

## CHAPTER 1

### GENERAL GOVERNMENT

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GENERAL GOVERNMENT 1.01

**1.01 FORM OF GOVERNMENT.** The Town of Newbold, Oneida County, Wisconsin, operates under the town system of government under Ch. 60, Wis. Stats.

**1.02 ELECTED OFFICIALS.** The elected officials of the Town shall consist of the following:

(1) **TOWN BOARD MEMBERS.** The Town Board shall consist of 5 Supervisors, two of who shall be elected in odd-numbered years for 2 year terms and two who shall be elected in even-numbered years; one shall be designated on the election ballot as Town Chairperson during odd numbered years.

(2) **TOWN CLERK.** Elected in odd-numbered years for a term of 2 years.

(3) **TOWN TREASURER.** Elected in odd-numbered years for a term of 2 years.

(4) **TERMS OF ELECTED OFFICIALS EXTENDED.** The terms of elected town officers which shall expire after 11:59 p.m. on the 2nd Monday of April in either April 2012 or April 2013 shall be extended until the 3rd Tuesday of April in the same year in which the terms would otherwise have expired.

**1.03 APPOINTED OFFICIALS.** The appointed officials of the Town shall consist of the following. Those appointed for one year shall be appointed in April of each year and those appointed for 2 years shall be appointed in April of odd-numbered years. In election years, appointments will be made by new board following election.

<u>OFFICIALS</u>	<u>HOW APPOINTED</u>	<u>TERM</u>
(1) Town Assessor	Town Board	By contract
(2) Town Attorney	Town Board	Indefinite
(3) Town of Newbold Volunteer Fire Department Chief	Town Board, upon the recommendation of the Fire Department members	One year
(4) Building Inspector	Town Board	By contract
(5) Town Engineer	Town Board	Indefinite
(6) Weed Commissioner	Town Chairperson	One year
(7) Humane Officer	Town Board	By contract

**1.04 BOARDS AND COMMISSIONS.** (1) BOARD OF ZONING APPEALS. See ch. 13 of the Code.

(2) PLAN COMMISSION. See chapter 16 of the Code.

(3) BOARD OF REVIEW. (a) Membership. The Board of Review shall consist of two members of the Town Board and the Town Clerk.

(b) Powers and Duties. The Board shall have the powers and duties as prescribed in §70.47, Wis. Stats.

(4) ADMINISTRATIVE REVIEW APPEALS BOARD. (a) Membership. The Administrative Review Appeals Board shall consist of the Town Chairperson who shall be its presiding officer and 2 citizen members. The citizen members shall be appointed by the Town Chairperson, subject to confirmation by the Town board, for staggered 2 year terms.

(b) Powers and Duties. The Board shall have the duty and responsibility of hearing appeals from initial administrative determinations or decisions of Town officers, employees, agents, agencies, committees, boards and commissions filed in accordance with §68.10, Wis. Stats. In conducting administrative review hearings and making final decisions, the Board shall be governed by §§68.11 and 68.12, Wis. Stats.

**1.05 HIRING OF PERSONNEL.** (1) Employees of the Town shall be hired by the Town Board.

(2) The compensation, terms and conditions of employment of Town employees shall be established by the Town Board.

**1.06 PURCHASING PROCEDURES.** (1) The purchase of materials and supplies, the anticipated cost of which is under \$500, may be made by the Town Clerk, the Town Treasurer and the Town Maintenance Person without the approval of the Town Chairperson or any other Town Board members. "Materials and supplies" include paper, stationary, postage, office supplies, cleaning materials and supplies, maintenance materials, equipment repairs and other like and similar items. Such purchases shall be approved by the Town Clerk for fund/budget availability prior to the purchase.

(2) The purchase of materials and supplies, permanent personal property and services, the anticipated cost of which is between \$500 and \$2,000, shall be authorized by the Chairperson and purchases over \$2,000 shall be approved by the Town Board. Such purchases shall be approved by the Town Clerk for fund/budget availability prior to the purchase.

(a) "Permanent personal property" includes furniture, furnishings, typewriters, calculating equipment, small machines, parts, tools and equipment or any other property which customarily has a use life of more than one year.

(b) Purchases under this subsection may be made on the open market and directly from a dealer or supplier without obtaining sealed quotations, but such purchases shall be made, when possible, after multiple quotations or proposals have been obtained.

(3) The purchase of materials and supplies or permanent personal property, the anticipated cost of which is between \$2,000 and \$5,000, shall be made by the Town Board after obtaining, whenever possible, at least 3 quotations.

(4) Public contracts will follow the requirements of 60.47, Wisconsin Statutes, and be let, pursuant to 66.0901, Wisconsin Statutes.

(5) The procedures set forth in this section may be waived when there is an immediate need for services, parts, materials, supplies or property in case of emergency, as authorized by §60.47 (5), Wis. Stats.

