

CHAPTER 1  
TOWNSHIP ORGANIZATION

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1.01 TITLE/PURPOSE/DEFINITIONS. This Ordinance is entitled the "Town of Centerville Township Organization Ordinance." The purpose of this Ordinance is to provide a general guideline for the operation of the Town of Centerville according to the powers given to towns by the Wisconsin Statutes. Definitions as used in this chapter:

A. PER DIEM -- means "per day". In connection with compensation, "per diem" means pay for a day's service or a day's work.

B. PUBLIC DEPOSITORY -- means a federal or state credit union, savings and loan association, state bank, savings and trust company, mutual savings bank or national bank in the State of Wisconsin which receives or holds any public deposits or the local government pooled investment fund.

1.02 AUTHORITY. The Town Board of the Town of Centerville has the specific authority, powers and duties, pursuant to Chapter 60 Wisconsin Statutes and has, with authorization to the Town meeting, additional statutory authority, powers and duties to manage and direct certain affairs of the Town of Centerville. In addition, the Town Board has additional general specific statutory authority, powers and duties established beyond Chapter 60 Wisconsin Statutes.

1.03 ADOPTION OF ORDINANCE. The Town Board has, by adoption of this ordinance, confirmed the specific statutory authority, powers and duties of the Town Board established in Chapter 60 Wisconsin Statutes and has established, pursuant to the above and this ordinance, other statutory authority, powers and duties of the Town Board to manage and direct the affairs of the Town of Centerville.

1.04 CENTERVILLE TOWNSHIP. The township of Centerville is all that unincorporated territory located in Township numbered 17 North, Range 23 East; Manitowoc County Board of Supervisors Proceedings Volume 1, February 10, 1850.

1.05 TOWN BOARD.

A. The legislative and administrative power of the Town of Centerville shall be vested in the Town Board.

B. MEMBERSHIP. Eligibility to serve on the Centerville Town Board shall be determined by state law.

1. The Town Board shall consist of 3 members elected from the township at the spring election in odd-numbered years and the 3 positions shall be as follows:

- a. CHAIRMAN
- b. SUPERVISOR #1
- c. SUPERVISOR #2

2. Oath: All elected and/or appointed officers of the Town shall take and file the below noted oath within 5 days after notification of election or appointment by the Town Clerk. The written oath of office, pursuant to Section 19.01 Wisconsin Statutes, shall be substantially in the following form:

Written Oath:

STATE OF WISCONSIN,  
County of Manitowoc

I, the undersigned, who have been elected (or appointed) to the office of \_\_\_\_\_, but have not yet entered upon the duties thereof, swear (or affirm) that I will support the Constitution of the United States and the Constitution of the State of Wisconsin, and will faithfully discharge the duties of said office to the best of my ability. So help me God.

Subscribed and sworn to before me this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_.

\_\_\_\_\_  
Signature

The official oath shall be filed with the Town Clerk, except that the Town Clerk shall file his/her oath with the Town Treasurer. The elected and appointed officers required to file an oath shall file the required oath before entering upon the duties of the office. If the elected and/or appointed officer(s) fail to file the required oath within the time prescribed by law, the failure to file the required oath constitutes refusal to serve in office and the office can be declared vacant by the Town Board.

3. Quorum of Town Board: A legal quorum of a Town Board is a majority of the members of the Town Board. The current Town Board consists of 3 members, which 2 members shall be a legal quorum when they are in attendance at any duly called or authorized public meeting of the Town Board.

C. GENERAL DUTIES OF THE TOWN BOARD: The Town Board shall be responsible for road supervision; it shall consult with legal counsel on Town matters; it shall oversee Town officers and employees; and it shall perform other duties prescribed for it by state statute.

D. SPECIFIC DUTIES OF THE TOWN BOARD: The Town Board shall perform those

duties and exercise those powers set forth in Sections 60.22 and 60.23 Wisconsin Statutes, including but not limited to the following:

1. Charge of Town Officers. The Town Board of the Town of Centerville has charge of affairs of the Town of Centerville not committed by law to another body or officer or to a Town employee of the Town of Centerville.

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

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

4. Joint Participation Agreements. The Town Board of the Town of Centerville may cooperate with state, county or other units of government in Wisconsin pursuant to Section 66.0301 Wisconsin Statutes, including cooperative arrangements involving the acquisition, development, remodeling, construction, equipping, operation and maintenance of land, building and facilities for regional projects whether or not located in the Town of Centerville. The Town of Centerville maintains the following joint cooperative arrangements:

Ambulance Protection – Manitowoc Fire and Rescue Department  
Cleveland Fire Department Fire Protection/EMS  
Joint Powers Agreement (911 Service); see Chapter 12, Section 12.05  
Manitowoc County Emergency Government Contract  
Town of Newton Trash Compaction and Recycling Site Contract  
Lakeshore Technical College – Room for Town Hall Use  
Road Agreement - Town of Meeme as follows:

RANGE LINE ROAD: One-mile stretch between Point Creek and CTH X is to be plowed by Centerville and maintained by Meeme. One-mile stretch between East Spring Valley and CTH XX is to be plowed by Meeme and maintained by Centerville. One-mile stretch between South Cleveland and County Line (which the Town of Centerville owns the north half and Meeme the south half) will be plowed entirely by the Town of Meeme and they will, in turn, bill the Town of Centerville for plowing their half mile per current snow plowing rates. Town of Meeme will plow the .21 mile between CTH XX and West Washington due to road layout. (This is per minutes of 2/16/88.)

