

## Chapter 5

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### Boards, Commissions and Committees

2-5-1	Board of Review
2-5-2	Plan Commission
2-5-3	General Provisions Regarding Meetings and Public Notice
2-5-4	Residency Required for Service on Boards, Committees or Commissions
2-5-5	Joint Planning Committee
2-5-6	Standing Committees
2-5-7	Joint Zoning Committee

#### Sec. 2-5-1 Board of Review.

- (a) **Composition.** The Board of Review shall consist of the Chairperson, Town Board Supervisors, and one elector of the Town as appointed by the Town Board. Additionally, the Town Board may appoint two alternate members to the Board of Review who are electors of the Town in addition to the members above, who shall act with full power when necessary to create a quorum.
- (b) **Duties.** The duties and functions of the Board of Review shall be as prescribed in Secs. 70.46 and 70.47, Wis. Stats.
- (c) **Meetings.** The Board of Review shall meet annually on the second Monday of May, or any day within the next thirty (30) days, at the Town Hall of the Town of Westport, or such other public place as may be designated, and notice of such meeting shall be published pursuant to the Wisconsin Statutes. The Board, through the Town Clerk/Treasurer, shall establish its meeting hours pursuant to Wisconsin Statutes. The Board may adjourn from day to day or from time to time, until such time as its business is completed, providing that adequate notice of each adjournment is so given.
- (d) **Compensation.** Compensation for Board of Review members shall be as established by the Town Board.

*State Law Reference:* Section 70.46 and 70.47, Wis. Stats.

#### Sec. 2-5-2 Plan Commission.

- (a) **Membership.**
  - (1) **Commission Appointment.** The Town Plan Commission shall consist of at least seven (7) members. One (1) member shall be the Town Chair. The remaining

members shall be citizens appointed by the Town Board, typically after recommendation by the Town Chair, at least two to hold office for one (1) year, two (2) to hold office for two (2) years each, and two (2) to hold office for three (3) years each, from the succeeding first day in May, and annually thereafter such members shall be appointed to a three (3) year term in April. The Town Board shall make every effort to ensure that its appointees hail from diverse geographical locations within the Town boundaries and from diverse occupational interests in order to ensure fair representation of the interests of all Town citizens. Citizen members shall also be persons of recognized experience and qualifications.

- (2) **Five Member Board.** In the event the size of the Town Board is increased to five (5) or more, then one of the members of the Plan Commission shall be a Town Supervisor elected by the Town Board during each April. The Supervisor member shall initially fill the position of one of the citizen members whose term expires the following May. That position shall then no longer be filled by a citizen, but shall become an annual Town Board member position.
- (3) **Officers.** The Town Chair shall be the presiding officer and shall appoint the Commission secretary. The Commission shall elect a vice-chair or any other such officers as may, in their judgment, be necessary.
- (4) **Required Attendance.** Every citizen Commission member is required to attend each regularly scheduled meeting. If a citizen member misses three (3) consecutive meetings, the member will be subject to removal from the Commission by the Town Board, effective on the date of the 3rd missed meeting, except in the following circumstances:
  - a. The member is absent for any of the three (3) consecutive meetings due to his or her own illness or the illness of a family member or other emergency, provided that the member can supply proof of the offered reason for the absence to the Town Board upon request of any Board member; or
  - b. As to any of the three (3) or more missed meetings, the member has let the Town Chair know, in writing, that he or she will be absent from a regularly scheduled meeting. Such notice must be given as far in advance as possible.
- (5) **Temporary Absences.** If a citizen Commission member knows that he or she will be absent for more than two (2) consecutive meetings, for whatever reason, and that member also complies with Section 2-5-2(a)(4)b., the Town Chair may make a temporary appointment to fill that member's position for the length of the member's absence, but not to exceed 6 months in such temporary appointment. The temporary appointee shall have all the duties, powers, and responsibilities of the member whose position the appointee temporarily fills.
- (6) **Removal of Commission Member.** The Town Board may remove any citizen Commission member from office at any time and for any reason, by majority vote, so long as the reason does not violate the constitutions or laws of the state or federal government or any Town ordinances. Such office position shall then be deemed vacant and shall be filled as provided herein.

