

CHAPTER 1

GENERAL GOVERNMENT

- 1.01 General Provisions
- 1.02 Elected Officials
- 1.03 Appointed Officials
- 1.035 Contracts for Professional Services
- 1.04 Town Employees
- 1.05 Boards and Commissions
- 1.06 Municipal Court
- 1.07 General Regulations Governing All Town Officers
- 1.08 Elections
- 1.09 Town Board Meetings
- 1.10 Public Records
- 1.11 Processing Fees, Interest

1.01 GENERAL PROVISIONS.

(1) **VILLAGE POWERS.** The Town Meeting having, by resolution, directed the Town Board to exercise all powers related to Villages and conferred upon village boards by Chapter 61, Wis. Stats., the Town shall have and shall exercise such powers through its Board. This is a continuing grant of powers.

(2) **TOWN MEETINGS.** The Town of Burke shall hold an annual meeting as provided in sec. 60.11, Wis. Stats. The annual town meeting shall have the powers set forth in sec. 60.10, Wis. Stats. Special town meetings may be convened pursuant to sec. 60.12, Wis. Stats.

1.02 ELECTED OFFICIALS.

(1) **TOWN BOARD.** The Town Board shall consist of the Town Chairperson and four (4) Supervisors. At the spring election in odd-numbered years, the Chairperson and two Supervisors shall be elected. At the spring election, in even-numbered years, two Supervisors shall be elected. The terms of the Chairperson and Supervisors shall commence on the second Tuesday of April in the year of their election.

(2) **CLERK/TREASURER.** A clerk/treasurer shall be appointed by the Town Board for a three year term.

1.03 APPOINTED OFFICIALS.

(1) TOWN ADMINISTRATOR.

(a) Appointment. The Town Administrator shall be appointed by a majority vote of the members of the Town Board. The Administrator shall hold his office for an indefinite term and shall serve at the pleasure of the Town Board.

(b) Powers and Duties. The Town Administrator shall be responsible for planning, organizing, coordinating and directing the activities and functions of the Town; he/she shall recommend candidates for appointment as department heads to the Town Board and shall direct and coordinate the activities of all Town Departments; he/she shall act as personnel officer, accepting and coordinating recommendations from department heads on wages, hours and conditions of employment; he/she shall inform

the Town Chairperson and Town Board, on a regular basis, of the activities of all Town Departments; he/she shall supervise the purchase of all supplies and equipment; he/she shall annually prepare a recommended budget for the consideration of the Town Board; and he/she shall perform all duties as directed by the Town Chairperson and the Town Board. He/she shall also supervise all Town employees, except police officers, as to work assignments, and in that capacity, all Town employees will be responsible to him/her for instructions, grievances, or any other matters pertaining to their respective duties. It shall be the responsibility of the Town Administrator to suspend with or without pay or dismiss employees of the Town when, in the discretion of the Town Administrator, such action is in the best interest of the Town; any aggrieved employee may appeal to the Town Board.

(c) Salary. The salary of the Town Administrator shall be fixed from time to time by the Town Board.

(2) **ASSESSOR**. The Assessor shall be appointed by a majority of the Town Board for a term as determined by contract, but not less than one (1) year. The assessor need not be a resident of the Town of Burke and may hold the office of assessor for another town or municipality with the consent of the Town Board.

(3) **TOWN ATTORNEY**. The Town Attorney shall be appointed by a majority vote of the Town Board for an indefinite term and shall serve at the pleasure of the Town Board.

(4) **BUILDING INSPECTOR**. The Building Inspector shall be appointed by the Town Chairperson, subject to confirmation by the Town Board. He/She shall serve an indefinite term. The Building Inspector shall also act as plumbing inspector, electrical inspector, and heating, ventilating and air conditioning inspector.

(5) **WEED COMMISSIONER**. Said officer shall be appointed in April each year by the Town Chairperson, subject to confirmation by the Town Board, for a term of one year commencing on May 1 following his or her respective appointment.

