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GENERAL PROVISIONS AS TO OFFICIALS

1.01 ELECTED OFFICIALS. (Recreated 02/17/1998)

(1) The elected officials of the Town shall be a Town Chairperson, and four (4) supervisors, and an Assessor, all of who shall serve two (2) year terms, and a Municipal Judge, who shall serve a four (4) year term.

1.02 APPOINTED OFFICIALS. The following Town officials shall be appointed in the manner and for the term indicated:

OFFICIAL	APPOINTED BY	TERM
Administrator	Town Board	2 Year, Renewable Contract
Attorney	Town Board	1 Year
Building Inspector	Town Board	Indefinite

OFFICIAL	APPOINTED BY	TERM
Electrical Inspector	Town Board	Indefinite
Fire Chief	Police & Fire Commission	Indefinite
Police Chief	Police & Fire Commission	Indefinite
Plumbing Inspector	Town Board	1 Year
Weed Commissioner	Town Board	1 year
Clerk	Town Board	Not to exceed 3 years.
Treasurer	Town Board	Not to exceed 3 three years.

1.03 OATHS AND BONDS. Elected and appointed officials shall take and file the official oath within 5 days after notice of their election or appointment and shall execute and file the official bond as required by State Statutes and this General Code.

1.04 REMOVALS. (1) ELECTED OFFICIALS. Elected officials may be removed by the Town Board as provided in §17.13(2), Wis. Stats., by the judge of the circuit court for cause under §17.13(1), Wis. Stats., or as provided by §17.16, Wis. Stats.

(2) APPOINTED OFFICIALS. Appointed officials may be removed as provided in §§17.13(1) and (3) and §17.16, Wis. Stats.

1.05 VACANCIES. (1) HOW OCCURRING. Vacancies in elective and appointive positions are caused as provided in §17.03 and §17.035, Wis. Stats.

(2) HOW FILED. Vacancies in elective and appointive offices shall be filled as provided in §17.25, Wis. Stats.

1.06 SALARIES. The salaries of all elected and appointed officials, including members of boards and commissions shall be as determined by the Town Board from time to time. However, the salary of the Chairperson and members of the Board shall not be increased during their terms of office. (See §66.196, Wis. Stats.)

1.07 RECEIPT OF GIFTS AND GRATUITIES.

(1) RESTRICTED. No Town employee or official shall receive or offer to receive, either directly or indirectly, any gift, gratuity or other thing of value which he/she is not authorized to receive from any person who:

(a) Has or is seeking to obtain contractual or other business or financial relationships with the Town or Town Board; or

(b) Conducts operations or activities which are regulated by the Town or Town Board; or

(c) Has an interest, which may be substantially affected by the Town or Town Board.

(2) **PENALTY.** The receipt of any gift, gratuity or other thing of value as denoted above is contrary to the public policy of the Town and is punishable as provided under §946.12, Wis. Stats. Such conduct shall also be punishable under §25.04 of this General Code.

OFFICIALS

1.10 TOWN CHAIRPERSON AND SUPERVISORS.

- (1) **ELECTION AND TERM.** See §1.01 of this chapter.
- (2) **AUTHORITY.** The Town Board shall have all powers of the Town not specifically given to some other body or officer. Except as otherwise provided by law, the Town Board has power over property, finances, highways, streets, utilities and the public service; may act for the government and good order of the Town, for its commercial benefit and for the health, safety, welfare and convenience of the public; and may carry its powers into effect by license, regulations, suppression, borrowing, taxation, special assessment, appropriation, imposition of forfeitures and other necessary or convenient means. The Town Board may appoint such officials from time to time as may be deemed necessary for the benefit of the community. In addition, the Board shall have the powers enumerated in §60.22, Wis. Stats., and may exercise the powers enumerated in §60.23, Wis. Stats. The powers hereby conferred shall be in addition to all other grants and shall be limited only by express language.
- (3) **OTHER PROVISIONS.** See also Ch. 2 of this General Code.

1.11 ASSESSOR. (1) ELECTION AND TERM. See §1.01 of this chapter.

- (2) **POWERS AND DUTIES. (a) APPLICABLE STATUTE.** See §60.307, Wis. Stats.
- (b) **OTHER DUTIES PRESCRIBED BY LAW.** HE/SHE shall perform such other duties as shall be prescribed by State law, supervisory personnel of the State Department of Revenue and the Town Board, including attendance at all meetings of the Board of Review.

1.12 TOWN ATTORNEY. (1) APPOINTMENT AND TERM. See §1.02 of this chapter.

- (2) **POWERS AND DUTIES.** The Town Attorney shall perform such duties as directed by the Town Board.

1.13 TOWN CLERK. (1) APPOINTMENT, TERM AND REMOVAL. The Town Clerk shall be appointed as provided in §0.30 Wis. Stats., based on merit with due regard to training, experience, ability and general fitness for the office by majority vote of the Town Board. The Clerk shall hold office for a term, not to exceed 3 years, that is set by the Town Board. The person may be reappointed and may be dismissed by the board only for cause as defined in

§17.16 (2) Wis. Stats. This section, however, shall not preclude the Town Board from establishing other employment terms and conditions not inconsistent with the provisions of this section, this Municipal Code or State law. (See §1.02 of this Chapter)

(2) **STATUTORY POWERS AND DUTIES.** The Town Clerk shall have such powers and perform such duties as prescribed in §60.33, Wis. Stats.

