

CHAPTER 2

TOWN GOVERNMENT

2.01 POWERS OF TOWN BOARD.

Pursuant to resolution of the town heretofore adopted and the provisions of Section 60.18 (12) of the Wisconsin Statutes, the Town Board shall exercise all powers relating to villages and conferred on village boards by Chapter 61 of the Wisconsin Statutes, except such power, the exercise of which would conflict with the statutes relating to towns and town boards.

2.02 TOWN BOARD MEETINGS.

Regular meetings of the Town Board shall be held on the second and fourth Monday of each month at 6:30 p.m. at the Town Hall, until changed by the Town Board.

Special meetings of the Town Board may be held at any time upon call of the Chairperson or any two members of the Town Board. Each member of the Town Board shall be given at least three (3) days notice of any special meeting by the Town Clerk, except that no notice thereof shall be required when all members of the Town Board are present at the meeting.

2.03 VOTER REGISTRATION.

(a) The Town of Lisbon hereby requires registration of voters pursuant to Section 6.27 of the Wisconsin Statutes.

(b) The Town Clerk shall have control of elector registration within the town and shall prepare, continue and revise the registry, and is required to proceed with the registration of voters, all in the manner provided by law.

(c) No elector of the Town of Lisbon shall be permitted to vote unless registered in the manner provided by law except as provided in Section 6.55 of the Wisconsin Statutes.

(d) The Town Clerk is directed to certify to the County Clerk and to the Secretary of State that registration has been established in the Town of Lisbon as provided in Section 6.27 of the Wisconsin Statutes.

2.04 PLAN COMMISSION.

(a) Creation.

A Town Plan Commission is hereby established, to consist of the Town Chairperson, who shall be its presiding officer, a Town Supervisor and three (3) citizens, and until such time as the town has a Town Engineer or a park board, two (2) additional citizen members so that the board has at all times seven (7) members. Citizen members shall be persons of recognized experience and qualifications. They shall receive compensation for services on the commission as the Town Board may determine. The Town Supervisor member of the commission shall be elected by the Town Board upon the creation of the commission and during each April thereafter. The three (3) citizen members shall be appointed by the Town Chairperson, upon the creation of the commission, to hold office for a period ending 1, 2 and 3 years, respectively, from the succeeding first day of May and thereafter annually during April, on such member shall be appointed for a term of three (3) years. The additional citizen members, if any shall be appointed to hold office for a period ending one year from the succeeding first day of

May, and therefore annually during the month of April, on such member shall be appointed for a term of three (3) years. The additional citizen members, if any shall be appointed to hold office for the period ending one (1) year from the succeeding first day of May, and therefore annually during the month of April. All appointments of the Town Chairperson of citizen members to the Town Plan Commission shall be approved by the Town Board. When a park board is created, or a Town Engineer appointed, the president of such board or such engineer shall succeed to a place on the commission when the term of an additional citizen member shall expire.

(b) Expenses.

The Plan Commission shall have power and authority to employ experts and a staff, and to pay their wages and such other expenses as may be necessary and proper, not exceeding, in all, the appropriation that may be made for such commission by the Town Board, or placed at its disposal through gift, and subject to any ordinance or resolution enacted by the Town Board.

(c) Rules of Procedure.

The Plan Commission may adopt rules for the transaction of business and shall keep a record of its resolutions, transactions, findings and determinations, which shall be a public record.

(d) Master Plan.

It shall be a function and duty of the Plan Commission to make and adopt a master plan and from time to time amend, extend or add to the master plan as provided in Section 62.23, subsection (3), of the Wisconsin Statutes.

(e) Miscellaneous Powers.

The Plan Commission may make reports and recommendations relating to the plan and development of the town to public officials and agencies, public utility companies, civic, educational, professional and other organizations, and citizens. It may recommend to the Town Board, programs for public improvements and the financing thereof. All public officials shall, upon request, furnish to the commission, within a reasonable time, such available information as it may require for its work. The commission, its members and employees, in the performance of its functions, may enter upon any land, make examinations and surveys, and place and maintain necessary monuments and marks thereon. In general, the commission shall have such powers as may be necessary to enable it to perform its functions and promote municipal planning.

(f) Matters Referred to Commission.

The Town Board shall refer to the Plan Commission for its consideration and report before a final action is taken by it the following matters:

- (1) The location and architectural design of any public building;
- (2) The location of any statue or other memorial;
- (3) The location, acceptance, extension, alteration, vacation, abandonment, change of use, sale, acquisition of land for or lease of land for any street, alley, or other public way, park, playground, airport, area for parking vehicles, or other memorial or public grounds;

(4) The location, extension, abandonment or authorization for any public utility whether publicly or privately owned;

(5) All plats of land in the town or within the territory over which the town is given platting jurisdiction by Chapter 236 of the Wisconsin Statutes;

(6) The location, character and extent or acquisition, leasing or sale of lands for public and semi-public housing, slum clearance, relief or congestion, or vacation camps for children;

(7) All matters required to be referred to the Plan Commission as provided in Section 62.23 of the Wisconsin Statutes and all other matters required to be referred to the Town Plan Commission by any other statute of the State of Wisconsin or by any ordinance of the Town of Lisbon;

(8) All applications for change in the zoning of lands located in the Town of Lisbon as may be determined by the zoning ordinance of the town and all matters required to be referred to the Town Plan Commission pursuant to any zoning ordinances of the town;

(9) All matters to be referred to the Town Plan Commission by any other ordinances of the Town of Lisbon.

Unless such report is made within thirty (30) days, or such longer period as may be stipulated by the Town Board, the Town Board may take final action without it.

2.05 CIVIL DEFENSE.

(a) Policy and Purpose.