(6) **TOWN ENGINEER**. The Town Engineer shall be appointed by the Town Board for an indefinite term.

1.035 CONTRACTS FOR PROFESSIONAL SERVICES. Appointments to the offices of Town Assessor, Town Attorney, Building Inspector, Town Engineer and/or Weed Commissioner may be made in the form of contracts with one or more independent firms, including partnerships or corporations, regularly engaged in the performance of professional services attendant to such offices. Such appointments shall designate one member of such firm as the appointed officer who shall be responsible for the supervision and direction of such other members of the firm, designated as assistant officers, performing professional services on behalf of the Town. The provisions of sec. 1.06 of this code shall not apply to appointments made under this section unless otherwise required by law or by the Town Board.

1.04 TOWN EMPLOYEES. The Town Board may, from time to time, authorize by resolution the employment of staff persons to perform work for the Town. The Town Board shall adopt a formal position description for each employee position of the Town, which description shall state the duties, qualifications, hours and required skills, knowledge and abilities of the position. The Town Board shall adopt a policy defining

the general terms and conditions of employment of the Town's employees. The policy shall remain in effect until modified by the Town Board but shall not create any contract of employment of any Town employee.

1.05 BOARDS AND COMMISSIONS.

(1) BOARD OF REVIEW.

(a) Membership. The Board of Review shall consist of the Town Chairperson, Supervisors and Town Clerk/Treasurer. The assessor hired or contracted by the Town shall also be required to attend all meetings of the Board but shall not vote. The Town Board shall determine compensation for the Board of Review members.

(b) Powers and Duties. The Board of Review shall have the power and duties prescribed in §70.47, *Wis. Stats.*

(2) PLAN COMMISSION.

(a) Membership. The Plan Commission shall consist of seven (7) citizen members, who shall be appointed by the Town Chairperson and confirmed by the Town Board. They shall hold office for terms of three years. The Plan Commission shall organize by the election of a chairperson, vice-chairperson, secretary and such other officers as may, in their judgment, be necessary. Four (4) members shall constitute a quorum, but all actions shall require the affirmative vote of a majority of all of the members of the Commission. No compensation shall be paid for service on the Commission.

(b) Powers and Duties. The Plan Commission shall have the powers and duties prescribed in §62.23, *Wis. Stats.*

(1.) 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:

(A) 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.

(B) To Make Reports and Recommendations relating to the town plan and development of the town to public officials, agencies, utilities, other organizations and citizens.

(C) To Request Available Information from any public official to be furnished within a reasonable time.

(D) 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.

(2.) Duties. The Town Plan Commission shall have the following functions and duties:

(A) 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.

(B) To Prepare and Recommend Changes to the Dane County Zoning Ordinance and/or maps for consideration by the Town Board.

- (C) 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.
- (D) 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.

(3.) 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:

- (A) Location and Architectural Design of any public building.
- (B) Location of Any Statue or other memorial.
- (C) 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.
- (D) Location, Extension, Abandonment, or authorization for any public utility whether publicly or privately owned.
- (E) All Annexations, incorporations or consolidations affecting the Town.
- (F) All Divisions of Land within the Town's platting jurisdiction.
- (G) All Proposed or Requested Changes and Amendments to the Town Plan, County Zoning Ordinance, and County and Town Subdivision Regulations.

(4.) 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.

(3) RESIDENCY REQUIRED. No person not a resident of and not residing in the Town of Burke shall be appointed to any Town board or commission. Any board or committee member who moves from the Town shall immediately be removed from such board or commission.

(4) NOTICE OF MEETINGS. Every board, commission or committee created by or existing under the ordinances of the Town of Burke shall fix a regular date, time and place for its meeting. Special meetings may also be called. All notices of meetings shall be filed with the Town Administrator who shall cause the notice to be published or posted in compliance with the Open Meeting Law requirements.