(3) **OTHER FUNCTIONS AND DUTIES.** The Clerk, subject to limitations defined in Wisconsin Statutes, shall have additional powers and duties as follows:

(a) **GENERAL DUTIES.**

- 1. Keep current with changes in the County, State and Federal legislation and pending legislation regarding activities in the Clerk's office.
- 2. Advise the public as needed regarding information relative to the Clerk's office.
- 3. Notary Public for Town and citizens who need documents notarized.
- 4. In coordination with the Chairperson and Town Administrator, prepare the agenda for all meetings of the Town Board. Provide supporting material that may be required.
- 5. Administer Oaths of Office for employees and elected officials.
- 6. Serve as Secretary for the Board of Review. Prepare notices and meeting minutes, examine assessment rolls, supervise open book period, schedule appointments, and accept objections filed by appellants.
- 7. Assist the Town Administrator in the maintenance of employee health and life insurance and Town property and liability insurance. Assist with handling claims for loss and damage. Assist in the maintenance of property and liability claims.
- 8. Maintain an efficient and effective filing system of all records, books, papers, or property belonging to, filed, or deposited in the Clerks office in compliance with §0.33 (7) Wis. Stats.
- 9. Assist the Town Administrator in the preparation of the annual Town budget.
- 10. Prepare and adhere to annual department budget for Clerk's office and Elections.
- 11. Attend all department head, commission and committee meetings as requested.
- 12. Perform such other and further duties as required by Town ordinance, State Statutes and as may be directed by the Town Administrator or Town Board.

1.14 TREASURER. (1) APPOINTMENT AND TERM. See §1.02 of this chapter.

(2) **POWERS AND DUTIES.** The Town Treasurer shall have such powers and perform such duties as are prescribed by State law and directed by the Town Board. See §60.34, Wis. Stats.

(3) **BOND NOT GIVEN.** The Town elects not to give a bond on the Town Treasurer to the Waukesha County Treasurer as provided for by §§70.67(1) and (2), Wis. Stats. The Town Board shall be obligated to pay in case the Treasurer fails to do so all taxes of any kind required by law to be paid by the Town Treasurer to the Waukesha County Treasurer.

1.15 POLICE CHIEF. (1) APPOINTMENT AND TERM. See §1.02 of this chapter and Chapter 4 of the General Code of Ordinances.

(2) **POWERS AND DUTIES.** The Chief of Police shall exercise the powers and duties as provided from time to time by the Town Board. See Ch. 4 of this General Code.

1.16 FIRE CHIEF. (1) APPOINTMENT AND TERM. See §1.02 of this chapter and Chapter 5 of the General Code of Ordinances.

(2) **POWERS AND DUTIES.** The Fire Chief shall exercise the powers and duties as provided from time to time by the Town Board. See Ch. 5 of this General Code.

1.17 TOWN ADMINISTRATOR. (1) OFFICE CREATED. In order to provide the Town with more efficient, effective and responsive government under a system of a part-time Chairperson and part-time supervisors at a time when Town government is becoming increasingly complex and expensive, there is created the office of Town Administrator (hereinafter referred to as Administrator).

(2) **APPOINTMENT, TERM AND REMOVAL.** The Town Administrator shall be appointed as provided in §60.37(3), Wis. Stats. Based on merit with due regard to training, experience, administrative ability and general fitness for the office by majority vote of the Town Board. The Administrator shall hold office for an indefinite term subject to removal at any time by a 2/3rd vote of all the members of the Town Board. If employed for a fixed term, the Town Board may suspend or remove the Administrator for cause as authorized in §60.37 (3) Wis. Stats. and administered in §17.16 Wis. Stats. This section, however, shall not preclude the Town Board from establishing other employment terms and conditions that are not inconsistent with the provisions of this section or the Municipal Code.

(3) **FUNCTION AND DUTIES.** The Administrator, subject to limitations defined in ordinances of the Town and Wisconsin Statutes, shall be the chief administrative

officer of the Town responsible to the Town Board for the proper administration of the business and affairs of the Town. The Administrator shall have the powers and duties as follows:

(a) **GENERAL DUTIES.**

1. Carry out all directives of the Town Board which require administrative implementation, reporting promptly to the Town Chairperson and Town Board any difficulties encountered therein.
2. Be responsible for the administration of all day-to-day operations of the Town government, including an awareness of enforcement of all Town ordinances and State statutes.
3. Establish, when necessary, administrative procedures to increase the effectiveness and efficiency of the Town government according to current practices of local government not inconsistent with Town Board directives.
4. Keep informed concerning current county, State and federal legislation and administrative rules affecting the Town and submit appropriate reports and recommendations to the Town Board.
5. Keep informed concerning the availability of county, state, and federal funds for local programs. Assist department heads and the Town Board in obtaining these funds under the direction of the Town Board.
6. Represent the Town in matters involving legislation and intergovernmental affairs as authorized and directed.
7. Act as public information officer for the Town with the responsibility of assuring that the news media are kept informed about the operation of the Town and that the open meeting regulations are followed.
8. Establish and maintain procedures to facilitate the communication between citizens and Town government to assure that complaints, grievances, recommendations, and other matters receive prompt attention by a responsible official and to assure that all such matters are expeditiously resolved.
9. Institute and operate a system whereby persons having business with the Town Board or any Town department may properly and efficiently conduct such business.
10. Oversee all Town owned buildings and grounds. The Administrator shall also administer and operate the maintenance of all Town property, lands, buildings and equipment and the construction or

improvements undertaken either directly or indirectly by the Town.

