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CHAPTER 1

**COMPOSITION AND DUTIES OF GENERAL
TOWN GOVERNMENT: ELECTIONS**

1.01 WARDS. *[Created 9/22/08]*

The Town of Menasha shall be divided into thirteen wards from which members of the Town Board and Municipal Judge shall be elected.

1.02 COUNTY SUPERVISORY DISTRICTS.
[Created 9/22/08]

Supervisory Districts, from which members of the Winnebago County Board are elected, shall include:

Supervisory District 1
Consists of Ward 13

Supervisory District 4
Consists of Wards 8 and 12

Supervisory District 26
Consists of Wards 9 and 11

Supervisory District 27
Consists of Wards 6, 7 and 10

Supervisory District 28
Consists of Wards 1, 3, 4 and 5

Supervisory District 29
Consists of Ward 2

1.03 ELECTIONS *[Created 9/22/08]*

(1) Spring Primary for Town Offices.

A spring primary is held on the 3rd Tuesday in February to nominate nonpartisan candidates to be voted at the spring election and to express preferences for the person to be presidential candidate for each party in a year which electors for president and vice president are elected.

A spring primary shall be held only when the number of candidates for an elective office exceeds twice the number to be elected to the office, per Wis. Stat. 8.05(5)

(2) Annual Spring Election.

The annual spring election shall be held on the first Tuesday in April to elect judicial, educational and municipal officers.

(3) Running for Town Office.

Nomination papers shall be circulated no sooner than December 1 preceding the election and filed with the town clerk no later than 5:00 p.m. the first Tuesday in January, or the next day if Tuesday is a holiday.

(4) Polling Hours.

The polls in the Town shall remain open on election days from 7:00 a.m. to 8:00 p.m.

(5) Registration.

All electors for all elections shall be required to be registered. The Town Clerk shall receive applications for registration at their office during regular office hours throughout the year. Electors may register in the municipal clerk's office up to 5:00 p.m. the day before the election however registration by mail shall be closed at 5:00 p.m. on the third Wednesday preceding the election. After the third Wednesday, in person registration requires acceptable proof of residence. Same day voter registration is allowed on Election Day at the polls.

(6) Polling Places.

- (a) Wards 1, 5, and 6: Municipal Complex, 2000 Municipal Drive
- (b) Wards 2, 3, and 4: Spring Road School, 1191 County Road II
- (c) Wards 7, 8, 10, and 13: Community Center, 1000 Valley Road
- (d) Wards 9, 11, and 12: Maplewood School, 1600 Midway Road.

(7) Appointment of Election Officials

- (a) Election officials working at the polls shall be appointed under Wis. Stats. §7.30(1)(a).
- (b) The Town shall allow for the selection of alternate officials or the selection of two or more sets of election officials to work at different times on election day, and permit the Town Clerk or designee to establish different working hours for different officials assigned to the same polling place. Alternate officials may be appointed in a number sufficient to maintain adequate staffing of polling places.

(8) **Municipal Board of Canvassers.**

- (a) The municipal board of canvassers per WI Stat. 7.53(2) shall be composed of the municipal clerk or a qualified elector of the municipality designated by the clerk, and two other qualified electors of the municipality appointed by the clerk for a term of two years commencing on January 1 of each odd-numbered year.
- (b) The canvass of the votes cast at the polling place shall be conducted publicly. The board of absentee ballot canvassers shall reconcile the poll list of the electors who vote by absentee ballot with the corresponding poll list of the electors who vote in person to ensure that no elector is allowed to cast more than one ballot. The municipal clerk shall publicly read the names of the persons voted for and the number of votes for each person for each municipal office, the names of the persons declared by the inspectors or board of absentee ballot canvassers to have won nomination or election to each municipal office, and the number of votes cast for and against each municipal referendum question.

1.04 ELECTED OFFICIALS *[Amended 6/27/05]*

Starting with the 1986 Regular Spring Election, elections shall be held each year with staggered two-year terms for the Chairperson, all Supervisors and the Municipal Judge.