1.06 MUNICIPAL COURT.

(1) CREATION. Pursuant to §254.01, 1967 *Wis. Stats.*, the Town Board, along with the Towns of Westport, Bristol, Sun Prairie and Blooming Grove created the Northeast Community Court and provided for the election of a Municipal Judge. (See §755.01, *Wis. Stats.*)

(2) JURISDICTION. The Northeast Community Court shall have such jurisdiction as provided by §755.045, *Wis. Stats.*

(3) PROCEDURE.

(a) The Northeast Community Court shall be open as determined by the Municipal Judge.

(b) The Municipal Judge shall hold court in the Town Hall or at such other place as the Town Board shall determine from time to time.

(c) The procedure in the Northeast Community Court shall be as provided in this section and state law including, but not excluding because of enumeration, Chs. 48, 755, 800 and 801, *Wis. Stats.*

(d) The Municipal Judge shall collect all forfeitures and taxable costs in all actions before him or her as provided by law and shall pay over all such moneys to the Town Administrator not later than the second business day after the receipt thereof.

(4) MUNICIPAL JUDGE, SALARY AND OATH.

(a) Salary. The Municipal Judge shall receive a salary as determined from time to time by the Northeast Community Court Commission which shall be in lieu of fees and costs. No salary shall be paid to the Municipal Judge for any time during his or her term for which he or she has not executed and filed the official bond and oath as required by §755.03, *Wis. Stats.*

(b) Bond, Oath. The Municipal Judge shall execute and file with the Clerk of the Circuit Court for Dane County the oath prescribed by §755.03, *Wis. Stats.*, and a bond in the penal use of \$1,000.

(5) FORFEITURES. The municipal judge may impose a forfeiture of not more than \$50.00 as a sanction for contempt of court as provided under §800.12, *Wis. Stats.* Upon nonpayment of a forfeiture imposed under this subsection, the applicable penalty assessment under §757.05, *Wis. Stats.*, jail assessment under §302.46 and automatic reinstatement assessment under §345.54(1), *Wis. Stats.* and any applicable domestic abuse assessment under §973.055(1), *Wis. Stats.*, the judge may impose a jail sentence not to exceed seven days.

1.07 GENERAL REGULATIONS GOVERNING ALL TOWN OFFICERS.

(1) EFFECT. The provisions of this section shall apply to all officers of the Town regardless of the time of creation of the office or selection of the officer unless otherwise specifically provided by ordinance or resolution of the Town Board.

(2) OATH OF OFFICE. Every officer of the Town, including members of Town boards and commissions, shall, before entering upon his duties and within five (5) days of his/her election or appointment or notice thereof, take the oath of office prescribed by law and file said oath in the office of the Town Administrator. Any person reelected or reappointed to the same office shall take and file an official oath for each term of service.

(3) COMMENCEMENT OF TERMS OF OFFICE. The terms of all Town officers appointed to a definite term shall commence on May 1 following the appointment.

(4) BOND. Every officer shall, if required by law or the Town Board, upon entering upon the duties of his/her office, give a bond in such amount as may be

determined by the Town Board with such sureties as are approved by the Town Chairperson, conditioned upon the faithful performance of the duties of his/her office.

1.08 ELECTIONS.

(1) **POLLING PLACE; HOURS.** There shall be one polling place in the Town which shall be located in the Town Hall. The polls shall be open from 7:00 A.M. to 8:00 P.M. on all election days.

(2) **REDUCTION OF NUMBER OF ELECTION OFFICIALS.** Pursuant to §7.32, *Wis. Stats.*, the Town Administrator may reduce the number of election officials for any given election to no less than three (3) and redistribute the duties of such remaining election officials.

(3) **SCHEDULING.** Pursuant to sec. 7.30(1) of the Wisconsin Statutes, the Town Clerk or his or her designee may establish different working hours for different election officials assigned to the same polling place. Alternate officials may be appointed by the Town Board in a number sufficient to maintain adequate staffing of the polling place(s) as it may determine from time to time.

