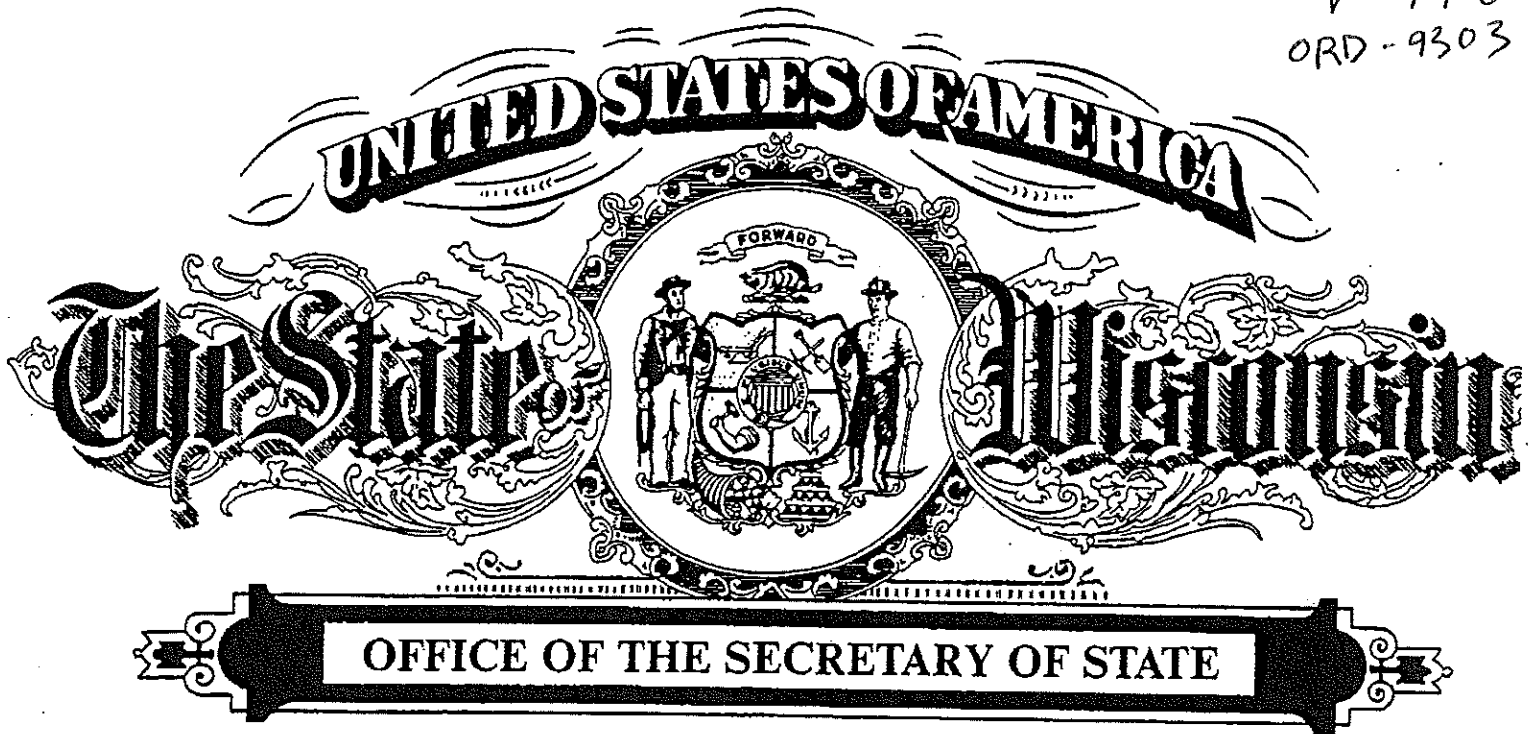


V-478
ORD-9303



**CERTIFICATE OF INCORPORATION
of the
VILLAGE OF RICHFIELD
WASHINGTON COUNTY, WISCONSIN**

I, DOUGLAS LA FOLLETTE, Secretary of State of Wisconsin, Keeper of the Great Seal thereof and Custodian of the records relating to incorporations of towns, villages and cities, DO HEREBY CERTIFY THAT:

