

**TOWN OF OSCEOLA
POLK COUNTY WISCONSIN**

ORDINANCE# 19-04-03

**CHAPTER 2
THE GOVERNING BODY**

Amended 08/11/11, 06/04/19, 05/04/21, 06/23/21, 04/11/22, 06/06/22, 08/01/22,
08/07/23

The Town Board of Supervisors of the Town of Osceola do ordain as follows:

2.01 THE TOWN BOARD

The Town Board shall consist of the Town Chair and four (4) supervisors. (Ord. 19-09-05)

2.02 MEETINGS

- (1) ANNUAL TOWN MEETING AND SPECIAL TOWN ELECTIONS.
The annual Town meeting and special Town elections shall be held at The Town Hall.
- (2) REGULAR MEETINGS. (Am. Res. # 11-11) Regular meetings of the Town Board shall be held on the 1st Monday (05/04/21, and Res. 22-03-07) of each month at 6:30 p.m. (Am. Ord. 19-06-04). Any regular meeting falling on a legal holiday shall be held on the next secular day at the same hour and place. All meetings of the Board, including special and adjourned meetings, shall be held in the Town Hall. If there is no regular business to come before the Town Board, one monthly meeting may be canceled by prior notice to the public as provided by the Wisconsin Statutes.
- (3) OPEN MEETING LAW. All meetings of the Town Board, its committees, boards and commissions shall be open to the public and preceded by public notice as provided in §19.84, Wis. Stats.
- (4) ADJOURNMENTS. (08-01-22) The Board may, by a majority vote of those present but not less than three (3) affirmative votes, adjourn from time to time to a specific date and hour.
- (5) REMOTE ATTENDANCE. (04-11-22; 06-06-22)
 - (a) **Remote attendance permitted.** When a meeting is held in-person, the Chair or designee may allow one or more members of the Town Board, or any Town employee, consultant, contractor, or any other person to appear at the meeting, as

defined in Wis. Stats. § 19.82, by telephonic, video conference, or other remote method of participation. Upon direction of the Town Chair or designee, the body may on a case-by-case basis conduct an entirely virtual meeting, in which no member of the body is present at the Town Hall, subject to the requirements of this section. This includes a state of emergency or public health emergency being proclaimed by a federal, state, or local authority; a lack of quorum being able to be physically present in a Town owned building; or other unique circumstances.

- (b) **Notice required.** Any member who is unable to be physically present at an in-person meeting of the Town Board may notify the Town Clerk no later than four (4) p.m. on the day prior to the meeting that he or she intends to participate in a meeting by telephonic or electronic means unless advance notice is impractical due to an emergency. If the Town Clerk receives the member's request in a timely manner, he or she shall attempt to facilitate the request by contacting the member in a manner during the Town Board meeting that allows the member to participate in the proceedings. If the member attends the meeting remotely, the member shall be entitled to participate and vote and shall count toward a quorum.
- (c) **Limits on utilization.** No member shall utilize the participation methods referenced in this section for two or more meetings consecutively unless the member demonstrates, in writing, good cause, as determined in the Town Chair's or designee's sole discretion; or, if the Town Chair is the member requesting, the Clerk's sole discretion; or if a state of emergency that applies to or involves the Town has been proclaimed by a federal, state, or local authority.
- (d) **Virtual meeting procedures.** (06-06-22) The public shall be given access to the system implementing the virtual meeting platform. Information about access to the meeting shall be provided to citizens in a timely manner as part of the meeting agenda notice in a specific and conspicuous manner. Best efforts shall be used to ensure that members of the public lacking access to the virtual meeting platform are provided alternative reasonable methods to attend.
 - i. **Technical requirements and malfunctions.** Each person attending remotely is responsible for his or her audio and Internet connections; no action shall be invalidated on the grounds that the loss of, or poor quality of, a member's individual connection prevented

participation in the meeting.