1.09 TOWN BOARD MEETINGS.

(1) MEETINGS.

(a) Regular Meetings. The Town Board shall hold regular meetings to be scheduled by the Town Chair or by a majority vote of the Board. The Town Chair for lack of quorum or lack of agenda items may cancel a regularly scheduled Town Board meeting. When a regular meeting falls on a legal holiday or on a day an election is being held in the Town, the meeting shall be held on the next succeeding secular day unless another date is selected by the Board by majority vote. The date or time of any other regular meeting may be changed by a two-thirds vote of the Board at any prior meeting or by written notice posted at the regular meeting place at least three (3) hours prior to any meeting.

(b) Special Meetings. Special meetings of the Board may be called by the Town Chairperson or by two (2) Supervisors notifying the Town Administrator at least 24 hours prior to the time specified for such meeting. The Town Administrator shall immediately post a notice of the meeting together with the agenda and reasonably notify each Supervisor and the Town Chairperson of the time and purpose of such meeting.

(c) Place of Meetings. All meetings of the Board, including special and adjourned meetings, shall be held in the Town Hall unless specified by the Board at a previous regular meeting or by written notice posted at the regular meeting place at least 24 hours (two hours in an emergency) prior to any meeting.

(d) Quorum. A majority of the Supervisors shall constitute a quorum, but a lesser number may adjourn from time to time or compel the attendance of absent members.

(e) Presiding Officer. The Chairperson shall preside at all meetings of the Town Board when present. In case of the Chairperson's absence, the Town Board may select

another Supervisor to preside and, in such case, the Town Administrator shall call the meeting to order and preside until the Town Board selects a Supervisor to preside.

(2) ORDER OF BUSINESS. The business of the Town Board shall be conducted in the order set forth on the agenda, unless during the course of the meeting the order of items on the agenda is modified by the Town Board; however, all provisions of the Open Meetings Law shall be followed regarding modifications of the agenda.

(3) COMMITTEES.

(a) Standing Committees. The Town Board has not created Standing Committees.

(b) Special Committees. The Town Chairperson shall appoint all special committees and designate the chairperson of each.

(c) Committee Reports. Committee reports shall, whenever practicable, be submitted in writing and shall address all matters referred to the committee with a recommendation of specific action on each item referred. Informational reports may also be provided with a recommendation regarding any matter that requires Town Board action. Any committee may require any Town officer or employee to confer with it and submit information in connection with any matter pending before it.

(4) ORDINANCES AND RESOLUTIONS. All ordinances and resolutions submitted to the Board shall be in writing and shall include at the outset a brief statement of the subject matter and a title. Each ordinance and resolution shall be related to no more than one subject. Amendment or repeal of ordinances shall only be accomplished if the amending or repealing ordinance contains the number and title of the Ordinance to be amended or repealed, and the title of the amending or repealing ordinance shall reflect the purpose to amend or repeal. The Town Board may take action on an ordinance only if it appears on the written agenda for a meeting at which action is requested. Ordinances will be placed on the agenda for Board action only if they are submitted to the Town Administrator in written form a minimum of two (2) days prior to the meeting at which action is requested.

(5) GENERAL RULES. The deliberations of the Board shall be conducted in accordance with the parliamentary rules contained in *Robert's Rules of Order, Newly Revised*. No person other than a member shall address the Town Board except with the permission of the presiding officer as to matters that are being considered by the Board at the time. No Supervisor shall address the Board until he/she has been recognized by the presiding officer, and remarks shall be confined to the question under discussion. No ordinance, resolution or other motion shall be discussed or acted upon unless it has been seconded. No motion shall be withdrawn or amended without the consent of the person making the same and the person seconding it. A roll call shall not be necessary on any questions or motions except when the ayes and noes are requested by any member; on confirmation and adoption of any measure assessing or levying taxes, appropriations or disbursing money or creating any liability or charge against the Town or any fund thereof; or when required by Wisconsin Statutes.

