 2.103. Poll workers' shifts.

Under the authority of Wis. Stats. 7.30(1), the town board of the Town of Wausau shall provide for the selection of two sets of officials to work at different times on election day. The first shift shall commence at 6:30 a.m. and end at 1:30 p.m. The second shift shall commence at 1:30 p.m. and ends with completion of all required election day duties that follows the closure of the polls.

### Sec. 2.104. Voting wards.

Under the authority of Wis. Stats. 5.15, the Town of Wausau is required to establish municipal wards based on the results of the census based on the municipality's population. The following wards have been established based on the Town's population:

*Ward 1*-This part of the Town of Wausau lying South of State Highway 52 with the exception of the area comprising the DC Everest School district.

*Ward 2*-That part of the Town of Wausau lying North of State Highway 52.

*Ward 3*-That part of the Town of Wausau comprising the DC Everest School District.

The polling place is designated at the Town of Wausau Municipal Building located at the intersection of County Trunk Z and N. 73<sup>rd</sup> Street.

## ARTICLE II. TOWN BOARD

### Sec. 2.104. How constituted.

The elective officials of the town board shall be a town chairman and two supervisors and shall constitute a board to be designated "Town Board of Wausau," two of whom shall constitute a quorum, except when otherwise provided by law, and the chairman may administer oaths and affidavits in all matters pertaining to the affairs of the town. Unless otherwise set by resolution of the town board, meetings of the town board shall be held in the Town of Wausau Municipal Center. The town board shall have the duties and powers as provided in this article.

**State law reference**—Town board generally, Wis. Stats. § 60.20 et seq.

### Sec. 2.105. Town board duties and powers.

The town board shall have all of the powers and duties conferred upon it by Wis. Stats. § 60.22 et seq., as amended, which sections are incorporated by reference and made a part of this section as though fully set forth. The town board shall have charge of all affairs of the town not committed by law to another body or to a town

employee. In addition, the town board shall exercise powers relating to villages and conferred on village boards, having been lawfully authorized so to do by resolution of a town meeting held on April 3, 1962, which resolution was adopted pursuant to Wis. Stats. § 60.10(2)(c).

1. *Legislative authority.*

a. The town board may only engage in discussions or take action on matters at a properly noticed town board meeting.

b. The town board may take action by voting on motions and adopting ordinances and resolutions by a simple majority vote, unless state statutes require a super majority such as Wis. Stats. § 65.90(5) or 62.23(7)(d)(2m).

2. *Finance.*

a. The town board is responsible for preparation of the annual budget and conduct the required public hearing.

b. The town board is responsible for the preparation of an annual financial statement pursuant to Wis. Stats. § 60.41.

c. The town board must approve all claims and disbursements from the town treasury pursuant to Wis. Stats. § 66.0607.

d. The town board may adopt an alternative claims procedure by ordinance pursuant to Wis. Stats. § 60.44(2).

e. The town board may provide for an audit of the town finances pursuant to Wis. Stats. § 60.43.

f. The town board shall designate the public depositories to be used by the town under Wis. Stats. § 66.0603.

g. The town board elects not to provide a treasurer's bond as required by Wis. Stats 70.67(1). Therefore, obligating the town of Wausau to pay, in case the treasurer fails to pay all state and county taxes required by law to be paid by the treasurer to the county treasurer.

3. *Public works.*

a. The town board is responsible for the care and supervision of town highways.

b. The town board is responsible for accepting, laying out and altering highways.

c. The town board is responsible for complying with the competitive bidding law applicable to town public works pursuant to Wis. Stats. § 60.47.

d. For most projects over \$25,000.00, as prescribed by Wis. Stats. § 66.0903, the town board also shall comply with the state prevailing wage rate law.

e. The town board must approve all contracts.

4. *Public safety.*

a. *Fire protection.* The town board shall provide fire protection for the town.

b. *Ambulance service.* The town board shall provide ambulance service unless ambulance service is provided by another person or entity pursuant to Wis. Stats. § 60.565.

c. *Law enforcement.* The town board has the option of providing law enforcement for the town as prescribed by Wis. Stats. § 60.56.

d. *Emergency management.* The town board must develop and adopt an emergency management program and plan that is consistent with the state emergency management plan and also must designate a head of emergency management services.