(6) The attendance of Town officers and employees at seminars and conventions shall be subject to the approval of the Town Board.

#### **1.07 ELECTIONS.**

(1) **WARD BOUNDARIES ESTABLISHED.** As provided in § 5.15, Wis. Stats., the Town shall be divided into 4 wards, the boundaries of which are described as follows:

- (a) **Ward One:** Includes all of T39N, R8E.
- (b) **Ward Two:** Includes all of T38N, R8E and Sections 6, 5, 4, 7, 8, 9 of T37N, R8E lying north of Ole Lake Road in Section 18, all lands in Section 16 lying east of STH 47 and north of Apperson Drive, and those lands lying north and west of Newbold Creek in Section 15.
- (c) **Ward Three:** Includes all of that part of Sec. T37N, R8E lying south of Ole Lake Road and west of a line created by STH47, Harmony Hill Drive, Forest Lane and Four Mile Creek.
- (d) **Ward Four:** Includes all of that part of Sec. T37N, R8E lying south a the line created by Apperson Drive in Section 16 and Newbold Creek in Section 15, and east of a line created by Harmony Hill Drive, Forest Lane and Four Mile Creek.

(2) **POLLING PLACES.** All elections in and for Wards 2, 3 and 4 of the Town shall be held in the Town Hall located at 4608 Apperson Drive. All Ward 1 elections will be held at the Rustic Manor Motor Lodge located at 6343 STH 70.

(3) **POLLING HOURS.** The polls for all elections in the Town, unless otherwise provided by law, shall be opened at 7:00 A.M. and closed at 8:00 P.M. each election day.

(4) **REDUCTION OF NUMBER OF ELECTION OFFICIALS.** Pursuant to §7.32, Wis. Stats., the Town Clerk is hereby authorized to reduce the number of election officials for any given election to not less than 3 and redistribute the duties of such remaining election officials.

**1.08 EMERGENCY MANAGEMENT.** (1) **JOINT ACTION ORDINANCE RATIFIED.** A Joint Action Ordinance of the Board of Supervisors of Oneida County providing for a County-municipal joint action plan or organization adopted by the County Board on February 20, 1973 is hereby ratified and accepted by the Town Board, a copy of which is on file at the County Clerk's office. This ratification and acceptance of the Joint Action Ordinance shall constitute a mutual agreement between the town and the County, as provided by Sec. 3 of the Joint Action Ordinance.

(2) **EMERGENCY MANAGEMENT DIRECTOR.** The County-Municipal Emergency Management Director, appointed and employed by the Oneida County Board, as provided in the referred to Ordinance, is hereby designated and appointed Emergency Management Director for the Town, subject to the conditions and provisions as set forth in the Wisconsin Statutes and the Oneida County Joint Action Ordinance.

**1.09 POSTING AND PUBLICATION.** (1) **POSTING.** The Town Clerk shall, pursuant to §60.80 and Ch. 985, Wis. Stats., post ordinances, resolutions and notices which are not legally required to be published in the following places:

- (a) Town Hall, 4590 S.T.H. 47.
- (b) Town Garage bulletin board.
- (c) Pickerel Road and C.T.H. J bulletin board.

(2) **PUBLICATION.** Ordinances and notices required by law to be published and such other notices as the Town Board or the Plan Commission may direct to be published shall be published in the Rhinelander Daily News.

**1.10 PUBLIC RECORDS.** (1) **DESIGNATION OF LEGAL CUSTODIAN OF THE RECORDS OF THE TOWN.** The Town Board hereby designates the Town Clerk as the official legal custodian of the public records of the Town. It shall be the responsibility of the Clerk to carry out all duties and responsibilities imposed upon the Town and the legal custodian by the Wisconsin Public Records and Property Law, as set forth in §§19.31 to 19.39, Wis. Stats. The Clerk shall be responsible for the timely records, the release of the public records of the Town, the conditions under which records may be inspected and the collection of costs for the location and reproduction of such records.

(2) **DESIGNATION OF DEPUTY LEGAL CUSTODIAN.** The Town Treasurer is hereby designated as Deputy Legal Custodian to act as legal custodian in the absence of the Town Clerk.

(3) NOTICE TO ALL EMPLOYEES. It is directed that all employees of the Town be informed, in writing, of the designation of the legal custodian and the deputy legal custodian of the public records for the Town. Employees shall be further informed of the duties of the official legal custodian and shall also be made aware of the other requirements and provisions of this section.

(4) POWERS AND DUTIES OF THE OFFICIAL LEGAL CUSTODIAN. All requests for the release, inspection and/or reproduction of public records of the Town shall be directed or referred to the Town Clerk who is hereby vested with full legal power to make all necessary decisions relative to the release, inspection and reproduction of public records and is further granted all authority necessary to carry out all duties and responsibilities required by either the Wisconsin Public Records and Property Law or this section. The Town Clerk shall establish hours when persons shall have access to records maintained in the Town Hall. The Clerk shall prepare and post a notice to the public regarding access to public records, pursuant to §19.34, Wis. Stats.

