

CHAPTER 2

GOVERNMENT AND ADMINISTRATION

2.01 GENERAL POWERS:

(1) **LEGAL STATUS:** The Town of Rome is a body corporate and politic, with those powers granted by law. The Town shall be designated in all actions and proceedings by its name, the Town of Rome.

(2) **VILLAGE POWERS:** The Town Meeting having, by resolution, directed the Town Board to exercise all powers relating to villages and conferred on village boards by Chapter 61, Wis. Stats., the Town shall have said powers through its Board. This is a continuing grant of powers.

(3) **OFFICIAL NEWSPAPER:** The official newspaper of the Town of Rome shall be the Wisconsin Rapids Daily Tribune.

2.02 ELECTIONS:

(1) **POLLING PLACE:** The polling place serving all wards shall be at the Municipal Building located at 1156 Alpine Drive.

(2) Pursuant to 7.30 (1) (a) Wis. Stats., the Town Board hereby provides for the selection of two (2) or more sets of officials to work at different times on election day and permits the Clerk or an designee to establish different working hours for different officials assigned at the same polling place.

(3) ELECTION DAY EMERGENCY PLAN:

(a) Worldwide Terrorism Event:

1. In the event of a terrorist activity, the federal government may have a preliminary plan in place for moving activities of election days. However, if no plan exists, it shall be the policy of the Town of Rome to act accordingly. All elections shall continue unless federal or state officials have ordered otherwise.

2. A worldwide terrorist event, although dramatically affecting each voter on a personal level, may not affect the daily operations of each polling location. If there is no police order to take cover or remain in- doors, all operations of the polling locations shall remain in effect.

(b) **Fire or Fire Alarms:** In the event a fire or fire alarm has disturbed the activities at the Town Hall, the procedures set forth in pars. (e)- (g) herein shall be used to effectively continue election processes.

(c) **Electrical Outage:** Ballot boxes contain power supply backups that shall continue to operate in the event of a power outage. Should the Town Hall lose power, Town officials shall be available to assist in providing flashlights and immediate assistance. In the event of a long term power outage, a change of venue shall be required.

(d) Natural Disaster/Inclement Weather:

1. During inclement weather, the Fire Department and Police Department shall stay apprised of the severity and shall alert the Town Clerk of possible emergencies.

2. Should an evacuation occur, the evacuation procedures listed above should be followed. If a natural disaster such as a tornado occurs and requires inspectors and voters to seek cover, all un-voted ballots and poll lists shall be secured with the Chief Inspector. The ballot box shall remain unplugged and locked. No ballots shall be allowed into the ballot box, and no un-voted ballots shall be released. After passage of the emergency, regular business shall resume and the Chief Inspector shall note on his/her inspector report the period of non-voting from beginning to end.

(e) Evacuation:

1. In the event an evacuation is ordered by the Police or Fire Chief, all un-voted ballots shall be taken into custody by the election inspectors and the ballot box that has been storing and counting voted ballots shall remain sealed, and unplugged. The box has a battery back-up. The purpose for removing all un-voted ballots is to prevent anyone from entering and voting on unauthorized ballots while inspectors are out of the building. Elections may continue as soon as fire officials have cleared the building for re-entry.

2. Should an actual fire be detected, the locked ballot box has wheels and may be moved to the parking lot. If practical, the election inspectors may allow voting to continue in the parking lot of the building. There shall be established a designated corner of the parking lot where voting can take place and where the ballot box is still able to count and record ballots while on battery back-up. However, a power supply may be needed if this process should continue longer than one (1) hour. At no time shall the ballot box or ballots be out of sight of the election inspectors.

3. If this process is not able to be completed in the parking lot, then a change of venue shall be required. Changing the voting location shall require a police escort. The Town Clerk, or if the Town Clerk is not available, the Chief Inspector, shall determine if the event requires a change of venue. See par. (f) below to for the procedure for moving the entire polling location.

(f) Change of Venue:

1. When it is has been determined by the Town Clerk or Chief Inspector that a polling location needs to be moved to effectively respond to a disaster of any kind, the following process shall be executed.

2. The Town Clerk with police escort shall report to the polling location requiring the move. All inspectors shall assist the Clerk in packaging up all voting equipment, un-voted ballots, challenged ballots, recreated ballots, absentee envelopes, poll lists, new registration forms, and any other miscellaneous material.

3. The ballot box shall remain locked at all times.

4. The ballot box shall be escorted to a Town-owned vehicle for moving. A police officer shall remain in control of the ballot box at all times. A police escort shall take the ballot box (which holds all voted ballots) to Fire Station #2. At this location, all inspectors and the Town Clerk shall set-up and operate the polling location. The ballot box has a battery backup and no information should be lost.

5. All un-voted ballots shall remain in the possession of the Chief Inspector and at least one other inspector during this change of venue.

6. Inspectors shall note this change of location on their Inspector Statement.

7. A sign shall be posted at the original polling location designating the new polling place for voters to see. Likewise, if possible, a notice shall be placed on the public access channel for voters to report to the correct location.

(g) **Effect on Poll Watchers:** Poll watchers shall be required to exit any building that is evacuated. They may continue to watch the election processes without interruption. They shall be prohibited from interfering with the election process. If they are asked to leave and refuse to do so, they can be removed by the police.

2.03 TOWN BOARD

(1) MEMBERSHIP:

(a) The Town Board consists of five (5) Supervisors of the Town of Rome, one (1) of whom is the Chairperson.

(b) Three (3) supervisors constitute a quorum of a five (5) member town board.

(2) **MEETINGS OF THE TOWN BOARD:** Regular meetings of the Town Board shall be as scheduled and noticed by the Town Board. All meetings of the Town Board shall be held at the Municipal Building of the Town of Rome unless specified otherwise in the minutes of the preceding meeting or by written notice posted at the regular meeting place at least three (3) hours prior to any meeting. Pursuant to Sec. 60.24(1)(a), Wis. Stats., the presiding officer at meetings of the Town Board is the Town Chairperson. If the Town Chairperson is not present at the time for the call to order, the senior member of the Town Board present, based on date of original election as a member of the Town Board, shall call the meeting of the Town Board to order, and call the initial roll call. The Town Board shall then, by motion, elect an acting Town Chair for the meeting.

(3) ORDER OF BUSINESS:

(a) At all meetings, the following order may be observed in conducting the business of the Town Board:

1. Call to Order by presiding officer;
2. Roll call;
3. Reading and correcting the financial report and the minutes of the last preceding meeting or meetings;
4. Presentation of petitions, memorials, remonstrances, and communications;
5. Reports from officials of the Town;
6. Reports from committees;
7. Unfinished business remaining from preceding sessions in the order in which it was introduced;
8. New business; ordinances and resolutions may be introduced and considered;
9. Business may be presented by the Chairperson and Supervisors;
10. Establish next agenda.

11. Adjournment.

(b) Agenda Preparation:

The Town Administrator shall provide oversight to the Town Clerk/Treasurer in the preparation of an agenda incorporating the matters comprising the order of business, with final approval of the agenda by the Town Chairperson.