(1) **Town Board Members**

- (a) In even-numbered years, Supervisor #1 and Supervisor #3 shall be elected at-large for a two-year term to commence the day of the Annual Town Meeting.
- (b) In odd-numbered years, the Town Chair person, Supervisor #2, and Supervisor #4 shall be elected at-large for a two-year term to commence the day of the Annual Town Meeting.

Pursuant to WI Stats. 755.01, one (1) Municipal Judge shall be elected at-large and serve a two-year term to commence May 1.

1.05 APPOINTED OFFICIALS *[Amended 7/8/02 Amended 9/12/05]*

(1) **The Town Board of Supervisors shall appoint:**

- a) Town Administrator
- b) Department Heads (with the exception of the Police Chief)
- c) Those employees required to be appointed by the Board by statute.

(2) **Assessor**

Town Meeting Authorization: Town electors at an Annual Town meeting may, by vote, grant authority to the Town Board of Supervisors to appoint the Assessor's position as stated under State Stat. 60.10(2)(j).

- (a) If the Town Assessor's position is elected, that position shall be placed on the ballot on odd-numbered years and shall take an Oath of Office.

1.06 APPOINTED BOARDS, COMMISSIONS, AND COMMITTEES *[Adopted 7/24/95]*

(1) **Park Commission** *[Amended 5/19/03]*

Pursuant to current WI Stats., the Town Park Commission shall consist of seven members, appointed by the Town Board of Supervisors in writing, and filed with the Town Clerk. The term of each member shall be for seven years, with appointments beginning on July 1 and ending on June 30. Initial appointments and annual appointments thereafter shall be staggered so that in each year a new appointment of one member shall be made by the Town Board of Supervisors. Each commissioner shall take and file the official oath.

(2) **Planning Commission** *[Amended 5/19/03]*

Pursuant to current WI Stats. Stats., the Town Planning Commission, being an advisory board under the provisions of "Smart Growth" legislation shall consist of citizen members from the community at-large, appointed by the Town Chairperson and confirmed by the Town Board of Supervisors. All appointments shall begin on May 1 and end on April 30, and shall initially serve staggered terms of one, two, and three years in order to properly transition the terms. Two appointees shall serve an initial term of three years, including the presiding officer (Chairperson of the Planning Commission). The presiding officer shall be selected by the Town Chairperson and confirmed by the Town Board of Supervisors. The Director of Community Development shall serve as the staff liaison to the Commission. Each commissioner shall take and file the official oath.

The Town Planning Commission shall have all of the rights, duties and obligations established for it pursuant to Wis. Stats. 62.23 as recently amended by the State of Wisconsin Legislators and signed into law by the Governor and shall operate within the rules of that statute and the interpretations thereof.

(3) **Board of Review** *[Amended 6/27/05]*

The annual Board of Review shall be composed and governed by 70.46 and 70.47 of the WI Statutes and shall consist of the five Town Board members. No Board of Review may be constituted unless it includes one voting member who, within 2 years of the board's first meeting, has attended a training session under 73.03 unless that member is the municipality's Chief Executive Officer or that officer's designee. The Municipal Clerk shall provide an affidavit to the Department of Revenue stating whether the requirement under this section has been fulfilled.

This affidavit shall be sent before the Board of Review convenes. This is a mandatory filing by Statute. If the document is not filed with the Department of Revenue, Bureau of Assessment Practices – B. O. R., P. O. Box 8933, Madison WI, 53708-8933, the Board of Review may be invalid.

- (a) In those years wherein, the Town is not being reassessed to 100% of market value, the Board shall be in session at least one day for two (2) hours.
- (b) If a property owner objects to the amount of a valuation pursuant to Section 70.47 Wis. Stats., and discloses income and expenses to the assessor, such information shall be confidential, except under the following circumstances:
 - 1. A person will use the information in the discharge of duties imposed by law;
 - 2. An officer will use the information in the discharge of duties imposed by his/her office; or
 - 3. A court order authorizes the disclosure of the information.
- (c) Information disclosed to the assessor as described in Section 1.03(b) is not subject to the right of inspection and copying under Section 19.35(1) Wis. Stats., unless a court determines the information is inaccurate.