Civil Defense shall mean the preparation for and the carrying out of all emergency functions, other than functions for which the military forces are primarily responsible, to minimize and repair injury and damage resulting from disaster caused by enemy attack, sabotage, or other hostile action, or by fire, flood, or other natural causes.

By reason of the increasing possibility of disasters of unprecedented size and destructiveness, and to insure that preparations will be adequate to cope with such disasters, and to provide for the common defense, to protect the public peace, health, safety, and general welfare, and to preserve the lives and property of the people, it is hereby declared necessary:

(1) To establish a local civil defense organization;

(2) To provide for the exercise of necessary powers during civil defense emergencies;

(3) To provide for the rendering of cooperation and mutual aid between the Town of Lisbon and other political subdivisions.

It is further declared to be the purpose of this section and the policy of the Town of Lisbon that all civil defense functions of the town be coordinated to the maximum extent practicable with existing services and facilities of the town and with comparable functions of the federal, state, and county government and other political subdivisions,

and of various private agencies to the end that the most effective preparation and use may be of manpower, resources, and facilities for dealing with any disaster that may occur.

(b) Civil Defense Commission.

There is hereby created a Civil Defense Commission composed of the Chairperson of the Town Board and as many additional members as may be determined by the Town Board by resolution who shall be appointed by the Town Chairperson subject to the confirmation of the Town Board and who shall serve without compensation. The Town Chairperson shall serve as Chairperson of the commission and the Civil Defense Director shall serve as secretary of the commission.

The Civil Defense Commission shall be an advisory and planning group and shall advise the Town Chairperson, Director, and the Town Board on all matters pertaining to civil defense. The Civil Defense Commission shall meet upon the call of the Chairperson.

(c) Civil Defense Director.

The office of Director of Civil Defense is hereby created. The director shall be appointed by the Town Chairperson subject to confirmation by the Town Board and shall receive such salary as may be authorized by the Town Board. He shall take and file an official oath.

Deputy and assistant directors may be appointed by the director subject to the approval of the Civil Defense Commission as may be deemed necessary and such appointees shall receive such compensation as may be determined by the Town Board.

(d) Duties and Authority of Director.

The director shall be the executive head of the civil defense organization and shall have direct responsibility for the organization, administration, and operation of the civil defense organization subject to the direction and control of the Town Chairperson and the Town Board. He shall coordinate all activities for civil defense within the town and shall maintain liaison and cooperate with civil defense agencies and organizations of other political subdivisions and of the state and federal government, and shall participate in county and state civil defense activities upon request, and shall have such additional authority, duties, and responsibilities as are authorized by this ordinance and as may from time to time be required by the Town Board.

The director shall prepare a comprehensive general plan for the civil defense of the town and shall present such plan to the Town Board for its approval. When the Town Board has approved the plan by resolution, it shall be the duty of all municipal agencies and all civil defense forces of the town to perform the duties and functions assigned by the plan as approved. The plan may be modified in like manner.

(e) Utilization of Existing Services and Facilities.

In preparing and executing the civil defense plan, the director shall utilize the services, equipment, supplies and facilities of the existing departments and agencies of

the town to the maximum extent practicable; and the officers and personnel of all such departments and agencies are directed to cooperate with and extend such services and facilities to the director.

(f) Emergency Regulations.

Whenever necessary to meet a civil defense emergency for which adequate regulations have not been adopted by the Town Board, the Town Chairperson, and in his absence the Director of Civil Defense, may by proclamation promulgate and enforce such orders, rules and regulations relating to the conduct of persons and the use of property as shall be necessary to protect the public peace, health, and safety, and preserve lives and property and to insure the cooperation necessary in civil defense activities. Such proclamations shall be posted in three public places in the Town of Lisbon and may be rescinded by the town Board by resolution at any time.

(g) Mutual Aid Agreements.

The Director of Civil Defense may, subject to the approval of the Town Board, enter into mutual aid agreements with other political subdivisions. Copies of such agreements shall be filed with the state Director of Civil Defense.

(h) Declaration of Emergencies.

Upon the declaration by the Governor, by the Town Chairperson, or the Civil Defense Director in the absence of the Town Chairperson, or by the Town Board of a state of emergency, the Director of Civil Defense shall issue all necessary proclamations as to the existence of such state of emergency and shall issue such disaster warnings or alerts as shall be required in the civil defense plan.

The civil defense organization shall take action in accordance with the civil defense plan only after the declaration of an emergency and the issuance of official disaster warnings. Such state of emergency shall continue until terminated by the issuing authority, provided that any such declaration not issued by the Governor may be terminated at the discretion of the Town Board.

2.06 VOTING PRECINCTS.

(a) The Town of Lisbon is divided into three voting precincts described and designated as follows:

Precinct Number 1: All of the Town of Lisbon except the area embraced in precinct number two and precinct number three.

Precinct Number 2: All of Sections 1, 12, 13, 24 and 25, Town 8 North, Range 19 East, Town of Lisbon, Waukesha County.

Precinct Number 3: All following sections and parts of sections located in Town 8 North, Range 19 East, Town of Lisbon, Waukesha County:

All of Sections 6, 7, 17, 18, 19, 28, 29, 30, 31, 32 and 33, and parts of the following sections: The NW ¼, the SW ¼, and the NW 1/4 of the NE ¼ and the NW ¼ of the SW ¼ of the NE ¼ of Section 5; the NW ¼, SW ¼ and SE ¼ of Section 8; the SW ¼ of Section 9; the NW ¼ of the NW ¼ of Section 16; all of section 20 except the E ½ of the SE ¼. Also including the following described property located in the NE ¼ of Section 8; PT NE ¼ Section 8 T 8NR19E Com at SE cor; th N ! deg 46 min E 426.t ft; th S 89 deg 46 min W 510.97 ft; th S 1 deg 46 min W426.5 ft; th N89 deg 46 min E 510.97 ft to bgn 5 ac Vol 1041/318.