(c) No business shall be taken out of order unless by majority consent of all Supervisors and in the absence of any debate whatsoever. The Chairperson or presiding officer may impose a time limit on the length of time citizens may address the Town Board.

(d) As soon as the Town Board meeting is called to order roll call shall be taken, noting who are present and who are absent, and the same shall be recorded in the proceedings of the Board. If it shall appear that there is not a quorum present, the fact shall be entered on the journal and the Town Board shall adjourn.

**(4) INTRODUCTION OF BUSINESS, RESOLUTIONS AND ORDINANCES;
DISPOSITION OF COMMUNICATIONS:**

(a) Ordinances, including amendments to existing ordinances, shall be adopted pursuant to Sec. 60.80 and 66.0103, Wis. Stats. and as provided for in par. (b) herein.

(b) The procedure for adoption of an ordinance or an amendment to an existing ordinance shall be as follows:

1. An ordinance or amendment may be submitted to the Town Clerk/Treasurer by any Town Board member, the Town Administrator or department head.

2. Proposed ordinances or amendments shall either be drafted by the Town Attorney or submitted to the Town Attorney for review prior to submission to the Town Clerk/Treasurer. In order to ensure this requirement is met, the Town Clerk/Treasurer shall forward all submitted ordinances and amendments to the Town Attorney for review unless the proposed ordinance or amendment includes verification that the Town Attorney has already reviewed the same.

3. Upon receipt of the proposed ordinance or amendment, the Town Clerk/Treasurer shall provide a copy of the same to each Town Board member as well as the Town Administrator. The Town Clerk/Treasurer shall further consult with the Town Administrator and Town Chairperson about placement of the proposal on the agenda for a future Town Board meeting.

4. Upon being placed on the agenda, a proposed ordinance or amendment shall be considered and acted upon according to the standards and procedures outlined in this section.

5. If approved by the Town Board, an ordinance, amendment to an existing ordinance or resolution shall become effective as set forth in sub. (8) herein.

6. Additions and amendments to Chapter 10 of the Town Code are not subject to this section and shall be governed by the procedures outlined in that Chapter.

(c) Every petition or other writing of any kind, addressed to the Town Board, Town Administrator, Clerk/Treasurer or other Town officer/employee for reference to the Town Board, shall be delivered to the Chairperson as soon as convenient after receipt of same and, in any event, prior to or at the opening of the next meeting of the Town Board following the receipt of same.

(5) CONDUCT OF DELIBERATIONS:

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

1. When the ayes and nays are requested by any member.

2. When required by the Wisconsin Statutes or this Town Code.

(b) All aye and nay votes, when taken, shall be recorded in the official minutes.

(c) The Town Board shall, determine the rules of its procedure, which shall be governed by Robert's Rules of Order, which is hereby incorporated by reference, unless otherwise provided by State Statute and except when otherwise limited or modified by the Town Code.

1. No person other than a member shall address the Town Board except under public comment time, if any. Provided, however, citizens may address the Town Board with the permission of the presiding officer as to matters, which are being considered by the Board at the time.

2. No motion shall be discussed or acted upon unless and until it has been seconded. No motion shall be withdrawn or amended without the consent of the person making the same and the person seconding it.

(6) PROCEDURE AT PUBLIC HEARINGS:

(a) The Chairperson shall 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 to five (5) minutes.

(c) The Chairperson shall then call on those persons who wish to oppose the proposition. Each person wishing to speak in opposition to the proposition shall give his or her name and address.

(d) Each such person wishing to speak in opposition to the proposition shall be limited to five (5) minutes.

(e) Any person wishing to speak in rebuttal to any statements made may do so, with the permission of the Chairperson, provided such rebuttal statement shall be limited to three individuals and not more than three (3) minutes per person.

(f) When the Chairperson, in his or her discretion, is satisfied that the proposition has been heard, he or she shall entertain a motion from the Town Board to close the public hearing.

(7) PUBLICATION OR POSTING OF ORDINANCES AND RESOLUTIONS:

(a) An ordinance or amendment shall take effect as follows:

1. If the ordinance or amendment does not impose forfeiture, it may either be posted in three public places or published pursuant to sec. 60.80(1) Wis. Stats. After posting, the Town Clerk/Treasurer shall complete and file an affidavit of posting as required in sec. 60.80(4) Wis. Stats.

2. If the ordinance or amendment imposes forfeiture, it shall be published as a class 1 notice pursuant to sec. 60.80(1) and (2) Wis. Stats. In lieu of publication of the ordinance or amendment in its entirety, a summary may be published pursuant to sec. 60.80(1) and (5) Wis. Stats.

3. Unless a later date is set forth therein, the ordinance or amendment shall take effect the day after it is posted or published. An ordinance or amendment, after publication or posting, shall be inserted into the Town Codes.

(b) All resolutions shall be posted and shall take effect the day after posting unless a different date is stated in the resolution. The Town Clerk/Treasurer 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 Town Clerk/Treasurer.

(8) CONTACTING THE TOWN ATTORNEY:

(a) Contacting the Town Attorney shall be limited to the following authorized persons: the Town Clerk/Treasurer, Town Administrator, Town Chairperson, Police Chief, Fire Chief, Superintendent of Highways and Public Works, Water Utility Superintendent,

Town Assessor, Building Inspector, Zoning Administrator and the Chairperson of the Police and Fire Commission.

(9) SUSPENSION OF RULES: Any of the provisions of Sections 2.03(4) through 2.03(7), inclusive, of this Code may be suspended temporarily by a majority of the Town Board members present at any meeting.

(10) COMMUNICATIONS:

(a) Consistent with the spirit and intent of Wisconsin's open meetings law (Sec. 19.85 Wis. Stats.), each member of the Town Board and the members of all other town bodies (hereinafter, "member"), including without limitation the plan commission, board of appeals, police and fire commission, library board and community development authority, shall refrain from engaging in communication, regardless of form, that would involve, directly or indirectly, a quorum of the membership of such body.

(b) Other communications:

The policies and standards set forth in par. (b) herein shall be applied to all other forms of communications, as applicable, outside of a duly-noticed meeting of a body.

2.04 TOWN OFFICERS AND EMPLOYEES:

(1) ELECTION OF OFFICIALS: At the annual spring election in odd-numbered years, the Town shall elect a Chairperson and two (2) Supervisors. At the annual spring election in even-numbered years, the Town shall elect two (2) Supervisors. Existing terms of office are to expire and new terms of office are to begin the third Tuesday in April of the year the office is up for election.

(2) CONSTABLE: Pursuant to Sec. 60.10, Wis. Stats. the Town has abolished the office of constable.

(3) MUNICIPAL JUDGE:

(a) Elected. The judge shall be elected, at large, at the spring election held in even numbered years for a term of four (4) years. The term of office will begin on May 1 following the spring election in even-numbered years. The judge shall receive such compensation as determined by the Town Board, which shall be in lieu of fees and costs. No compensation shall be paid to the judge for any time during the term for which the official bond and oath have not been executed and filed. No compensation shall be paid for any day for which court is scheduled to be in session for which the judge is not in attendance. Where possible, two weeks advance notice of an off day or off days shall be submitted in writing to the town attorney and the town Police Chief. The judge must be licensed to practice law in the State of Wisconsin and must be an adult resident of the Town.