- ii. **Forced disconnections.** The Town Chair may cause or direct the disconnection or muting of a member's connection if it is causing undue interference with the meeting. The Town Chair's decision to do so, which is subject to debatable appeal that can be made by any member, shall be announced during the meeting and recorded in the minutes.
- iii. **Proper equipment.** Appropriate equipment shall be used so that the attending public can readily observe or hear each person's participation in the meeting.
- iv. **Signing in and out.** Members shall identify themselves as required to sign into the Internet meeting service and shall maintain Internet and audio access throughout the meeting whenever present but shall sign out upon any departure before adjournment.
- v. **Quorum calls.** The presence of a quorum shall be established by audible roll call at the beginning of the meeting. Thereafter, the continued presence of a quorum shall be determined by the online list of participating members, unless any member demands a quorum count by audible roll call. Such a demand may be made pursuant to Wis. Stat. § 19.88(2), following any vote for which the announced totals add to less than a quorum.
- vi. **Assignment of the floor.** To seek recognition by the presiding officer, a member shall indicate by a hand "emoji" or by the method appropriate to the Internet meeting service being used. Upon assigning the floor to a member, the presiding officer may clear any online queue of members who had been seeking recognition. To claim preference in recognition, another member who had been seeking recognition may promptly seek recognition again, and the presiding officer shall recognize the member for the limited purpose of determining whether that member is entitled to preference in recognition.
- vii. **Interrupting a member.** A member who intends to make a motion or request that under the rules may interrupt a speaker shall use the "chat," or similar

feature, for the meeting service in use to so indicate, and shall thereafter wait a reasonable time for the presiding officer's instructions before attempting to interrupt the speaker by voice.

- viii. **Display of documents.** The presiding officer shall designate an online area or enable a share screen for the display of documents relevant to a matter under consideration; and, to the extent feasible, the Chair, or anyone assisting the Chair for this purpose, shall cause such documents that are currently before the meeting for action or information, to be displayed therein until disposed of or directed by the presiding officer to end the display.
- ix. **Voting.** Votes shall be taken by audible roll call or, when practicable within the meeting service platform, by electronic roll call. The presiding officer's announcement of the voting result shall include the number of members voting on each side of the question and the number, if any, who explicitly respond to abstain or acknowledge their presence without casting a vote. Business may also be conducted by unanimous consent.
- x. **Video display.** The Town Chair, the Clerk, or their assistants shall cause a video of all members in a collage format to be displayed throughout the meeting, or when the presiding officer determines it best appropriate, only the person recognized and speaking.
- xi. **Virtual Meeting Etiquette.**
 - (1) Members will be responsible for muting/unmuting themselves.
 - (2) Members must stay muted when NOT speaking.
 - (3) No side conversations should be held in the "chat box". Only official business shall be discussed in accordance with Open Meetings Law when appropriate.
 - (4) Identify yourself prior to speaking.
 - (5) Any "Chat" function use is Public Record.

xii. **Public Attendance and Participation.**

(1) Public Comment for remote meetings may be precluded or conducted by means as the Board may from time to time determine.

(2) This policy should not be used where Wisconsin Statutes or Law require a hearing unless the Board can determine a means for public access to documents, exhibits, maps and/or testimony or statements substantially similar to an in-person hearing, or as may otherwise be permitted by law.

xiii. **Failure to Follow Procedure.** Except as otherwise required by Wisconsin law, failure of the Town Board to strictly follow any of the virtual meeting procedures set forth in this Paragraph 5(d) shall not invalidate a vote or other action taken by the Town Board.

2.03

ORDER OF BUSINESS (08-01-22)

The business of the Board shall be conducted in the following order:

- (1) Call to order by presiding officer.
- (2) Verification of Meeting Posting.
- (3) Pledge of Allegiance.
- (4) Roll call. If a quorum is not present, the meeting may thereupon adjourn, which may be to a specific date and hour pursuant to §2.02(4).
- (5) Presentation and approval of bills.
- (6) Acceptance of proposed agenda.
- (7) Approval of minutes of previous meeting(s).
- (8) Public Comment.
- (9) Public Works Report.
- (10) Clerk and Treasurer's reports.

- (11) Old Business.
- (12) New Business.
- (13) Chair's report.
- (14) Supervisors' reports.
- (15) Request for Future Meeting Agenda Items.
- (16) Next Town Board Meeting.
- (17) Next Plan Commission Meeting.
- (18) Community Meetings Board Members Attend.
- (19) Adjournment.

