

CHAPTER 1: GENERAL GOVERNMENT

1.01. Title/Purpose.

This chapter is entitled “General Government.” The purpose of Chapter 1 is to set forth in general the Town Board of the Town of Darien procedures and rules governing Town of Darien (hereinafter referred to as the “Town”) activities.

1.02. Authority.

The Town Board shall be designated as the “Town Board of the Town of Darien” (hereinafter referred to as the “Town Board”). The Town Board has the specific authority, powers, and duties set forth in Wis. Stat. ch. 60. The Town Board has been directed by annual Town meeting to exercise all powers relating to villages and conferred on village boards by Wis. Stat. ch. 61, excepting therefrom such powers the exercise of which would conflict with the statutes relating to towns and town boards.

1.03. Town Board Members.

The Town Board shall consist of five members, including the Town Chairperson. The Town shall elect three supervisors in odd numbered years, including the Town Chairperson, and two supervisors in even numbered years. A legal quorum for the transaction of business is a majority of the members of the Town Board, but a lesser number may adjourn from time to time or compel the attendance of the absent members.

1.04. Town Board Meetings.

Regular Town Board meetings shall be held on the first Tuesday of each month at the Town Hall located on Foundry Road, Town of Darien, Walworth County, Wisconsin. If the first Tuesday of the month falls on a holiday, as defined in Wis. Stat. §§ 230.35(4)(a) or 985.20, the Town Board shall, at the regular meeting preceding said holiday, select an alternate date for the regular meeting that would otherwise be held on said holiday according to this section. The agenda for each meeting under this section shall contain:

- A. Call to order by presiding officer.
- B. Roll call (if a quorum is not present, the meeting shall thereupon adjourn, which may be to a specified date).
- C. Reading and correction of minutes of prior meeting and approving these minutes.
- D. Report of Treasurer.

- E. Committee reports, if any.
- F. Town Chairperson's report, supervisors' reports, citizens' comments.
- G. Action on Town expenses and approval and payment of bills.
- H. Old business.
- I. New business.
- J. Adjournment.

1.05. Notice of Town Board Meetings.

Notice of regular or special Town Board meetings shall be posted in three locations at least 24 hours prior to the meeting unless in an emergency, wherein the proper notice posting shall occur at least two hours prior to the Town Board meeting and as otherwise provided in Wis. Stat. § 19.84.

1.06. Town Board Meetings - Public.

Any business of any meeting of the Town Board shall be in open session and accessible to the public except as provided in the state Open Meetings Law, Wis. Stat. § 19.85(1). Public notice of all meetings of any governmental body of the Town shall comply with subch. V of Wis. Stat. ch. 19.

1.07. Presiding Officer.

A. **Control of Meeting.** The Town Chairperson shall preserve order and conduct the proceedings of all meetings and hearings, whether on petition or regular or special meetings. A member may appeal from the decision of the presiding officer; such appeal is not debatable and must be sustained by a majority of the members present, exclusive of the presiding officer.

B. **Absence of Town Chairperson.** If the Town Chairperson is absent at any meeting, the Town Clerk shall call the meeting to order and preside until the Town Board selects a supervisor to preside for that meeting.

C. **Participation in Debate.** The presiding officer may speak upon any question or make any motion if he or she vacates the chair and designates a supervisor to preside temporarily.

D. **Presiding Officer to Vote.** The presiding officer shall have a vote as a supervisor on all questions properly before the Town Board.

1.08. Committees.

A. **Committee Appointments.** The Town Chairperson shall designate and appoint all members of any standing and special committees hereafter established by the Town Board and shall designate the chairperson of any said committee. All committee appointments, except designation of a chairperson, shall be subject to confirmation by a majority vote of the Town Board.

B. **Committee Reports.** Each committee hereafter established shall, at the next regular meeting following such establishment, submit a written report on all matters referred to it. Such report shall recommend a definite action on each item and shall be signed by a majority of the committee. Any committee may require any Town officer to confer with it and supply information in connection with any matter pending before it.

1.09. Ordinances and Resolutions.

A. Ordinances, resolutions, bylaws, communications, and other matters submitted to the Town Board shall be read by title and author and referred to the appropriate committee, if any, by the Town Chairperson. The Town Clerk shall read and record each such reference by title. Any supervisor may require the reading in full of any matter at any time it is before the Town Board. No ordinance, resolution, or bylaw shall be considered unless it is presented and introduced, in writing, by a supervisor. Unless requested by a supervisor before final vote is taken, no ordinance, resolution, or bylaw need be read in full. Any ordinance, resolution, or bylaw introduced, in writing, by any supervisor as above stated may be adopted by the Town Board at the same meeting it was introduced by a majority vote of all the Town supervisors.

B. All ordinances, bylaws, or resolutions shall be signed by the Town Chairperson and countersigned by the Town Clerk and shall be published or posted pursuant to law.

C. All authorized ordinances and bylaws shall have the force of law and remain in force until repealed.

D. All amendments to any ordinance or provision of the Town of Darien Municipal Code, as revised from time to time (hereinafter referred to as the "Municipal Code") shall be enacted in accordance with all applicable laws and regulations. At a minimum, such amendments shall be set forth, in writing, as an ordinance to be adopted by the Town Board. Any amendment so enacted shall be posted or published as required by law. All amendments shall set forth the date upon which they become effective.

1.10. General Rules.

A. Order and decorum, deliberations of the Town Board, and decisions on all questions of order and conduct in the proceedings of Town meetings shall be in accordance with the parliamentary rules contained in Robert's Rules of Order Revised, unless otherwise provided by statute or these rules. No person other than a member shall address the Town Board except by a vote of a majority of the members present. No ordinance, resolution, or other motion shall be discussed or acted upon unless it has been seconded. No motion shall be withdrawn or amended without the consent of the person making the same and the person seconding it.