(b) Duties:

1. The judge shall execute and file with the Town Clerk/Treasurer the oath prescribed by Wis. Stats. 757.02(1) and a bond in the penal sum of two thousand dollars.

2. The judge shall have the power and duties of a municipal court judge as provided for in Chapters 755 and 800 Wis. Stats.

3. The judge shall have jurisdiction as provided in Wis. Stats. Sections 755.045 and 800.01, and exclusive jurisdiction of violations of Town ordinances, except as provided by Wis. Stats. Section 755.045(1) (a) and (b).

4. The judge may, in addition to any fine or penalty that may be imposed by law for any violation of a town ordinance, impose forfeiture and/or jail time not to exceed seven (7) days for contempt as provided in Wis. Stats. Section 800.12.

(4) ASSESSOR:

(a) Appointment: The Town Board shall appoint the Assessor.

(b) Duties: The Assessor is to discover, list and value all taxable real and personal property within the taxation district. It is the Assessor's responsibility to ensure that parcels within the district are valued uniformly. The Assessor shall perform any other duties mandated to such position by Wisconsin law.

(5) BUILDING INSPECTOR:

(a) Appointment: There is hereby created the position of Building Inspector who shall be appointed by the Town Board. The Inspector shall have an indefinite term of office. The Building Inspector shall be fully-certified by the State of Wisconsin to enforce one and two-family Building Dwelling Codes and other Town building ordinances.

(b) Duties:

1. The Building Inspector shall enforce the Town's building and housing codes and all other ordinances, laws, and orders of the Town and State which relate to building construction, alteration, and repair.

2. The Building Inspector shall make all inspections necessary for compliance and enforcement of the Building Code.

3. The Building Inspector shall have the power to order all work stopped on construction, alteration, or repair of buildings in the Town when such work is being done in violation of any Town ordinance. Work shall not be resumed after the issuance of such an order, except on written permission of the Building Inspector.

4. The Building Inspector shall issue or cause to be issued all proper permits for such work after payment of the fees required therefore. The inspector shall process all applications, make all inspections, and have the authority to issue or cause to be issued a certificate of final inspections.

5. The Building Inspector shall assist the Town in the enforcement of its authority for razing buildings as provided for in sec. 66.0413 Wis. Stats.

(6) TOWN ATTORNEY:

(a) Appointment: The Office of Town Attorney is an appointed position. The Town Attorney shall be appointed by the Town Board and shall serve at the pleasure of the Town Board.

(b) Duties:

1. Except as provided for in sub. par. 5. hereafter, the Town Attorney shall conduct all of the legal business in which the Town is interested.

2. The Town Attorney shall, when requested by the Town Board, give written legal opinions, which shall be filed with the Town Clerk/Treasurer.

3. The Town Attorney shall draft ordinances; the Town Board may request bonds and other instruments as required.

4. The Town Attorney may appoint an assistant, who shall have power to perform duties and for whose acts the Town Attorney shall be responsible to the Town. Such assistant shall receive no compensation from the Town, unless previously authorized by the Town Board.

5. The Town Board may employ and compensate special counsel to assist in or take charge of any matter in which the Town is interested.

6. The Town Attorney shall perform such other duties as provided by State law and as designated by the Town Board.

(7) TOWN ADMINISTRATOR:

(a) Appointment:

1. The Town Board shall appoint a Town Administrator.

2. Compensation for the Town Administrator shall be at the discretion of, and shall be the responsibility the Town Board.

(b) Duties: The Town Administrator shall perform the following duties:

1. As the Town's Chief Administrative Officer, the Town Administrator is responsible for the executive management of the Town's day-to-day operations including supervision and directing of all subordinate Department Heads and administrative staff. The Town Administrator shall serve as the Town Board's key point of contact for departmental activities, status of Town operations and projects.

2. The Town Administrator shall execute Town Board policies, analyze and recommend alternative procedures for improved operating efficiency and service delivery, and assist with the proficiency of departmental efforts toward Town Board strategic goals.

3. The Town Administrator shall oversee the preparation of meeting agendas and supporting documentation by the Town Clerk/Treasurer, with final approval to be made by the Town Chairman.

4. The Town Administrator shall represent the Town of Rome at external meetings, functions and events, serving as a liaison to governmental and civic organizations and committees, taskforces, boards and commissions.

5. The Town Administrator is responsible for the annual development and administration of the Town's budget, a capital improvement plan and a long-term financial plan as part of an overall strategic planning effort.

6. The Town Administrator shall coordinate special projects for the Town of Rome, including planning, design, implementation and evaluation of allocation of financial, material and human resources committed to projects.

7. The Town Administrator, together with Legal Counsel, shall assure Town compliance with Town ordinances and regulations as well as applicable Wisconsin Statutes, Federal Laws and regulations.

(8) TOWN CLERK/TREASURER

(a) Appointment:

1. Pursuant to sec. 60.30(1e) Wis. Stat., the offices of Town Clerk and Town Treasurer are combined and filled through appointment by the Town Board.

2. Compensation for the Clerk/Treasurer shall be at the discretion of, and shall be the responsibility of the Town Board.

(b) Duties: The Town Clerk/Treasurer shall have such powers and perform such duties as prescribed by State Law under sec. 60.33 and 60.34 Wis. Stat. In addition, the Town Clerk/Treasurer shall have certain additional general and specific duties, as directed by the Town Board or Town Administrator, not inconsistent with Wis. Stat. Ch. 60.

(9) CHIEF OF POLICE:

(a) Appointment:

1. The Chief of Police shall be appointed by the Police and Fire Commission (PFC). The Chief of Police shall hold office, subject to suspension or removal by the PFC pursuant to sec. 62.13(3) Wis. Stats.

2. The compensation to be paid the Chief of Police for services, hours of active duty, rest days, vacation periods, and other involvement of his or her employment shall be determined by the Town Board. Pursuant to sec. 62.13(7), the Chief of Police's salary shall not be decreased without a recommendation from the PFC.

Pursuant to sec. 62.13(5) (j) Wis. Stats., the provisions of pars. (a) to (i) of said subsection (5) shall apply to the Chief of Police where applicable.

