

## TOWN OF ELBA

### ORDINANCES

#### A. TOWN BOARD GENERAL ORDINANCE

##### Section I. Title/Purpose

This ordinance is entitled the "Town of Elba Town Board General Ordinance". The purpose of this ordinance is to provide for the fair and orderly administration of matters involving the Town Board.

##### Section II: Authority

The Town Board of the Town of Elba has the specific authority, powers and duties, pursuant to Sec. 60.10, Sec. 60.20, Sec 60.22 and Sec. 60.23, Wis. Stats., and has, with authorization of the Town meeting, additional statutory authority, powers and duties to manage and direct certain affairs of the Town of Elba. In addition, the Town Board has additional general and specific statutory authority, powers and duties established beyond Chapter 60, Wis. Stats.

##### Section III. Adoption of Ordinance

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

##### Section IV: Number of Members of the Town Board

The Town Board shall consist of three (3) members. The Town Board shall be designated the "Town Board of Elba".

##### Section V: Quorum of Town Board

A legal quorum of a Town Board is a majority of the members of the Board. The current Town Board consists of three (3) members of which two (2) members shall be a legal quorum when they are in attendance at any duly called and any duly authorized public meeting of the Town Board.

##### Section VI: Meeting of Town Board

A meeting of the Town Board may be held within the Town of Elba or in any town, city or village within or adjoining the

Town of Elba, subject to the open meeting provisions of Subchapter IV of Chapter 19, Wis. Stats.

Section VII: General Statutory Authority,  
Powers and Duties of Town Board

The Town Board of the Town of Elba has the below noted specific powers and specific duties that are established in Sec. 60.22 and Sec. 60.23, Wis. Stats. These powers and duties are:

1) **Charge of Town Affairs.** The Town Board has charge of all affairs of the Town not committed by law to another body or office or to a Town employee.

2. **Charge of Actions.** The Town Board has charge of any action or legal proceeding to which the Town of Elba is a party.

3. **Pursue Claims of Town.** The Town Board shall demand payment of penalties and forfeitures recoverable by the Town and damages incurred by the Town due to breach of any official bond, any injury to property or other injury. If, following demand by the Town Board, payment is then not made, the Town Board shall pursue appropriate legal action to recover the appropriate penalty, forfeiture or damages.

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

5. **Cooperation in County Planning.** The Town Board may cooperate with the county in rural planning under Sec. 27.015, Wis. Stats., Sec. 59.70, Wis. Stats. and Sec. 59.97, Wis. Stats.

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

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

8. **Cemeteries.** The Town Board may provide for cemeteries

under Subchapter 11, Chapter 157, Wis. Stats.

9. **Change of Street Names.** The Town Board may name or change the name of any street in the Town under Sec. 81.01(11), Wis. Stats.

10. **Disposition of Dead Animals.** The Town Board may, notwithstanding Sec. 59.07(84), Wis. Stats., and Sec. 95.50(3), Wis. Stats., dispose of any dead animals within the Town or contract for the removal and disposition with any private disposal facility. Cost shall be charged back to property owner.

11. **Appropriate for Civic and Other Functions.** The Town Board may, if authorized by the Town meeting under Sec. 60.10(3)(b), Wis. Stats., appropriate reasonable amounts of money for gift or donations to be used to further civic functions and agricultural societies.

12. **Emergency Pest and Disease Control.** The Town Board may appropriate money for the control of insects, weeds or plant or animal disease if:

- a. An emergency arises within the Town due to insects, weeds or plants or animal diseases; and
- b. The Town Board determines that any delay resulting from calling a special Town meeting to authorize the Town Board to appropriate money for this purpose under Sec. 60.10(3)(c), Wis. Stats., would result in serious harm to the general welfare of the Town.

13. **Fences in Subdivisions.** The Town Board may, if authorized under Sec. 60.10(2)(c), Wis. Stats., to exercise village powers, by ordinance require a subdivider to construct a fence under Sec. 90.02, Wis. Stats., as a condition of plat approval by the Town. The fence shall be maintained under Sec. 90.05(2), Wis. Stats and required under Sec. 90.10, Wis. Stats., and Sec. 90.11, Wis. Stats.

#### Section VIII: Town Board Meeting Rules of Procedure

##### a. Regular Meeting of the Town Board

The regular meeting of the Town Board will be held at the Town Hall located at N3699 CTY TK T, Columbus, Wisconsin, at 8:00 P.M. on the 3rd Monday of each month. Any regular meeting of the Town Board falling upon a legal holiday shall be held on the day designated by the Town Board. Any meeting of the Town Board, including any special or adjourned meetings, that are not held at the Town Hall but at any other substitute location, shall be designated by the Town Chair of the Town of Elba or his or her designee, in compliance with the open meeting law, by posting a

proper written notice of the location at the three (3) usual and customary posting locations likely to give notice. This notice shall occur at least twenty-four (24) hours prior to the meeting of the Town Board, unless in an emergency wherein the proper notice posting shall occur at least two (2) hours prior to the meeting.

The three (3) usual customary posting locations shall be the following unless the Town Board directs posting at other locations:

1. Town Hall - N3799 Cty Tk T, Columbus, Wisconsin
- 2.
- 3.

b. Special Meeting of the Town Board

Any special meeting of the Town Board may be called by any two (2) members of the Town Board in writing with the written call for the special meeting filed with the Town Clerk at least twenty four (24) hours prior to the proposed special meeting with the time specified in the written call for the special meeting.

No special meeting of the Town Board shall be held unless the notice requirement of the state open meeting law, pursuant to Sec. 19.82, Wis. Stats., and notice requirements of any open meeting ordinance of the Town have been complied with by the person or persons requesting the public meeting.