All of Precinct Number 3 is made up of all of the Arrowhead School District in the Town of Lisbon.

(b) The place where elections shall take place in each precinct shall be as follows.

Precinct Number 1 – Lisbon Town Hall

W234N8676 Woodside Road

Precinct Number 2 – Hamilton High School

W220N6151 Town Line Road

Precinct Number 3 – Richmond School

N56W26530 Richmond Road

(c) The election officials required by law for each of the precincts created by this section shall be appointed by the Town Board in the manner required by law to serve until their successors are appointed and qualified.

(d) The annual town meeting and special town elections shall be held at election precinct Number 1 and all annual town, judicial and other elections shall be held in the precincts as herein divided.

2.07 TOWN TREASURER EXEMPTION TO GIVE BOND TO THE COUNTY TREASURER.

The Town of Lisbon obligates itself to pay, in case the Town Treasurer fails so to do, all taxes of any kind required by law to be paid by such Treasurer to the Waukesha County Treasurer as provided in Section 70.67 (2), Wisconsin Statutes.

2.08 ELECTION OF SUPERVISORS.

(a) Commencing with the spring election of 1983, Supervisors designated as Supervisor 1 and 3 shall be elected for a term of one year and commencing with the spring election of 1984 shall be elected for a term of two years.

(b) Commencing with the spring election of 1983, Supervisors designated as Supervisors 2 and 4 and the Chairperson of the Town of Lisbon shall be elected for a term of two years and shall thereafter be elected for a term of two years.

2.10 MAINTENANCE AND INSPECTION OF TOWN RECORDS.

(a) Definitions.

(1) "Authority" means any of the town entities having custody of a town record: an office, elected official, agency, board, commission, committee, town board, department or public body corporate and politic created by constitution law, ordinance, rule or order; or a formally constituted sub-unit of the foregoing.

(2) "Custodian" means that officer, department head, division head, or employee of the town designated under subsection (3) or otherwise responsible by law to keep and preserve any town records or file, deposit or keep such records in his or her office, or is lawfully in possession or entitled to possession of such public records and who is required by this section to respond to requests for access to such records.

(3) "Record" means any material on which written, drawn, printed, spoken, visual or electromagnetic information is recorded or preserved, regardless of physical form or characteristics, which has been created or is being kept by any authority. "Record" includes, but is not limited to, hand-written, typed or printed pages, maps, charts, photographs, films, recording, tapes (including computer tapes), and computer printouts. "Record" does not include drafts, notes, preliminary computations and like materials prepared for the originator's personal use or prepared by the originator in the name of a person for whom the originator is working; materials which are purely the personal property of the custodian and have no relation to his or her office; materials to which access is limited by copyright, patent or bequest; and published materials in the possession of an authority other than a public library which are available for sale, or which are available for inspection at a public library.

(b) Duty to Maintain Records.

(1) Except as provided under subsection (7), each officer and employee of the town shall safely keep and preserve all records received from his or her predecessor or other persons and required by law to be filed, deposited or kept in his or her office or which are in the lawful possession or control of the officer or employee or his or her deputies, or to the possession or control of which he or she or they have been lawfully entitled as such officers or employees.

(2) 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 his or her successor all records then in his or her custody and the successors 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, on behalf of the successor, to be delivered to such successor upon the latter's receipt.

(c) Legal Custodian(s).

(1) Each elected official is the legal custodian of his or her records and the records of his or her office, but the official may designate an employee of his or her staff to act as the legal custodian.

(2) Unless otherwise prohibited by law, the Town Clerk or the Town Clerk's designee shall act as legal custodian for the Town Board and for any committees, commissions, boards, or other authorities created by ordinance or resolution of the Town Board. This shall not include the records of Building Inspection Department whose custody is in the Building Inspector; the Plumbing Inspection Department whose custody is in the Plumbing Inspector; the Electrical Inspection Department whose custody is in the Electrical Inspector; the Town Police Department whose custody is in the Town Police Chief; the Town Assessment Department whose custody is in the Town Assessor; and the Town Treasury Department whose custody is in the Town Treasurer; and the Town Fire Department whose custody is in the Fire Chief.

(3) For every authority not specified in paragraph (a) or (b), the authority's chief administrative officer is the legal custodian for the authority, but the officer may designate an employee of his or her staff to act as a legal custodian.

(4) Each legal custodian shall name a person to act as legal custodian in his or her absence or in the absence of his or her designee.

(5) The legal custodian shall have full legal power to render decisions and to carry out the duties of an authority under Subchapter II of Chapter 19, Wisconsin Statutes and this section. This designation of a legal custodian does not affect the powers and duties of an authority under this section.

(d) Public Access to Records.

(1) Except as provided in subsection (6), any person has a right to inspect a record and to make or receive a copy of any record as provided in Section 19.35(1), Wisconsin Statutes.

(2) Records will be available for inspection and copy during all regular office hours.

(3) 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 48 hours advance notice of intent to inspect or copy.

(4) A requester shall be permitted to use facilities comparable to those available to the town employees to inspect, copy or abstract a record.

(5) The legal custodian may require supervision during inspection or may impose other reasonable restrictions on the manner of access to any original record if the record is irreplaceable or easily damaged.

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

A. The cost of photocopying shall be 50 cents for the first 10 pages and 25 cents for 11 pages and over. Said cost has been calculated not to exceed the actual, necessary and direct cost of reproduction.

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

C. 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 video tapes, shall be charged.

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

E. There shall be no charge for locating a record unless the actual cost thereof exceeds \$50, in which case the actual cost will be determined by the legal custodian and billed to the requester.

F. 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 \$5.

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

H. The legal custodian may provide copies of a record without charge or at a reduced charge where he or she determines that waiver or reduction of the fee is in the public interest.

