

**Town of Lyndon
Policy for
Administration of
Town Government**

Adopted March 23, 2005

TOWN BOARD ORGANIZATION

The Town chairperson and supervisors shall constitute the Town Board. The Board shall exercise village powers as authorized under Stat. 60.10 (2) (c) of the State of Wisconsin and as previously authorized by the Town electors. The Board, under the provisions of Ordinance no. 4 of 2004 adopted July 10, 2004, will consist of five members including the Chairperson and four Supervisors, all elected at-large.

STANDING COMMITTEES

The chairperson may nominate one or more Board members to oversee certain functions of town business. Such functions may include, but are not limited to: Town Hall, Town Roads, Cemetery, Legal and Budget. Nominations must be approved by a vote of the Board. Nominations by the Chair shall be deemed approved unless a majority of all other Town Board members disapprove an appointment by roll call vote at the time the nomination is brought before the Board.

VACANCIES

Vacancies in unexpired terms shall be filled by appointment voted upon by the remaining members of the Board and the Town Clerk. A Town Supervisor shall be eligible for appointment as Town Chairperson to fill an unexpired term. The Board may also seek other applications to fill the vacancy of Town Chairperson or Town Supervisor. If a Supervisor is appointed as Chairperson, the vacancy for the Supervisor's term shall not be filled at the same meeting.

NOTICES

The Clerk shall post notice of each meeting in compliance with law, and shall notify each Board member of the date and time of each meeting. Not later than 54 hours before the start of the meeting, the notice shall be delivered to the members personally or left at their usual abode, unless a member has elected to receive notice by fax or electronic mail, in which case the designated method of communication shall be used.

AGENDA

The Clerk in consultation with the Town Chairperson shall prepare an agenda for each Board meeting. The agenda must clearly and fully state the subject matter of each item of business to come before the Board. Any supervisor may have items of business placed on the agenda if notice is given to the Clerk before 11:00 a.m. on the Thursday prior to the meeting. Items requested by the public may also be placed on the agenda if submitted before 11:00 a.m. on the Thursday prior to the meeting and if approved by the Town Chairperson. Items submitted late will not be placed on the agenda unless the Town Chairperson waives the deadline. Copies of the agenda shall be faxed or sent by e-mail to the Plymouth Review newspaper at least 24 hours in advance of the meeting. Meeting notices and agendas shall also be sent in a similar and timely manner to any other news media of record requesting them.

MEETINGS

The Town Board shall meet in regular session on the 2nd Wednesday of every month. Meetings will be held in the Town Hall and will commence at 7 p.m. unless a different meeting place and time has been designated and proper public notice has been given. A change in meeting time and place may be set by the Town Board or by the Town chairperson. The Town chairperson or any two Town Board members shall also have authority to call for a special Town Board meeting. Individual requests from citizens for special Town Board meetings may be honored at the discretion of the Town Chairperson and must be properly noticed and open to the public. Fees for requested special meetings will be determined by the Town Board and must be paid in advance by the person making the request. Fees shall not be refundable.

ABSENCES

If a Board member for any reason cannot attend a scheduled meeting, he or she shall provide reasonable advance notice to the Chairperson and Clerk, and shall provide the reason for his or her anticipated absence. If the Chair is absent from the meeting, the Clerk shall call the Board to order and preside until the Board selects another member to preside at that meeting.

QUORUM

If any three members of the Board, including the presiding officer, are present, it shall constitute a quorum and the group may act on any issues that are on the agenda of a legally posted meeting unless state statutes require more than a majority vote of the entire board. Amendment of the budget shall require approval by at least four members of the Board.

PRESIDING OFFICER; ORDER.

The presiding officer may speak on any question, make any motion, and vote on all matters submitted to the Board for its consideration. The presiding officer shall preserve order, conduct the proceedings of the Board, and be its parliamentarian. If a member or other person does not follow the Board's rules, the presiding officer may call the offending person to order. Any member may raise a question or point of order. The question of order must be raised at the time the alleged breach of order occurs. The presiding officer shall immediately rule on the question of order, subject to an appeal to the Board. The appeal may be sustained by a majority vote of the members present, exclusive of the presiding officer.