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

12. In coordination with the Chairperson and the Clerk, cause to be prepared the agenda for all meetings of the Town Board, together with such supporting material as may be required, with nothing herein being so construed as to give the Administrator authority to limit or in any way prevent matters from being considered by the Town Board.

13. Assist in the preparation of ordinances and resolutions as requested by supervisors.

14. When appropriate, make recommendations to the Town Board to improve the efficiency and effectiveness of Town government, including changes in organizational structure and utilization of personnel.

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

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

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

18. Serve as personnel officer for the Town with the responsibilities to see that complete and up-to-date personnel records, including specific job descriptions for all Town employees are kept, evaluating in conjunction with department heads the performance of all employees on a regular basis, recommend salary and wages scales for Town employees not covered by collective bargaining agreements, develop and enforce high standards of performance by Town employees, assure the Town employees have proper working conditions, work closely with department heads to promptly resolve personnel problems and grievances.

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

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

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

22. Report regularly to the Town Board on the current fiscal position of the Town and the status of expenditures relative to the Town budget.

23. Supervise the accounting systems of all Town departments and insure that these systems employ methods in accordance with current professional accounting practices.

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

25. Perform such other and further duties as maybe directed from the Town Board from time to time.

1.18 MUNICIPAL JUDGE AND MUNICIPAL COURT. (Cr. 03/01/1991)

(1) **MUNICIPAL COURT CREATED.** There is hereby created and established for the Town a municipal court designated as "Municipal Court for the Town of Brookfield". A permanent vacancy in the office of Municipal Judge shall be filled under §8.50(4)(fm), Wis. Stats. The Municipal Court established under this section is not a court of record. The Court shall be maintained at the expense of the Town.

(2) **TERM.** The Municipal Judge shall be elected for a term of four (4) years, which term shall commence as of May 1 of the year of election. (Cr. 03/01/1994)

(3) **OATH AND BOND.** The Municipal Judge shall, after election, take and file the official oath as prescribed in §757.02(1), Wis. Stats., and at the same time execute and file an official bond in an amount to be fixed by the Town Board. The Municipal Judge may not act as such until the oath and bond has been filed under §19.01(4)(c), Wis. Stats.

(4) **SALARY AND FEES.** The Town Board shall fix a salary for the Municipal Judge, which shall be in lieu of fees and costs. Fees and taxable costs shall be paid into the Town treasury, as the Town Board shall direct. The salary may be increased by the Town Board before the start of the second or subsequent year of service of the term of the Judge but shall not be decreased during a term. The salary of a municipal judge who is designated or appointed under §8.50(4)(fm), Wis. Stats., or §800.06, Wis. Stats., shall be determined by contract between the Town and the judge. The judge may not serve until the

contract is entered into. Salaries may be paid annually or in equal installments as determined by the Town Board, but no judge shall be paid a salary for any time during which he/she has not executed the official bond or official oath required by §755.03 and filed under §19.01(4)(c), Wis. Stat.

(5) JURISDICTION. (a) The Municipal Court shall have exclusive jurisdiction over an action in which the Town seeks to impose forfeiture for violation of municipal ordinances of the Town unless the action is transferred under §§ 8.004(1), and 8.005(3), Wis. Stats., to a court of record. If equitable relief is demanded the Municipal Court does not have jurisdiction and the action must be brought in a court of record.

(b) The Municipal Judge may issue civil warrants to enforce matters, which are under the jurisdiction of the Municipal Court. Municipal judges are also authorized to issue inspection warrants under §§66.122 and 66.123, Wis. Stats.

(c) The Municipal Judge may order payment of restitution for violations of ordinances in conformity with §943.24 or §943.50, Wis. Stats. The Judge shall use the restitution procedure under §943.24(5) or §943.50(5), Wis. Stats., as applicable.

(6) SESSIONS OF COURT. The Municipal Court shall be open as directed by the Town Board, provided however, that in the absence of any ordinance establishing Municipal Court hours; the Municipal Judge shall determine when the court shall be open.

(7) EMPLOYEES. The Judge shall in writing appoint such clerks and deputy clerks as are authorized by the Town Board. Their salaries shall be fixed by the Town Board. The clerks shall, before entering upon the duties of their offices, take the oath provided by §19.01, Wis. Stats., and give a bond if required by the Town Board. The cost of the bond shall be paid by the Town. Oaths and bonds of the clerks shall be filed with the Town Clerk.

(8) PAPERS, HOW KEPT. The Judge shall file and keep together all papers in an action, separate from all other papers.

(9) CONTEMPT PROCEDURE. (a) The Municipal Judge may impose a sanction authorized under §800.12(2) for contempt of court, as defined in §785.01(1), Wis. Stats., in accordance with the procedures under §785.03, Wis. Stats.