Snow Plow Agreement with Village of Cleveland as follows:

The Village of Cleveland will plow the following roads: Centerville's portion of West Washington Road, South Cleveland Road and Linden Road from Dairyland Drive to Village limits, all of Town's portion of Jefferson Street, North Avenue from Centerville Road to Village limits. Centerville will plow the following roads: Westview Road from I-43 south to CTH XX, Village's portion of Dairyland Drive north of CTH XX, Center Road from North Avenue to Cleveland Road,

and Village's portion of South Cleveland Road from Dairyland Drive west (per minutes of 1/14/97).

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

6. Associations of Towns. The Town Board may appropriate money to purchase membership in any association of town boards for the protection of town interests and improvement of town government. The Town Board of the Town of Centerville is presently a member of the Wisconsin Towns Association.

7. Change of Street Names. The Town Board may name or change the name of any street in the Town of Centerville under Section 82.03(7) Wisconsin Statutes. Street names should be reviewed with Manitowoc County Planning & Park Commission to avoid street name duplication within the County.

8. Use of Firearms. The Town Board of the Town of Centerville may regulate the careless use of firearms and impose forfeitures for violation of the regulations. The firearms are regulated by the Town Board pursuant to Chapter 6, Section 6.04 and 6.05.

9. Disposition of Dead Animals. The Town Board of the Town of Centerville may, notwithstanding Section 59.54(21) Wisconsin Statutes and Section 95.50(3) Wisconsin Statutes, dispose of any dead animal within the Town of Centerville or contract for the removal and disposition with any private disposal facility.

10. Fence Viewers. The Town Board has the specific authority, powers and duties, pursuant to Chapter 90 Wisconsin Statutes to act as fence viewers and, in addition, to take the action as a fence viewer as authorized by Chapter 90 Wisconsin Statutes. The members of the Town Board may act as fence viewers and shall comply with Chapter 90 Wisconsin Statutes. Written decisions and orders of the Town fence viewers shall be filed with the Town Clerk within ten (10) days of the decision and order of the fence viewers. If no conflict of interest exists, the Town Chair shall appoint two (2) members of the Town Board who shall act as fence viewers in a division of partition of a fence action when all lands lie in the Town. If the appointed members have a conflict of interest or either refuses to serve, the Town Chair shall appoint another member of the Town Board. If the lands lie within the Town of Centerville and another Town, then the Town Chair of the other Town or his appointee, if no conflict of interest exists, shall act as the fence viewer for that Town. Upon application by a landowner, the fence viewers should make a decision and order, pursuant to Section 90.07 Wisconsin Statutes. The decision and order shall be filed with the Town Clerk and the Town Clerk should record the decision and order within ten (10) days of receipt of the decision and order, with the Register of Deeds in the appropriate County where the lands under partition are located. The individual fence viewer is entitled, pursuant to Section 90.15 Wisconsin Statutes, to fees and expenses for services rendered as a fence viewer under Chapter 90 Wisconsin Statutes. The fence viewer's fees and expenses, as established by the Town Board shall be as follows:

- a. Daily Employment: \$29.00/day
- b. Mileage: per IRS Federal Mileage Rate on IRS web site.

Failure of either party to pay its share of the total amount charged by the two (2) fence viewers, in addition to any publication costs, process service fees or postal costs, within thirty (30) days after the services are performed shall allow the fence viewer to receive double the amount due from the delinquent party plus the Town can charge back as a special assessment on the real estate tax bill any delinquency.

c. TOWN EXEMPTION: In the event a landowner directly involved with the fence viewing is this Town, such as under Wisconsin Statutes 90.035, no liability for fees shall attach to this Town as a result of this ordinance.

#### 11. Town Chairman to head Town Board and their duties.

a. Preside at Town Board Meeting/Town Meeting. The Town Chair shall preside over meetings of the Town Board of the Town of Centerville and preside over Town meetings as provided under Section 60.13 Wisconsin Statutes.

b. Sign Documents. The Town Chair shall sign ordinances, resolutions, bylaws, orders, regulations, and commissions adopted or authorized by the Town Board, unless the Town Board, by ordinance, authorizes another officer to sign specific types of documents in lieu of the Town Chair. The Town Chair shall sign all drafts, order checks and transfer orders as provided under Section 66.0607 Wisconsin Statutes. Licenses and permits are to be signed by the appropriate officer handling issuance of license/permit.

c. Assure Administration of Statutes. The Town Chair shall supervise the administration of statutes relating to the Town and Town operations to see they are faithfully executed.

#### d. Act on Behalf of Town Board.

1) The Town Chair shall see that Town orders and ordinances are obeyed.

2) The Town Chair shall see that peace and order are maintained in the Town of Centerville and shall act as Constable/Law Enforcement Officer in the absence of said officer.

3) The Town Chair shall obtain necessary assistance, if available, in case of emergency, except as provided under Chap. 323 Wisconsin Statutes

e. Administer Oaths. The Town Chair may administer oaths and affidavits on all matters pertaining to the affairs of the Town of Centerville.

f. Statutory Authority, Powers and Duties of Town Chairperson Pursuant to Section 60.24 Wisconsin Statutes including, but not limited to, the following:

1) The Town Chair shall nominate election officials when the Town

Board disapproves the nominee of a party committee under Section 7.30(4)(b)2 Wisconsin Statutes

2) The Town Chair shall sue on official bonds, if any, under Section 19.015 Wisconsin Statutes.

3) The Town Chair shall execute and sign a certificate of indebtedness in connection with obtaining a state trust fund loan, if any, under Section 24.67 Wisconsin Statutes.

4) The Town Chair may publish annually a notice regarding noxious weeds and appoint one or more commissioners of noxious weeds under Section 66.0407.

5) Control of expenditures. The Town Board shall direct when and where all highway funds shall be expended under Section 82.03(4) Wisconsin Statutes.

6) The Town Chair, under Section 167.10(8) Wisconsin Statutes, shall enforce regulation of fireworks under Section 167.10 Wisconsin Statutes.