(b) Duties:

- 1.** The Chief of Police shall have command of the Police Department. He or she shall report to the Town Administrator. He or she shall perform all duties prescribed to the Chief of Police by the laws of the State, ordinances of the Town and policies and procedures as shall from time to time be applicable to the operation of the Department.
- 2.** The Chief of Police shall cause the public peace to be preserved and may arrest and, with reasonable diligence, take before the proper court every person found in the Town engaged in any disturbance of the peace or violating any law of the State or ordinance of the Town. The Police Chief shall cooperate with other law enforcement officers in the arrest or apprehension of persons charged with crime. Whenever any violation thereof shall come to his or her knowledge, the Chief of Police may cause the requisite complaint to be made and see that the evidence is procured for the successful prosecution of the offender or offenders. The Chief of Police shall be responsible for the efficiency and general good conduct of the Department and shall assure that the Department is operated consistent with all applicable laws, rules, regulations, policies and procedures.
- 3.** The Chief of Police shall ensure that the Department keeps a suitable record in which shall be entered the name of every person arrested in the Town, the name of the person making the arrest, the date and the cause of the arrest, the Court from which the warrant was issued, the disposition made of the case, the amount of fine and costs paid and to whom paid, bond posted, and all complaints in full.
- 4.** Pursuant to sec.62.13(4)(a) Wis. Stats., the Chief of Police shall appoint subordinates subject to approval by the PFC. Such appointments shall be made by promotion, when this can be done with advantage; otherwise, from the eligible list provided by the PFC. Such list shall be determined as provided in Section 62.13(4) Wis. Stats.
- 5.** The Chief of Police shall keep records containing all information received of offenses committed or of suspicious persons or places and the entries of offenses committed shall include those applicable but not limited to the following: the hour, place and manner in which the offense was committed; the property which might have been stolen, enumerating the articles; the name and residence of the owner (if known); and the name of the police officer on duty at the time the offense was committed.
- 6.** The Police Department shall assist in the investigation of any fire, which, in the opinion of the Fire Chief, is of suspicious origin.
- 7.** The Chief of Police shall submit a monthly report to the Town Administrator, Town Board and Police and Fire Commission of all activities and transactions of the department during the preceding month.
- 8.** The Chief of Police shall submit an annual report to the Town Administrator, Town Board and Police and Fire Commission. It shall contain all such statistics as the Chief of Police may wish to include therein. The Chief of Police shall also recommend any amendments to the Code, which, in his or her judgment, shall be necessary and appropriate.

9. The Chief of Police shall establish and promulgate Rules of Conduct, Directives, Policies and Procedures and prescribe such duties for individual members as he or she may deem necessary for the effective and efficient command and operation of the Department; provided no such Rules of Conduct, Directive or Policy Procedure duties or assignment shall be in conflict with the statutes, ordinances and approved Town personnel rules and regulations.

10. The Chief of Police is responsible for the training of all members of the Department. He shall cause adequate and progressive programs of training to be organized and conducted to prepare Department members in the knowledge, procedures, and, techniques of their duties and responsibilities. The Chief of Police will ensure that, within budgetary limitations, members of the Department attend training courses, seminars, and conferences necessary to maintain and improve their job skills and professional knowledge. The Chief of Police shall encourage Department members to further their education in Law Enforcement through study, special courses, college attendance, extension programs, and independent readings. Officers shall file with the Chief of Police confirmation of attendance forms.

11. The Chief of Police shall cause to be maintained adequate personnel records of employment, assignment, promotions, attendance, performance and training for all members of the Department. The Chief of Police shall also comply with all provisions of the Law Enforcement Standards Board in regard to background investigations. The Chief of Police shall keep adequately informed of the activities of the Department and be assured that the duties of subordinates are properly discharged. The Chief of Police shall formulate procedures for recognizing outstanding performance by Department members, for investigating complaints of misconduct by any Department member and for taking appropriate disciplinary action subject to the provisions of the applicable statutes and Rules of the Department.

(10) FIRE CHIEF:

(a) Appointment:

1. The Fire Chief shall be appointed by the PFC. The Fire Chief shall hold office, subject to suspension or removal by the PFC pursuant to sec. 62.13(3) Wis. Stats.

2. The compensation to be paid the Fire Chief for services, hours of active duty, rest days, vacation periods, and other involvement of employment shall be determined and by the Town Board. Pursuant to sec. 62.13(7), the Fire Chief's salary shall not be decreased without a recommendation from the PFC.

(b) Duties:

1. The Fire Chief shall have command of the Fire Department. He or she shall report to the Town Administrator. He or she shall perform all duties prescribed to the Fire Chief

by the laws of the State, ordinances of the Town and policies and procedures as shall from time to time be applicable to the operation of the Department.

2. It shall be the duty of the Fire Chief to preside at all meetings of the Department, to call special meetings, to preserve order, to decide all points of order that may arise, and to enforce a rigid observance of this Code and the Department's rules.

3. It shall be the duty of the Fire Chief to be present at as many fires as possible, to have complete command of entire responsibility for all firefighting operations, to plan the control of the same, to direct the action of the companies when they arrive at a fire, to observe that every company does its duty, to grant leaves of absence at a fire when deemed proper and to see that the fire apparatus is kept in proper condition at all times.

4. Pursuant to sec.62.13(4)(a) Wis. Stats., the Fire Chief shall appoint subordinates subject to approval by the PFC. Such appointments shall be made by promotion, when this can be done with advantage; otherwise, from the eligible list provided by the PFC. Such list shall be determined as provided in Section 62.13(4) Wis. Stats.

5. The Fire Chief shall enforce all fire prevention ordinances of the Town and state laws and regulations pertaining to fire prevention and shall keep citizens informed on fire prevention methods and on the activities of the Department.

6. The Fire Chief shall keep a fire record, electronic or paper of every fire to which any company was called and shall enter in such record the name of the property owner, locality of fire, time alarm was received, cause of fire, where fire started, cause of delay (if any) in responding, method of extinguishments, equipment used, amount of insurance carried on building and contents, estimated fire loss, time fire was extinguished, names of members responding and general remarks.

7. The Fire Chief shall establish and promulgate Rules of Conduct, Directives, Policies and Procedures and prescribe such duties for individual members as he or she may deem necessary for the effective and efficient command and operation of the Department; provided no such Rules of Conduct, Directive or Policy Procedure duties or assignment shall be in conflict with the statutes, ordinances and approved Town personnel rules and regulations.

8. The Fire Chief or designee shall investigate the cause, origin, and circumstances of every fire occurring in the Town which is of suspicious nature or which involves loss of life or injury to persons or by which property has been destroyed or substantially damaged. Such investigations shall begin immediately upon the occurrence of such a fire, by the incident commander. If it appears the fire is of suspicious origin, the Fire Chief or designee shall immediately take charge of the physical evidence, shall notify the proper authorities designated by law to pursue the investigation of such matters and shall further cooperate with authorities in the collection of evidence and in the prosecution of the case.

9. The Fire Chief shall submit a monthly report to the Town Administrator, Town Board and Police and Fire Commission of all activities and transactions of the department during the preceding month.

10. The Fire Chief shall oversee the records of all incidents involving Fire Department response. The officer in charge of the incident shall make each incident record upon returning to Fire Station Number 1.

11. The Fire Chief shall submit an annual report to the Town Administrator, Town Board and Police and Fire Commission. It shall contain all such statistics as the Fire Chief may wish to include therein. The Fire Chief shall also recommend any amendments to the Code which, in his or her judgment, shall be necessary and appropriate.

(11) ZONING ADMINISTRATOR:

(a) Appointment:

1. The Town Board shall appoint a Zoning Administrator.

2. Compensation for the Zoning Administrator shall be at the discretion of, and shall be the responsibility of the Town Board.

(b) Duties: The following duties and responsibilities are normal for this position and are not to be construed as exclusive or all-inclusive. Other duties may be required as assigned.