(7) Pursuant to Section 19.34, Wisconsin Statutes, and the guidelines therein listed, each authority shall adopt, prominently display and make available for inspection and copying at his office, for the guidance of the public, a notice containing a description of its organization and the established time and place at which, the legal custodian from whom, and the methods whereby, the public may obtain information and access to records in its custody, make requests for records, or obtain copies of records, and the costs thereof. Each authority shall also prominently display at this office for the guidance of the public, a copy of this section.

(e) Access Procedures.

(1) A request to inspect or copy a record shall be made to the legal custodian. A request shall be deemed sufficient if it reasonably describes the requested record or the information requested. However, a request for a record without a reasonable limitation as to subject matter or length of time represented by the record does not constitute a sufficient request. A request may be made orally, but a request must be in writing before an action to enforce the request is commenced under Section 19.37, Wisconsin Statutes. Except as provided below, no request may be refused because the person making the request is unwilling to be identified or to state the purpose of the request. No

request may be refused because the request is received by mail unless prepayment of a fee is required under subsection (4)(f)(6). A requester may be required to show acceptable identification whenever the requested record is kept at a private residence or whenever security reasons or federal law or regulations so require.

(2) Each custodian, upon request for any record, shall, as soon as practical and without delay, either fill the request or notify the requester of the authority's determination to deny the request in whole or in part and the reason therefore. If the legal custodian, after conferring with the Town Attorney, determines that a written request is so general as to be unduly time consuming, the party making the request may first be required to itemize his or her request in a manner which would permit reasonable compliance.

(3) A request for a record may be denied as provide in subsection (6). If a request is made orally, the request may be denied orally unless a demand for a written statement of the reasons denying the request is made by the requester within five business days of the oral denial. If a written request is denied in whole or in part, the requester shall receive a written statement of the reasons for denying the request. Every written denial of a request shall inform the requester that if the request for the record was made in writing, then the determination is subject to review upon petition for a writ of mandamus under Section 19.37 (1), Wisconsin Statutes, or upon application to the Attorney General or the District Attorney.

(f) Limitations on Right to Access.

(1) As provided in Section 19.36, Wisconsin Statutes, the following records are exempt from inspection under this section:

(A) Records specifically exempted from disclosure by a state or federal law or authorized to be exempted from disclosure by state law;

(B) Any record relating to investigative information obtained for law enforcement purposes if federal law or regulations require exemption from disclosure or if exemption from disclosure is a condition to receipt of aids by the state;

(C) Computer programs, although the material used as input for a computer program or the material produced as a product of the computer program is subject to inspection; and

(D) A record or any portion of a record containing information qualifying as a common law trade secret.

(E) Employment records under Section 103.13, Wisconsin Statutes.

(2) In responding to a request for inspection or copying of a record which is not specifically exempt from disclosure, the legal custodian, after conferring with the Town Attorney, may deny the request, in whole or in part, only if he or she determines that the harm to the public interest in full access to the requested record. Examples of matters for which disclosure may be refused include, but are not limited to the following:

(A) Records obtained under official pledges of confidentiality which were necessary and given in order to obtain the information contained in them.

(B) Records of current deliberations after a quasi-judicial hearing.

(C) Records of current deliberations concerning employment, dismissal, promotion, demotion, compensation, performance, or discipline of any town officer or employee, or the investigation of charges against any town officer or employee, unless such officer or employee consents to such disclosure.

(D) Records of current deliberations or negotiations on the purchase of town property, investing of town funds, or other town business whenever competitive or bargaining reasons require nondisclosure.

(E) Financial, medical, social or personal histories or disciplinary date of specific persons which, if disclosed, would be likely to have a substantial diverse effect upon the reputation of any person referred to in such history or data.

(F) Communications between legal counsel for the town and any officer, agent or employee of the town, when advice is being rendered concerning strategy with respect to current litigation in which the town or any of its officers, agent or employees is or is likely to become involved, or communications which are privileged under Section 905.03, Wisconsin Statutes.

(G) Records concerning current strategy for crime detection or prevention.

Among, but not limited to, the reasons for denying all or parts of police records are the following:

(1) This portions contains confidential information furnished only by a confidential source who has requested anonymity as a condition of relaying this information.

(2) This portion would identify a confidential source and this would jeopardize a criminal investigation.

(3) This portion would identify a confidential source and this would endanger the life or physical safety of this source.

(4) This portion would disclose the contents of a communication between executive personnel on matters of policy, the disclosure of which would inhibit the frank and full discussion of matters necessary to set policy.

(5) This portion would jeopardize an ongoing criminal investigation in that it would disclose evidence.

(6) This portion will impair the ability of the investigating officers to function effectively in that it will disclose techniques used in investigations.

(7) This portion names law enforcement personnel. Disclosure will impair their effectiveness in their duties and subject them to harassment and personal injury.

(8) This portion identifies citizens. Disclosure may cause undue damage to the reputation of citizens in the community and violate the right to privacy under Section 895.50, Wisconsin Statutes.

(9) This information is unsubstantiated; if released, it would unduly damage the reputation of the individual or individuals involved.

(10) This portion identifies a person. Disclosure of such persons in this context would be likely to have a substantial adverse effect on their reputation.

(11) This portion identifies a juvenile. Disclosure of such person is in violation of Section 48.396, Wisconsin Statutes.

(12) This portion contains employee performance evaluation data.

(13) This portion contains information not made public as part of a written public speech, presentation, or press release.

(3) If a record contains information that may be made public and information that may not be made public, the custodian of the record shall provide the information that may be made public and delete the information that may not be made public from the record before release. The custodian shall confer with the Town Attorney prior to releasing any such record and shall follow the guidance of the Town Attorney when separating out the exempt material. If in the judgment of the custodian and the Town Attorney there is no feasible way to separate the exempt material from the nonexempt material without unreasonably jeopardizing nondisclosure of exempt material, the entire record shall be withheld from disclosure.