- (7) **Vacancies.** Vacancies shall be filled by appointment for the remainder of the unexpired term in the same manner as appointment for the full term.
- (8) **Compensation.**
  - a. Each citizen Commission member shall be paid an amount per meeting for each meeting attended, regardless of whether the meeting is a regular or special meeting, as set by resolution of the Town Board. No compensation shall be paid to a member for any meeting that member did not attend, for whatever reason.
  - b. Members shall also be reimbursed for any costs and expenses incurred in fulfilling their duties and responsibilities as Commission members, excluding the cost of transportation to attend any regular or special meeting.
- (b) **Organization.** The Town Plan Commission shall organize and adopt rules for its own government in accordance with the provisions of this Ordinance.
  - (1) **Meetings.** Unless exempt, all meetings shall be open to the public. Notice of the time and location of each meeting shall be posted in reasonable locations and published in a local newspaper of general circulation in the area.
  - (2) **Quorum.** Shall be four (4) members, with all actions requiring a majority vote of the quorum present.
  - (3) **A Written Record** shall be kept showing all actions taken, resolutions, findings, determinations, transactions and recommendations made and a copy shall be filed with the Town Clerk as a public record.
- (c) **Powers.** The Town Plan Commission shall have such powers as may be necessary to enable it to perform its functions and duties and promote town planning. Such powers shall include the following:
  - (1) **To Employ Experts and Staff** and to pay for their services and such other expenses as may be necessary, not to exceed the appropriations and regulations made by the Town Board.
  - (2) **To Make Reports and Recommendations** relating to the town plan and development of the town to public officials, agencies, utilities, other organizations and citizens.
  - (3) **To Request Available Information** from any public official to be furnished within a reasonable time.
  - (4) **To Enter Upon Any Land.** The Commission members and employees may enter upon any land in the performance of its functions to make examinations and surveys.
- (d) **Duties.** The Town Plan Commission shall have the following functions and duties:
  - (1) **To Make and Adopt a Plan** for the physical development of the Town in accordance with Sections 62.23(2) and (3) of the Wisconsin Statutes with continuing review and appropriate amendments to keep the plan current.
  - (2) **To Prepare and Recommend Changes** to the Dane County Zoning Ordinance and/or maps for consideration by the Town Board.
  - (3) **To Prepare and Recommend Land Division Regulations** to the Town Board in accordance with Section 236.45 of the Wisconsin Statutes, as well as subsequent amendments which appear advisable due to changing situations and experience.

- (4) *To Consider and Report or Recommend* on all matters referred to the Commission, including review of county and regional plans as they relate to the Town.
- (e) **Referrals.** The Town Board or other officer of the Town having authority thereon shall refer to the Town Plan Commission, for its consideration and report before final action is taken, the following matters:
  - (1) *Location and Architectural Design* of any public building.
  - (2) *Location of Any Statue* or other memorial.
  - (3) *Location, Acceptance, Extension*, alteration, vacation, abandonment, change of use, sale, acquisition or lease of land for any street, alley or other public way, park, playground, airport, parking area or other memorial or public grounds.
  - (4) *Location, Extension, Abandonment*, or authorization for any public utility whether publicly or privately owned.
  - (5) *All Annexations*, incorporations or consolidations affecting the Town.
  - (6) *All Divisions of Land* within the Town's platting jurisdiction.
  - (7) *All Proposed or Requested Changes and Amendments* to the Town Plan, County Zoning Ordinance, and County and Town Subdivision Regulations.
- (f) **Additional Powers and Duties.** The Town Plan Commission shall have all additional powers and duties granted or assigned by the Town Board or by other Town Ordinances. All the powers and duties granted or assigned by the Wisconsin Statutes to Plan Commissions and any amendments thereto are hereby granted or assigned to the Commission and such Statutes are hereby adopted by reference.