(6) PROCEDURES AT PUBLIC HEARINGS. The Chairperson shall open the public hearing and announce the purpose of the hearing. Persons wishing to speak at the hearing shall complete a written form provided by the Town Administrator or other person designated by the Chairperson. The Chairperson shall then call upon those persons who have stated on the form that they wish to speak at the hearing. Each

person shall be limited in time to five (5) minutes. The Chairperson shall keep order at all hearings and may limit or terminate a person's presentation if the Chairperson deems it necessary in order to keep order. The Chairperson may also close the hearing when he/she has determined that all persons wishing to speak have been heard or when, in the discretion of the Chairperson, it is necessary to do so in order to preserve order.

(7) SUSPENSION OF RULES. These rules or any part thereof may be temporarily suspended in connection with any matter under consideration by a recorded vote of 2/3 of the members present.

1.10 PUBLIC RECORDS.

(1) DEFINITIONS.

(a) "Authority" means any of the following Town entities having custody of a Town record: an office, elected official, agency, board, commission, committee, Town Board, department or public body corporate and politic created by constitution, law, ordinance, rule or order; or a formally constituted subunit of the foregoing.

(b) "Custodian" means that officer, department head, division or employee of the Town designated under sub. (3) or otherwise responsible by law to keep and preserve any Town record or file, deposit or keep such record in his/her office, or is lawfully in possession or entitled to possession of such public records and who is required by this section to respond to requests for access to such records.

(c) "Record" means any material on which written, drawn, printed, spoken, visual or electromagnetic information is recorded or preserved, regardless of physical form or characteristics, which has been created or is being kept by an authority. "Record" includes, but is not limited to, handwritten, typed or printed pages, maps, charts, photographs, films, recordings, tapes (including computer tapes), and computer printouts. "Record" does not include drafts, notes, preliminary computations and the like materials prepared for the originator's personal use or prepared by the originator in the name of a person for whom the originator is working, materials which are purely the personal property of the custodian and have no relation to his office, materials to which access is limited by copyright, patent or bequest, and published materials in the possession of an authority other than a public library which are available for sale, or which are available for inspection at a public library.

(2) DUTY TO MAINTAIN RECORDS.

(a) Except as provided in sub. (7), each officer and employee of the Town shall safely keep and preserve all records received from his or her predecessor or other persons and required by law to be filed, deposited or kept in his/her office or which are in the lawful possession or control of the officer or employee or his/her deputies, or to the possession or control of which he/she may be lawfully entitled as such officer or employee.

(b) Upon the expiration of an officer's term of office or an employee's term of employment, or whenever the office or position of employment becomes vacant, each such officer or employee shall deliver to his/her successor all records then in his/her custody and the successor shall receipt therefore to the officer or employee, who shall file said receipt with the Town Administrator, on behalf of the successor, to be delivered to such successor upon the latter's receipt.

(3) LEGAL CUSTODIANS.

(a) Each elected official is the legal custodian of his/her records and the records of his office, but the official may designate an employee of his/her staff to act as the legal custodian.

(b) Unless otherwise prohibited by law, the Town Administrator or the Town Administrator's designee shall act as legal custodian for the Town Board and for any committees, commissions, boards or other authorities created by ordinance or resolution of the Town Board, or in his/her absence or disability or in case of vacancy, the clerk is hereby designated the legal custodian of all Town records.

(c) For every authority not specified in pars. (a) or (b), the authority's chief administrative officer is the legal custodian for the authority, but the officer may designate an employee of his/her staff to act as the legal custodian.

(d) Each legal custodian shall name a person to act as legal custodian in his/her absence or the absence of his/her designee.

(e) The legal custodian shall have full legal power to render decisions and to carry out the duties of an authority under Sub ch. II of Ch. 19, *Wis. Stats.*, and this section. The designation of a legal custodian does not affect the powers and duties of an authority under this section.

(4) PUBLIC ACCESS TO RECORDS; FEES.