(g) Destruction of Records.

(1) Town officers may destroy the following non-utility financial records of which they are the legal custodians and which are considered obsolete, after completion of any required audit by the Bureau of Municipal Audit or an auditor licensed under Chapter 442 of the Wisconsin Statutes, but not less than seven years after payment or receipt of any sum involved in the particular transaction, unless a shorter period has been fixed by the state of Public Records Board pursuant to Section 16.61 (3)(e), Wisconsin Statutes, and then after such shorter period:

- (A) Bank Statements;
- (B) Cancelled checks;
- (C) Receipt forms;
- (D) Vouchers, etc

(2) Town officers may destroy the following utility records of which they are the legal custodians and which are considered obsolete after completion of any required audit by the Bureau of Municipal Audit or an auditor licensed under Chapter 442 of the Wisconsin Statutes, subject to state Public Service Commission regulations, but not less than seven years after the record was effective unless a shorter period has been fixed by the state Public Records Board pursuant to Section 16.61(3)(e), Wisconsin Statutes, and then after such a shorter period:

- (A) Contracts;
- (B) Excavation permits;
- (C) Inspection records.

(3) Town officers may destroy the following records of which they are the legal custodian and which are considered obsolete, but not less than seven 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 pursuant to Section 16.61 (3)(e), Wisconsin Statutes, and then after such a shorter period:

- (A) Old Insurance policies;
- (B) Election notices;
- (C) Cancelled registration cards.

(h) Preservation through Microfilm.

Any town officer or the director of any department or division of the town government may, subject to the approval of the Town Board, keep and preserve public records in his or her possession by means of microfilm or other photographic reproduction method. Such records shall meet the standards for photographic reproduction set forth in Section 16.61 (7)(a) and (b), Wisconsin Statutes, and shall be considered original records for all purposes. Such records shall be preserved along with other files of the department or division and shall be open to public inspection and copying according to the provisions of state law and subsections (4) through (6) of this section.

(i) Notice of Procedure for Inspection of Town Records.

The Town Clerk shall give public notice and prominently display and make available for inspection and copying at the Clerk's office for the guidance of the public, a notice containing the description of its organization and the established time and places at which the legal custodians under Section 19.33, Wisconsin Statutes from whom and the methods whereby the public may obtain information and access to records in the custody of each legal custodian, make requests for records or obtain copies of records and the costs thereof. The notice shall be substantially in the following form:

NOTICE RELATING TO INSPECTION OF TOWN RECORDS

NOTICE IS HEREBY GIVEN that all public records of the Town of Lisbon in my possession as Town Clerk shall be available to any interested person for inspection and for the purpose of obtaining copies at my office located in the Town Hall at W234N8676

Woodside Road, Sussex, Wisconsin, on Monday through Friday of each week between the hours 8:30 a.m. and 4:30 p.m.

NOTICE IS FURTHER GIVEN that any records of the Building Inspector, Plumbing Inspector, Electrical Inspector, Town Police Department, Town Assessor, Town Treasurer and Town Fire Department shall be available for inspection and copying upon 48 hours advance notice to the town official in charge of each such department.

The time and place for inspection or copying of any town records of the Building Inspector, Plumbing Inspector, Electrical Inspector, Town Police Department, Town Assessor and Town Treasurer shall be determined by such officials and the applicant making the application for such inspection or copying of records.

The right of inspection and copying of any records shall be subject to the provisions of the ordinance of the Town of Lisbon relating to such inspection and copying of records shall be posted by the Town Clerk adjacent to the notice with reference to the inspection and copying of such records.

(j) Severability.

The provisions of this section are severable if a section, subsection, paragraph, sentence, clause or phrase shall be adjudged by a court of competent jurisdiction to be invalid, the decision shall not affect the validity of this section.

2.12 PAULINE HAASS PUBLIC LIBRARY BOARD. There is hereby created a committee known as the Pauline Haass Public Library Board.

(a) MEMBERSHIP.

The Board shall consist of seven (7) members. Three (3) members shall be appointed by the Sussex Village President, subject to confirmation of the Sussex Village Board, and three (3) members shall be appointed by the Lisbon Town Chairman, subject to confirmation by the Lisbon Town Board. One (1) member shall be the Hamilton School District Superintendent or his/her designee.

(b) APPOINTMENTS-TERMS.

The term of office of the Pauline Haass Public Library Board shall be staggered three (3) year terms.

(c) ORGANIZATION.

(1) A President, Vice President and Secretary shall be selected by a vote of the Board members for a term of one year; this selection shall be made annually in the month of May.

(2) The Board shall keep a written record of its proceedings, to include all actions taken, a copy of which shall be provided to the Sussex Village Clerk and the Lisbon Town Clerk not more than ten (10) days following each meeting.

(d) DUTIES AND RESPONSIBILITIES.

(1) Prepare a joint library plan and a draft of a joint library services agreement for presentation to the Village Board, Town Board, Waukesha County Federated Library System, Waukesha County Board and other appropriate agencies.

(2) To plan for, implement and manage all library services, programs and activities for the Village of Sussex and Town of Lisbon.

(3) To make recommendations to the Sussex Village Board and Lisbon Town Board on the purchase, lease, sale or exchange of land, facilities or equipment necessary to implement provide services.

(4) To advise the Sussex Village Board and Lisbon Town Board of methods and opportunities for funding library services.

(5) The Board shall submit a proposed program and budget for the ensuing year to the Village Board and the Town Board no later than October 1 of each year.