2.04 PRESIDING OFFICER (06-06-22, 08-01-22)

- (1) DESIGNATED. The Chair at the stated hour shall call the meeting to order. If the Chair is absent at the designated time of any meeting, a designated Supervisor (as named by the Chair) shall call the meeting to order and serve as Chair for that meeting. If the designated Supervisor is unable to attend the meeting, the designated Alternate (as named by the Chair) shall call the meeting to order and serve as Chair for that meeting. The naming of the designated Supervisor and designated Alternate shall be done at the Town Board's Organizational Meeting in either April or May each year.
- (2) DUTIES. The presiding officer shall preserve order and decorum, decide all questions of order and conduct the proceedings of the meeting.
- (3) DECISIONS, APPEALS FROM. Any member may appeal from a decision of the presiding officer. An appeal shall be sustained by a 2/3 vote of the members, excluding the presiding officer.

2.05 QUORUM

A majority of the members of the Town Board shall constitute a quorum.

2.06

ORDINANCES, RESOLUTIONS AND COMMITTEE REPORTS
(08-01-22)

All ordinances, resolutions, communications and other matters submitted to the Town Board shall be read by title and author and referred to the appropriate committee by the Chair. The Clerk shall read and record each such reference by title. Any supervisor may require the reading in full of any matter at any time it is before the Board. Each committee shall, at the next regular meeting, submit a written report on all matters referred to it, unless a longer time is granted by vote of the Board, and such report shall be entered in the proceedings. Such report shall recommend a definite action of the committee and shall be filed with the Clerk prior to each meeting. Minority reports may be submitted. Previous notice of each committee meeting shall be filed with the Clerk and each meeting shall be open to the public. Any committee may require any Town officer to confer with it and supply information needed in connection with any matter pending before the committee.

2.07

CONDUCT OF DELIBERATIONS (08-01-22)

Deliberations of the Town Board shall be conducted in the following manner:

- (1) When two (2) or more members simultaneously seek recognition, the presiding officer shall name the member who is to speak first.
- (2) No person other than a member shall address the Board, unless recognized by the Chair.
- (3) No motion shall be discussed or acted upon until it has been seconded, unless the rules permit one supervisor to initiate action. No motion shall be withdrawn without the consent of the person making the same and the person seconding it.
- (4) When a question is under discussion, no action shall be in order except the following motions, which shall have precedence in the order listed:
 - (a) To adjourn.
 - (b) To lay on the table.
 - (c) To move the previous question.
 - (d) To postpone to a certain day.
 - (e) To refer to a committee.
 - (f) To amend.

(g) To postpone indefinitely.

- (5) Any supervisor may demand an aye and nay vote on any matter and such vote shall be entered in the proceedings. A majority vote of all members of the Board in favor of any proposed ordinance, resolution or appointment shall be necessary for passage or approval unless a larger number is required by statute. Except as otherwise provided by these rules, a majority vote of those present shall prevail in other cases.
- (6) A motion to adjourn shall always be in order and a motion to adjourn, to lay on the table and a call for the previous question shall be decided without debate.

2.08 APPROPRIATIONS AND ACCOUNTS (08-01-22)

All ordinances or resolutions appropriating money or creating any charge against the Town other than the payment of claims for purchases or work previously authorized by the Board shall only be acted upon by the Board at the next regular meeting. This provision may be suspended by affirmative vote of three (3) members of the Board. A roll call vote shall be taken and recorded on all appropriations.

2.09 RECONSIDERATION OF QUESTION

Any member voting with the majority may move for a reconsideration of the vote on any question at that meeting. A motion to reconsider being put and lost shall not be renewed. A supervisor may not change his vote on any question after the result has been announced.

2.10 PUBLICATION AND EFFECT OF ORDINANCES

All ordinances shall be signed by the Town Board, countersigned by the Clerk and, if any penalty or forfeiture is thereby imposed, shall be published as a Class 1 notice, under Ch. 985, Wis. Stats., and shall take effect on the day after publication or a later date if expressly prescribed.

2.11 AMENDMENT OF RULES

These rules shall not be rescinded or amended unless the proposed amendment or motion to rescind has laid over from a regular meeting and then it shall require a vote of 2/3 of all the members of the Board.

2.12 SUSPENSION OF RULES

These rules or any part thereof may be temporarily suspended in connection with any matter under consideration by affirmative vote of three (3) members of the Board.

2.13

BOARDS AND COMMISSIONS (08-07-23)

(1) Board of Review.