7) The Town Chair shall perform the Town Chair's duties related to stray animals and lost goods under Chapter 170 Wisconsin Statutes; disdained animals under Chapter 172 Wis. Stats; and animals that have caused damage under Chapter 173 Wisconsin Statutes.

8) The Town Chair shall approve bonds furnished by contractors for public works under Section 779.14(1m) (d) Wisconsin Statutes.

9) The Town Chair shall execute the conveyance of real property of the Town of Centerville.

10) The Town Chair shall keep townspeople informed through the publication of the Town's newsletter (Centerville Clarion).

11) Also see Chapter 3 Fiscal Management.

g. Maintain Road Management Computer System. The Town Chair shall maintain the Road Management Computer System, submit to WISLR and file annual road certification report with DOT. Town Chairman to yearly inspect roads with supervisors making use of the PASER MANUAL.

h. Sign Inventory: Town Chairman shall complete an inventory of all town road signs and update yearly per Road Sign Policy adopted 12/13/2011 (see Chapter 5, Section 5.14).

#### E. VACANCIES:

1. A vacancy in a Town Board Supervisor position occurs when the incumbent:

a. Dies;

b. Resigns;

- c. Is convicted of a felony, unless pardoned;
- d. Ceases to be a resident of the township;
- e. Is subject to removal from office by virtue of any reason recognized by state statute.

2. A vacant position shall be filled by appointment of the Chairman of the Town Board for the unexpired term. The Chairman's appointment is subject to approval by the entire Town Board.

#### F. COMPENSATION.

1. Chairman of the Town Board shall be paid \$5,813.00 per year effective April 1, 2013 and this includes payment for regular duties and attendance at regular or special Town Board/Town meetings.

2. Supervisors #1 and #2 of the Town Board shall be paid \$2,736.00 per year effective April 1, 2013 and this includes payment for regular duties and attendance at regular or special Town Board meetings.

3. Per Diem: In addition, if an educational class/workshop or special purpose meeting lasts four or more hours, the members present shall be paid a per diem of \$29.00.

4. Mileage: The members shall be paid mileage for attending out-of-town meetings and educational classes/workshops. A detailed report shall be submitted and mileage payment will be at IRS Federal Mileage Rate on IRS web site.

5. Meals, Lodging, Expenses: Meals, lodging and expenses will be reimbursed only when the costs and expenses are incurred involving work for the Town of Centerville that meets the per diem requirements in subsection 3 above and a meal is not included in the cost paid by the Town for the meeting/class/workshop. Receipts of expenditures must be provided to the Town Clerk prior to approval for payment.

1.06 TOWN CLERK. Eligibility to serve shall be as determined by state law. The Office of Town Clerk is designated as part-time.

A. Pursuant to Wisconsin Statutes Section 60.30(1e)(a), the office of the town clerk shall be filled by appointment of a majority of the members-elect of the town board. The term of office for the appointed position shall be set by the town board, but may not exceed 3 years per Wisconsin Statute Section 60.30(1e)(c). The town board may re-appoint the officer for additional terms. However, removal by the town board during a given term of office may only be for "cause" as defined under Wisconsin Statute Section 17.001 and required by Wisconsin Statute Section 60.30(1e)(f).

1. Oath: As per Section 1.05 B.2.

2. Bond: The Town Clerk is required to execute and file an appropriate bond through the present insurance carrier for the Town in the amount of \$10,000.00 as per Section 632.17(2) Wisconsin Statutes. The Town shall provide the bond cost. The official bond shall be filed with the Town Treasurer. The elected/appointed Town Clerk required to file a bond shall file the required bond before entering upon the duties of the office. Failure to file the required bond within the time prescribed by law constitutes refusal to serve in office and the Town Board can declare the office vacant.

B. DUTIES: Clerk of Town Meeting. The Town Clerk of the Town of Centerville shall serve as clerk of the Town of Centerville's Town meetings pursuant to Section 60.15 Wisconsin Statutes. At the Annual or Special Town meeting, the Town Clerk shall serve as clerk of the Annual or Special Town meeting. If the Town Clerk is absent, the Deputy Town Clerk shall serve as clerk of the Town meeting. If the Town Clerk and the Deputy Town Clerk are both absent, the presiding officer of the Town meeting shall appoint a temporary clerk as clerk for the Town meeting. The clerk of the Town meeting shall keep the minutes and a poll list of electors of the Town. The minutes of the Town meeting shall be signed by the clerk and these minutes shall be filed in the office of the Town Clerk within five (5) days after said meeting.

1. Clerk of Town Board. The Town Clerk shall serve as clerk of the Town Board, shall attend meetings of the Town Board and shall keep a full record of its proceedings.

2. The Town Clerk shall file accounts approved by the Town Board or allowed at the Town meetings and enter a statement of the accounts in the record books of the Town.

3. The Town Clerk shall file with the Town Board claims approved by the Town Clerk, as required under Section 60.44(2) (c) Wisconsin Statutes.

4. Finance Book. The Town Clerk shall maintain the computer system and finance book, which shall contain a complete record of the finances of the Town, showing receipts, with the date and amount and source of each receipt; the disbursements, with the date, amount and object of each disbursement; and any other information relating to the Town finances prescribed by the Town Board.

5. Elections, Appointments and Notices. The Town Clerk shall perform the duties required by Chapters 5, 10 and 12 Wisconsin Statutes relating to elections and notices. (See Section 1.12 Election Procedures.)

6. The Town Clerk shall transmit to the County Clerk, within ten (10) days after election or appointment and qualification of any Town supervisor, treasurer, assessor or clerk, a written notice stating the name and post office address of the elected or appointed officer. The Town Clerk shall promptly notify the County Clerk of any subsequent changes in such offices.