2.13 BOARD OF POLICE AND FIRE COMMISSIONERS

(a) Police and Fire Commissioners:

There is hereby created a Board of Police and Fire Commissioners consisting of five (5) citizens, three (3) of whom shall constitute a quorum. The Town Board shall, upon adoption of this ordinance, appoint, in writing, five (5) Commissioners to varying terms, with the term of the first commissioner expiring on April 30, 1998, and the term of the remaining Commissioners terminating on the same date in successive years so that not more than one (1) Commissioner's term will terminate in any given year. Thereafter, the Town Board shall annually, between the last Monday of April and first Monday of May, appoint, in writing, to be filed with the secretary of the Board, one (1) member of a term of five (5) years. No appointment shall be made which will result in more than three (3) members of the Board belonging to the same political party. The Board shall keep a record of its proceedings. All Commissioners shall be residents of the Town of Lisbon. No Member of the Board of Police and Fire Commissioners shall be an active member of either the Police Department or Fire Department.

(b) Definitions:

The following terms shall have the following meanings within the context of this Ordinance.

(1) "Board" shall mean the Board of Police and Fire Commissioners of the Town of Lisbon.

(2) "Chiefs" shall refer to the Chief of Police and Fire Chief of the Town of Lisbon

(3) "Member" refers to all positions within the Fire and Police Departments of the Town of Lisbon, including Chiefs who are under the jurisdiction of the Board.

(4) "Subordinate" shall refer to all officers and full-time members of the Fire Department and all members of the Police Department, other than Chiefs and paid on-call volunteers of the Fire Department, who are under the jurisdiction of the Board.

(c) Chiefs:

The Board shall appoint the Chief of Police and Chief of the Fire Department, who shall hold their offices during good behavior, subject to suspension or removal by the Board for just cause.

(d) Subordinates:

(1) The Chiefs shall appoint subordinates subject to approval by the Board. Such appointments shall be made by promotion when this can be done with advantage, otherwise from an eligible list provided by examination and approval by the Board and kept on file with the Clerk. The eligibility list shall be limited to individuals seeking full-time employment with the Police Department or Fire Department.

(2) Any person desiring to be a full-time member of the Fire Department or Police Department may file an application for membership with the Chief in such form as the Board may require, from time-to time. Each applicant, who must be at least Eighteen (18) years of age, must comply with all physical fitness requirements established by the Board. The application, if approved by the Chief, shall be presented to the Board for confirmation.

(3) Any person who, on the effective date of the Ordinance, has served as a Town Police Officer, whether full-time or part-time, or as a Town Fire Department member, whether full-time, part-time, or as a volunteer, and who has performed the services by virtue of regular assignment therefore under the orders and supervision of the Chief of Police or Chief of Fire Department of said Town, as the case may be, and receiving his or her salary on the regular official payroll of said Police Department or Fire Department, although not regularly appointed from an eligible list, shall be deemed to have been regularly appointed, as of the time of the commencement of his or her service.

(4) For the choosing of such list the Board shall adopt, and may repeal or modify, rules calculated to secure the best service in the department. These rules shall provide for examination of physical and educational qualifications and experience, and may provide such competitive examinations as the Board shall determine, and for the classification of positions with special examination for each class. The Board shall print and distribute the rules and all changes in them, at Town expense.

(5) The examination shall be free for all U.S. citizens over 18 and under 55 years of age, with proper limitations as to residence, health and subject to Wis. Stat. §§ 111.321, 111.322 and 111.335, arrest and conviction record. The examination, including minimum training and experience requirements, shall be job-related in compliance with appropriate validation standards, and shall be subject to the approval of the Board and may include tests of manual skill and physical strength. All relevant experience, whether paid or unpaid, shall satisfy experience requirements. The Board shall control examinations and may designate and change examiners, who may or may not be otherwise in the official service of the Town, and whose compensations shall be fixed by the Board and paid by the Town. Veterans shall be given preference points in accordance with Wis. Stat. § 230.16(7).

(e) Disciplinary Actions Against Subordinates:

(1) A subordinate may be suspended as hereinafter provided as a penalty. He may also be suspended by the Commission pending the disposition of charges filed against him.

(2) Charges may be filed against a subordinate by the Chief, by a member of the Board, by the Board as a body, or by an aggrieved person. Such charges shall be in writing and shall be filed with the President of the Board

Pending disposition of such charges, the Board and chief may suspend such subordinates.

(3) A subordinate may be suspended for just cause, as described in paragraph (5)(e), by the Chief or the Board as a penalty. The Chief shall file a report of such suspension with the Commission immediately upon issuing the suspension. No hearing on such suspension shall be held unless requested by the suspended subordinate. If the subordinate suspended by the Chief requests a hearing before the Board, the Chief shall be required to file charges with the Board upon which such suspension was based.

(4) Following the filing of charges in this case, a copy thereof shall be served upon the person charges. The Board shall set a date for hearing not less than ten (10) days, nor more than thirty (30) days, following service of charges. The hearing on the charges shall be public, and both the accused and the complainant may be represented by an attorney and may compel the attendance of witnesses by subpoenas which shall be issued by the president of the Board on request and be served as are subpoenas under Wis. Stat. Ch. 885.

(5) No subordinate may be suspended, reduced in rank, suspended and reduced in rank, or removed by the Board under paragraph(c), based on charges(s) filed by the Board, members of the Board, an aggrieved person or the Chief under paragraph (b), unless the Board determine whether there is just cause, as described in this paragraph, to sustain the charge. In making its determination, the Board shall apply the following standards, to the extent applicable:

A. Whether the subordinate could reasonably be expected to have had knowledge of the probable consequences of the alleged conduct.

B. Whether the rule or order that the subordinate allegedly violated is reasonable

C. Whether the Chief, before filing the charge against the subordinate, made a reasonable effort to discovery; whether the subordinate did in fact violate a rule or order.

D. Whether the effort described under paragraph (c) was fair and objective

E. Whether the chief discovered substantial evidence that the subordinate violated the rule or order as described in the charges filed against the subordinate.