(4) **Other Committees, Boards, and Commissions.**

Any and all other committees, boards, and commissions, which may be contained in the Town of Menasha Municipal Code, are hereby incorporated by reference specifically set forth here.

(5) **Committee Formation.**

Officially authorized committees shall only be created by the Town Board of Supervisors to augment and facilitate the Town Board in serving the citizens of the Town of Menasha. This section applies to any and all committees, whether internal or external in nature. *[Adopted 3/11/96]*

- (a) To create a committee, a written statement of purpose must be prepared for approval by the Town Board. This statement shall include: purpose of the committee, definable goals for the committee, time line for accomplishing goals, schedule for reporting to the Town Board, clearly define the intended life of the committee, and composition of membership.
- (b) Citizen member appointments shall be made by the Town Board of Supervisors, and citizen members shall hold office for a two-year term (or according to WI Stats. Stats.) Appointments shall be staggered so that approximately half of the committee is appointed each year. Appointments shall begin on July 1 and end on June 30 of each year, depending upon the term. *[Amended May 19, 2003]*
- (c) Committees shall hold at least two meetings per year.
- (d) Committees shall submit an annual report of accomplishments for the year to the Town Administrator for inclusion in the Town Annual Report.
- (e) Committees that fail to meet the requirements of 1.03(5)(c) and (d) shall be placed on the Town Board regular meeting agenda by the Town Chairperson to be considered for dissolution.

(6) **Committee Appointments**

- (a) The Town Board shall prepare a resolution, the method of selection for permanent or ad-hoc committee appointments. This method may vary for different committees.
- (b) The Chairperson shall advance a resolution of appointment(s) for confirmation of the Town Board of Supervisors.

(7) **Residency**

- (a) All members of Town commissions, boards, and committees shall be residents of the Town of Menasha and shall resign when moving from the Town of Menasha with or without such notification to the Town.
- (b) In some situations, a multijurisdictional or multifaceted commission, board, or committee must be established to address a specific need which may require specialized expertise; the residency requirement may be waived to obtain the required expertise.

1.07 DUTIES OF ELECTED OFFICIALS

[Revision 4/27/98] [Amended 6/27/05]

The following enumerated statutes, without limitation, shall govern the rights, duties and obligations of elected officials of the Town of Menasha.

- (1) The Town Board of Supervisors shall have the rights, obligations and duties as specified in Chapter 60, particularly Section 60.22 & 60.23 WI Stats.
- (2) The powers of Municipal Judge pursuant to WI Stats. 755.045 and Chapter 19 of this code.

1.08 DUTIES OF APPOINTED OFFICIALS

[Amended 6/27/05]

The rights, obligations and duties of appointed officials shall be as follows:

- (1) The Town Assessor shall have the rights, obligations and duties as specified in Chapter 70, WI Stats.
- (2) The Finance Director/Treasurer shall have the rights, duties and obligations as specified in Chapter 60.34, WI Stats. (per WI Stats. 60.305(1), WI Act 34 allows for the appointed position of Town Treasurer) *[Revision Adopted 4/27/98]*
- (3) The Building Inspector of the Town of Menasha shall enforce the building regulations, building code, electrical code, plumbing code, zoning ordinance, including Winnebago County Zoning ordinance minimum standards housing ordinance, and all ordinances or regulations pertaining to building, housing, zoning, subdivision control, or related subjects in the Town of Menasha. This position shall supersede the former position of the Building Inspector, Town of Menasha.
 - (a) That the Town Board of the Town of Menasha shall authorize and appoint deputies and assistants as deemed necessary to assist the Building Inspector.
- (4) The Town Fire Chief shall have the rights, duties and obligations as specified in the Fire Prevention Code for the Town of Menasha. (See Chapter 5)
- (5) The Street Superintendent shall have specific duties and obligations specified by the Town Board. The general duty of the Street Superintendent shall be to oversee and check on the maintenance and repair of buildings, structures, roads, alleys and all other property owned and maintained by the Town except for Town Parks maintained by the Park Commission.
- (6) The Town Clerk shall have the rights, obligations and duties as specified in Chapter 60.33, Wis. Stats.
- (7) Police Department (Including Chief of Police, Police Officers and Staff) *[Amended 11/10/97]*