7. The Town Clerk shall transmit to the Clerk of Circuit Court, immediately after the election or appointment of any Town Constable/Law Enforcement Officer or Municipal Judge in the Town, a written notice stating the name of the Town Constable/Law Enforcement Officer or Municipal Judge and the term for which elected or appointed. If the Municipal Judge or Town



Constable/Law Enforcement Officer was elected or appointed to fill a vacancy in the office, the Town Clerk shall include in the notice the name of the incumbent who vacated the office.

8. Sale of Real Property. The Town Clerk shall execute the conveyance of real property of the Town.

9. Notices. The Town Clerk shall publish or post ordinances and resolutions as required under Section 60.80 Wisconsin Statutes and shall give notice of annual and special Town meetings as required under Section 60.11(5) and 60.12(3) Wisconsin Statutes and regular and special Town Board meetings.

10. Records. The Town Clerk shall comply with Subchapter II of Chapter 19 Wisconsin Statutes concerning any record of which the Town Clerk is legal custodian. The Town Clerk shall dispose of the books and papers as required by law.

11. Licenses. The Town Clerk shall issue any license or permit granted by the Town Board when presented with a receipt from the Town Treasurer indicating that any required fee has been paid.

12. Schools. The Town Clerk shall perform the Town Clerk's duties under Chapters 115 and 121 Wisconsin Statutes relating to public instruction and shall, within ten (10) days after the Town Clerk's election or appointment, report his or her name and post office address to the administrator of each cooperative educational service agency which contains any portion of the Town. The Town Clerk shall report to the administrator the name and post office address of each school district clerk within ten (10) days after the name and address is filed in the Town Clerk's office. The Town Clerk shall make and keep in the Town Clerk's office a map of the Town of Centerville, showing the exact boundaries of school districts within the Town. The Town Clerk shall apportion, as provided by law, tax revenues collected by the Town for schools.

13. Highways and Bridges. The Town Clerk shall perform the duties specified in Chapters 82 and 92 Wisconsin Statutes relating to highways, bridges and drains.

14. Fire Fighter Association. The Town Clerk, if a fire fighter association exists in the Town, shall receive the annual report pursuant to Section 213.07 Wisconsin Statutes.

15. Managed Forest Act. The Town Clerk shall receive copies from the Department of Natural Resources of all petitions for entry under the Managed Forest Law of all lands in the Town pursuant to Section 77.82(5) Wisconsin Statutes. The Town Clerk shall receive copies of notice of hearings established pursuant to Section 77.82(6) Wisconsin Statutes and copies of any orders issued pursuant to Section 77.82(8) Wisconsin Statutes.

16. Release and Publication of Assessment Roll. The Town Clerk shall receive the assessment rolls and then publish a Class 1 notice, if applicable, or post notice under Chap. 985 Wisconsin Statutes. The notice will provide that on the noted days the assessment roll will be open for examination by the taxable inhabitants.

17. Requiring Seller's Permit. The Town Clerk shall require proof of a seller's permit

or application for a seller's permit from any person who requests a license or permit from the Town to engage in a business involving the sale at retail of tangible personal property subject to taxes under Section 77.61 Wisconsin Statutes

18. Make Tax Roll/Annual Statement of Taxes. The Town Clerk shall annually prepare a tax roll. The clerk shall begin preparation of the tax roll at a time sufficient to permit timely delivery of the tax roll to the Town Treasurer by December 8, make and transmit to the County Treasurer, on forms furnished by DOR, a statement showing the total amount of taxes levied by the Town for the current year.

19. Correct Tax Roll. The Town Clerk, after receiving the Tax Roll from the County Treasurer and before delivering the Tax Roll to the Town Treasurer, shall correct the errors in the Tax Roll required in Section 70.73 Wisconsin Statutes.

20. Receive Assessment Roll. The Town Clerk shall receive from the assessor on or before the first Monday in May the completed Assessment Roll as required by Section 70.50 Wisconsin Statutes.

21. By July 1 of every even numbered year, the Town Clerk must complete and deliver a Taxation District Summary Report (PC-226 at time of passage) to the Wisconsin Department of Revenue. This report should summarize information provided by the tax exempt property owners, with their report due March 31 each even-numbered year. The Clerk will make a reasonably diligent effort to ensure that tax exempt property owners are sent the registration form and have returned the same. When the form has not been received by the Clerk by March 31, the Clerk shall send the property owner(s) a notice, by certified mail, return receipt requested, stating the property for which the form is required will be appraised at the owner's expense, and a forfeiture imposed, if a completed form is not received by the Clerk within 30 days after the notice is sent. The Clerk shall be responsible for form distribution and review. Fees shall be:

If paid by March 31 of the registration year, a \$5.00 per parcel fee.

A \$5.00 late fee if not remitted by the deadline of March 31.

LICENSING: Prompt payment of fees shall be a condition of receiving or renewing any license issued by the Town to the tax exempt property owner, when applicable. Timely submission of the required report is likewise a licensing condition and requires accurate information.

FORFEITURE: As per Section 13.09.

22. Deputy Clerk. The Town Clerk may, pursuant to Section 60.331 Wisconsin Statutes, appoint a Deputy Clerk. The Deputy Clerk shall take and file the oath and bond as required by Section 60.31 Wisconsin Statutes.

23. Additional Duties. The Town Clerk shall maintain a mailing list of town residents and property owners and shall be able to operate the computer equipment presently in the Town of Centerville's possession, including any programs currently maintained. The Town Clerk shall make regular use of the Town's newsletter and is responsible for the editing, copying and mailing of the

newsletter. See also Chapter 3 Fiscal Management.