1. Provide necessary forms for applications for zoning permits;

2. Issue zoning permits and conditional use permits where the provisions of the Town's ordinances have been complied with;

3. When necessary, upon review of applications and issuance of permits or properly filed complaints, identify and record information relative to non-conforming uses and structures;

4. Maintain files of applications, permits, and other relevant information;

5. Maintain an official zoning map for the Town of Rome and update it upon zoning changes.

6. Maintain permanent and current records of Chapters 10 and 17 of the Town Code, including, but not limited to, all maps, amendments, conditional uses, variances, nonconforming uses, appeals and applications therefore.

7. Provide and maintain a public information service relative to all matters arising out of Chapters 10 and 17.

8. Forward to the Plan Commission all relevant petitions for zoning amendments, conditional use permits and land divisions.
9. Forward to the Board of Appeals applications for appeals, variances or other matters on which the Board of Appeals is required to pass under Chapter 10.
10. At any reasonable time and for any proper purpose, enter with permission of the owner or occupant upon any public or private premises and make inspection thereof to determine compliance with the provisions of Chapter 10 and 17.
11. Upon reasonable cause of question as to proper compliance, to revoke any zoning permit and issue cease and desist orders requiring the cessation of any construction or use;
12. Investigate all complaints made relating to the location of structures, the use of structures, lands and waters, giving notice of all violations of Chapters 10 and 17 to the owner, resident, agent or occupant of the premises, and report uncorrected violations to the Police Department and Town Attorney.
13. Prohibit the use or erection of any structure, land or water until approved.
14. Act as recording secretary for the Plan Commission and the Board of Appeals and assist such bodies in the performance of their duties.

(12) SUPERINTENDENT OF HIGHWAYS AND PUBLIC WORKS:

(a) Appointment:

1. The Town Board shall appoint a Superintendent of Highways/Public Works.
2. Compensation for the Superintendent of Highways/Public Works shall be at the discretion of and shall be the responsibility of the Town Board.

(b) Duties: The Superintendent of Highways/Public Works shall perform the following duties:

1. Supervise the construction and maintenance of all highways required to be maintained by the Town, and keep them passable at all times. Perform such other services as are reasonably necessary in connection with said highways.
2. Supervise the maintenance of all town parks, cemeteries and transfer sites.
3. Supervise maintenance of all highway equipment.

(13) LIBRARIAN:

(a) Appointment: The Library Board shall appoint a Librarian. The Librarian shall appoint such other assistants and employees as the Library Board deem necessary, and prescribe their duties and compensation.

(b) Duties: The Librarian shall perform the following duties:

1. Act as the library's ex-officio on the Library Board.
2. Serve as the technical advisor to the Library Board.
3. Implement the policies of the library as approved by the Library Board.

(14) TOWN EMPLOYEES:

(a) The Town Board may employ, on a temporary or permanent basis, persons necessary to carry out the functions of Town government. The Town Board may establish the qualifications and terms of employment, which may include the residency of the employee. The Town Board may delegate the authority to hire Town employees to any Town official or employee.

2.05 COMMISSIONS AND BOARDS:

Appointment: Prior to appointment of a member to a Commission or a Board, the Town Board shall advertise for the position in the official local newspaper and post a notice at the town meeting posting sites. Resumes must be submitted with qualifications and previous employment experience. Applicants will be interviewed and appointed by the Town Chairperson, subject to confirmation by the Town Board.

Reappointment: Sixty days before a member's term expires the respective Commission or Board Chair shall notify in writing the Town Board and the member the term expiration date. If the member indicates an interest in reappointment a letter of interest must be submitted along with a resume if there is not a resume on file. All other members of the body shall complete a written evaluation and recommendation to be forwarded to the Town Board. If at any time it is apparent a Commission or Board member is unsuitable or unable to objectively carry on Commission or Board business, the Town Board is empowered to request the member's resignation and may remove a member if authorized by Wisconsin law. Members may be removed only by a majority vote of the Town Board for cause upon written charges and after a public hearing.

Compensation: Members shall receive a per diem as set by the Town Board by resolution and receive reimbursement for expenses as determined from time to time by the Town Board.

Quorum Requirements: If a quorum is present, the Commission or Board may take action by a majority vote of the members present.

(1) BOARD OF APPEALS:

(a) Appointment: A Board of Appeals is hereby created pursuant to sec. 62.23(7) (e) Wis. Stats. The Board of Appeals shall be organized as required under Sec. 62.23 (7) (e) of the Wis. Stats.

(b) Powers: The Board of Appeals shall have the duties, powers and authority delegated to such bodies in sec. 62.23 (7) (e) Wis. Stats. and in the Town Code.

(c) Records: The Zoning Administrator shall draft and maintain records of all actions of the Board of Appeals as approved by the secretary of the body.

(2) PLAN COMMISSION:

(a) Appointment: A Plan Commission is hereby created pursuant to section 62.23(1) Wis. Stats. The Plan Commission shall be organized as required under Sec 62.23 (1) of the Wis. Stats.

(b) Powers: The Plan Commission shall have the duties, powers and authority delegated to such bodies in sec. 62.23 Wis. Stats. and in the Town Code.

(c) **Records:** The Zoning Administrator shall draft and maintain records of all actions of the Plan Commission as approved by the secretary of the body.

(3) POLICE AND FIRE COMMISSION:

(a) A Police and Fire Commissioner (PFC) is hereby created pursuant to Sec. 60.57(1) (c), Wis. Stats. The PFC shall be organized as required under Sec. 62.13(1) of the Wis. Stats.

(b) **Records:** The secretary shall provide at the Town Board's request, a summary of all such proceedings and shall annually, prior to the first day of April of each year, submit a summary of the year's activities.

(4) WATER UTILITY COMMISSION:

(a) A Water Utility Commission is hereby established pursuant to section 66.0805 (1) Wis. Stats. The Water Utility Commission shall be organized as required under Sec. 66.0805 and in Sec. 5.02 of the Town Code. The Water Utility Commission shall be composed of Five (5) adult residents of the Town of Rome. Membership shall be organized as Three (3) adult residents of the area of the Town where curbside service of the Utility is available, One (1) adult resident of the area of the Town where curbside service is not available, and One (1) member from the Town Board. Not more than One (1) member of the Town Board shall at any one time be a member of the Water Utility Commission. Water Utility Commission members shall be approved by a majority vote of the Town Board. Resident-member commissioners shall hold office for a term of five (5) years except the terms of the commissioners first elected shall expire successively one each year on each succeeding first day of October, beginning October 1, 2005.

(b) **Records:** The secretary shall provide, at the Town Board's request, a summary of all such proceedings and shall annually, prior to the first day of April of each year, submit a summary of the year's activities.

(5) **ELECTION OFFICIALS:** Sec. 7.30 Wis. Stats., as modified in sec. 2.02 (2) of the Town Code, shall govern the appointment of election officials.