5. *Property assessment.*

a. The town board shall select the assessor, determine whether the assessor will be a town employee or an independent contractor.

b. The town board members and town clerk shall act as the town board of review unless the town board establishes a citizen board of review under Wis. Stats. § 70.46.

c. The town board shall establish the compensation for part-time board of review members.

d. The town board also may allow the recovery of "unlawful taxes" and "claims on excessive assessments" pursuant to Wis. Stats. §§ 74.35 and 74.37.

6. *Planning and zoning.*

a. *Zoning.* The town board may adopt zoning ordinances but the zoning ordinances and any amendments shall not be effective unless the Marathon County Board approves the zoning ordinances and any amendments.

b. *Creation of a plan commission.* The town board may establish a plan commission pursuant to Wis. Stats. §§ 60.62 and 62.23(1).

c. *Comprehensive planning.* The town board may adopt a comprehensive plan under Wis. Stats. § 66.1001, may amend a comprehensive plan once adopted, may establish official maps under Wis. Stats. § 62.23(6) and may establish local subdivision regulations under Wis. Stats. § 236.45.

d. *Subdivision/land division ordinances.* The town board may regulate how land is divided and platted through the adoption of a local subdivision ordinance pursuant to Wis. Stats. § 236.45.

7. *Personnel.*

a. The town board has the authority to hire employees on a permanent basis or temporary basis to carry out the functions of town government under Wis. Stats. § 60.37.

b. The town board may hire legal counsel to assist the town pursuant to Wis. Stats. § 60.37(2).

c. The town board may hire elected town officials as part-time town employees under Wis. Stats. §§ 60.37(4) and 66.0501.

8. *Additional miscellaneous town board responsibilities.*

a. The town board may act as fence viewers when requested under ch. 90, Wis. Stats.

b. The town board may act as required under Wis. Stats. § 88.90 to assist with removal of obstructions from the natural watercourse.

c. The town board may review and comply with the state ethics laws for local officials under Wis. Stats. § 19.59 and avoid misconduct in office under Wis. Stats. §§ 946.12 and 946.13.

**Sec.2.106. Extension of term of office.**

Officers elected in April 2012 and, thereafter, will have their term of office commence on the third Tuesday in April.

**Sec. 2.107. Board meetings.**

1. *Regular meetings.* Unless otherwise set by resolution of the board the regular meetings of the town board shall be held at the Town of Wausau Municipal Center on the first Monday of each month, commencing with the first meeting of the town board after the annual town meeting at 7:00 p.m.
2. *Special meetings.* Special meetings of the town board may be called by the chairman at such times as he may appoint by oral or written notice of the purpose and time of the meeting to each member, which notice shall be given within a reasonable time prior to the meeting.
3. *Adjournments.* Any regular or special meeting may be adjourned by a majority of the members present at a town board meeting.
4. *Meetings shall be public.* All meetings of the town board shall be open and public, and all its procedures shall be recorded by the town clerk or under his authorization in record books kept for that purpose.
5. *Call to order.* The town chairman shall promptly call each meeting of the town board to order at the hour fixed for the holding of such meeting. In case of the absence of the town chairman, the senior supervisor shall call the meeting to order.
6. *Attendance; leave of absence.* No member of the town board, the town clerk, or other town official or employee directed by the town board to attend a town board meeting shall be absent from a meeting of the town board unless for illness or other good cause without first having obtained a leave of absence.
7. *Disturbance, how suppressed.* Whenever any disturbance or disorderly conduct shall occur in the town board meetings or rooms or halls adjacent to such meetings, the town chairman or other presiding officer of the board shall have power and authority by and with the aid of the designated attending law enforcement officer to cause the disturbance or disorderly conduct to be cleared of all persons except members and officers of the town board.

**Sec. 2.108. Accounts to be examined.**

Every account presented to the town board shall not be allowed or directed to be passed until it shall have been examined by the board; and no account shall be acted upon unless it has been filed with the town clerk at least by the Wednesday preceding the Monday upon which a town board meeting is to be held, at which meeting said account is to be presented.