C. VACANCIES. As per Section 1.05 E.

D. COMPENSATION.

1. The salary of the appointed position shall be set by the town board and may not be reduced during the term of office.

2. Per Diem: As per Section 1.05 F.3.

3. Mileage: As per Section 1.05 F.4.

4. Meals, Lodging, Expenses: As per Section 1.05 F.5.

1.07 TOWN TREASURER. Eligibility to serve shall be as determined by state law. The Office of Town Treasurer is designated as part-time.

A. The Town Treasurer shall be elected at the spring election in odd-numbered years.

1. Oath: As per Section 1.05 B.2.

2. Bond: As per Section 1.06 A.2., except Town Treasurer shall be required to carry a bond of \$10,000.00 and the bond shall be kept on file in the Town Clerk's office. The Treasurer's Bond for tax collection has been eliminated per Section 70.67(2) Wisconsin Statutes. The Town Board has determined the cost of commercial bonding is exorbitant in relation to the risk involved. Pursuant to authorization under present statute 70.67(2), in case the Town Treasurer fails to pay taxes of any kind required by law to be paid by said Treasurer to the County Treasurer, the Town of Centerville hereby obligates itself to pay such taxes.

B. DUTIES: General Statutory Authority, Powers and Duties of Town Treasurer in Chapter 60 Wisconsin Statutes:

1. Receive and Disburse Town Money. The Town Treasurer shall receive and take charge of money belonging to the Town, or money which is required by law to be paid into the Town Treasury, and shall disburse the money pursuant to Section 66.0607 Wisconsin Statutes. The Town Treasurer shall keep an itemized account of all monies received and disbursed, specifying the source from which it was received, the person to whom it was paid and the object for which it was paid. The Town Treasurer shall issue numbered receipts for all funds received and transmit a copy of each to the Town Clerk. At the monthly Town Board meeting, the Town Treasurer shall present the account books and any supporting documents requested to the Town Board.

2. Deposit of Town Money. The Town Treasurer shall deposit, as soon as practicable, the funds of this Town in the name of the Town in a proper public depository or in the public depository or public depositories designated by the Town Board. Failure to comply with this paragraph is grounds for removal from office. The Town Board has designated the State Trust Fund and Cleveland State Bank as the public depositories.

a. When money is deposited under paragraph 2, the Town Treasurer and treasurer's sureties are not liable for any loss as defined in Section 34.01(2) Wisconsin Statutes. The interest arising from the money deposited shall be paid into the treasury of the Town.

3. Records. The Town Treasurer shall comply with Subchapter II of Chapter 19 Wisconsin Statutes concerning records of which the Town Treasurer is legal custodian.

4. Taxes. The Town Treasurer shall perform the duties relating to taxation required of the Town Treasurer under Chapters 70 through 79 Wisconsin Statutes.

5. Deputy Town Treasurer. The Town Treasurer may appoint a Deputy Treasurer. The Deputy Treasurer shall take and file the oath and bond as required by Section 60.31 Wisconsin Statutes.

6. Additional Duties. The Town Treasurer shall make regular use of the Town's newsletter. Also see Chapter 3 Fiscal Management.

C. VACANCIES: As per Section 1.05 E.

D. COMPENSATION.

1. The Town Treasurer shall be paid \$5,475.00 effective April 1, 2013 per year and this includes payment for his/her regular duties and attendance at regular and special Town Board/Town meetings.

2. Per Diem: As per Section 1.05 F.3.

3. Mileage: As per Section 1.05 F.4.

4. Meals, Lodging, Expenses: As per Section 1.05 F.5.

1.08 TOWN BOARD APPOINTED POSITIONS/COMMITTEES. The following shall constitute the standing position/committee structure and the duties of each named with the following qualifications essential:

A. GENERAL QUALIFICATIONS:

1. Have a general knowledge of the township and of town, county and state government.

2. Ability to meet, work effectively and get along with people, in the best interest of the township.

3. Be of a nature that can maintain favorable rapport with the Town Board members, town officials and townspeople.

4. Have available the necessary time for duties required to fulfill the responsibilities of the job.

5. Town resident.

B. ASSESSOR. The Town of Centerville's Annual Town Meeting, pursuant to Section 60.10 Wisconsin Statutes, dated April 11, 1985, provided the Town Board with the authority to select and retain a Town Assessor for the Town. The Town Board has selected by appointment a Town Assessor with appointment made for a set period of time by the Chairman, subject to approval of the entire Town Board.

1. Qualifications: In addition to the general qualifications of this section, Assessor shall also have State Certification. The Assessor shall not be required to be a town resident.

2. Duties: The Town Assessor of the Town of Centerville shall have the statutory authority, powers and duties for property tax assessment required of the Town Assessor pursuant to Chapters 60, 66, 70 and 79 Wisconsin Statutes. The Town Assessor shall have the additional duties of submitting an annual list of real estate transfers to the Town Clerk to help maintain the Town's mailing list and also make use of the Town's building permits yearly to update assessment records.

a. Whenever the Assessor, in the performance of the Assessor's duties, requests or obtains income and expense information pursuant to Section 70.47(7)(af), Wisconsin Statutes, or any successor statute thereto, then such income and expense information that is provided to the Assessor shall be held by the Assessor on a confidential basis, except, however, that the information may be revealed to and used by persons in the discharging of duties imposed by law; in the discharge of duties imposed by office (including, but not limited to, use by the Assessor in performance of official duties of the Assessor's office and use by Board of Review in performance of its official duties); or pursuant to order of a court. Income and expense information provided to the Assessor under Section 70.47(7) (af), unless a court determines that it is inaccurate, is, per Section 70.47(7) (af), not subject to the right of inspection and copying under Section 19.35(1), Wisconsin Statutes.

3. Compensation: The Assessor shall be paid as set yearly by Town Board and this includes payment for regular duties and attendance at regular and special Town Board meetings.

