

CHAPTER 1

GENERAL GOVERNMENT

1.01 MEETINGS.

(1) Regular Town Board Meetings. Regular meetings of the Town Board of the Town of Freedom shall be held on the fourth Wednesday of each calendar month at 6:00 p.m. The November and December regular Town Board meetings will be held on the third Wednesday of those months, unless rescheduled by the Town Board and properly noticed. Any regular meeting falling on a legal holiday may be rescheduled to another date, or if following a meeting of a commission, committee or public hearing, may begin earlier than 7:00 p.m. The Town Board may also schedule special meetings. The Town Clerk shall insure that all meetings are properly noticed. *[Amended 02-25-2015 by Ord. No. 15-01]*

(2) Place of Meetings. Meetings of the Town Board shall be held in the town or in any village or city within or adjoining the town.

(3) Quorum. Any three supervisors of the town, including the town chairman, shall constitute a quorum, unless otherwise provided by law. The chairman may administer oaths and affidavits in all matters pertaining to the affairs of the town.

(4) Order of Business at Regular Town Board Meetings. The business of the Town Board shall be conducted in the following manner:

1. Call to order by presiding officer.
2. Roll call. If a quorum is not present, the meeting shall thereupon adjourn.
3. Adoption of agenda.
4. Reading, correction and approval of minutes of the previous meeting.
5. Open floor
6. Introduction of ordinances and resolutions.
7. Action on all business.
8. Committee reports.
9. Treasurer's report, reading, correction and approval.
10. General fund vouching approval or disapproval.
11. Adjournment.

1.02 ANNUAL TOWN MEETING.

(1) Date. There shall be an annual town meeting of the Town of Freedom on the third Tuesday of April of each year at which all business shall be transacted which is by law required or permitted to be transacted by Wisconsin Statutes at such meeting. At the annual town meeting, the electors may set the date of the next annual town

meeting; however, this date shall be within ten (10) days after the second Tuesday in April and notice shall be given of the meeting under Section 60.11(5), Wis. Stats.

(2) Time. The hour for holding succeeding annual town meetings may be fixed at any such meeting.

(3) Place. Any annual or special town meeting may be held in the town or in any village or city within or adjoining the town.

(4) Order of Business. No reconsideration of any vote shall be had at any town annual or special meeting unless it be taken by a majority vote within one hour from the time such vote shall have been passed, or if taken later than one hour, unless it be sustained by a number of votes equal to a majority of all the names entered on the poll list at such election up to the time the motion therefore shall be made. All other questions upon motions at a town meeting shall be determined by a majority of the electors voting.

(5) Presiding Officer. At any annual town meeting held in April of a year where office of the chairman is filled by election, the person holding that office on the day prior to the date of the election held to fill said office shall be the presiding officer. If said person is absent or refuses to serve, one of the other supervisors of the town shall serve as chairman; but if no one of the supervisors be present, the qualified electors at such meeting may choose a chairman.

(6) Clerk of Meeting. The Town Clerk shall serve as clerk of such town meeting; if the Town Clerk is absent, then such person as shall be appointed by the electors shall act as clerk of such meeting.

1.03 SPECIAL TOWN MEETINGS.

(1) Purpose. Special town meetings may be held for the purpose of transacting any lawful business which might be done at the annual meeting. No matter voted upon or decided at any such special town meeting shall be acted upon in any subsequent special town meeting held in such town prior to the time for holding the next annual town meeting.

(2) How Called. Special town meetings may be held pursuant to (1) a call by the Town Meeting; (2) written request signed by a number of electors equal to not less than 10% of the votes cast in the Town for governor at the last general election; or (3) called by the Town Board.

(3) Notice. The Town Clerk with whom the request is left shall record it, set the date and place for the meeting, and not sooner than twenty (20), nor less than fifteen (15) days before the date of the meeting, publish a Class 2 notice under Chapter 985.

(4) Contents of Notice. The notice shall state the purpose, date, time and place for the meeting.

1.04 ELECTED OFFICIALS.

Election of Town Supervisors shall be staggered so that no more than two (2) Supervisors are elected at any annual spring election. The Town Chairperson shall be elected in accordance with the provisions of Chapter 60. No person not an elector of the town shall hold any town office.