### **Sec. 2-5-3 General Provisions Regarding Meetings and Public Notice.**

- (a) **Regular Meetings; Public Notice.** Every Board, Committee and Commission created by or existing under the ordinances of the Town of Westport shall:
  - (1) Fix a regular date, time and place for its meeting;
  - (2) All meeting notices shall be filed with the Town Clerk/Treasurer who shall cause the notice to be published and posted in full compliance with the Open Meeting Law Requirements.
  - (3) Post at the front door of the Administration Building, or publish, an agenda of the matters to be taken up at such meeting.
  - (4) During the holding of any open session, such room and such meeting shall at all times be open and remain open to all citizens. Board, committee or commission members may participate in a meeting by telephone conference (or by other similar electronic means such as Zoom, Teams, and Skype) and so long as the public is provided an effective means to aurally monitor the telephone conference (or other similar electronic means) in real time, which may be accomplished by broadcasting the telephone or electronic conference through speakers located at the meeting sites open to the public. Any member intending to appear by electronic means shall provide the Town Clerk with at least two (2) hours prior notice so as to permit time to set up said means of public monitoring; except in an emergency, in which case the member shall provide the Town Clerk prior

notice as soon as practicable under the circumstances. Attendance by electronic means shall be limited as follows:

- i. Members of the Town Board may so appear no more than six (6) times per calendar year without the prior approval of the Town Chairman.
- ii. Members of any board, committee or commission other than the Town Board may so appear no more than three (3) times per calendar year without the prior approval of the presiding official of said body.
- iii. The above limitations shall be the total permitted for each member notwithstanding the number of boards, committees or commissions upon which they sit.
- iv. Members of any body may exceed the above limitations with the prior consent of the presiding official of the applicable body.

The above limitations shall not apply to the extent the meeting is held in accordance with any state of emergency declared pursuant to local, state or federal law; in which case members may appear and participate in any meetings, in any manner, authorized by law during the emergency.

- (5) This Code does not prohibit a Board, committee or commission from having a closed meeting which is legally convened and legally held in a room in such building other than the official meeting room or in some other building in the Town.

- (b) **Special Meetings.** Nothing in Subsection (a) shall preclude the calling of a special meeting or with dispensing with the publication of notice or such posting of the agenda, for good cause, but such special meetings shall nonetheless comply in all respects with the provisions of Sections 19.81 to 19.89, Wis. Stats.

#### **Sec. 2-5-4            Residency Required for Service on Boards, Committees or Commissions.**

No person not a legal resident of the Town of Westport shall be appointed to any Town board, committee or commission. Any board, commission or committee member who moves from the Town shall immediately be removed from such board or committee.

#### **Sec. 2-5-5            Joint Planning Committee**

- (a) **Establishment.** A Joint Planning Committee (JPC) shall be appointed in accordance with the Boundary Stipulation and Intergovernmental Cooperation Agreement Between the Village of Waunakee and the Town of Westport dated September 19, 1996, and as that Agreement may hereafter be amended. A copy of the Agreement and all amendments thereto shall be available for inspection at the office of the Town Clerk.
- (b) **Composition.** The JPC shall consist of six members, three of whom shall be appointed by the Village of Waunakee and three of whom shall be appointed by the Town of Westport. The three members appointed by the Town shall be appointed by the Town Chair, subject to the approval of the Town Board. The initial Town members shall be appointed for three-year

terms. The second set of Town members shall be appointed for staggered terms of one, two and three years, with staggered three-year terms thereafter.

- (c) **Powers and Duties.** The JPC shall have the power and duty to take all actions required of it pursuant to the Boundary Stipulation and Intergovernmental Cooperation Agreement Between the Village of Waunakee and the Town of Westport dated September 19, 1996, and as that Agreement may hereafter be amended. The JPC may be delegated powers or duties of the Town and the Village so long as such delegations do not violate any law, rule and regulation and are necessary to effectuate the purposes of the above-mentioned Agreement.
- (d) **Meetings and Rules.** Public notice of all regular and special meetings of the JPC shall be given to the public and news media as required by law. The rules of procedure of the Joint

Planning Committee shall be governed by *Robert's Rules of Order, Newly Revised* (1984), as modified for small bodies.