WHEREAS, on the 9th, 15th and 25th day of January, 2008, documents pertaining to the incorporation of the Town of Richfield as a village under the provisions of §66.0211(5), Wisconsin Statutes, were submitted to the Office of the Secretary of State of Wisconsin by the Clerk of Circuit Court of Washington County, Kristine M. Deiss, and;

WHEREAS, the Clerk of Circuit Court of Washington County has certified:

That pursuant to the return of votes cast at the election held on the 6th day of November, 2007, on the question of whether the Town of Richfield should be incorporated as a village, a majority of the votes were cast in favor of a village as follows:

FOR the village: 2578

AGAINST the village: 873

STATE OF WISCONSIN
RECEIVED & FILE

FEB 13 2008

DOUGLAS LA FOLLETTE,
SECRETARY OF STATE

That the territory for incorporation of the Village of Richfield has a population of 11,385 persons, according to the January 1, 2007 final estimate provided by the Division of Intergovernmental Relations of the Department of Administration of the State of Wisconsin, and;

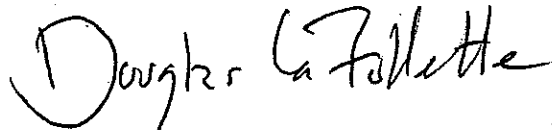
That the description of land to be included within the village limits of Richfield is legally described being all of Town 9 North, Range 19 East, Town of Richfield, Washington County, Wisconsin.

NOW, THEREFORE, I, DOUGLAS LA FOLLETTE, Secretary of State of Wisconsin, pursuant to Wisconsin Statutes 66.0211(5), do hereby declare that the area known as the Town of Richfield, situated in the County of Washington, State of Wisconsin, is duly incorporated as a village and that from henceforth the said village shall be known as the:

VILLAGE OF RICHFIELD

and be governed by the provisions of Chapter 66 of the Wisconsin Statutes and Laws amendatory thereof and supplementary thereto.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the Great Seal of the State of Wisconsin, in the City of Madison, this 13th of February, 2008.



DOUGLAS LA FOLLETTE
Secretary of State



STATE OF WISCONSIN
RECEIVED & FILED

FEB 13 2008

DOUGLAS LA FOLLETTE
SECRETARY OF STATE



Town of Richfield
For a country way of life

December 12, 2007

Doug LaFollette,
Wisconsin Secretary of State
30 W. Mifflin, 10th Floor
PO Box 7848
Madison, WI 53703

Dear Mr. LaFollette,

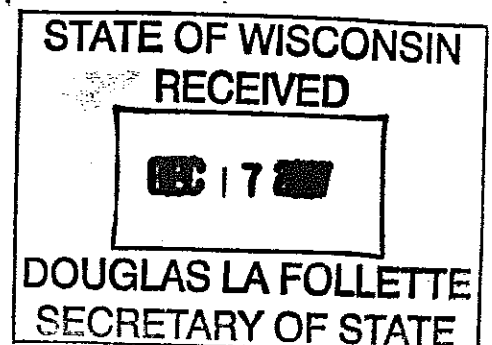
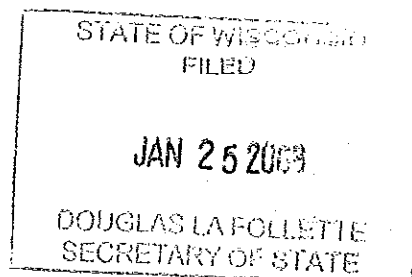
The residents of Richfield, Wisconsin (Washington County), voted to incorporate as a village. The referendum passed on November 6, 2007. The referendum took place after an exhaustive review by the Department of Administration and newly created Incorporation Review Board.