(a) Except as provided in sub. (6), any person has a right to inspect a record and to make or receive a copy of any record as provided in §19.35(1), *Wis. Stats.*

(b) Records will be available for inspection and copying during all regular office hours.

(c) A requester shall be permitted to use facilities comparable to those available to Town employees to inspect, copy or abstract a record.

(d) The legal custodian may require supervision during inspection or may impose other reasonable restrictions on the manner of access to an original record if the record is irreplaceable or easily damaged.

(e) A requester shall be charged a fee to defray the cost of locating and copying records as follows:

1. The cost of photocopying shall be \$.25 per page. Said cost has been calculated not to exceed the actual cost of reproduction. If the form of a written record does not permit copying, the actual and necessary cost of photographing and photographic processing shall be charged.

2. If mailing or shipping is necessary, the actual cost thereof shall also be charged.

3. There shall be no charge for locating a record unless the actual cost exceeds \$50, in which case the actual cost shall be determined by the legal custodian and billed to the requester.

4. The legal custodian shall estimate the cost of all applicable fees and may require a cash deposit adequate to assure payment if such estimate exceeds \$5.

5. Elected and appointed officials of the Town shall not be required to pay for public records they may reasonably require for the proper performance of their official duties.

6. The legal custodian may provide copies of a record without charge or at a reduced charge where he/she determines that waiver or reduction of the fee is in the public interest.

7. All requests for real estate assessment reports and letters shall be accompanied by a \$25.00 administrative processing fee. Said \$25.00 fee shall cover the administrative costs of preparing the report and shall be in lieu of all other photocopying and processing fees established herein.

(f) Pursuant to §19.34, *Wis. Stats.*, and the guidelines therein listed, each authority shall adopt, prominently display, and make available for inspection and copying at its offices, for the guidance of the public, a notice containing a description of its organization and the established times and places at which, the legal custodian from whom, and the methods whereby the public may obtain information and access to records in its custody, make requests for records, or obtain copies of records, and the costs thereof. This paragraph does not apply to members of the Town Board.

(5) ACCESS PROCEDURES.

(a) A request to inspect or copy a record shall be made to the legal custodian. A request shall be deemed sufficient if it reasonably describes the requested record without a reasonable limitation as to subject matter or length of time represented by the record does not constitute a sufficient request. A request may be made orally, but a request must be in writing before an action to enforce the request is commenced under §19.37, *Wis. Stats.* Except as provided below, no request may be refused because the person making the request is unwilling to be identified or to state the purpose of the request. No request may be refused because the request is received by mail unless prepayment of a fee is required under sub. (4)(e)4. A requester may be required to show acceptable identification whenever the requested record is kept at a private residence or whenever security reasons or Federal law or regulations so require.

(b) Each custodian, upon request for any record, shall, as soon as practicable and without delay, either fill the request or notify the requester of the authority's determination to deny the request in whole or in part and the reasons therefore. If the legal custodian, after conferring with the Town Attorney, determines that a written request is so general as to be unduly time consuming, the party making the request may first be required to itemize his request in a manner which would permit reasonable compliance.

(c) A request for a record may be denied as provided in sub. (6). If a request is made orally, the request may be denied orally unless a demand for a written statement of the reasons denying the request is made by the requester within five (5)

business days of the oral denial. If a written request is denied in whole or in part, the requester shall receive a written statement of the reasons for denying the request. Every written denial of a request shall inform the requester that if the request for the record was made in writing, then the determination is subject to review upon petition for a writ of mandamus under §19.37(1), *Wis. Stats.*, or upon application to the Attorney General or a district attorney.

(6) LIMITATION ON RIGHT TO ACCESS.

(a) As provided by §19.36, *Wis. Stats.*, the following records are exempt from inspection under this section:

1. Records specifically exempted from disclosure by state or Federal law or authorized to be exempted from disclosure by state law.
2. Any record relating to investigative information obtained for law enforcement purposes if Federal law or regulations require exemption from disclosure or if exemption from disclosure is a condition to receipt of aids by the state.
3. Computer programs, although the material used as input for a computer program or the material produced as a product of the computer program is subject to inspection.
4. A record or any portion of a record containing information qualifying as a common law trade secret.