(b) The Municipal Judge may impose a forfeiture for contempt under §800.12(1), Wis. Stats., in an amount not to exceed \$50 or upon nonpayment of the forfeiture and the penalty assessment under §165.87, Wis. Stats., a jail sentence not to exceed 7 days.

BOARDS AND COMMISSIONS

1.20 PLAN COMMISSION. (Cr. 05/02/1995) A Town Plan Commission is hereby established to consist of the Town Board Chairperson, who shall be its presiding officer, one (1) Town Supervisor appointed by the Town Chairperson and approved by the Town Board, three (3) citizens, and until such time as the Town has a Town Engineer or a Park Board, two (2) additional citizen members so that the Board has at all times seven (7) members. The three (3) citizen members shall be appointed by the Town Chairperson upon the creation of the Commission to hold office for one (1), two (2) and three (3) years, respectively, from the following first day of May, and thereafter annually during April one (1) citizen member shall be appointed for a term of three (3) years. All additional citizen members shall be appointed to hold office for a period ending one (1) year from the succeeding first day of May, and thereafter annually during the month of April. When a Park Board is created or a Town Engineer is appointed, the President of such Board or the Engineer shall succeed to a place on the Board when the term of an additional citizen member expires.

1.21 ZONING BOARD OF APPEALS. See §17.11 of the Town Zoning Code.

1.22 BOARD OF POLICE AND FIRE COMMISSIONERS. (Recreated 10/24/1994)

(1) POLICE AND FIRE COMMISSIONERS. There is hereby created a Board of Police and Fire commissioners pursuant to the authority granted by § 62.13, Wis. Stats. Member shall consist of five (5) citizens, three (3) of whom shall constitute a quorum. The Town Board shall, upon adoption of this ordinance, appoint in writing, five (5) commissioners for varying terms, with the term of the first commissioner expiring on April 30, 1995, and the term of the remaining commissioners terminating on the same date in successive years so that not more than one (1) commissioner's term will terminate in any given year. Thereafter, the Town Board shall annually, between the last Monday of April and the first Monday of May, appoint in writing, to be filed with the secretary of the board, one (1) member for a term of five (5) years. No appointment shall be made which will result in more than three (3) members of the board belonging to the same political party. The board shall keep a record of its proceedings. All commissioners shall be residents of the Town of Brookfield.

(2) DEFINITIONS. The following terms shall have the following meanings within the context of this Ordinance:

(a) "**BOARD**" shall mean the Board of Police and Fire Commissioners of the Town of Brookfield.

(b) "**CHIEFS**" shall refer to the Chief of Police and Fire Chief of the Town of Brookfield.

(c) **"MEMBER"** refers to all positions within the Fire and Police Departments of the Town of Brookfield, including Chiefs who are under the jurisdiction of the Board.

(d) **"SUBORDINATE"** shall refer to members of the Fire and Police Departments, other than Chiefs, who are under the jurisdiction of the Board.

(3) CHIEFS. The board shall appoint the chief of police and chief of the fire department, who shall hold their offices during good behavior, subject to suspension or removal by the board for just cause.

(4) SUBORDINATES, REEMPLOYMENT. The chiefs shall appoint subordinates subject to approval by the board. Such appointments shall be made by promotion when this can be done with advantage, otherwise from an eligible list provided by examination and approval by the board, and kept on file with the clerk.

(a) Any person who, on the effective date of this Ordinance has served and acted as a full-time town police patrolman, patrolwoman or police officer performing the services by virtue of regular assignment therefor under the orders and supervision of the chief of police of said town, and receiving his or her salary on the regular official payroll of said police department for a continuous period of more than ten (10) years, although not regularly appointed from an eligible list, is deemed to have been regularly appointed, as of the time of the commencement of his or her service.

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

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

whose compensation shall be fixed by the board and paid by the town. Veterans shall be given preference points in accordance with Sec. 230.16(7), Wis. Stat.

(5) DISCIPLINARY ACTIONS AGAINST SUBORDINATES. A subordinate may be suspended as hereinafter provided as a penalty. He/shemay also be suspended by the commission pending the disposition of charges filed against him.

(a) Charges may be filed against a subordinate by the chief, by a member of the board, by the board as a body, or by an aggrieved person. Such charges shall be in writing and shall be filed with the president of the board. Pending disposition of such charges, the board and chief may suspend such subordinates.

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

(c) Following the filing of charges in this case, a copy thereof shall be served upon the person charged. The board shall set a date for hearing neither less than ten (10) days nor more than thirty (30) days following service of charges. The hearing on the charges shall be public, and both the accused and the complainant may be represented by an attorney and may compel the attendance of witnesses by subpoenas which shall be issued by the president of the board on request and be served as are subpoenas under Chapter 885, Wis. Stat.

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

1. Whether the subordinate could reasonably be expected to have had knowledge of the probable consequences of the alleged conduct.
2. Whether the rule or order that the subordinate allegedly violated is reasonable.
3. Whether the chief, before filing the charge against the subordinate, made a reasonable effort to

discovery whether the subordinate did in fact violate a rule or order.