C. LAW ENFORCEMENT OFFICER. The Annual Town Meeting of the Town of Centerville dated April 11, 1989, pursuant to Section 60.10 Wisconsin Statutes, did abolish the office of Town Constable of the Town of Centerville. The Town Board created the position of Law Enforcement Officer with appointment made for a set period of time by the Chairman, subject to approval of the entire Town Board.

1. Qualifications: Shall meet General Qualifications of this section. The Law Enforcement Officer does not have to be a town resident.

2. Duties:

a. Enforce town ordinances.

- b. See that peace and order are maintained in the township.
  - c. Obtain necessary assistance (if available) in case of an emergency (except as provided under Chapter 166 of the Wisconsin Statutes for emergency government).
  - d. Keep an accurate record of activities, i.e., time and place, date, nature of job or business; violation--names of people involved, witnesses, disposition of case, costs involved, mileage, etc., and submit on a monthly basis to the Town Board.
  - e. The Law Enforcement Officer should make regular use of the Town of Centerville's Clarion (newsletter) to inform the electorate of items of interest relevant to his duties.
  - f. Must be a member of the Manitowoc County Constable's Association.
3. Compensation. The Law Enforcement Officer shall be paid \$50.00 per complaint or dog pickup after receipt of a detailed report on each incident. In addition, shall be paid \$40.00 per meeting attended at the Town Board's approval.

4. Mileage: As per Section 1.05 F.4.

D. ZONING ADMINISTRATOR. See Chapter 9, Section 9.20 and Chapter 10, Section 10.04.

E. PLANNING & ZONING COMMISSION. See Chapter 10, Section 10.05.

F. BOARD OF APPEALS. See Chapter 10, Section 10.06.

G. ELECTION OFFICIALS. Not later than December 31 of odd numbered years, the Town Chairman shall nominate to the Town Board the necessary election officials and appointment shall be made for a 2-year term with Town Board approval. (If political parties provide list in compliance with state law, the nominations must be made from list.)

- 1. Qualifications: As per General Qualifications.
- 2. Duties: As per state statutes.
- 3. Compensation. Officials shall be paid Federal minimum wage per hour effective 11/10/2010.

4. The Clerk will determine the number of poll workers to work each election, in either numbers of 3, 5, 7, or 9 (or up to whatever number, so long as it's an odd number) depending on the number of ballots and anticipated voter turnout. Also, the Clerk may authorize split poll worker shifts when it is necessary. In addition, authorization is given to the Clerk or an alternate to appoint from the bi-annually approved election inspector list of poll workers alternates to cover the polls for each inspector for their meal breaks. It is also the Clerk's duty to provide the election inspectors with training, or have them attend training classes and to administer the oath of office to all inspectors every two years.

H. CLERICAL HELP. Clerical help shall perform duties as outlined by Town Board and

shall be paid Federal minimum wage per hour.

I. ROAD MAINTENANCE & CONSTRUCTION. Shall perform duties as outlined by Town Board and shall be paid at least Federal minimum wage per hour.

J. COMMITTEES/BOARDS. In order to investigate or analyze an issue or issues of concern to the township, special committees/boards may be formed by the Town Board and shall perform duties as outlined by Town Board.

1. Qualifications: As per General Qualifications.
2. Membership. A special committee/board may include town board members and citizen members.
3. Compensation. Committee members shall be paid \$40.00 per meeting with secretary of committee/board to receive an additional \$15.00 per meeting.
4. Special committees shall be appointed for a limited purpose and/or term, and shall expire automatically at the end of their purpose/term.
5. Minutes of the meetings of all special committees/boards shall be kept by their secretary and forwarded on a timely basis to the Town Clerk.
6. Special committees/boards shall report during their term or upon the conclusion of their work. Special committees/boards may offer resolutions for consideration by the Town Board if a majority of the members recommend such resolutions to the Town Board.

K. BOARD OF REVIEW. Eligibility to serve shall be as determined by state law.

1. Per Diem. Shall be paid \$30.00 per day.
2. Hours. Hours of Board of Review shall be as determined by state law.
3. Date. Date shall be as set by state law.

#### 1.09 ACCESS TO PUBLIC RECORDS.

A. DEFINITIONS: As used in this section:

1. Authority means any of the following having custody of a record; a local office, elected official, agency, board, commission, committee, council, department or public body corporate and political created by constitution, law, ordinance, rule or order; or a formally constituted subunit of the foregoing.

2. Record means any material on which written, drawn, printed, spoken, visual or electronic information is recorded or preserved, regardless of physical form or characteristics which has been created or is being kept by an authority. "Record" includes, but is not limited to, handwritten, typed or printed pages, maps, charts, photographs, films, recordings, 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. LEGAL CUSTODIANS.

1. An 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 Clerk's designees shall act as legal custodian for the Town Board and for any committees, commissions, boards or authorities created by ordinance or resolution of the Town Board except:

a. The Zoning Administrator is legal custodian for Town Zoning records and Committees/Boards.

b. The Law Enforcement Officer is legal custodian for his/her records.

c. The Assessor is legal custodian for Town Assessing records.

d. For every authority not specified in 1.09 B., the authority's chief administrative officer is the legal custodian for the authority, but the officers may designate an employee of his or her staff to act as the legal custodian.

e. Each legal custodian shall name a person to act as legal custodian in his or her absence or the absence of his or her designate.

f. The designation of a legal custodian does not affect the powers and duties of an authority under this sub-chapter.

C. PROCEDURAL INFORMATION. Pursuant to Section 19.34 Wisconsin Statutes, and the guidelines therein listed, each authority shall permit access to its records upon at least 48 hours' written or oral notice of intent to inspect or copy a record or establish a period of at least two (2) consecutive hours per week during which access to the records of the authority is permitted. In such case, the authority may require 24 hours' advanced written or oral notice of intent to inspect or copy a record.