The Town Clerk, upon receipt of the written call for the special meeting of the Town Board, shall immediately notify, in writing, each member of the Town Board by delivering the written notice or by having the written notice delivered personally to each member. If any member cannot be personally notified in writing then the Town Clerk shall deliver or have delivered a copy of the written notice at the home of any such member in the presence of an adult of the family of the member. If any member cannot be noticed in writing through an adult family member as noted above, then the Town Clerk shall post such special meeting written notice in the above noted three (3) usual and customary locations.

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

Special meetings of the Town Board may be held without such service and notice when all members of the Town Board are present in person or consent in writing to holding of any special meeting. Any consent by any member of the Town Board shall be filed by the Town Clerk prior to the beginning of a special meeting.

Special meetings attended by a quorum of the members shall be considered a regular meeting of the Town Board for the transaction of any Town business that may come before the Town Board if such regular Town business was so noted in the written notice to the public as required by the state open meeting law, Sec. 19.82, Wis. Stats. and as may be required by any open meeting ordinance adopted by the Town of Elba.

c. Adjourned Meeting of the Town Board

The Town Board may, by majority vote, adjourn any meeting of the Town Board from time to time to a specific date and hour. The adjournment to the specific time and place will be in compliance with the open meeting law.

d. Order and Conduct at Town Board Meeting

1. **Business Order.** The regular business order agenda for the Town of Elba shall be:

- a. Call to Order
- b. Roll Call
- c. Reading of minutes of prior meeting and approving these minutes after errors in the minutes have been corrected to the satisfaction of the Town Board.
- d. Procedural motions by members of the Town Board.
- e. Communications and Petitions
- f. Comments and suggestions from residences of the Town and other persons present. Introduction of guests.
- g. Reports of Town officers.
- h. Unfinished business from prior meeting
- i. Audit of accounts presented
- j. New business
- k. Future meeting agenda
- l. Adjournment

Any member of the Town Board may take up any business on the agenda in any other order unless there is objection by the other members.

2. **Quorum at Roll Call of Meeting.** If no legal quorum is present at the time of the initial roll call, the meeting of the Town Board shall be adjourned by the members present to a specific date and hour.

3. **Absence of Town Clerk at Meeting.** If the Town Clerk is not present at the time of the initial roll call of the meeting, the Town Chair shall appoint the Deputy Clerk of the Town or any other person present at the meeting to be the Town Clerk pro tem. The Town Clerk pro tem shall prepare and maintain minutes of the meeting. The Town Clerk pro tem shall deliver these minutes to the Town Clerk after the end of the meeting or when the Town Clerk pro

tem is replaced during the meeting of the Town Board by the Town Clerk.

4. **Absence of Town Chair at Call to Order of Meeting.** The presiding officer at the meeting of the Town Board will be the Town Chair. If the Town Chair is not present at the time for the call to order, the senior member of the Town Board present, known as Supervisor 1, based on date of original election as a member of the Town Board, shall call the meeting to order, call the initial roll call and shall preside as Town Chair until the Town Chair is able to preside at the meeting.

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

5. **Vacation of Town Chair or Presiding Officer at Meeting.** If the Town Chair or any other presiding officer of the Town desires to speak on any question or to make any motion, the Town Chair or the presiding officer may speak or make a motion without vacating the chair or without designating a member of the Town Board to preside at the meeting as Town Chair pro tem.

6. **Meeting in the Public.** Any business of any meeting of the Town Board shall be in open session and accessible to the public, except as provided in the state open meeting law, Sec. 19.85(1), Wis. Stats., and except as may be established by any open meeting ordinance adopted by the Town.

7. **Receipt of Funds.** Any officer, employee or agent of the Town of Elba in possession of funds or receipts or earnings of the Town shall deposit any such funds, receipts or earnings with the Town Treasurer on at least a weekly basis unless approved otherwise by the Town Board.

8. **Specific Rules of Conduct at Town Board Meetings.**

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

b) **Speaking Before Town Board.** At a meeting of the Town Board no persons shall address the Town Board or any members of the Town Board. This provision shall not apply to:

1. Town Clerk
2. Town Treasurer
3. Any member of the Town Board
4. Town Assessor

This provision shall also not apply under the specific orders of business established to recognize residents of the Town or other persons, under the specific order of business to recognize members of any Town office, Town committee, Town agency, Town commission or a special board or other Town officers or except if the person has specifically requested from a member of the Board the right to address the Town Board and then only after the approval of either the presiding officer or the Town Board through an affirmative vote by the Town Board.

c) **Conflicts of Interest.** The Town Board may establish its own rules regarding when and if members are not to be voting because of any special cause or causes or conflict of interest.

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

e) **Motions Stated.** Prior to any debate on a matter, the members of the Town Board shall be entitled to a clear understanding of the motion before the Board. The person making the motion shall clearly state the motion. There shall be a second to any motion prior to any debate or discussion of the motion.

f) **Priority Matters.** When any action item, business item, motion or question is before the Town Board, no other action item, business item, motion or question shall be in order except a motion:

- 1) to adjourn or recess the meeting;
- 2) to lay on the table the question;
- 3) to call the question;
- 4) to postpone the question to a date certain;
- 5) to amend or divide the questions;
- 6) to postpone the question indefinitely; and
- 7) to introduce a matter related to the question.

g) **Town Board Action at First Meeting; Date of First Public Meeting.** The first regular meeting of the Town Board shall be held on the third Monday in April in the odd year.

h) **Suspension of Rules.** These rules or any part of these rules or any other rules of the Town Board may be temporarily suspended at any meeting, including any special meeting, in connection with any matter under consideration by the Board. Any rule may be suspended by a recorded affirmative roll call vote of two-thirds (2/3) or more of the members of the Town Board present at the meeting.

i) **Amendment of Rules.** These rules or any part of

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