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

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

6. Whether the chief is applying the rule or order fairly and without discrimination against the subordinate.

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

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

9. The board may make further rules for the administration of this subsection.

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

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

(g) The provisions of subparagraphs A to I shall apply to disciplinary actions against the chiefs where applicable. In addition thereto, the board may suspend a chief pending disposition of charges filed by the board or by the Town Board.

(6) DISMISSALS AND REEMPLOYMENT. Special, temporary, part-time or probationary subordinates, if any, shall be dismissed first when it becomes necessary to reduce the number of subordinates because of need for economy, lack of work or funds, or for other just causes. Thereafter subordinates shall be dismissed in order of shortest length of service in the department. If subordinates to be dismissed have the same length of service, said subordinates shall be dismissed in the order of the lowest performance evaluation rating.

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

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

(7) COMPENSATION. The salaries of the chiefs and subordinates shall be fixed by the Town Board. Such salaries when so fixed may be increased but not decreased by the Town Board without a previous recommendation by the Board. The Town Board may provide that the salaries shall be increase with length of service.

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

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

1. President. The President shall:

- i. Preside over all meetings and hearings and ensure their orderly conduct;
- ii. Accept filing of written charges against chiefs and subordinates;
- iii. Issue subpoenas for the attendance of witnesses at hearings pursuant to Wis. Stat., §62.13(5)(d);
- iv. Administer oaths to witnesses appearing before the Board;
- v. Formally ready the charge(s) to the accused at any hearing, including the provisions alleged to have been violated;
- vi. Ask questions and control questions asked by other Board members during any hearing;
- vii. Ensure standards for procedural due process are afforded the accused at any hearings;
- viii. Adjourn Board proceedings.

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

3. Secretary. The Secretary shall:

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

(c) AMENDMENT OF PROCEDURES. Except as otherwise provided "by the Statute or Ordinance, the Board rules and regulations shall be prescribed, amended or repealed by a majority vote of the Board members present. Any such Board rule or regulation adopted by the Board shall govern the activities of the Board until such rule or regulation have been amended or repealed as provided herein.

1.23 BOARD OF REVIEW.

(1) COMPOSITION. The Annual Board of Review shall be composed and governed by the provisions of §70.46 and §70.47, Wis. Stats. Said composition being four (4) Town Board Supervisors, Town Board Chairperson, and an elector of the Town. (Created 08/02/2000)

(a) APPOINTMENT OF ELECTOR. The Elector shall be appointed annually by the Town Board Chairperson with approval of the Town Board. (Cr. 08/02/2000)

(b) TOWN CLERK RESPONSIBILITIES. The Town Clerk, being an appointed position, is a non-voting member of the Board of Review and shall keep, pursuant to §70.46(2), an accurate record of all the Board's proceedings. (Created 08/02/2000)

(c) COMPENSATION. All members of the Board of Review, including the Town Clerk, shall receive \$25.00 per diem pay for services provided when attending Board of Review meetings.

(2) CONFIDENTIAL INFORMATION. When the Assessor, in the performance of the Assessor's duties, requests or obtains income and expense information pursuant to §70.47(7)(af), Wis. Stats., or any successor statute thereto, then, such income and expenses 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 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 §70.47(7)(af), unless a court determines that it is inaccurate, is, per §70.47(7)(af), not subject to the right of inspection and copying under §19.35(1), Wis. Stats. (Created 08/02/2000)

(3) PROCEDURE. The Board of Review shall proceed in compliance with Chapter 70 Wis. Stats. The Board of Review process shall be as follows:

(a) The Board of Review of the Town of Brookfield will meet annually at any time during the 30-day period beginning on the second (2nd) Monday of May. The meeting shall be at the Town Hall unless otherwise designated by the Town Board of the Town of Brookfield. A majority of the members will be a quorum. (Cr. 05/07/1996).

(c) All meetings of the Board of Review of the Town of Brookfield are to be open to all citizens at all times. No formal action of any kind shall be introduced, deliberated upon, adopted in any closed session, or closed meeting of the Board of Review.

(d) The hours of the first meeting of the Board of Review of the Town of Brookfield at which the completed assessment roll and sworn statements are received shall be a minimum of four (4) hours beginning at 8:00 a.m. Any change in the time of the first meeting will not be effective until notice is posted in not less than three (3) public places in the Town of Brookfield for at least ten (10) days before the first meeting.

(e) The Board of Review of the Town of Brookfield may adjourn from time to time until business is complete. If the meeting is adjourned for more than one (1) day, a written notice shall be posted on the outer door of the place of the meeting stating to what time said meeting is adjourned.

(f) The named Clerk of the Town of Brookfield shall keep a record in the minute book of the proceedings.

(g) The Board of the Review of the Town of Brookfield shall carefully examine the roll or rolls and correct all apparent errors in description and computation. The Board of Review of the Town of Brookfield shall not raise or lower an assessment on any property except as provided in Wis. Stats.

(h) The Board of Review of the Town of Brookfield shall receive objections, shall provide a hearing and shall correct the assessments pursuant to §70.47 (1991-1992) Wis. Stats.

(i) The Clerk shall make the changes to the assessment roll ordered by the Board of Review of the Town of Brookfield.