F. Whether the Chief is applying the rule or order or order fairly and without discrimination against the subordinate.

G. Whether the proposed discipline reasonably relates to the seriousness of the alleged violation and to the subordinate's record of service with the Chief's department.

(6) Findings and determinations hereunder, and orders of suspension, reduction, suspension and reduction, or removal, shall be in writing and if they follow a hearing, shall be filed within three (3) days thereof with the Secretary of the Board.

(7) Further rules for the administration of this subsection may be made by the Board.

(8) No person shall be deprived of compensation while suspended pending disposition of charges.

(9) Any person suspended, reduced, suspended and reduced, or removed by the Board, may appeal from the order of the Board to the circuit court by serving written notice thereof on the Secretary of the Board within ten (10) days after the order is filed. Within five (5) days thereafter, the Board shall certify to the clerk of the circuit court the record of the proceedings, including all documents, testimony, and minutes. Thereafter, the procedures set forth in Wis. Stat. § 62.13(5i) shall govern the disposition of such an appeal.

(f) Dismissals and Re-employment:

(1) When it becomes necessary, because of need for economy, lack of work or funds, or for other just causes to reduce the number of subordinates, the emergency, special, temporary, part-time, or provisional subordinates, if any, shall be dismissed first, and thereafter subordinates shall be dismissed in order of shortest length of service in the department, provided that in cities where a record of service rating has been established prior to January 1, 1933, for the said subordinates, the emergency, special, temporary, part-time provisional subordinates, if any, shall be dismissed first, and thereafter subordinates shall be dismissed in the order of the least efficient as shown by the said service rating.

(2) When it becomes necessary for such reasons to reduce the number of subordinates in the higher positions or offices, or to abolish any higher positions or offices in the department, the subordinate or subordinates affected thereby shall be placed in a position or office in the department less responsible according to his efficiency and length of service in the department.

(3) The name of a subordinate dismissed for any cause set forth in this section shall be left on an eligible re-employment list for a period of two (2) years after date of dismissal. If any vacancy occurs, or if the number of subordinates is increased in the department, such vacancy or new positions shall be filled by persons on such list in the inverse order of the dismissal of such persons.

(g) Compensation:

The salaries of the Chiefs and subordinates shall be fixed by the Town Board. Such salaries, when so fixed, may be increased, but not decreased, by the Town Board without a previous recommendation by the Board. The Town Board may provide that the salaries shall be increased with length of service.

(h) Board Procedures:

(1) In May of each year, the Board shall elect from its members, a President, Vice-President and Secretary. Upon motion of any Board member, the vote of the Board shall be by secret ballot.

(2) Board officers shall have the following duties and responsibilities:

A. President. The President shall:

1. Preside over all meetings and hearings, and ensure their orderly conduct;
2. Accept filing of written charges against Chiefs and subordinates;
3. Issue subpoenas for the attendance of witnesses at hearings pursuant to Wis. Stat., § 62.13(5)(d);
4. Administer oaths to witnesses appearing before the Board;
5. Formally read the charge(s) to the accused at any hearing, including the provisions alleged to have been violated;
6. Ask questions, and control questions, asked by other Board members during any hearing;
7. Ensure standards for procedural due process are afforded the accused at any hearing; and
8. Adjourn Board proceedings.

B. Vice President. The Vice-President shall act in the capacity of President whenever the President is unavailable to act for any reason.

C. Secretary. The Secretary shall:

1. Conduct all correspondence of the Board, send all notices required by law, ordinance, or these rules or as otherwise requested by the Board;
2. Cause to be published such official notices as are required;
3. Attend and keep a record of all Board proceedings, including the preservation of testimony and any evidence received by the Board at any hearings in a permanent record, and to certify such record to the circuit court when required by law;
4. Maintain the minutes of each meeting and hearing, with said minutes being signed by the Secretary and President, upon approval by the Board;
5. Provide copies of all Board minutes to each Board member as soon as possible, and file a copy of said minutes with the Town Clerk;
6. Accept filing of all appointments under Wis. Stat. §62.13(1); and
7. Accept for filing all findings and determinations of the Board relative to disciplinary actions and Board orders, all of which shall be filed within three (3) days of their Adoption pursuant to Wis. Stat. § 62.13(5)(f).

(3) Except as otherwise provided by the Wisconsin Statutes or Ordinance, The Boards' rules and regulations shall be prescribed, amended, or repealed by a majority vote of the Board members present. Any such Board rule or regulation adopted by the Board shall govern the Activities of the Board until such rule or regulation have been amended or repealed as provided herein.

(i) By-Laws:

The Board of Police and Fire Commissioners shall adopt by-laws governing its operation and procedure, which by-laws shall be filed with, and approved by the Town Board. Any amendments to the by-laws shall similarly be filed with, and approved by the Town Board. (2/1/99)

2.14 COMPOSTION OF PERMANENT COMMITTEES OF THE TOWN OF LISBON(a) Policy and purpose.

The Town of Lisbon has created four committees to oversee, review and provide direction to various Town operations. These committees are: Park Committee; Management Committee; Public Safety Committee; and Municipal Compost Committee. The policy of the Town of Lisbon is that all of these committees have a similar structure and method of operation.

(b) Committee Structure.

Committees shall have no less than three (3), nor no more than nine (9) members, as determined by the town Board from time to time. Members shall be appointed by the Town Chairperson subject to confirmation of the Town Board and shall serve without compensation. At least on committee member be a Town Board Supervisor or Town Chairperson. Committee members shall serve three (3) year staggered terms, except for Town Board members who serve at the discretion of the Town Board Chairperson.

(c) Committee Operation.

Committee will operate under Roberts rules of Order, and elect a Chairperson from amongst their members. A secretary shall be elected from the committee who shall be responsible for taking minutes of the meetings.