**Sec. 2.109. Publication/posting of ordinances.**

All ordinances adopted by the town board shall be published/posted as provided by Wis. Stat. 60.80, as amended, and shall not be in effect until so published/posted unless otherwise provided.

**Sec. 2.110. Order of business.**

The order of business set forth in this section shall in all cases be adhered to, but the order may be temporarily suspended by majority vote.

- a. Call of roll and announcement of presence or absence of a quorum;
- b. Reading and correcting the minutes of the last preceding meeting or meetings unless dispensed with by the board without objection from any member;
- c. Old business;
- d. Reports of standing committees;
- e. Reports of special committees; and
- f. New business.

**Sec. 2.111. Committees.**

- 1. *Standing committees.* The planning commission is a standing committee of the town board and the members shall be appointed by the town chairman with the consent of the board.
- 2. *Special committees.* Select or special committees may be provided for on motion or by resolution designating the number and object and, unless otherwise ordered, shall be appointed by the town chairman with the approval of the town board.

**Sec. 2.112. Duties of the Town Board Chairperson**

- 1. *Presiding Officer.* The town board chairperson is the presiding officer of the town board and town meetings. The town chair is a member of the town board of supervisors and has an equal vote to the other board members. The town chair does not have veto power. In addition to the powers and duties exercised as a town supervisor, the chairperson has numerous powers and duties of an executive and administrative nature.
- 2. *Presiding over meetings.* Duties include:
  - a. Preparing meeting notice and agenda;
  - b. Complying with open meetings law;
  - c. Conducting the meetings and following rules of parliamentary procedure;
  - d. Maintaining order at meetings which may include limiting the length of public comments and cutting short repetitive comments.
- 3. *Authorized Signature.* 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. Counter-sign all drafts, order checks and transfer orders;
- 4. *Authorization of the Town Board, the Town Chair shall:*

- a. Supervise the administration of statutes relating to the town and town operations to see that they are faithfully executed;
  - b. Ensure that town orders and ordinances are obeyed;
  - c. Maintain peace and order are in the town, and
  - d. Obtain assistance, if available, in case of emergency, except as provided under Wis. Stats., Ch. 166;
  - e. 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.
  - f. Represent, or designate another officer to represent, the town at meetings of, and hearings before, vernmental bodies on matters affecting the town.
  - g. Represent the interests of the town in connection with appearances before the state tax appeals commission.
5. Administer oaths and affidavits on all matters pertaining to the affairs of the town.
  6. Nominate individuals for service as election officials to the town board whenever the town board disapproves the nominee of a party committee and the names of additional nominees are not available.
  7. Bonding. Sue on official bonds.
  8. *Loans.* Execute and sign a certificate of indebtedness in connection with obtaining a state trust fund loan.
  9. *Fire Warden.* Serve as town fire warden under Wis. Stats., §§ 26.13 and 26.14.
  10. *Noxious Weeds.* Appoint, at his or her discretion, one or more commissioners of noxious weeds.
  11. Bonding. Approve the bond of the town treasurer delivered to the county treasurer.
  12. *Highway work.* Sign orders for payment of work performed and materials furnished on town highways.
  14. *Tunnels.* See that all tunnels in the town are constructed under Wis. Stats., § 82.37 and that they are kept good repair.
  15. *County highway committee.* Serve as a member of the county highway committee.
  16. *Close county highways.* Close county trunk highways when rendered dangerous for travel and notify the county highway commissioner.
  17. *Emergencies.* May apply to governor for activation of the National Guard in the event of a public disaster.
  18. *Fireworks.* Enforce regulation of fireworks.
  19. *Strays; lost goods.* Perform the town chairperson's duties related to stray animals and lost goods.
  20. *Distraigned animals.* Perform the town chairperson's duties related to distraigned animals.