- (a) Membership. The Board of Review shall consist of the Town Board. The Clerk shall serve as Clerk of the Board as long as the Clerk is an elector of the Town of Osceola. In the event the Clerk is not an elector of the Town, the Town Board shall appoint an elector of the Town to act as the Clerk of the Board of Review. The Town Assessor shall attend all meetings of the Board of Review. Pursuant to §70.46(4) and §73.03(55) of the Wisconsin Statutes. The Town Board hereby provides for the appointment of alternates to serve on the Board of Review in the event a standing Board member of the Board of Review is removed or unable to serve for any reason.
- (b) Powers and duties. The Board of Review shall have the powers and duties prescribed in § 70.47, Wisconsin Statutes.
- (c) Income and expense information, confidentiality.
 - i. Pursuant to § 70.47(7)(af), Wisconsin Statutes, income and expense information provided by a property owner to the Assessor for the purposes of establishing the valuation for assessment purposes by the income method of valuation shall be confidential and not a public record open to inspection or copying under § 19.35(1), Wisconsin Statutes.
 - ii. 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 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 § 74.37, Wis. Stats., in which case the base records are open and public.

(2) **Plan Commission.** (08-01-22)

- (a) **AUTHORITY.** (Ord. #1-97) This Commission was adopted pursuant to Wisconsin Statutes 61.35, by authority given under Wisconsin Statute 60.62, which was granted by Resolution #3-93 on the 27th day of January, 1993, to establish a Planning Commission for the Town of Osceola. The Plan Commission was temporarily dissolved at the Town of Osceola April 2021 Annual Town Meeting, and reinstated June 23, 2021 through an ordinance stating as follows:

The Town Board of the Town of Osceola has been authorized on April 2, 1974, to exercise powers of a Village Board as provided by Section 60.22(3) of the Wisconsin Statutes as authorized by Section 60.10(2)(2) of the Wisconsin Statutes.

And Section 61.35 of the Wisconsin Statutes provide that Section 62.23 (City Planning) applies to Villages and the powers and duties conferred by Section 62.23 of the Wisconsin Statutes.

The Town Board of the Town of Osceola desires to proceed with procedures required by Section 62.23 of the Wisconsin Statutes, and pursuant to Section 60.22(3) of the Wisconsin Statutes.

The Town Board of the Town of Osceola, Polk County, Wisconsin, does hereby create and do ordain by Ordinance as follows:

- i. **Establishment/Creation.** The Town Plan Commission of the Town of Osceola, Polk County, Wisconsin, is hereby established as provided by Section 62.23(1) of the Wisconsin Statutes which is incorporated herein by reference.
- ii. **Number of Members.** The initial Town Plan Commission shall consist of up to seven (7) members to be appointed by the Town Chair subject to confirmation by the Town Board, one of which shall be a Town Board Member, the remaining six members shall be citizen members.

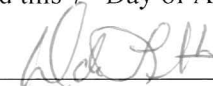

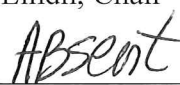
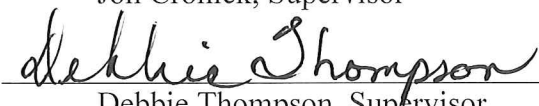
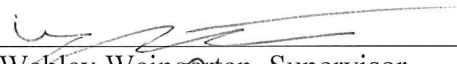
- iii. **Term.** The members shall hold office for a maximum of two (2) consecutive terms up to three (3) years for each term not to exceed two (2) terms typically effective at the April Regular Town Board Meeting, but this particular change is effective with 2022 Plan Commission appointments and going forward. Initial member terms if the Plan Commission is dissolved or suspended then reinstated shall be staggered as follows: one member – one-year term; two members – two-year terms; three members – three-year terms.
- iv. **Presiding Officer.** The Town Chair shall select the Chair position, of which shall be a citizen member.

- (3) **Board Committees.** (07-05-22)
 - (a) Personnel Committee.
 - (b) Finance Committee.
 - (c) Public Works Committee.
 - (d) Media & Technology Committee.

2.14 EFFECTIVE DATE

This Ordinance shall be effective upon adoption and publication or posting as provided by law.

Passed this 7th Day of August, 2023. By the Town Board of the Town of Osceola:

 _____ Dale Lindh, Chair	 _____ Jon Cronick, Supervisor
 _____ Tony Johnson, Supervisor	 _____ Debbie Thompson, Supervisor
 _____ Webley Weingarten, Supervisor	

ATTEST: 

 Denise Skjerven

_____ Voice Vote
 Roll Call Vote
 4 Yeas; 0 Nays; 7 Absent/Abstain