1.24 PERSONNEL COMMITTEE. (Cr. 08/04/2000) There is hereby created a Personnel Committee to oversee the development and implementation of personnel policies and procedures that affect non-represented and, in cases where permitted by law and labor contract, represented employees. The Committee shall comply with the Town of Brookfield Personnel Policies and Procedures and all-appropriate local, state and Federal laws.

(1) COMMITTEE MEMBERSHIP. The Personnel Committee shall consist two (2) Town Supervisors and one (1) Sanitary District No. 4 Commissioner or citizen with knowledge and expertise in Human Resources or Personnel Management.

(a) TOWN ADMINISTRATOR AS EX-OFFICIO MEMBER. The Town Administrator shall serve as ex-officio member of the Committee and as Personnel Officer pursuant to §1.16 (a)(18), Town of Brookfield General Code of Ordinances.

(2) COMMITTEE RESPONSIBILITIES. The Personnel Committee shall have the following responsibilities:

(a) Upon recommendation of the Town Administrator, review and recommend action to the Town Board regarding the creation of a Personnel Policies and Procedures. In addition, upon recommendation of the Administrator, review and recommend any subsequent amendments to the Personnel Policies and Procedures.

(b) Upon recommendation of the Town Administrator, review and recommend action to the Town Board regarding the creation and/or amendments of all job descriptions.

(c) Upon recommendation of the Town Administrator, review and recommend action to the Town Board, proposed merit increases and wage/salary adjustments for all staff and department heads.

(d) Upon recommendation of the Town Administrator, review and recommend action to the Town Board, the

hiring of staff and department heads. At the committee's discretion, participate in the interview process.

(e) Upon recommendation of the Town Administrator, review and recommend action to the Town Board, the firing of staff and Department Heads.

(f) Upon recommendation of the Town Administrator, review and recommend action to the Town Board any promotions, demotions or job transfers initiated either by an employee's request for such action or results of an employee's performance evaluation.

(g) Upon recommendation of the Town Administrator, review and recommend to the Town Board any disciplinary action imposed on non-represented employees or, where appropriate, represented employees.

(h) Consider grievances that are unresolved by the Town Administrator and recommend action to the Town Board.

(i) Consider and recommend action to the Town Board on issues that require the Town Administrator to recuse his/herself from involvement in said issue.

(j) Consider and recommend action to the Town Board regarding any commendations, awards, and rewards to employees for extraordinary services provided the Town.

(k) Consider and recommend action, in consultation with the Town Administrator, any issues that involve the health and safety of all Town employees.

1.25 BEAUTIFICATION AND TREE COMMITTEE.

(Cr. 10/17/2000)

(1) CREATION AND ESTABLISHMENT OF A TOWN BEAUTIFICATION AND TREE COMMITTEE. There is hereby created and established a Town Beautification and Tree Committee for the Town which shall consist of five (5) members who are residents of the Town who shall be appointed by the Town Board Chairperson with the approval of the Town Board. The Town Board Chairperson shall also appoint, with the approval of the Town Board, a first alternate member and a second alternate member to act only when a regular member is absent or refuses to vote because of interest. The second alternate member may act only when the first alternate is unable to act or is already sitting.

(a) TERM OF OFFICE. The term of the five (5) persons to be appointed by the Chairperson shall be three (3) years, except that the term of two (2) of the members appointed to the first Board shall be for only one year and the term of two (2) members of the first Board shall be for two (2) years. In the event that a vacancy shall occur during the term of any member, a successor shall be appointed for the unexpired portion of the term. The term of the alternate members shall be three (3) years.

(b) **COMPENSATION.** Members of the Committee shall serve without compensation.

(c) **DUTIES AND RESPONSIBILITIES.** The Committee shall study, investigate, counsel and develop and/or update annually a written plan for the care, preservation, pruning, planting, replanting, removal or disposition of trees, shrubs, plants and other landscaping in parks, along streets and in other public areas. The Committee shall also develop a written plan for the selection and installation of decorative and direction signs and lighting on Town property and right-of-way. All lighting installations shall be approved by the Architectural Control Committee. Such plans will be presented annually to the Town Board and, upon their acceptance and approval, shall constitute the official comprehensive Town plan for the Town. The Committee, when requested by the Town Board, shall consider, investigate, make findings, report, and recommend upon any special matter of question coming within the scope of its work. Such plans shall be administered by, in consultation with the Committee, relevant department heads.

(d) **OPERATION.** The Beautification and Tree Committee shall choose its own officers, make its own rules and regulations, and keep minutes of its proceedings. No member shall be eligible to serve as Chairperson for more than two (2) years, but such member shall again be eligible to serve as Chairperson after two full years has elapsed since that member last held such office. A majority of the members shall be a quorum for the transaction of business.

(e) **SPECIES, SPACING, DISTANCE.** The Beautification and Tree Committee shall establish a list of all acceptable street tree species for the Town. No species other than those included on said list may be planted as street trees without written permission of the Committee. The Committee shall establish a written policy for the spacing of street trees and setting forth the distance trees may be planted from curbs, curb lines, sidewalks, street corners and fire hydrants.

f) **UTILITIES.** No street trees other than those identified by the Beautification and Tree Committee pursuant to §1.24 (1) (e) of this chapter, may be planted under or within ten (10) lateral feet of any overhead utility wire or over or within twenty (20) feet of any underground waterline, sewer line, transmission line or other utility.