- (e) **Temporary Alternate.** Whenever one of the Town appointees is unable to attend a scheduled meeting, the Town Chair may appoint a citizen member of the Town Plan Commission who is not already a member of the JPC to act as an alternate member of the JPC at such a meeting. An alternate member shall have the same duties and responsibilities as a regular member with regard to any meetings in which the alternate member is involved.

### **Sec. 2-5-6 Standing Committees.**

- (a) **Standing Committees.** The Town Board shall create whatever standing committees it deems necessary.
- (b) **Committee Appointments.** The standing committees of the Town Board shall be appointed by the Town Board Chair, subject to confirmation by the Town Board. The appointments to each committee shall be made at the annual organizational meeting of the Town Board. Standing committees shall review such matters as may be referred to them by the Town Board and shall submit recommendations for Town Board action. Two (2) Supervisors shall be appointed to each standing committee.
- (c) **Committee Reports.**
  - (1) All committees are subunits of the Town Board and perform no executive or administrative Town function other than as specifically authorized by ordinance or policy adopted by the Town Board.
  - (2) Each committee shall give the full Town Board a report on all matters referred to it. Such report shall recommend a definite action on each item and shall be approved by a majority of the committee. Each committee report shall include the date, time, and place of the meeting and the members attending. Each such committee report, verbal or written, is deemed to be the product of the entire committee, whether any item therein is approved unanimously or not. Each such report should provide all necessary historical background to familiarize the Town Board with the issue.
- (d) **Ambiguity of Committee Authority.** In case of ambiguity or apparent conflict between the preceding definition of committee authority and a definition, in these ordinances, of the authority of a Town officer, employee, board, or association, the latter shall prevail.
- (e) **Cooperation of Town Officers.** All Town officers shall, upon request of the chairperson of any committee, confer with the committee and supply such information as the committee may request upon any pending matter. A committee shall not assume responsibility for the administration of any Town Department.

### **Sec. 2-5-7 Joint Zoning Committee.**

- (a) **Establishment.** A Joint Zoning Committee (JZC) shall be appointed in accordance with the Intergovernmental Cooperation Agreement Between the City of Middleton and the Town of

Westport dated November 17, 1998, and as that Agreement may hereafter be amended. A copy of the Agreement and all amendments thereto shall be available for inspection at the office of the Town Clerk.

- (b) **Composition.** The JZC shall consist of six members, three of whom shall be appointed by the City of Middleton and three of whom shall be appointed by the Town of Westport. The three members appointed by the Town shall be appointed by the Town Chair, subject to the approval of the Town Board.
- (c) **Powers and Duties.** The JZC shall have the power and duty to take all actions required of it pursuant to Intergovernmental Cooperation Agreement Between the City of Middleton and the Town of Westport dated November 17, 1998, and as that Agreement may hereafter be amended, and as required by law for the extraterritorial joint zoning committee. The JZC may be delegated powers or duties of the Town and the City so long as such delegations do not violate any law, rule and regulation and are necessary to effectuate the purposes of the above-mentioned Agreement.
- (d) **Meetings and Rules.** Public notice of all regular and special meetings of the JZC shall be given to the public and news media as required by law. The rules of procedure of the JZC shall be governed by Robert's Rules of Order, Newly Revised (1984), as modified for small bodies.
- (e) **Temporary Alternate.** Whenever one of the Town appointees is unable to attend a scheduled meeting of the JZC, the Town Chair may appoint a citizen member of the Town Plan Commission who is not already a member of the JZC to act as an alternate member of the JZC at such a meeting. An alternate member shall have the same duties and responsibilities as a regular member with regard to any meetings in which the alternate member is involved.