21. *Damage by animals.* Perform the town chairperson's duties related to animals that have caused damage in the town.
22. *Town forfeitures.* Cause actions to be commenced for recovery of forfeitures for violations of town ordinances that can be recovered in municipal court. Notify the district attorney of forfeitures which may not be recovered in municipal court.
23. *Contractors' bonds.* Approve bonds furnished by contractors for public works.
24. *Committees.* Appoint members to the Town Plan Commission and advisory committees, subject to confirmation of the town board.
25. *Banking.* Review and sign bank reconciliations.
26. *Other duties.* Any other responsibilities required by law, but not specifically enumerated herein. (Wis. Stats., § 60.24)

**Section 2.113. Duties of Town Clerk.** The town clerk shall have the following duties:

1. *Legislative.*

a. The town clerk is responsible for taking minutes of the town board meetings and ensuring that any ordinances or resolutions adopted by the town board are posted or published as required under Wis. Stats. § 60.80.

b. The town clerk may be delegated the responsibility of providing proper notice of town board meetings, public hearings and other matters such as required public bidding notices.

c. The town clerk shall provide notice of the annual town meeting (if required) and other town elector meetings under Wis. Stats. § 60.12(3) and shall serve as clerk of those meetings.

d. Within five (5) days of a town elector meeting, the town clerk must file the minutes of that meeting in his or her office and shall post or publish all resolutions, motions and other actions taken by the electors at a town elector meeting must be posted or published as required within 30 days of the meeting under Wis. Stats. § 60.80(1)(a).

2. *Finance.* The town clerk shall keep a finance book containing a complete record of the finances of the town showing the receipts, with the date, amount and course of each receipt; the disbursements, with the date, amount and object of each disbursement; and any other information relating to town finances prescribed by the town board.

3. *Property assessment.*

a. The town clerk shall carefully examine and correct the assessment roll upon receipt from the assessor and prior to the board of review.

b. The town clerk is responsible for providing notice to the public of the open book under Wis. Stats. § 70.45 and board of review under Wis. Stats. § 70.47(2).

c. An elected town clerk is a voting member of the town board of review.



d. The town clerk shall provide the proper notices for the board of review, keep a record of the proceedings and swear in all persons testifying before the board of review. The town clerk also provides notice of board of review decisions as required by law.

e. The town clerk also provided notice of board of review decisions as required by law.

f. The town clerk shall prepare the tax roll, pick up the tax bills from the Marathon County treasurer, and deliver the bills to the town treasurer by December 8.

g. The town treasurer shall mail the bills to the property owners.

h. The town clerk shall provide the notice of proportional property tax revenue and credits to the county treasurer as required under Wis. Stats. § 60.33(10).

4. *Elections.* The town clerk shall perform the functions in chs. 5-12, Wis. Stats., relating to elections.

5. *Public records custodian.*

a. The town clerk shall be the custodian of town records under Wis. Stats. § 19.33 and shall comply with requests under the public records law under Wis. Stats. § 19.34.

b. The town clerk shall maintain, preserve and dispose of town records in accordance with Wis. Stats. § 19.21.

6. *Licenses.* The town clerk may issue licenses granted by the town board and shall process applications for alcohol licenses including providing notice pursuant to Wis. Stats. § 125.04.

7. *Miscellaneous additional duties.*

a. The town clerk shall perform the town clerk's duties under chs. 115 to 121, Wis. Stats., relating to public instruction.

b. The town clerk shall perform all other duties required by law, ordinance or lawful direction of the town meeting or town board.

## **Sec. 2.114. Duties of Town Treasurer.**

1. *Finance.*

a. The town treasurer shall receive and take charge of all money belonging to the town and deposit town funds in the depository designated by the town board as soon as practicable.

b. The town treasurer must keep an itemized account of all monies received and disbursed, specifying the source from which it was received, the person to whom it was paid and the object for which it was paid.

c. The town treasurer shall issue numbered receipts for all funds received.

d. At the request of the town board, the town treasurer must present the account books and any supporting documents requested to the town board.

e. The town board may direct the town treasurer to give a report on the town's finances at the regular monthly board meeting.