- (a) That the Town Board pursuant to WI Stats. 60.56(1)(a)(1) and 60.57(1)(a) has established a police department and police commission. *[Amended 11/10/97]*
- (b) A commission created under this section is subject to the provisions of WI Stats. 62.13(2) to (5) and (7) to (12) to the extent that the provisions apply to 2nd and 3rd class cities. Excluded are the provisions of WI Stats. 62.13(6) (Optional Powers of the Board). This ordinance does not grant to the Board of Police Commissioners powers greater than those bestowed upon it statutorily. In applying WI Stats. 62.13 under this section, the Town Board Chairperson has the powers and duties specified for a mayor, the Town Board has the powers and duties specified for a common council and the Town has the powers and duties specified for a city. *[Amended 11/10/97]*
- (c) The Police Commission pursuant to WI Stats. 62.13(3) shall appoint the Chief of Police, who shall hold office during good behavior, subject to suspension or removal by the commission for cause. *[Amended 11/10/97]*
- (d) The Chief of Police and Police Commission shall establish entry level and promotional procedures for candidates and sworn employees of the department. These procedures shall become a part of the Police Department Policy Manual upon approval by the Town Board of Supervisors. Nothing in this subsection shall be construed as the Town Boards relinquishment to organize and supervise the police department and to prescribe rules and regulations for its control and management. *[Amended 11/10/97]*
- (e) The Chief of Police shall develop operational and administrative policies and procedures based on contemporary law enforcement practices. All employees shall receive regular guidance and training relative to organizational goals, objectives, mission statements, policies, procedures, and contractual agreements. *[Amended 7/8/02]*
- (8) Duties and powers of the officers of the Planning Commission shall be as follows:
 - (a) **Chairperson**
 - (1) Preside at all meetings of the Commission
 - (2) Call special meetings of the Commission in accordance with the by-laws.
 - (3) Sign documents authorized by the Commission and the Town Board.
 - (4) Conduct all Commission meetings in accordance with Parliamentary Law

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- (b) **Vice-Chairperson**
During the absence, disability or disqualification of the Chairperson, the Vice-Chairperson shall exercise or perform all the duties and be subject to all responsibilities of the Chairperson.
- (c) **Recording Secretary - Planning Coordinator**
- (1) Keep the minutes of all meetings of the Commission in an appropriate minute book
 - (2) Give or serve all notices required by law or by the by-laws
 - (3) Prepare the agenda for all meetings of the Commission
 - (4) Be custodian of Commission records
 - (5) Inform the Commission of correspondence relating to business of the Commission and distribute such correspondence
 - (6) Handle funds allocated to the Commission in accordance with its directives, the law, and Town regulations
 - (7) Co-sign official documents as required by the Commission and the Town Board.
- (9) **Town Administrator** *[Amended 2/11/85]*
- (a) **Office of Town Administrator.** In order to provide the Town of Menasha with more efficient, effective, and responsive government under a system of a part-time Chairperson and part-time Supervisors, at a time when Town Government is becoming increasingly complex and expensive, there is created herewith the Office of Town Administrator for the Town of Menasha (hereafter referred to as "Administrator").
- (b) **Appointment, Term of Office, and Removal.** The Town Administrator shall be appointed as provided in Section 60.37(3), WI Stats., on the basis of merit with due regard to training, experience, administrative ability and general fitness for the office by a majority vote of the Town Board. The Administrator shall hold office for an indefinite term subject to removal at any time by a majority vote of the entire Town Board. This section, however, shall not preclude the Town Board from establishing other employment terms and conditions not inconsistent with the provisions of this ordinance or the Municipal Code. *[Revised 6/2600]*
- (c) **Residency.** The Administrator shall become a resident of the Town of Menasha within six months following the date of appointment, unless the requirement is specifically waived by Town Board resolution or by contract covering terms and conditions of residency. *[Revised 6/2600]*
- (d) **Functions and Duties of the Administrator.** The Administrator, subject to the limitations defined in resolutions and ordinances of the Town of Menasha and WI Stats. shall be the Chief Administrative Officer of the Town, responsible only to the Town Board through the Town Chairperson for the proper administration of the business and affairs of the Town pursuant to the Statutes of the State of Wisconsin, the ordinances of the Town of Menasha and the resolutions and direction of the Town Board, with powers and duties as follows:
- (1) **General Duties**
 - (a) Carry out all directives of the Town Board which require administrative implementation, reporting promptly to the Town Chairperson and Town Board any difficulties encountered therein.
 - (b) Be responsible for the administration of all day-to-day operations of the Town Government including an awareness of enforcement of all Town ordinances and WI Stats.
 - (c) Prepare a plan of administration, including an organization chart, which defines authority and responsibility for all non-statutory positions of the Town and submit it to the Town Board for adoption as the official organization and administrative procedures plan.
 - (d) Establish when necessary, administrative procedures to increase the effectiveness and efficiency of the Town Government according to current practices in local government, not inconsistent with subparagraph 3 above or Town Board directives.
 - (e) Serve as an ex-officio non-voting member of all boards, commissions and committees of the Town, except as specified by the Town Board.
 - (f) Keep informed concerning current county, state and federal legislation and administrative rules affecting the Town, and submit appropriate reports and recommendations to the Town Board.
 - (g) Keep informed concerning the availability of county, state, and federal funds for local programs. Assist department heads and the Town Board in obtaining these funds, under the direction of the Town Board.