ORDER OF BUSINESS

All items of business will be taken up in the order they are placed on the agenda unless the agenda is amended. The presiding officer may ask for unanimous consent to amend the agenda and if there is any objection, the question shall be put to the Board members. If a majority of those attending give approval, the agenda may be amended to delete items or to revise the sequence of the agenda.

VOTING

All matters brought to a vote shall be by roll call or by any other method that allows the Clerk to record the vote of each member on each matter. No member may explain his or her vote during the call of the vote.

AMENDMENT AND WITHDRAWAL

No motion may be withdrawn by the moving member without consent of the seconding member.

ABSTENTIONS

A Board member shall not vote on any matter in which he or she has a direct pecuniary or personal interest not common to other members of the Board. A Board member who abstains from voting on any particular matter shall not be required to give a reason for abstaining.

RECONSIDERATION OF QUESTION

Any member who voted with the prevailing side on any question may move for reconsideration of the vote immediately after the vote or at the next succeeding meeting of the Board if the matter is on the agenda. A motion to reconsider requires a second but a member who voted with the prevailing side on the question need not make the second. If a motion to reconsider is defeated, it may not again be presented to the Board at that meeting.

VISITORS' RIGHT TO ADDRESS BOARD

A portion of each regular Board meeting shall be set aside for public comment and visitors will be invited to address the Board on any topic for Board consideration and for the good of town government. All comments from the floor must be directed to the presiding officer. The presiding officer may also allow comments from the floor at any other time during the meeting if it is felt that the speaker will have relevant comments about the topic currently under discussion. If the presiding officer decides that comments made outside the public forum are not relevant, unduly repetitive, argumentative, abusive, or otherwise objectionable, the presiding officer may refuse or revoke the privilege of the floor.

MANNER OF DELIBERATION

No member shall address the Board until recognized by the presiding officer. The member shall then address the presiding officer and limit all remarks to matters that are germane to the question under discussion. The member shall avoid rudeness, intemperate language, and personal confrontation at all times. When two or more members simultaneously seek recognition, the presiding officer shall determine which member may speak first.

RULES OF ORDER TO GOVERN BOARD

The Board shall be governed by "A Guide to Parliamentary Procedure for Local Governments in Wisconsin" by Larry E. Larmer (1998). If an issue is not clearly resolved or is not addressed by the Larmer guidebook, the presiding officer shall follow procedure outlined in Robert's Rules of Order Newly Revised (1990), unless contrary to state law.

SUSPENSION OF RULES

These rules or any part of them may be suspended in connection with any matter under consideration by a recorded vote of two-thirds (2/3) of the members present, provided that such action is in full compliance with the open meeting law and other applicable state laws.

APPOINTMENTS

Nominations for appointments to Town Board committees, commissions, task forces and other subunits of town government shall be made by the Town Chairperson and submitted to the Board for approval. Nominations by the Chair shall be deemed approved unless a majority of all other Town Board members disapprove an appointment by roll call vote at the time the nomination is brought before the Board.

AUTHORIZATION TO SOLICIT BIDS

The Town chairperson may solicit bids or quotes for equipment, materials or services. All bids or quotes must be submitted to the Town Board for approval.

AUTHORIZATION TO REPRESENT THE TOWN

The Town Chairperson may represent, or designate another officer to represent, the Town at meetings of, and hearings before, public or private groups, organizations, and news media on matters affecting the Town.

EMERGENCY EXPENDITURES

The Town chairperson may authorize the clerk/treasurer to write checks for equipment, materials or services that must be purchased or paid for prior to the next regular Town Board meeting. This authorization shall be limited to expenditures of \$300 in any single month. Such expenditures shall be for emergencies and unexpected needs and may include, but are not limited to,

attendance at forums, meetings, seminars and conventions, tools, equipment or materials needed to repair town equipment, tributes and memorials.

COMPENSATION

Compensation of elected Town officers may be a combination of salary and per diem payments and shall be determined by electors at the Town Meeting held annually to approve the budget and set the tax levy. Compensation of appointed town officers shall be set by the Town Board. Only one Per Diem payment may be collected each day for meeting attendance. Members of the Town Board, Plan Commission, Board of Appeals, and Board of Review may claim Per Diem payments. Other committees appointed by the Town Board to perform a specific task may also be eligible for Per Diem Payments if authorized by the Board. In addition to regular meetings for which proper notice has been given, Town officers may also collect Per Diem payments for attending forums, seminars and meetings of other bodies. Town employees may be authorized to collect their regular pay for attending forums, seminars and meetings that are directly related to their work as a Town employee. The Board may disallow claims for payment by town officers and employees if prior authorization was not granted and it is determined that the payment is not appropriate.