(2) **DEFINITIONS.** (a) **PARK TREES.** Trees, shrubs, bushes and all other woody vegetation in public parks and all areas owned by the Town or to which the public has free access as a park.

(b) **STREET TREES.** Trees, shrubs, bushes and all

other woody vegetation on land lying between property lines on either side of all streets, avenues or ways within the Town.

(c) **OTHER VEGETATION.** Any vegetation such as flowers and plants not ordinarily considered a tree, shrub, bush, or woody vegetation.

(3) **PUBLIC TREE CARE.** The Town shall have the right to plant, prune, maintain and remove trees, plants and shrubs within the lines of all streets, alleys, avenues, lanes, squares and public grounds as may be necessary to insure public safety or to preserve or enhance the symmetry and beauty of such public grounds.

(4) **TREE TOPPING.** No person, firm or Town department shall, as a normal practice, top any street tree, park tree, or other tree on public property. Topping is defined as the severe cutting back of limbs to stubs larger than 3" in diameter within the tree's crown to such a degree to remove the normal canopy and disfigure the tree. Trees severely damaged by storms or other causes or certain trees under utility wires or other obstructions, where other pruning practices are impractical, may be exempted from this subsection at the determination of the Town Beautification and Tree Committee in consultation with Director of Public Works.

(5) **PRUNING; OBSTRUCTION OF STREETS, STREET LAMPS, VIEW AT INTERSECTIONS, VIEW OF TRAFFIC SIGNS.**

(a) **RESIDENT OWNER RESPONSIBILITY.** Every owner of any tree overhanging any street shall prune the branches so that such branches do not obstruct the light from any street lamp, and so that there shall be a clear space of ten (10) feet above the surface of the street or sidewalk.

(b) **OBSTRUCT VIEW OF VEHICLES AND PEDESTRIANS PROHIBITED.** No person shall maintain, plant or permit to remain on any private or public premises situated at the intersection of two or more streets or alleys in the Town any tree, shrub, hedge or other growth which may obstruct the view of the operator of any motor vehicle or pedestrian approaching such intersection.

(c) **OBSTRUCT VIEW OF TRAFFIC SIGNS AND DRIVEWAYS PROHIBITED.** No person shall maintain, plant or permit to remain on any private or public premises any tree, shrub, bush or vegetation of any kind which is an obstruction to the clear and complete vision of any traffic sign or driveway approach to a street in the Town.

(d) **DUTY OF OWNER TO REMOVE OBSTRUCTION.** It shall be the duty of every owner of a tree, shrub, bush or other vegetation to remove the obstructions as set

forth in §§1.24 (1) (a), (b) and (c) hereof. Any tree, shrub, bush or other vegetation which obstructs a street lamp, sidewalk, the view at an intersection or the view of a traffic sign shall be deemed to be dangerous to public travel and the Town may order, by written notice, the owner or occupant of any private place or premises on which there stands such obstruction to take such steps as are necessary to remove such interference. If such owner or occupant fails, within ten (10) days of receipt of notice, to take such necessary steps, the Town shall remove the interference. The cost of removing the interference shall be levied and collected as a special charge upon the property which or in front of which such obstructing tree, shrub, bush or other vegetation stands.

(6) REMOVAL OF TREES OR SHRUBS.

(a) DANGEROUS, OBSTRUCTIVE AND INFECTED TREES. Any tree or part thereof, whether alive or dead, which the Town shall find to be infected, hazardous or a nuisance so as to endanger the public or other trees, plants or shrubs growing within the Town, or to be injurious to sewers, sidewalks or other public improvements whether growing upon public or private premises, shall be removed, trimmed or treated by the owner of the property upon or adjacent to which such tree or part thereof is located. The Town shall give written notice to said owner to remedy the situation which shall be served personally or posted upon the affected tree. Such notice shall specifically state the period of time within which the action must be taken, which shall be within not less than twenty- four (24) hours nor more than fourteen (14) days as determined by the Town on the basis of the seriousness of the condition of the tree or danger to the public. If the owner shall fail to remove, treat or trim said tree within the time limited, the Town shall cause the tree to be removed, treated or trimmed and shall report the full cost thereof to the Town Administrator-Treasurer, who shall thereupon enter such cost as a special charge against the property.

(b) REMOVAL STANDARDS. In cutting down trees located in public and terrace areas, the tree must be removed with the root stump grubbed out, or ground out to a depth of at least nine (9) inches below grade measured in a straight line with the normal grade of sidewalk to top of nine (9) inches below grade measured as a straight line, normal grade of sidewalk to top of curb. All wood and debris must be removed from the street prior to the end of the each working day and all holes shall be filled to normal grade level with topsoil as soon as practical.

(c) PRIVATE REMOVAL. Except as otherwise provided herein, no person, firm, organization or

corporation shall trim, remove or destroy any tree or shrub located in or upon any public place, until written permission shall have been issued by the Town Beautification and Tree Committee. Such permission shall be given only when the removal, trimming or cutting of the tree or shrub is necessary, as determined by the Committee, because of disease, damage, hazardous condition, and/or location, or its location is such that substantial detriment is done to the property abutting the same. Such written permission shall expressly state the premises upon which the tree stands and the location of the tree thereon. Notwithstanding the foregoing provisions, any public utility may trim, remove or destroy any tree or shrub located upon any public place after receiving verbal permission from the Town Director of Public Works. Such verbal permission shall only be given for the reasons set forth above.