(6) LIBRARY BOARD:

(a) A Library Board is hereby established pursuant to section 43.52 and 43.54 Wis. Stats. The Library Board shall be organized as required under Section 43.58 Wis. Stats. The Library Board shall consist of seven (7) members, as follows: five (5) members must be residents, two (2) of the seven (7) members may be a nonresidents and (1) of the seven (7) shall be a school administrator, or the administrator's representative, to represent the public school district in which the public library is located. Not more than one member of the Town Board shall at any one time be a member of the Library Board.

(b) **Records:** The Library Board shall make a report to governing body per 43.58 (6).

(7) COMMUNITY DEVELOPMENT AUTHORITY:

(a) Appointment: A Community Development Authority has been created by Town Board resolution pursuant to section 66.1335 Wis. Stats. The Community Development Authority shall consist of seven (7) adult residents of the Town who shall be appointed by the Town Chairperson, subject to confirmation by the Town Board. Commissioners shall be reimbursed their actual and necessary expenses including local travel expenses incurred in the discharge of their duties, and may, in the discretion of the town board, receive other compensation. Appointees to the Community Development Authority may be removed only by a majority vote of the Town Board for cause upon written charges and after a public hearing.

(b) Term: The terms of the Commissioners shall be as set forth in sec. 66.1335(2)(a)-(c) Wis. Stats. and shall commence on May 1.

(c) Officers: The Authority shall have a chairperson, vice-chairperson, treasurer and secretary who are selected consistent with the Authority's Bylaws.

(d) Powers: The Community Development Authority shall have the duties, powers and authority delegated to such bodies in sec. 66.1335 Wis. Stats., as authorized in Town of Rome Resolution No. 06-01 and any amendments thereto, as stated in the Community Development Authority of the Town of Rome, WI By-Laws and Rules of Procedure and as provided in this code.

(e) Quorum Requirements: A quorum for all meetings shall consist of four (4) members and the presiding officer shall be included in such a count.

(f) Records: The secretary of the Community Development Authority/Town of Rome Zoning Administrator shall be responsible for drafting and maintaining records of all actions of the Authority as required by state statute.

(8) PARKS AND RECREATION COMMITTEE:

(a) Creation and Membership: There is hereby created and established a Town of Rome Parks and Recreation Committee. Said Committee shall have all the powers hereinafter enumerated and shall be composed of four (4) adult resident members and one (1) Town Supervisor, appointed by the Town Chairperson and subject to confirmation by the Town Board. The Town Administrator and Superintendent of Highways/Public Works shall be ex officio members and serve as staff liaisons for Committee meetings.

(b) Term: The terms of resident-members shall be for four (4) years each, except when the Parks and Recreation Committee is first constituted, said members shall be appointed for terms of one (1), two (2), three (3), and four (4) years, and shall commence on May 1. The Supervisor-member of the Committee shall be appointed by the Town Chairman with the majority approval of the Town Board May 1 of each year, and shall

serve as the chair of the Park and Recreation Committee.

(c) Records: The secretary shall provide, at the Town Board's request, a summary of all such proceedings and shall annually, prior to the first day of April of each year, submit a summary of the year's activities.

(d) Powers and General Duties.

1. In an advisory capacity to the Town Board, the Parks and Recreation Committee shall undertake the planning, development, acquisition, expansion, disposition, maintenance and use of all parks and recreation facilities in the Town of Rome. Where applicable, recommended projects shall include a report of budgetary and departmental impacts.

2. The Parks and Recreation Committee shall work to provide the broadest community benefit in its provision of parks and recreation activities in the Town and shall act to sustain, enhance and preserve the natural resources of the Town of Rome.

3. The Parks and Recreation Committee shall make recommendations to the Town Board when it deems appropriate to make application for grant funds from state agencies for the purpose of creating or enhancing the Town's parks and related facilities and recreation programs.

2.06 ETHICAL STANDARDS:

(1) **DECLARATION OF POLICY:** It is declared that high ethical standards among Town officers and employees are essential to the conduct of good representative government and that a code of ethics for the guidance of public officers and employees will help them avoid conflicts with improved standards of public service and will promote and strengthen the confidence of the residents of the Town in their public officers and employees. The purpose of this Section is to establish guidelines for ethical standards of conduct for all such Town officers and employees by setting forth those acts or actions that are incompatible with the public interest and which compromise, or appear to compromise, public trust in the fairness, independence and integrity of Town officers and employees and their official actions.

(2) **STATUTORY STANDARDS OF CONDUCT:** The provisions of the following sections of the Wisconsin Statutes, as from time to time amended, are made a part of this Section and shall apply to all public officers and public employees whenever applicable, to wit:

- (a) Section 946.10. Bribery of Public Officers and Employees.
- (b) Section 946.11. Special Privileges from Public Utilities.
- (c) Section 946.12. Misconduct in Public Office.
- (d) Section 946.13. Private Interest in Public Contract Prohibited.
- (e) Section 946.14. Purchasing Claims at Less Than Full Value.
- (f) Section 946.15. Public Construction Contracts at Less Than Full Value.

(3) SPECIFIC CONFLICTS OF INTEREST:

(a) **Applications:** This subsection is intended to supplement sec. 19.59 Wis. Stats. If any conflict between this subsection and sec. 19.59 exists, the provisions of sec. 19.59 shall prevail.

(b) **Conflict of Interest:** No public official or employee, whether paid or unpaid, shall engage in any business or transaction or shall have a financial or other personal interest, direct or indirect, which is incompatible with the proper discharge of official duties or will tend to impair independence or judgment or action in the performance of official duties. Personal as distinguished from financial interest includes an interest arising from blood or marriage relationships or close business or political association.

(c) **Conflicts of Interest; Disclosure of Interest:** Except as provided herein, no public officer or public employee shall engage in any business transaction with the Town, or have a financial or other personal interest, direct or indirect, which is incompatible with

the proper discharge of official duties or will tend to impair independence or judgment or action in the performance of official duties. Any public officer or employee who has a substantial financial interest, including employment, in any business entity entering into, proposing to enter into or bidding on any transaction with the Town, or as part of official duties will be making an official decision or recommendation significantly affecting a business competitor, client or regular customer, shall disclose such interest to the membership of the Town Board (or committee, board or commission thereof, as appropriate) to be recorded in the minutes of that body. Upon such disclosure the public officer or employee shall abstain from voting on the matter and from participating in the discussion of the matter.

(d) Representing Private Interests before the Town Board or Town Agencies: No public officer or employee, including persons or firms engaged to provide professional services to the Town, shall represent, private interests before the Town Board, commission or committee without disclosure of the private business relationship and explicit consent of the Town Board.

(e) Disclosure of Confidential Information: No public officer or employee shall, without proper authorization of the Town Board, disclose confidential information concerning the property, government or affairs of the Town, nor shall he or she use such information to advance the financial or other private interest of himself or others.

(f) Gifts and Favors: No public officer or employee shall accept anything of value whether in the form of a gift, service loan or promise from any person, who, to his or her knowledge, has a direct financial interest in any transaction or official business with the Town, which may tend to impair independence of judgment or action in the performance of official duties. However, it is not a conflict of interest for any public officer or employee to receive a gift of gratuity that is an unsolicited item of nominal intrinsic value, such as a meal up to Ten Dollars (\$10.00) in value.