REIMBURSEMENT OF EXPENSES

Elected Town officials may claim mileage at a rate determined by the Town Board, for travel that originates in the Town and continues outside of Sheboygan County. No mileage will be paid to elected officials for travel inside Sheboygan County unless town business requires an extensive amount of travel in a personally owned vehicle. Appointed officials and Town employees who are required to use their personal vehicles in the course of their duties may be reimbursed for all mileage at a rate determined by the Board. All Town officers and employees may be reimbursed for such expenses as phone bills, office supplies and other goods and services deemed necessary for the conduct of Town business. Items costing \$25 or less may be included in the list of monthly vouchers. If prior authorization was not given for individual expenses exceeding \$25, a request for payment may be made at a subsequent Town Board meeting and must be authorized by a separate vote of the Board and recorded in the minutes. Attendance at conventions and other functions that require appointed or elected officers or town employees to stay overnight must be approved in advance. Reasonable expenses for food, lodging and mileage may be reimbursed if approved by the Board.

PLAN COMMISSION

The Town Plan Commission shall consist of five members. The Town Chairperson shall nominate the presiding officer and members. Nominations must be confirmed by the Town Board. The Plan Commission shall have primary responsibility for reviewing all land use issues arising in the Town and making recommendations to the Town Board for action on requests for rezoning and/or changes in land use. The Plan Commission is also delegated the authority to review building permits and the Town Clerk is delegated the authority to issue building permits. The Plan Commission, or a subcommittee thereof, shall keep a calendar of all conditional use permits issued by the Town Board and shall inspect all conditional use permit holders after one year and thereafter as deemed necessary, to ensure that conditional use permit holders are in compliance. The Plan Commission or a subcommittee shall also make yearly inspections of campgrounds in the Town.

PLAN COMMISSION MEETINGS

The Plan Commission shall meet in regular session on the 1st Wednesday of every month. Meetings will be held in the Town Hall and will commence at 7 p.m. unless a different meeting place and time has been designated and proper public notice has been given. The Plan Commission or Plan Commission Chair may set a change in meeting time and place. The Plan Commission Chair shall also have authority to call for a special Plan Commission meeting. Individual requests from citizens for special Plan Commission meetings may be honored at the discretion of the Plan Commission Chair and must be properly noticed and open to the public. Fees for requested special meetings of the public will be determined by the Town Board and must be paid in advance by the person making the request. Fees shall not be refundable.

TOWN RECORDS, VIEWING, REQUEST TO COPY

The Town Clerk shall be the official custodian of town records. Records will be available for viewing by the public by appointment. The clerk may require 48 hours written or oral notice of intent to inspect or copy a record. Copies of public documents may be ordered from the Town Clerk. The fee for copying documents shall be determined by the Town Board and may be reviewed periodically.

Those requesting copies of Town records will be accessed the actual, necessary, and direct costs of complying with the request, which the Town has determined to be the following:

1. Copy costs: See Town's current fee schedule; actual cost if out-sourced.
2. Postage: Actual costs.
3. Location/searching: Actual, necessary, and direct costs if \$50 or more, with staff time calculated pursuant to #4 below.
4. Staff time needed to comply with request: First ½ hour – no charge; thereafter see Town's current fee schedule.

Prepayment: Required for any request where the total charges are expected to exceed \$5.

NUISANCE COMPLAINTS

It shall be the policy of the Town to attempt to resolve by mediation, general nuisance complaints that do not involve an immediate threat to health and safety. Board members may act individually after receiving an oral complaint by contacting the parties involved and attempting to negotiate a solution. The offending and complaining parties may also be invited to attend a Town Board meeting for further discussion. If mediation is not successful, the complaining party shall be asked to submit a written complaint before legal action is considered. If no written complaint is submitted, The Board may still initiate action if it appears that an aggravated situation exists.

Amended:
February 8, 2006
September 13, 2006
May 10, 2007
July 3, 2007