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- (h) Represent the Town in matters involving legislative and inter-governmental affairs as authorized and directed as to that representation by the Town Board.
- (i) Act as the Public Information Officer for the Town with the responsibility of assuring that the news media are kept informed about the operations of the Town and that the open meeting regulations are followed.
- (j) Establish and maintain procedures to facilitate communications between citizens and the Town Government to assure that complaints, grievances, recommendations and other matters receive prompt attention by a responsible official, and to assure that all such matters are expeditiously resolved.

(2) Responsibilities to the Town Board

- (a) Attend all meetings of the Town Board, unless excused by a majority of the Board or the Town Chairperson, assisting the Chairperson and the Supervisors as required in the performance of their duties.
- (b) In coordination with the Chairperson prepare the agenda for all meetings of the Town Board, together with such supporting material as may be required; with nothing herein being so construed as to give the Administrator authority to limit or in any way prevent matters from being considered by the Town Board.
- (c) Assist in the preparation of ordinances and resolutions as requested by Supervisors, or as needed.
- (d) When appropriate, make recommendations to the Town Board to improve the efficiency and effectiveness of Town Government, including changes in organizational structure and utilization of personnel.
- (e) Keep the Town Board regularly informed about the activities of the Administrator's Office, by oral or written report at regular meetings of the Board.

(3) Personnel

- (a) Be responsible for the administrative direction and coordination of all

employees of the Town according to established organizational procedures.

- (b) Recommend to the Town Board the appointment, promotion and, when necessary or desirable for the good of the Town, the suspension, discipline, and/or removal of a department head or other Board appointed employee. *[Amended 9/12/05]*
- (c) Appoint, promote and, when necessary or desirable for the good of the Town, suspend, discipline, and/or removal of all non department head or non Board appointed employee of the Town. *[Amended 9/12/05]*
- (d) Serve as personnel officer for the Town with responsibilities to see that complete and up-to-date personnel records, including special job descriptions for all Town employees, are kept; evaluate in conjunction with department heads the performance of all employees on a regular basis; recommend salary and wage scales for Town employees not covered by collective bargaining agreements; develop and enforce high standards of performance by Town employees; assure that Town employees have proper working conditions; work closely with department heads to promptly resolve personnel problems or grievances.
- (e) Assist in labor contract negotiations and all collective bargaining matters.
- (f) Work closely with department heads to assure that employees receive adequate opportunities for training to maintain and improve their job-related knowledge and skills and act as the approving authority for requests by employees to attend conferences, meetings, training schools, etc., provided that funds have been budgeted for these activities.