## D. ACCESS TO RECORDS; FEES.

1. The rights of any person who requests inspection or copies of a record are governed by the provisions and guidelines of Section 19.35(1) Wisconsin Statutes.

2. Each authority shall provide any person who is authorized to inspect or copy a record which appears in written form pursuant to Section 19.35(1) (b) Wisconsin Statutes, or any person who is authorized to and requests permission to photograph a record the form of which does not permit copying pursuant to Section 19.35(1) (f) Wisconsin Statutes, with facilities comparable to



those used by its employees to inspect, copy and abstract the record during established office hours. An authority is not required by this subsection to purchase or lease photocopying, duplicating, and photographic or other equipment or to provide a separate room for the inspection, copying or abstracting of records.

3. Fees:

a. Each authority shall impose a fee upon the requestor of a copy of a record which may not exceed the actual, necessary and direct cost of reproduction and transcription of the record unless a fee is otherwise specifically established or authorized to be established by law.

b. Each authority shall impose a fee upon the requestor of a copy of a record for the actual, necessary and direct cost of photographing and photographic processing if the authority provides a photograph of a record, the form of which does not permit copying.

c. In addition to the copying cost charge, a fee for locating a record will be charged at a rate of \$15.00/hour after the first hour.

d. Each authority shall impose a fee upon a requestor for the actual, necessary and direct cost of mailing or shipping of any copy or photograph of a record which is mailed or shipped to the requestor.

e. An authority may provide copies of a record without charge or at a reduced charge where the authority determines that waiver or reduction of the fee is in the public interest.

f. Each authority shall require prepayment by a requestor of any fee or fees imposed under this subsection if the total amount exceeds Five Dollars (\$5.00).

4. Each authority in acting upon a request for any record shall respond within the times and according to the procedures set out in Section 19.35 (4) Wisconsin Statutes.

5. Specific Fees:

a. Zoning Ordinance: \$35.00 fee for nonresident or non-property owner. \$10.00 fee for ordinance sent via e-mail.

b. Comprehensive Plan: Same as a. above.

c. Clarion Ads: A business-card-sized ad in Town Newsletter, The Clarion, shall be \$30.00 per year with publication of newsletter anywhere between 2-4 times per year.

d. Lien Letter: Lien Inquiry Letters shall be charged \$10.00. Please allow five (5) workdays and this fee is non-refundable.

E. SEPARATION OF INFORMATION. If a record contains information that may be made public and information that may not be made public, the authority having custody 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.

1.10 VILLAGE POWERS. Pursuant to Section 60.10(2) (c) Wisconsin Statutes, the Town of Centerville, Manitowoc County, Wisconsin, is authorized and directed to exercise all powers relating to villages and conferred on village boards by Chapter 61 of the Wisconsin Statutes.

1.11 TOWN SEAL/LOGO. The Town of Centerville hereby adopts and directs the utilization of the following seal:

A. Town Seal. An emblem consisting of two concentric circles with the words "Board of Supervisors, Town of Centerville" emblazoned between the rings; and the following symbols in the inner circle: At center, "WIS.", surrounded at the top and bottom by a diamond/star/diamond symbol.

B. The following is the visual depiction of the Town Seal:

C. Town Logo. An emblem consisting of the original 1850 map of the Town of Centerville with a letter "C" and a dot in the middle of said letter.

D. The following is a visual depiction of the Town Logo:



E. Style. The Town Seal may be affixed to a document by an embossing seal or an inked rubber stamp.

F. The validity of any official town act shall not be impaired by a deficiency in the sealing of the same.

1.12 ELECTION PROCEDURES. The State of Wisconsin requires voter registration. The Town of Centerville shall have the election polls open on Election Day from 7:00 A.M. to 8:00 P.M. The polling location for the Town shall be Lakeshore Technical College in the Wells Fargo Conference Room or other room which LTC's designates open for Election Day. The Town does have an ADA approved handicapped accessible machine. SVRS reports shall be charged a fee based on the fee set by the State Elections Board.

1.13 NONDISCRIMINATION. No Town of Centerville Official, Commission, Board or Committee may discriminate against any person in determining eligibility for Town services, providing services, granting accommodations to any person or awarding any permit, license, authority or privilege, on the basis of race, religion, color, creed, marital status, sex, handicapped condition, sexual orientation or national origin, unless some specific provision of law makes one of these factors a permissible consideration in the decision by the township.

1.14 EMPLOYEE GRIEVANCE. This grievance procedure is adopted pursuant to Section 66.0509(1m) Wisconsin Statutes, and is intended to provide a timely and orderly review of disputes regarding: a) employee terminations, b) employee discipline, and c) workplace safety.

A. Definitions:

1. Days: means calendar days, excluding legal holidays as defined in Section 995.20 Wisconsin Statutes.

2. Discipline: means any employment action that results in disciplinary suspension without pay, disciplinary reduction in pay or other benefits, disciplinary demotions and terminations. The term "discipline" does not include verbal notices or reminders, written reprimands, performance evaluations, documentation of employee acts and/or omissions in an employment file, non-disciplinary demotions, non-disciplinary adjustments to compensation or benefits, actions taken to address job performance such as establishment of a performance improvement plan or job targets; placing an employee on paid leave pending an internal investigation; or other personnel actions taken by the employer for non-disciplinary reasons.

3. Employee: does not include elected officials or other town officials appointed for a term of office.

4. Hearing Officer: means the impartial hearing officer required pursuant to Section 66.0509 (1m) (d) 2 Wisconsin Statutes. The hearing officer selected by the town board will be assigned by Wisconsin Employment Relations Commission (WERC), 1457 East Washington Avenue, Madison WI, Ph 608-266-1381. The hearing officer shall not be an employee of the Town of Centerville.