2. *Property assessment.*

a. The town treasurer is responsible for collecting all property taxes, special assessments, special taxes and special charges shown on the tax roll.

b. The town treasurer must issue receipts for all tax payments.

c. The town treasurer shall settle all taxes received pursuant to Wis. Stats. § 74.23 in January and all taxes received in February and delinquent for over one year.

**ARTICLE III. OFFICERS AND EMPLOYEES**

DIVISION 1. GENERALLY

**Sec. 2.115. Term of office of appointed officials.**

All appointed officials, except as otherwise provided, shall hold their office for the term of two (2) years and/or until their successors are lawfully appointed and qualified.

**Sec. 2.116. Vacancies in office of appointed officials.**

Vacancies in appointed offices shall be filled by appointment for the residue of the unexpired term by the appointing power and in the manner prescribed in this article for making regular full-term appointments.

**Sec. 2.117. Certificate of appointment.**

When an appointive official has filed the oath and bond as required, the town clerk shall issue to him a certificate of appointment. If the appointment is to a commission, the appointee shall file the certificate with the secretary of the commission.

**Sec. 2.118. Vacancy, when occurring.**

A vacancy shall occur in case of the dismissal or death of any official or in case of the removal of any officer from the town, or when any officer elected or appointed in, for, or from any part of the town shall remove his residence outside the limits of the town, or when any official shall refuse or neglect for twenty (20) days after notice of his election or appointment to qualify and enter upon the discharge of his duties.

**Sec. 2.119. Gifts and gratuities.**

1. *Restricted.* No town employee or official shall receive or offer to receive, either directly or indirectly, any gift, gratuity or other thing of value which he/she is not authorized to receive from any person who:

a. Has or is seeking to obtain contractual or other business or financial relationships with the town or elected officials of the town; or

b. Conducts operations or activities which are regulated by the town; or

c. Has interests which may be substantially affected by the town.

DIVISION 2. APPOINTED OFFICIALS

**Sec. 2.120. Town Attorney; Town Constable.**

1. The town attorney shall be appointed by the town board. The town attorney need not be a resident of the town. The town attorney shall receive such compensation as the town board shall prescribe.
2. The town constable shall be appointed by the town board or elected by the town residents.

**ARTICLE IV. BOARDS, COMMISSIONS AND COMMITTEES**

**Sec. 2.121. Designated.**

The boards and commissions of the town are the Board of Appeals, Board of Review, and Plan Commission.

**Sec. 2.122. Robert's Rules of Order.**

*Robert's Rules of Order*, Newly Revised (11<sup>th</sup> Edition, 2011), shall apply at all town board, committee or commission meetings unless otherwise required by ordinance or statute.

**Sec. 2.123. Additional commissions and committees.**

The town board shall appoint additional commissioners and members of committees and shall form additional commissions and committees as it shall deem necessary for the efficient operation of the town.

**Sec. 2.124. Alternate Board of Review member.**

1. *Establishing a public list.* The town board shall establish and maintain a public list of names of persons eligible and appointed by the town board to serve as alternate members of the board of review. The list shall be arranged and maintained by the town clerk in a priority order of probable and likely service as an alternate.
2. *Notification of alternate.* The town clerk shall notify any named member who has been lawfully removed under Wis. Stats. § 70.47 (6m) (a) or (b) and shall then notify the alternate member of his or her appointment to replace a named member of the board of review. The alternate, once notified, if he or she approves the appointment, and if the appointment would not violate Wis. Stats. § 19.59, shall then take the oath of office and act as a member of the board of review under Wis. Stats. § 70.47 (6m) (c).

**ARTICLE V. FINANCE**

**Sec. 2.125. Receipts and earnings.**

Whenever any town officer or employee is required to turn over any receipts or earnings to the town clerk monthly, such funds received by him/her during the month shall be turned over on or before the tenth day of the succeeding calendar month.