(4) Budget and Purchasing

- (a) Be responsible for preparation of the annual Town budget, which requires Town Board approval for presentation to the Townspeople at the Annual Town Budget Hearing and Town Board adoption in accordance with such guidelines as may be provided by the Town Board and in coordination with department heads.

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- (b) Administer the budget as adopted by the Town.
- (c) Report regularly to the Town Board on the current fiscal position of the Town and the current status of expenditures relative to the Town budget.
- (d) Supervise the accounting systems of all Town departments and insure that these systems employ methods in accord with current professional accounting practices.
- (e) Serve as purchasing agent for the Town, supervising all purchasing and contracting for supplies and services in conjunction with the Town Board, subject to the purchasing procedures established by the Town Board and to the limitations contained in WI Stats. Chapter 60.37(3).

(5) Cooperation

All officers and employees of the Town shall cooperate with and assist the Town Administrator so that Town government may function effectively and efficiently.

- (10) Municipal Deputy Emergency Government Director shall have specific rights, obligations and duties, as outlined in the Town of Menasha Municipal and Winnebago County Emergency Operations Plans. The second (2nd) alternate shall be the Deputy Police Chief. *[Adopted 7/27/98]*

1.09 BOARD OF POLICE COMMISSIONERS

[Adopted 8/28/95]

- (1) The Board of Police Commissioners shall consist of five (5) persons, three (3) of whom shall constitute a quorum. The Town Chairperson shall annually, between the last Monday of April and the first Monday of May, appoint in writing, to be filed with the secretary of the commission, one member for a term of five (5) years, subject to confirmation by the Town Board. No appointment shall be made which will result in more than three (3) members of the commission belonging to the same political party. The commission shall keep a record of its proceedings. The Board of Police Commissioners shall have the power and authority prescribed under Section 62.13(2) to (5) and (7) to (12), WI Stats. Specifically excluded are the provisions of Section 62.13(6) (Optional Powers of the Board).
- (2) The Police Commission shall appoint the Police Chief.
- (3) The salary of the Police Chief shall be recommended by the Town Administrator and approved by the Town Board in accordance with the Administrative Salary

Plan.

- (4) Excluded from the jurisdiction of the Police Commission are non-sworn unionized full and part-time employees of the Police Department.
- (5) The Police Commission shall adopt all current Police Department policies, procedures, rules and regulations.
- (6) The provisions of this ordinance, so far as practicable, shall be construed in conjunction with and in furtherance of the provisions of Section 60.57, WI Stats., which is construed as an enactment of state-wide concern for the purpose of providing a uniform regulation of Police Departments.

1.10 LEGAL COUNSEL *[Adopted 6/26/95]*

The Town Board hereby grants authority to the attorney/law firm retained by the Town to represent the interests of the Town and directs that such representation shall be conducted under the following policy:

- (1) Whenever a service of notice of litigation is received by the Town Clerk or any other Town official, such matter shall immediately be directed to the Town Attorney for handling. The Town Attorney shall immediately commence the defense of any litigation as deemed necessary for the appropriate representation of the Town.
- (2) Litigation by the Town of Menasha shall not be commenced unless and until such authorization for the commencement of such litigation has been made by the Town Board.
- (3) Following the notice of any new litigation matters, either for or against the Town, such matters shall be directed to the Town Administrator by the Town Clerk for placement on the next Town Board meeting agenda for the purpose of having the Town Attorney report the nature and status of the incident to the Town Board. Thereafter, the matter shall be placed on the agenda for regular Town Board meetings at intervals not to exceed 30 days for current status reports to the Town Board.
- (4) It is the declared policy of the Town of Menasha that the status of legal matters will be regularly reviewed by the Town Board in accordance with the above policy and except where necessary, such review shall be conducted at regularly scheduled open meetings for the purpose of public information.