(b) As provided by §70.47(7)(af), *Wis. Stats.*, no information provided to the Town Assessor shall be subject to public disclosure unless a court of competent jurisdiction has determined that such information is inaccurate.

(c) In responding to a request for inspection or copying of a record which is not specifically exempt from disclosure, the legal custodian, after conferring with the Town Attorney, may deny the request, in whole or in part, only if he determines that the harm to the public interest resulting from disclosure would outweigh the public interest in full access to the requested record. Examples of matters for which disclosure may be refused include, but are not limited to, the following:

1. Records obtained under official pledges of confidentiality which were necessary and given in order to obtain the information contained in them.
2. Records of current deliberations after a quasi-judicial hearing.
3. Records of current deliberations concerning employment, dismissal, promotion, demotion, compensation, performance, or discipline of any Town officer or employee, or the investigation of charges against a Town officer or employee, unless such officer or employee consents to such disclosure.

4. Records concerning current strategy for crime detection or prevention.

5. Records of current deliberations or negotiations on the purchase of Town property, investing of Town funds or other Town business whenever competitive or bargaining reasons require nondisclosure.

6. Financial, medical, social or personal histories or disciplinary data of specific persons which, if disclosed, would be likely to have a substantial adverse effect upon the reputation of any person referred to in such history or data.

7. Communications between legal counsel for the Town and any officer, agent or employee of the Town when advice is being rendered concerning strategy with respect to current litigation in which the Town or any of its officers, agents or employees is, or is likely, to become involved, or communications which are privileged under §905.03, *Wis. Stats.*

(d) If a record contains information that may be made public and information that may not be made public, the custodian of the record shall provide the information that may be made public and delete the information that may not be made public from the record before release. The custodian shall confer with the Town Attorney prior to releasing any such record and shall follow the guidance of the Town Attorney when separating out the exempt material. If, in the judgment of the custodian and the Town Attorney there is no feasible way to separate the exempt material from the nonexempt material without unreasonably jeopardizing nondisclosure of the exempt material, the entire record shall be withheld from disclosure.

(7) DESTRUCTION OF RECORDS.

(a) The Custodian may destroy records after retaining them for the minimum time periods specified by law. The Custodian may destroy records prior to the specified retention periods if such records are photographically reproduced pursuant to §16.61(7), *Wis. Stats.* and such reproductions are retained by the Custodian.

(b) Any record whose minimum retention period is not enumerated by law shall be retained at least seven (7) years unless a shorter time period is approved by the State Public Records and Forms Board.

(c) The Custodian shall notify the State Historical Society of Wisconsin ("SHSW") in writing at least sixty (60) days prior to destroying records, unless the notice requirement is waived by the SHSW.

(d) The destruction of a record which is the subject of a request for inspection or an action under §19.37, *Wis. Stats.* is governed by §19.35(5), *Wis. Stats.*

(8) RECORD RETENTION SCHEDULE. The retention and disposition schedules established by the State Historical Society of Wisconsin shall be followed unless some other provision of law applies to a specific record.

1.11 PROCESSING FEES, INTEREST.

(1) APPLICABILITY. This subsection applies to all invoices that are billed to the Town of Burke and passed through to the individual responsible for payment.

(2) PROCESSING FEES. There shall be a processing fee of 1% of the invoiced amount (with a minimum processing fee of \$25.00) added to all invoices charged to the Town of Burke that are passed through by the Town to the individual responsible for payment. Said processing fee is in addition to any other administrative fee charged.

(3) INTEREST. Interest at the rate of 18% per annum, compounded monthly, shall accrue on all invoices owed to the Town of Burke which are 30 days past due. All invoices shall bear the notation: "Interest will be charged at 18% per annum, compounded monthly, on accounts 30 days past due."