**ARTICLE VI. RECORDS**

**Sec. 2.126. Destroying old records**

1. *Types of records destroyed.* The town board, any office, any special office, any committee, any commission, any agency, any authority, any board or any other special government units of the town and their officers, their employees, and their agents of the aforesaid shall destroy the following public records of the town only upon the conditions and at the times noted below:

a. *Financial records.* All financial records, that are not utility records, if these financial records are considered obsolete, may be destroyed by the legal custodian at any time seven (7) years after the record was effective, unless a shorter time period has been fixed by the State Public Records and Forms Board pursuant to Wis. Stats. § 16.61(3)(e) and then only after the shorter period of time. By way of illustration and not limitation, financial records include bank statements, deposit books, slips and stubs; bonds and coupons after maturity; license and permit applications, stubs and duplicates; pay rolls and other time and employment records of personnel; receipt forms; vouchers, requisitions, purchase orders and all other supporting documents pertaining thereto; special assessment records.

b. *Other obsolete records.* All other public records of the town that are not utility or financial records, if these records are considered obsolete, may be destroyed by the legal custodian at any time seven (7) years after the record was effective unless another period has been set by statute and then only after such a period, or unless a shorter period has been fixed by the State Public Records and Forms Board pursuant to Wis. Stats. § 16.61(3)(e) and then only after the shorter time period.

2. *Specific date of destruction for specific public records.* The following public records of the town shall not be destroyed until after the years listed below:

a. *Contracts and insurance policies* issued to the town seven (7) years;

b. *Personal property tax roll*— fifteen (15) years;

c. *Minutes* and supporting documents of the town board, town meeting, Zoning Board of Appeals, planning commission—Permanent; and

d. *Annual reports* — permanent.

3. *Required notices.* No assessment roll containing forest crop acreage may be destroyed without approval of the Department of Revenue. Unless notice is waived by the State Historical Society, notice shall be given the State Historical Society at least sixty (60) days prior to the destruction of any record as provided by Wis. Stats. § 19.21(4)(a).

4. *Taped records of meetings.* Any tape recordings of governmental meetings of the Town may be destroyed, erased or reused no sooner than ninety (90) days after minutes of the meeting have been approved and published, if the purpose of the recording was to make minutes of the meeting.

5. *Preservation through micro-film, optical disk or other technologies.* The town may keep and preserve public records in its possession by means of micro-film or other photographic reproduction methods or optical disk, or any other technology as may be approved by State statutes. Such records shall meet the standards for photographic reproduction set forth in § 16.61(7)(a)(b), Wis. Stats., or for optical disk format set out in § 16.61(5), Wis. Stats., or administrative rules promulgated there under, or by any other means approved by the State after the date of enacting this ordinance. Such records that meet these standards shall be considered original records for all purposes. Such records shall be preserved along with other files of the town and open to public inspection and copying through the provisions of State law.

References: Wis. Stats. §§ 16.61(3), 19.21(4) and 19.21(7).

## **Sec. 2.127 Accessing records**

1. *Legal Custodian:* The town clerk has been designated under Wis. Stats. § 19.33 as the legal custodian of records for the Town of Wausau, except those designated legal custodians.

2. *Designated legal custodians* are the custodians of their own records of office. These individuals include elected officials and chairpersons of committees of elected officials.

3. *Public access*: The public may obtain information and access to records in the custody of the clerk or other appropriate legal custodians, make requests for records, or obtain copies of records, and learn the costs of obtaining copies of records from the town clerk or other appropriate legal custodian as follows:

a. The town clerk does not maintain regular office hours at the location where records of the town are kept. The town clerk will permit access to town records in the custody of the clerk upon at least forty-eight (48)-hour written or oral notice to the town clerk of the intent to inspect or copy a record. The location of the records in the custody of the town clerk is located at the Town of Wausau Municipal Building at 7208 County Highway Z, Wausau, Wisconsin.

b. The designated legal custodians do not maintain regular office hours at the location where records of the agency or department in their custody are kept. The town will permit access to the records of the agencies and departments in the custody of the designated custodian upon at least forty-eight (48) hour written or oral notice to the legal custodian of the intent to inspect or copy a record. The location of the records will be provided at the Town of Wausau Municipal Building at 7208 County Highway Z, Wausau, Wisconsin.

4. *Fees*: The fees for satisfying record requests under Wis. Stats. § 19.35 are established in the town fee schedule.