5. Termination: means a discharge from employment for rule violations, poor performance, acts detrimental to the employer or other acts of misconduct. The term "termination" does not include: a voluntary quit, completion of seasonal employment, completion of temporary assignment, completion of contract, layoff or failure to be recalled from layoff at the expiration of the recall period; retirement, job abandonment ("no call, no show" or other failure to report to work); or termination of employment due to medical condition, lack of qualification or license, or any other cessation of employment not involving involuntary termination.

6. Workplace Safety: means any alleged violation of any standard established under state law or rule or federal law or regulation relating to workplace safety.

B. Process and Timelines:

1. The employee must file a written grievance with the town clerk within 10 days of the termination, discipline or actual or reasonable knowledge of the alleged workplace safety issue. So that an earnest effort can be made to resolve the matter informally, the grievant must discuss the issue with his/her immediate supervisor prior to filing the written grievance. However, in the case of a termination, such a meeting is not required. Grievance forms may be obtained from the clerk. The town clerk shall inform the employee's immediate supervisor and the town chair about receipt of the written grievance as soon as practicable.

2. The employee's immediate supervisor will meet with the grievant within 10 days of receipt of the written grievance. The supervisor will provide the grievant with a written response within 10 days of the meeting. A copy of the supervisor's response shall be filed in the clerk's office. If no one has been designated the employee's immediate supervisor, the employee will meet with the town chair who shall then provide the written response.

3. The employee may request an appeal to the hearing officer by filing a written request with the town clerk within 10 days of receiving the written response. The town clerk shall notify the town chair and employee's supervisor about the filing of the request for a hearing as soon as practicable. The town will work with the hearing officer and grievant to schedule a mutually agreeable hearing date.

4. The hearing officer shall provide the employee and employee's supervisor with a written decision no later than 30 days after the hearing date. The hearing officer shall also provide the town clerk with a copy of the decision for filing in the clerk's office.

5. The non-prevailing party may file a written request with the town clerk for an appeal to the town board within 10 days of receipt of the hearing officer's decision. The clerk shall notify the town chair about the request as soon as possible. The town board shall decide the matter and issue a written decision within 45 days of the filing of the appeal. The town board may sustain, deny or modify the recommendation of the impartial hearing officer. The decision of the town board shall be final and binding. A copy of the board's decision shall be provided to the employee and filed in the town clerk's office.

6. All timelines may be extended by mutual written agreement of the town board and employee. Without such agreement, a failure of the employee to adhere to any of the specified timelines shall preclude any further consideration of the grievance.

7. If the last day on which an event is to occur is a Saturday, Sunday, or legal holiday, the time limit is extended to the next day which is not a Saturday, Sunday or legal holiday. A grievance or request for an appeal is considered timely if received by the town clerk during normal business hours or if postmarked by 11:59 p.m. on the due date.

8. If the grievance is not answered within the time limits, at any stage, the employee may proceed to the next available step within 7 days.

9. The grievant and town board may mutually agree in writing to waive a step or multiple steps within the procedure.

10. Granting the requested or agreed upon remedy resolves the grievance.

C. Grievance Requirements: The written grievance must contain:

1. A statement of the pertinent facts surrounding the nature of the grievance.
2. The date the incident occurred or the date the alleged workplace safety concern was discovered.
3. The steps taken to informally resolve the grievance, the individuals involved in the attempted resolution, and the results of such discussion.
4. The specific remedy requested; and
5. A description of the workplace safety rule alleged to have been violated, if applicable.

D. Supervisor's Response: The supervisor's written response to the employee's written grievance must contain:

1. A statement of the date the meeting between the employee and supervisor was held.
2. A decision as to whether the grievance is sustained or denied.

D. Procedure before the Hearing Officer: The hearing officer shall define the issues, identifying areas of agreement and identifying the issues in dispute and hear evidence and arguments. The hearing officer will determine whether the town acted in an arbitrary and capricious manner. A decision will not have been arbitrary or capricious if it was made in the best interest of the town. In all cases, the grievant shall have the burden of proof to support the grievance. This process does not involve a hearing before a court of law; thus, the rules of evidence will not be strictly followed. However, no factual findings may be based solely on hearsay evidence.

The hearing officer may require the employee and town to submit materials related to the grievance and witness lists in advance of the hearing in order to expedite the hearing. The hearing officer shall sustain or deny the decision of the employee's supervisor. The hearing officer is not given authority to modify the decision made by the employee's supervisor. The hearing officer is not given authority to grant in whole or in part the specific request of the grievant. Within 30 days after the hearing, the hearing officer will issue a decision in writing indicating the findings and reasons for the decision.

If the hearing officer's decision on any grievance is appealed, only the issues raised in the hearing may be appealed. Issues are not subject to modification in the appeal process.

E. Hearing Officer's Decision: The hearing officer's written decision must contain:

1. A statement of pertinent facts surrounding the nature of the grievance.
2. A decision as to whether the grievance is sustained or denied, with the rationale for the decision.
3. A statement outlining the timeline to appeal the decision.

E. Representation: Both the employee and the town may be assisted by a representative of their own choosing in person or by teleconference at any point during the grievance process.

F. Consolidation: The employee's immediate supervisor and/or the hearing officer may consolidate grievances where a reasonable basis for consolidation exists.

If more than one employee is grieving the same issue or circumstance, a single grievance form may be used. A group grievance must be signed by all grieving employees and must indicate that it is a group grievance at the first step in the grievance process.

G. Costs: Any expense incurred by an employee in investigating, preparing, or presenting a grievance shall be the sole responsibility of the employee. Each party (employee and employer) shall bear its own costs for witnesses and all other out-of-pocket expenses, including possible attorney fees. WERC charges a normal mediation filing fee of \$800 for providing an impartial hearing officer and the cost of this will be divided equally between the parties with the employee(s) paying half and the employer paying the other half.