(d) Removal, Vacancy.

Except for the town Board representative, committee members with two (2) or more unexcused absences within a twelve (12) month period shall be asked to resign and may be removed by the Town Board at the request of the Town Chairperson. The committee Chairperson shall notify the Town Clerk of a vacancy on the committee along with special qualifications for the position, if any. The Clerk shall notify the Town Chairperson and, if necessary, advertise in the Town's official newspaper to solicit Town residents interested in serving.

2.15 HUMANE OFFICER

Except as specifically provided in this chapter, the statutory provisions in Chapter 173, Wisconsin Statutes, are hereby adopted and by reference made a part of this chapter as if fully set forth herein. Any future amendments, revisions, or modifications of the statutory regulation in Chapter 173, Wisconsin Statutes, are incorporated herein and intended to be made a part of this chapter.

2.16 TOWN ADMINISTRATOR(a) Office of Town Administrator.

In order to provide the Town of Lisbon with more efficient, effective, and responsible government under the system of a part-time Chairperson and part-time Supervisors at a time when Town government is becoming increasingly complex and expensive, there is hereby created with Office of town Administrator for the Town of Lisbon, (hereinafter referred to as Administrator).

(b) Appointment and Term of Office.

The Town administrator shall be appointed as provided in Section 60.37(3) of the Wisconsin Statutes, on the basis of merit with due regard to training, experience, administrative ability and general fitness for the office by majority vote of the Town Board. The Administrator shall hold office for a three year term, such term to be extended from time to time by the Town Board.

(c) Functions and Duties of the Administrator.

The Administrator, subject to limitations defined in resolutions and ordinances of the Town of Lisbon and Wisconsin Statutes shall be the chief administrative officer to the Town responsible to the Town Board for the proper administration of the business and affairs of the Town. The Administrator shall have power and duties as follows:

(1) Carry out all directives of the Town Board which require administrative implementation, report promptly to the Town Chairperson and Town Board any difficulties encountered therein.

(2) 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 State Statutes.

(3) Establish, when necessary, administrative procedures to increase the effectiveness and efficiency of the Town Government according to current practices of local government not inconsistent with Town Board directives.

(4) 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.

(5) Keep informed concerning 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

(6) Represent the Town in matters involving legislation and intergovernmental affairs as authorized and directed.

(7) Act as public information officer for the town with the responsibility of assuring that the news media are kept informed about the operation of the Town and that the open meeting regulations are followed.

(8) Establish and maintain procedures to facilitate the communication between citizens and Town government to assure complaints, grievances, recommendations and other matters receive prompt attention by a responsible official and to assure that all such matters are expeditiously resolved.

(9) Maintain a system whereby person having business with the Town Board or any Town department may properly and efficiently conduct such business.

(10) Administer the maintenance of all Town property, including buildings, land, equipment and the construction or improvements undertaken either directly or indirectly by the Town.

(11) Attend all meetings of the Town Board, assisting the Chairperson and the Supervisors as required in the performance of their duties.

(12) In coordination with the Chairperson cause to be prepared 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.

(13) Assist in preparation of ordinances and resolutions as requested by Supervisors.

(14) 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.

(15) Keep the Town Board regularly informed about the activities of the Administrator's office by oral or written reports at regular meetings of the Town Board.

(16) Prepare reports and recommendations for the Town Board and advisory boards and commissions on operational or policy matters in other actions necessary to improve the overall health, safety and welfare of the Town.

(17) Be responsible for the administrative direction and coordination of all employees of the Town according to established organizational procedures.

(18) Serve as personnel officer for the Town with the responsibilities to see that complete and up-to-date personnel records, including specific job descriptions for all Town employees are kept, evaluating 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 the Town employees have proper working conditions, work closely with department heads to promptly resolve personnel problems and grievances.

(19) Work closely with department heads to assure that all employees receive adequate opportunities for training to maintain and improve their job related knowledge and skills and act as approving authority for requests by employees to attend conferences, meetings, training schools, etc., provided that funds have been budgeted for these activities.

(20) Be responsible for the preparation of the annual Town budget, in accordance with such guidelines as may be provided by the Town Board, for presentation to the Townspeople at the annual Town budget hearing and for Town Board adoption.

(21) Administer the budget as adopted by the Town Board.

(22) 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.

(23) Administer the accounting system for all Town departments and insure that the system employs methods in accordance with current professional accounting practices.

(24) Supervise the purchase of all materials, supplies, services and equipment for which funds are provided in the budget.

(25) Perform such other duties as may be directed by the Town Board from time to time.

2.17 APPOINTED TREASURER POSITION.

Commencing April 10, 2007 the Treasurer position for the Town of Lisbon is hereby an appointed position.

(a) Appointment Term. The Town Treasurer shall be appointed as provided in Section 60.30 of the Wisconsin Statutes. The Town Chairman shall make the appointment with confirmation by the Town Board. The Treasurer shall hold office for a three year term; such term to be extended from time to time by the Town Board.

(b) Duties and Responsibilities. The Town Treasurer shall be responsible for all duties as required under Section 60.34 of the Wisconsin Statutes. In addition, the Treasurer is responsible for carrying out all directives of the Town Board which require the Treasurer's assistance in implementation; be responsible to establish procedures to increase the effectiveness and efficiency of the Town Government relating to the Treasurers function; Keep informed concerning current county, state and federal legislation and administrative rules affecting the Treasurer's function and submit appropriate reports and recommendations to the Town Board; Assist the Town Board, Administrator and department heads in preparing annual budgets and short-range and long-range financial plans; Keep the Town Board regularly informed about the activities of the Treasurer's office by oral or written reports at regular meetings of the Town Board; Perform such other duties as may be directed by the Town Board from time to time.