(7) INTERFERENCE WITH TOWN BEAUTIFICATION AND TREE COMMITTEE OR TOWN EMPLOYEES OR AGENTS.

No person shall prevent, delay or interfere with the Town Beautification and Tree Committee, Town employees, or any of their agents while engaging in and about the planting, cultivating, mulching, pruning, spraying or removing of any trees, shrubs, hushes or other vegetation on private grounds as authorized in this ordinance.

(8) REVIEW BY TOWN BOARD. The Town Board shall have the right to review any conduct, acts, and decisions of the Town Beautification and Tree Committee. Any person may appeal from any ruling or order of the Town Beautification and Tree Committee to the Town Board who may hear the matter and make a final decision.

(9) PENALTY. Except as otherwise provided in this Chapter, any person who violates any provision of this Chapter shall be subject to a penalty as provided in § 25.04 of this Municipal Code.

1.26 PARK AND RECREATION COMMITTEE.

Subject to the review and approval of the Town Board, the Parks and Recreation Committee shall oversee the development and maintenance of the park system of the Town. The Committee shall oversee the recreation programs of the Town.

(1) COMMITTEE MEMBERSHIP. The Town Parks and Recreation Commission shall consist of seven (7) members, appointed by the Town Board of Supervisors in writing, and filed with the Town Clerk. The term of each member shall be for seven (7) years, with appointments in June for each term expiring July 1. Initial appointments and annual appointments thereafter shall be staggered so that in each year a new appointment of one (1) member shall be made by the Town Board of Supervisors.

(a) Members of the Committee shall serve without compensation.

(b) **PARKS AND RECREATION DIRECTOR AS EX-OFFICIO MEMBER.** The Parks and Recreation Director shall serve as ex-officio member of the Committee.

1.27 STORMWATER MANAGEMENT PLAN IMPLEMENTATION COMMITTEE (SMPIC).

(Amended: 03/05/2002)

(1) CREATION AND ESTABLISHMENT OF A STORMWATER MANAGEMENT PLAN IMPLEMENTATION COMMITTEE (SMPIC).

(a) The Town of Brookfield has many areas that are impacted by storm water and resultant run-off. Such run-off can and does cause damage to public and private property. As a responsible local government, the Town of Brookfield must review and correct such problems that are under its jurisdiction. It must also make private property owners aware of conditions on their property that contributes to the Town's storm water problems. Ultimately it is a benefit to all property owners in the Town of Brookfield if a proactive maintenance, repair and replacement program were in place to reduce the impact of storm water run-off in the community. The current "Storm Water Management Plan" addresses many of the problems in the community and suggests solutions. Efforts are being made to relieve existing problems that are under the Town's jurisdiction using this document. However, a more proactive mechanism is necessary to implement a Town-wide program for both public and private property.

Therefore, based on the aforementioned premise, the Stormwater Management Plan Implementation Committee (SMPIC) is hereby created, which mission is to recommend to the Town Board an effective way of proactively implementing the Stormwater Management Plan in a responsible manner.

(b) **MEMBERSHIP.** Committee membership shall total seven (7) voting members consisting of two (2) Town Board Supervisors and four (4) residents and one (1) Plan Commission member. The Public Works Director, Building Inspector, Town Engineer and Town Administrator shall be ex-officio members.

(c) **TERM OF OFFICE.** Town Board and Plan Commission members shall be appointed annually by the Town Board Chairperson. The Town Board Chairperson shall select the Committee chairperson. Resident members shall be appointed by the Town Board Chairperson with the term of each being three (3) years. The term of two (2) of the citizen members appointed to the first Committee shall be for one year.

The term of another of the citizen members of the first Committee shall be for two (2) years. The term of another, or third, of the citizen members of the first Committee shall be for three (3) years. In the event that a vacancy shall occur during the term of any member, a successor shall be appointed for the unexpired portion of the term.

(d) **COMPENSATION.** Members of the Committee shall serve without compensation.

(2) DUTIES AND RESPONSIBILITIES. To carry out the aforementioned mandate, the Committee is charged to do the following.

(a) Within the guidelines of the Stormwater Management Plan, create and implement mechanisms by which stormwater issues, within both the public and private domain, are identified and resolved. Such mechanisms include:

1. Emergency Response
2. Funding
3. Planning
4. Administration
5. Prioritization
6. Enforcement

(b) PREPARE A COMPLETE INVENTORY OF:

1. All existing easements relating to stormwater run-off.
2. Determine where additional easements are necessary in order to effect the implementation of said plan.
3. Update all logistical information regarding the types, materials, etc. of all stormwater systems within the Town. Such information will include legible graphs, charts, and maps. Such information will also include costs for repair, maintenance and replacement of such systems.
4. Recommend a Maintenance and Improvement Program or Ordinance.
5. Recommend a method or methods by which the aforementioned Program or Ordinance can be financed. Public/private financial responsibility, loans and grants should be considered.