1.05 ASSESSOR.

(1) Appointment. The Town Board shall appoint the Town Assessor and set the Town Assessor's salary.

(2) Recurring Expenses. The Town Clerk/Treasurer or Deputy Town Clerk/Treasurer shall be authorized to pay recurring expenses of the Town of Freedom, as they come due between regularly scheduled Town Board meetings, including, but not limited to: payroll and related payroll taxes, retirement contributions or other payroll deductions; utility bills; and credit card statements. The Town Clerk shall include all items paid pursuant to this resolution on the list of vouchers and direct deposits for ratification by the Town Board at its regularly scheduled meeting.

(3) Nominal Overpayments.

(a) For purposes of this section a "Nominal Overpayment" shall be the overpayment of any tax, fee, or other obligation to the Town in an amount which does not exceed \$5.

(b) As an administrative convenience the Town shall retain any Nominal Overpayment and shall not process a refund of the same absent appropriate demand for refund by the payer of the overpayment.

(c) A Nominal Overpayment retained by the Town pursuant to the provisions of this section shall be credited to the general fund.

1.055 TOWN CLERK.

The Town Board shall appoint the Town Clerk and set his/her salary.

1.06 LEGAL ADVICE, OTHER HELP.

The Town Board is empowered to procure legal advice when needed in the conduct of town affairs and employ counsel for that purpose; also such stenographic, clerical and expert help as may from time to time be necessary in the conduct of the affairs of the town and the promotion of the financial welfare; to enter into the necessary contracts for the performance of such services; and to determine the qualifications, including the residence of the persons so employed.

1.07 BOARD OF REVIEW.

The Board of Review of the Town of Freedom shall be composed of the supervisors and by an elector of the Town of Freedom. The Board of Review shall have the duties and powers prescribed by State Statute 70.46 and 70.47.

(1) Confidentiality. 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), Wis. Stats., 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 discharge 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 the 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), Wis. Stats.

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

- a. The assessor has access to such information in the performance of his/her duties;
- b. The board of review may review such information when needed, in its opinion, to decide upon a contested assessment;
- c. Another person or body has the right to review such information due to the intimate relationship to the duties of an office or as set by law;
- d. The officer is complying with a court order;
- e. The person providing the income and expense information has contested the assessment level at either the board of review or by filing a claim for excessive assessment under Sec. 74.37, in which case the base records are open and public.

(3) Board Composition. The vacancy on the Board of Review, created by the statutory prohibition of appointed Town Clerks from serving on the Board of Review under Section 70.46(1m)(a) of the Wisconsin Statutes, shall be filled by Town resident Barbara M. Seegers.

1.075 Ordinance to Establish Procedures and Criteria for Allowing Alternative Forms of Sworn Testimony at Board of Review (BOR) Hearings. [Amended 02-25-2015 by Ord. No. 15-04]

Whereas, sec. 70.47(8), Wis. Stat. authorizes the board of review to consider requests from a property owner or the property owner's representative to appear before the board under oath by telephone or to submit written statements under oath to the board of review;

Now Therefore the Town Board of Town of Freedom, Outagamie County does ordain as follows:

1. PROCEDURE:

In order for a property owner or property owner's representative to submit a request to testify by phone or submit a sworn written statement, he or she must first comply with the following procedures: a) the legal requirement to provide notice of intent to appear at BOR must be satisfied; and b) an Objection Form for Real Property Assessment (PA-115A) must be completed and submitted to the BOR as required by law.

After the two requirements outlined above have been met, a Request to Testify by Telephone or Submit a Sworn Written Statement at Board of Review (Form PA-814) may be submitted to the town clerk. Such requests must be submitted in time to be considered by the board at the first meeting of the BOR.

2. CRITERIA TO BE CONSIDERED

The board may consider any or all of the following factors when deciding whether to grant or deny the request:

- a. The requester's stated reason(s) for the request as indicated on the PA-814
- b. Fairness to the parties
- c. Ability of the requester to procure in person oral testimony and any due diligence exhibited by the requester in procuring such testimony
- d. Ability to cross examine the person providing the testimony
- e. The BOR's technical capacity to honor the request
- f. Any other factors that the board deems pertinent to deciding the request