B. Nothing herein prescribed concerning the conduct and procedure of regular and special Town Board meetings shall apply to the annual Town meeting prescribed in Wis. Stat. § 60.11, or special Town meeting prescribed in Wis. Stat. § 60.12.

1.11. Suspension of Rules.

These rules, or any part thereof, may be temporarily suspended in connection with any matter under consideration by a recorded vote of two-thirds of the members present.

1.12. Town Chairperson - Authority.

A. The Town Board or the Town Chairperson has the specific authority, powers, and duties, pursuant to Wis. Stat. ch. 60, to manage certain affairs of the Town. In addition, the Town Chairperson has additional general and specific statutory authority, powers, and duties not inconsistent with Wis. Stat. ch. 60.

B. The Town Board has, by adoption of this chapter of the Town ordinances, confirmed the specific statutory authority and powers established in Wis. Stat. ch. 60, and has established, pursuant to this chapter, other statutory authority, powers, and duties of the Town Chairperson to manage and direct certain affairs of the Town.

1.13. Town Clerk - Authority.

A. The Town Board and the Town Clerk have specific statutory authority, powers, and duties, pursuant to Wis. Stat. ch. 60, to manage and direct certain affairs of the Town. In addition, the Town Clerk has certain additional general and specific statutory authority, powers, and duties not inconsistent with Wis. Stat. ch. 60.

B. The Town Board has, by adoption of this chapter of the Town ordinances, confirmed the specific statutory authority, powers, and duties of the Town Clerk noted above in Wis. Stat. ch. 60, and has established, pursuant to this chapter and the Town ordinances, other statutory authority, powers, and duties of the Town Clerk to manage and direct certain affairs of the Town.

1.14. Town Treasurer - Authority.

A. The Town Board and the Town Treasurer have specific authority, powers, and duties, pursuant to Wis. Stat. ch. 60, to manage and direct certain affairs of the Town. In addition, the Town Treasurer has certain additional statutory authority, powers, and duties not inconsistent with Wis. Stat. ch. 60.

B. The Town Board has, by adoption of this chapter of the Town ordinances, confirmed the specific statutory authority, powers, and duties of the Town Treasurer noted above in Wis. Stat. ch. 60, and has established, pursuant to this chapter and the Town ordinances, other statutory authority, powers, and duties of the Town Treasurer to manage and direct certain affairs of the Town.

1.15. Town Assessor - Authority.

A. A Town meeting, pursuant to Wis. Stat. § 60.10, has provided the Town Board with the authority to select and retain a Town Assessor. The Town Board has selected, by appointment, a Town Assessor.

B. The Town has no civil service system. The Town Assessor has been appointed as an independent contractor, pursuant to Wis. Stat. § 60.307.

C. The Town Assessor shall possess and exercise all of the statutory powers and duties for purposes of property tax assessment required of town assessors pursuant to the Wisconsin Statutes.

1.16. Town Plan Commission.

A. **Authority to Establish Plan Commission.** The Town Board, pursuant to Wis. Stat. ch. 60, and the powers relating to villages pursuant to Wis. Stat. ch. 61 and Wis. Stat. § 62.23, authorizing the establishment of a plan commission, does hereby establish the Town of Darien Plan Commission (hereinafter referred to as the "Plan Commission").

B. **Membership.** The Plan Commission shall consist of five members, including two Town Board members and three citizen members. The Town Board members of the Plan Commission shall be appointed by the Town Chairperson at each April meeting of the Town Board thereafter. The three citizen members shall be appointed by the Town Chairperson upon the creation of the Plan Commission to hold office for periods of one, two, and three years, respectively, or such portion of years and thereafter annually at the April meeting appointed by the Town Chairperson, and thereafter one member of the Plan Commission shall be appointed by the Town Chairperson for a term of three years at each April meeting. The presiding officer of the Plan Commission shall be one of said Plan Commission members so appointed as presiding officer by the Town Chairperson.

C. **Compensation.** Compensation to the members of the Plan Commission shall be consistent with Wis. Stat. ch. 60 with respect to Town Board members and shall be as established by resolution of the Town Board as to citizen members.

D. **Authority.** The Plan Commission shall have the authority, powers, and duties specified in Chapter 19 of the Municipal Code. Further, the Plan Commission shall have the power and authority to employ experts and to pay for services thereof, and to pay such other expenses as may be necessary and proper, not exceeding the appropriation that may be made for such commission by the Town Board in its budget.

E. **Plan Commission Meetings.** The Plan Commission meetings shall be held on the last Tuesday of each month at the Town Hall located on Foundry Road, Town of Darien, Walworth County, Wisconsin. In the event that the last Tuesday of the month falls on a holiday, as defined in Wis. Stat. §§ 230.35(4)(a) or 995.20, the Plan Commission shall, at the Plan Commission meeting preceding said holiday, select an alternate date for the regular Plan Commission meeting that would otherwise be held on said holiday according to this subsection. In the event that there are no items before the Plan Commission in a given month, the presiding officer of the Plan Commission may cancel that month's meeting and, in lieu of posting a meeting agenda, post a cancellation notice.

F. **Special Plan Commission Meeting.** In the event a special Plan Commission meeting is requested, the Town Clerk shall advise the requesting party that a fee for such special Plan Commission meeting of \$150.00 shall be paid to the Town in advance of publication of the special meeting notice. The Town Clerk shall advise the requesting party of this requirement and collect said fee before publishing the special meeting notice.