(g) Outside Employment: The Town Clerk, Treasurer, Superintendent of Highways and Public Works, Fire Chief, Chief of Police, Zoning Administrator and Librarian shall not engage in any other remunerative employment; provided that the Town Board may approve such outside employment or activity if it finds that it does not interfere or conflict with such ability of the employee to perform his or her duties in an efficient and unbiased manner.

(h) Incompatible Employment: No Supervisor or other public official or employee shall engage in or accept private employment or render services for private interests when such employment or service is incompatible with the proper discharge of his official duties or tends to impair his independence of judgment or action in the performance of his official duties. In the event a Supervisor, official or employee possesses a financial or personal interest in any business or transaction, any presumption of conflict of interest with his public duties shall be removed by his disclosure of the nature and extent of such investment to the Town Board for the records of that authority.

(i) **Advisory Opinion:** Any questions as to the interpretation of any provisions of this subsection shall be referred to the Town Attorney for an advisory opinion.

(j) **Penalties:** Any person who violates this Section may, upon conviction, be penalized pursuant to sec. 19.59 (7) Wis. Stats.

(k) **Confidentiality of Information:** Whenever the Assessor, in the performance of the Assessor's duties, requests or obtains income and expense information pursuant to Section 70.47(7) (af), Wis. Stats. or any successor statute thereto, then, such income and expense information that is provided to the Assessor shall be held by the Assessor on a confidential basis, except, however, that said information may be revealed to and used by persons: in the discharging of duties imposed by law; in the discharge of duties imposed by office (including, but not limited to, use by the Assessor in performance of official duties of the Assessor's office and use by the Board of Review in performance of its official duties); or pursuant to order of a court. Income and expense information provided to the Assessor under Section 70.47(7) (af), unless a court determines that it is inaccurate, is not subject to the right of inspection and copying under Section 19.35(1), Wis. Stats.

2.07 FINANCE:

(1) PREPARATION AND ADOPTION OF BUDGET: When requested by the Chairperson, Town Board or Town Clerk, each officer, department and committee shall annually file with the Town Clerk an itemized statement of disbursements made to carry out the powers and duties of such officer, department or committee during the preceding fiscal year, and a detailed statement of the receipts and disbursements on account of any special fund under the supervision of such officer, department or committee during such year, and of the conditions and management of such fund; also detailed estimates of the same matters for the current fiscal year and for the ensuing fiscal year. Such statements shall be presented in the form prescribed by the Town Clerk and shall be designated as "Departmental Estimates," and shall be as nearly uniform as possible for the main division of all departments.

(2) Payment of Claims: Pursuant to sec. 60.44 (2) Wis. Stats.

(a) The payment of a claim against the Town may be made from the Town treasury under sec. 66.0607 Wis. Stats. if the Town Clerk approves in writing the claim as a proper charge against the Town treasury. A claim against the Town is a proper charge against the Town treasury if the Town Clerk determines that all of the following conditions have been met:

1. Funds are available under the Town budget to pay the bill or voucher.
2. The item or service covered by the bill or voucher has been authorized by the Town Board or an authorized Town official, agent, or employee.
3. The item or service covered by the bill or voucher has been supplied or rendered in conformity with the authorization.
4. The claim appears to be a valid claim against the Town.

(b) The Town Clerk may require submission of proof to determine compliance with the conditions under par. (a) prior to approval. (For example, the Town Clerk may require verification of quantity, quality, etc., by another Town official or employee.

(c) After determining that the conditions under par. (a) have been met, the Town Clerk shall indicate approval of the claim by placing his or her signature on the bill or voucher. Upon approval of a bill or voucher under this procedure, the Town Clerk shall prepare and sign a check and have it countersigned by the Town Treasurer pursuant to sec. 66.0607 Wis. Stats. The requirement therein for the Town Chairperson to countersign the check is hereby waived. The Town Treasurer shall then mail or deliver the completed check to the appropriate party. As required in sec. 66.0607 (3) Wis. Stats., a certified copy of this ordinance shall be filed with each public depository with which the Town deposits funds.

(d) Monthly Report of Claims: The Town Clerk shall file with the Town Board, at least monthly, a list of claims approved, showing the date paid, name of claimant, purpose and amount.

(3) BOND REQUIREMENTS: Pursuant to secs. 60.31 (2) and 19.01 Wis. Stats., the Town shall provide a blanket bond from a surety company for the Town Clerk and Town Treasurer. The amount of such blanket bond shall not be less than \$50,000.

(4) RECEIVING MONEY; RECEIPT FOR SAME: The Town Treasurer shall not receive any money into the treasury from any source except on account of taxes levied and collected during the fiscal year for which he or she may then be serving, without giving a receipt in triplicate, therefore in the manner specified by the Town Board. The Treasurer shall charge the amount thereof to the treasury and credit the proper account. The payment of the money to any receiving agent of the Town or to the Town or to the Treasurer shall be safeguarded in such manner, as the Town Board shall direct.

(5) DUPLICATE TREASURER'S BOND ELIMINATED: Pursuant to sec. 70.67 (2) Wis. Stats., the Town Treasurer is not required to give a bond to the county treasurer. The Town shall pay, if the Town Treasurer fails to do so, all taxes of every kind required by law to be paid by the Town Treasurer to the county treasurer. A certified copy of this subsection shall be filed with the county treasurer.

(6) STATEMENT OF REAL PROPERTY STATUS: The Town Treasurer is authorized to prepare a Statement of Real Property Status form to be used to provide information often requested for transfers of real property such as the amount of outstanding special assessments, deferred assessments, changes in assessments, amount of taxes, outstanding water, electric and sewer bills, current water, electric and sewer bills, contemplated improvement, floodplain status, violation of the building and health codes and similar information. Any such information sought shall be provided to the person requesting it on said form. The Town Treasurer shall collect a fee set by the town board for compiling such information on said form. The Town Treasurer shall have a minimum of twenty-four (24) hours to satisfy such requests.

(7) EXCEPT AS PROVIDED FOR IN SEC 66.0115 WIS. STATS.

(a) No license or permit shall be granted to any applicant for operation on any premises, or for operation with any equipment, for which taxes, assessments, forfeitures or other financial claims of the Town are delinquent.

(b) No license or permit shall be granted to any applicant or agent who has delinquent taxes for any real or personal property within the Town or who has delinquent assessments, forfeitures or other financial claims owed to the Town.

(8) AUDIT: An audit of the financial records shall be conducted at least once a year by a certified public accountant not otherwise employed by the Town.

2.08 SPECIAL ASSESSMENTS:

(1) **PURPOSE:** The purpose of this section is to provide for payment for the construction, reconstruction, improvement and preservation of the sidewalks, driveway approaches, streets, curbs, gutters, and sewer and water mains or any other municipal work or improvement in the town by the levy of special assessments therefore upon various classes of real estate, in a fair and equitable manner, through the application of a variety of formulas.