(5) FEE SCHEDULE REGARDING THE COSTS OF LOCATING AND/OR REPRODUCING RECORDS AND PROPERTY OF THE TOWN. The cost of photocopying shall be per fee schedule. It is intended that this fee schedule shall cover the payment of the actual, necessary and direct costs incurred in locating a document or in providing any person with a reproduction of any of the records of the Town.

(6) PRESERVATION OF RECORDS. The records of the Town shall be retained and preserved by the legal custodian, as required by all applicable laws, and no records shall be destroyed without the prior written approval of the legal custodian. Further, no record of the Town shall be destroyed after the receipt of a request for such record until after the request is granted or until any dispute concerning the request has been completely and finally resolved.

(7) DESTRUCTION OF OBSOLETE PUBLIC RECORDS. (a) Financial Records. The Town Clerk may destroy the following non-utility records of which he is the legal custodian and which are considered obsolete after completion of an audit by State auditors or an auditor licensed under Ch. 442, Wis. Stats., but not less than 7 years after payment or receipt of any sum involved in the particular transaction unless a shorter period has been fixed or will, in the future, be fixed by the committee on public records, pursuant to §16.61(3)(e), Wis. Stats., and then after such shorter period:

1. Bank statements, deposit books, slips and stubs
2. Bonds and coupons after maturity
3. Cancelled checks, duplicates and check stubs
4. License and permit applications, stubs and duplicates
5. Official bonds
6. Payrolls and other time and employment records of personnel included under the Wisconsin Retirement Fund
7. Receipt forms
8. Special assessment records
9. Vouchers, requisitions, purchase orders and all other supporting documents pertaining thereto

(b) Other Records. The Town Clerk may destroy the following records of which he is the legal custodian and which are considered obsolete, but not less than 7 years after the record was effective.

1. Contracts and papers relating thereto
2. Correspondence and communications
3. Financial reports other than annual financial reports
4. Insurance policies
5. Oaths of office
6. Reports of boards, commissions, committees and officials duplicated in the Town Board minutes
7. Petitions

(c) Alternative Periods. The Town Board may direct the retention of any record listed in pars. (a) and (b) above for a longer period of time.

(d) Notice Required. Prior to the destruction of any public record described above, at least 60 days' notice shall be given to the State Historical Society.

(e) Limitation. This section shall not be construed to authorize the destruction of any public record after a period less than prescribed by statute or State administrative regulation.

(8) **CONFIDENTIALITY OF CERTAIN INCOME AND EXPENSE INFORMATION.** (a) Authority. Pursuant to §70.47(7)(af), Wis. Stats., income and expense information provided by property owners to the Town Assessor for the purposes of establishing the valuation for assessment purposes by the income method of valuation shall be confidential and not a public record open to inspection or copying under §19.35(1), Wis. Stats.

(b) Exceptions. An officer may make disclosure of such information under the following circumstances:

1. The Assessor has access to such information in the performance of his duties.
2. The Board of Review may review such information when needed, in its opinion, to decide upon a contested assessment.
3. Another person or body has the right to review such information due to the intimate relationship to the duties of an officer or as established by law.
4. The officer is complying with a court order.
5. The person providing the income and expense information has contested the assessment level either before the Board of Review or by filing a claim for excessive assessment under §74.37, Wis. Stats., in which case the base records are open and public.

**1.11 TOWN HALL RENTAL RULES. (1) RENTAL PROCEDURE.**

(a) Reservations Required. All dates shall be reserved in advance and shall be confirmed and placed on the calendar by the Building Administrator.

(b) Events. Contact the Building Administrator for reservation and setup time.

(c) Rental Agreement: All users shall sign a rental agreement, pay the deposit and, if applicable, pay a fee as set forth below.

(2) **DEPOSIT.** A deposit of \$20 for the key and clean up shall be held in a form of a check marked "Deposit" along with a stamped self-addressed envelope. The deposit shall be returned by mail after the key is returned and cleanup inspection is complete.

(3) **RENTAL RATES.** (a) Rates Established. Rental rates established by the Town Board shall be posted in the Town Hall.

(b)Exemptions. A deposit shall be required, but no fees shall be charged for the following:

1. Fire Department volunteers for immediate family use.
2. Other regular Town volunteers for immediate family use.
3. Governmental meetings.
4. Community organizations such as Boy Scouts, Newbold lake associations, etc.

**1.12 USE OF TOWN EQUIPMENT, TOOLS AND FURNISHINGS.**

Town equipment, including trucks, tractors, mowers, etc., and other property of the Town shall not be rented, lent or otherwise made available for use to town residents, employees, commercial or nonprofit enterprises or the general public without the written consent of the Town Board.