

STATE OF WISCONSIN

TOWN OF DELAFIELD

WAUKESHA COUNTY

ORDINANCE NO. 2015-05

AN ORDINANCE TO REPEAL AND RECREATE SECTION 1.15
OF THE TOWN OF DELAFIELD MUNICIPAL CODE
RELATED TO BOARD OF REVIEW

WHEREAS, Wisconsin Statutes Section 70.46(1) states that the Board of Review for the Town of Delafield should be constituted by the Town Supervisors and the Town Clerk, however this is modified by Wisconsin Statutes Section 70.46(1m)(b) which states that when the Town Clerk/Treasurer is appointed, the Town Clerk/Treasurer should not serve on the Board of Review and the Town Board should appoint a Town elector to serve in lieu of the Town Clerk/Treasurer; and

WHEREAS, the Town Board hereby intends to update the Town Code to be consistent with the foregoing requirements of Wisconsin State laws; and

WHEREAS, it is also necessary and appropriate to amend the Town Code to address the appointment of alternates to serve on the Board of Review, due to changes in State law which allow for disqualification of members under some circumstances; and

WHEREAS, this is also an appropriate time to update the Town of Delafield Town Code with regard to the obligation to maintain confidentiality of income and expense information as required by Wisconsin Statutes Section 70.47(7)(af).

NOW, THEREFORE, the Town Board of the Town of Delafield, Waukesha County, Wisconsin, DOES HEREBY ORDAIN as follows:

SECTION 1: Chapter 1 of the Town of Delafield Municipal Code entitled “General Government,” Section 1.15 entitled “Board of Review,” is hereby repealed and recreated as follows:

1.15 BOARD OF REVIEW. (Rep. & recr. 2013-05). (a) Members. The supervisors and one elector of the Town shall constitute the Board of Review for the Town. Pursuant to Wisconsin Statutes Sections 70.46(1) and 70.46(1m)(b), the Board of Review member who is not a Town Supervisor shall be appointed by the Town Chair with the approval of the Town Board for a five (5) year term. The Town Clerk shall be the clerk of the Board of Review and shall keep an accurate record of all its proceedings. The members of the Board, except those who are full time officials of the Town, shall receive such compensation as shall be fixed by resolution of the Town Board.

(b) Filing and Electronic transmission. Filing documents with the Clerk of the Board of Review may be accomplished in-person, by mail, by facsimile transmission or by e-mail transmission. In each case the document is not deemed to be filed until, and it is only deemed to be filed if, it is complete and (i) in the case of in-person delivery, mail or facsimile, it is actually received by the Clerk, or the party in charge of the Clerk’s office, in-hand; or (ii) in the case of email, it is opened by the Clerk or the Clerk’s designee. Any message left orally by telephone voice recording or other electronic means, similarly, is not deemed to be received until such message is actually heard by the Clerk or the Clerk’s designee. Notwithstanding the foregoing, if the Board of Review finds that an email message or voice recording was actually received and reasonably should have been opened by the Clerk or the Clerk’s designee, during normal business hours, at or prior to the applicable deadline, the Board of Review may find that the filing or voice recording was timely received. No document transmitted by facsimile transmission or email transmission while the Board of Review is in session shall be deemed to be filed with, or received by, the Clerk during the session. The party transmitting the document or message is solely responsible for ensuring its timely and complete receipt and filing.

(c) Alternate Board of Review Members. Alternate members of the Board of Review may be appointed and may serve as follows. Alternate members shall be Town residents, and may include public officers and public employees. One alternate member shall

be appointed annually by the Town Chair, subject to the confirmation of the Town Board, for a term of two (2) years, provided that initially two (2) alternate members shall be appointed for terms of 1 and 2 years respectively. At the time of their appointment, each alternate member shall be designated as either 1st or 2nd alternate, to establish the priority of all alternate members, and this priority may be revised annually by the Town Chair subject to the confirmation of the Town Board. The first alternate member shall act with full power when three (3) members are absent, refuse, or are otherwise unavailable to hear an objection. The second alternate member shall act with full power when four (4) members (or three (3) members and the first alternate member) are absent, refuse, or are otherwise unavailable to hear an objection.

- (d) Whenever the Assessor, in the performance of the Assessor's duties, requests or obtains income and expense information pursuant to Section 70.47(7)(af), Wis., Stats., or any successor statute thereto, then, such income and expense information that is provided to the Assessor shall be held by the Assessor on a confidential basis, except, however, that said 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 Section 70.47(7)(af), unless a court determines that it is inaccurate, is, per Section 70.47(7)(af), not subject to the right of inspection and copying under Section 19.35(1), Wis. Stats.

SECTION 2: SEVERABILITY.

The several sections of this ordinance are declared to be severable. If any section or portion thereof shall be declared by a court of competent jurisdiction to be invalid, unlawful or unenforceable, such decision shall apply only to the specific section or portion thereof directly specified in the decision, and shall not affect the validity of any other provisions, sections or portions thereof of the ordinance. The remainder of the ordinance shall remain in full force and


effect. Any other ordinance whose terms are in conflict with the provisions of this ordinance are hereby repealed as to those terms that conflict.

SECTION 3: EFFECTIVE DATE.

This ordinance shall be effective upon publication or posting as provided by law.

Dated this 9th day of June, 2015.

TOWN OF DELAFIELD



Lawrence G. Krause, Town Chair

ATTEST:



Mary Elsher, Town Clerk

This ordinance ~~posted~~ or published June 25, 2015.

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