(2) SPECIAL ASSESSMENT OPTIONS:

(a) **Statutory procedures:** The Town adopts the procedures for levying special assessments as contained in Sec. 66.0703 Wis. Stats. Provided, however, special assessments may be levied subsequent to completion of the improvement. In such case, all references in sec. 66.0703 to “proposed” work or improvement shall be disregarded.

(b) **Reimbursement:** Pursuant to sec. 66.0805 (4) (b) Wis. Stats., the Town Board may, in its sole discretion, provide for reimbursement of assessments for water main installations and extensions.

(3) ASSESSMENT FORMULA:

(a) If an assessment represents the exercise of the police power, the assessment shall be upon a reasonable basis as determined by the Town Board. As to each project for which an assessment is imposed, the Town Board shall determine, based on the size, scope and location of the project, which assessment formula, or combination of formulas, best satisfies the reasonable basis requirement.

(b) The amount assessed against any property for any work or improvement which does not represent an exercise of the police power shall not exceed the value of the benefits accruing to the property.

2.09 PUBLIC RECORDS:

(1) DUTY TO MAINTAIN RECORDS:

(a) Each officer, employee and deputy shall keep secure and preserve all records received from his or her predecessor or other persons as required by law to be filed, deposited or kept in his or her office and which are in the lawful possession or control of the officer or employee or deputies. Each officer, employee and deputy shall also secure and preserve all records that come into his or her possession as an officer, employee or deputy.

(b) Upon the expiration of an officer's term of office or an employee's term of employment, or whenever the office or position of employment becomes vacant, each such officer or employee shall deliver to the successor all records then in custody and the successor shall receipt therefore to the officer or employee, who shall file said receipt with the Town Clerk. If a vacancy occurs before a successor is selected or qualified, such records shall be delivered to and receipted for by the Town Clerk, to be delivered to such successor upon taking office. In the event the Town Clerk's position becomes temporarily vacant, the records shall be surrendered to the Town Chairperson.

(2) LEGAL CUSTODIAN(S):

(a) Each elected official is the legal custodian of his or her records and the records of his or her office.

(b) The head of each department shall be the legal custodian of all records of such departments.

(c) Except for the Town Board, the chairperson of each committee, board, commission or other body shall be the legal custodian of the records of such body. Provided, however, the chairperson may designate a town staff member as the legal custodian.

(d) Except for town board members, a legal custodian shall name a person to act as legal custodian in his or her absence or the absence of the designee.

(e) The legal custodian shall have full legal power to render decisions and to carry out the duties of an authority under Subch. 11 of Ch. 19, Wis. Stats. and this Chapter. The designation of a legal custodian does not affect the powers and duties of an authority under this Section.

(3) PUBLIC ACCESS TO RECORDS:

(a) Records will be available for inspection and copying when the custodian is available.

(b) If regular office hours are not maintained at the location where records are kept, the records will be available for inspection and copying upon at least forty-eight (48) hours advance notice of intent to inspect or copy.

(c) A requester shall be permitted to use facilities comparable to those available to Town employees to inspect copy or abstract a record.

(d) The legal custodian may require supervision during inspection or may impose other reasonable restrictions on the manner of access to an original record if the record is irreplaceable or easily damaged. No original public records of the Town shall be removed from the possession of the legal custodian.

(e) A requester shall be charged a fee to defray the cost of locating and copying records as follows:

1. There shall be a fee for photocopying per page, excluding accident reports for the people involved. Said cost will be calculated not to exceed the actual, necessary and direct cost of reproduction.

2. If the form of a written record does not permit copying, the actual and necessary cost of photographing and photographic processing shall be charged.

3. The actual full cost of providing a copy of other records not in printed form on paper, such as films, computer printouts and audio- or videotapes, shall be charged.

4. If mailing or shipping is necessary, the actual cost thereof shall also be charged.

5. There shall be no charge for locating a record unless the actual cost therefore exceeds fifty dollars (\$50.00), in which case the actual cost shall be determined by the legal custodian and billed to the requester. The Town will determine the cost of locating a record by using the hourly rate of twenty-five dollars (\$25.00) per hour for employees involved in attempting to locate the record.

6. The legal custodian shall estimate the cost of all applicable fees and may require a cash deposit adequate to assure payment, if such estimate exceeds five dollars (\$5.00).

7. Elected and appointed officials of the Town shall not be required to pay for public records they may reasonably require for the proper performance of their official duties.

8. The legal custodian may provide copies of a record without charge or at a reduced charge where it is determined that waiver or reduction of the fee is in the public interest.

(f) **Notice:** As required in sec. 19.34 (1) Wis. Stats., each authority, as defined in sec. 19.32 (1) Wis. Stats., shall adopt, prominently display and make available for inspection a notice regarding access to public records.

(4) DESTRUCTION OF RECORDS:

(a) Town officers may destroy the following non-utility financial records of which they are the legal custodian and which are considered obsolete, after completion of any audit by an auditor licensed under Chapter 442 of the Wisconsin Statutes but not less than seven (7) years after the record was effective unless another period has been set by statute, and then after such a period, or unless a shorter period has been fixed by the State Public Records Board pursuant to Sec. 16.61(3)(e), Wis. Stats.

1. Contracts and papers relating thereto.
2. Correspondence and communication.
3. Financial reports other than annual financial reports.
4. Justice dockets.
5. Oaths of office.
6. Reports of boards, commissions, committees and officials duplicated in the Town Board proceedings.
7. Election notices and proofs of publication.
8. Canceled voter registration cards.
9. Official bonds.
10. Police records other than investigative records.
11. Resolutions and petitions.
12. Bank statements, deposit books, slips and stubs.
13. Bonds and coupons after maturity.
14. Canceled checks, duplicates and check stubs.
15. License and permit applications, stubs and duplicates.
16. Payrolls and other time and employment records of personnel included under the Wisconsin Retirement Fund.
17. Receipt forms.

18. Special assessment records.

19. Vouchers, requisitions, purchase orders and all other supporting document pertaining thereto.

(b) Town officers may destroy the following utility records of which they are the legal custodians and which are considered obsolete after completion of any audit by an auditor licensed under Chapter 442 of the Wisconsin Statutes, subject to State Public Service Commission regulations, but not less than seven (7) years after the record was effective unless a shorter period has been fixed by the State Public Records Board except that water stubs, receipts of current billings and customers' ledgers may be destroyed not less than two (2) years after payment or receipt of the sum involved or the effective date of said record.

1. Contracts and papers relating thereto.

2. Excavation permits.

3. Inspection records.

(c) Notwithstanding the above provisions appearing in this Section, it is intended hereby that election materials may be destroyed according to time schedules as made and provided in Sec. 7.23, Wis. Stats.

(d) Unless notice is waived by the State Historical Society, at least sixty (60) days' notice shall be given the State Historical Society prior to the destruction of any record.

(e) Any tape recordings of a governmental meeting of the Town may be destroyed, erased or reused no sooner than ninety (90) days after the minutes of the meeting have been approved, if the purpose of the recording was to make minutes of the meeting.

2.10 REVIEW OF ADMINISTRATIVE DETERMINATIONS: Review of administrative determinations shall be governed by Chapter 68 Wis. Stats., which is adopted herein by reference.