As you know, you play a significant final role in Richfield's incorporation as a village. I've attached a timeline that will explain our detailed process. In early January, you will receive a packet from the Washington County Clerk of the Circuit Court. We ask that you review the packet, but not certify our incorporation until the morning of Wednesday, February 13, 2008.

I really appreciate your understanding and cooperation. Please let me know if you have any concerns or questions about our incorporation process. Thanks!

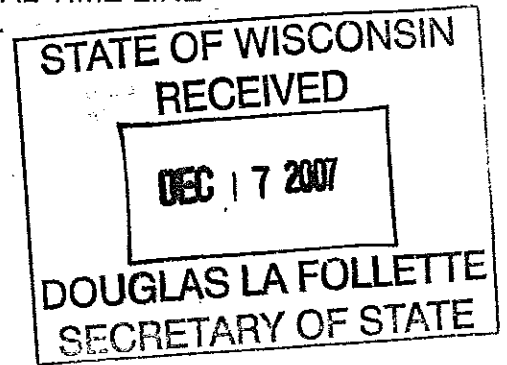
Sincerely,

Toby Cotter
Administrator



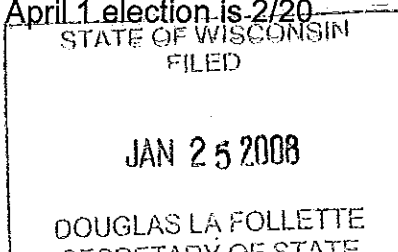
VILLAGE OF RICHFIELD
 FIRST ELECTION & VILLAGE TRANSITIONAL TIME LINE
 APRIL 1, 2008

Toby Cotter	Richfield Administrator
Pam Spranger	Richfield Clerk
Julie Aquavia	Richfield Attorney
Kristine Deiss	Clerk of the Circuit Court
Brenda Jaszewski	County Clerk
Doug LaFollette	WI Secretary of State



Incorporation Referendum	11/6/07	COMPLETED
Election inspectors shall immediately make a return to the CIRCUIT COURT	11/8/07	COMPLETED
Hold Final Town Budget Meeting	11/13/07	COMPLETED
Clerk to send out public notice regarding town board election as required because at this point Richfield is still a town and therefore supervisors should proceed as such until otherwise (i.e. the certificate of incorporation is signed). At that point the specific rules about the 1st election will trump the general election laws.	11/28/07	COMPLETED
CLERK OF COURTS certifies to Sec. of State and supplies a copy of a description of the legal boundaries, the population and a copy of the plat ¹ (letter to Secretary of State to issue certification on February 13, 2008)	1/7-1/11/08	Kristine support: Toby & Julie
Within 10 days of receipt of description & plat, Sec. of State circulates to state departments. §66.0211(5)	1/7-1/11/08	Sec. of State
Sec. of State shall issue certificate of incorporation and record the same. §66.0211(5). Nomination papers may begin circulation on date Secretary of State certifies incorporation. (Based on Ch. 8 and timing of election.)	2/13/08	Sec. of State

¹ absolute last possible date for issuance & April 1 election is 2/20



Hold Special Village Board Meeting where trustees can vote on reducing the size of the board from seven members to five members; pass an ordinance regarding staggering of terms for positions to be elected in April; enter contract with Washington County Sheriff; etc	2/13/08	Toby support: Julie
Publish Type A (Notice of Election) Notice (40 days before election)	2/21/08	Pam support: Julie
CLERK OF COURTS fixes the time for the first election, the polling places and names 3 inspectors for each polling place, within 10 days of incorporation §66.0213(4)(a).	No later than 2/23-25/08	Kristine support: Pam & Julie
Publish Type E (Absentee Voting) Notice (4 th Tues. before election) with County Clerk	3/4/08	Pam/Brenda support: Julie
Nomination papers due 15 days before election. Papers to conform with ch. 8 as much as possible. ² Also file declaration of candidacy as req'd by §8.21, Stats. FILE WITH CLERK OF COURTS	3/17/08	Kristine, Pam; Candidates for Office
Process nomination papers	3/18/08	Kristine support: Pam
Notify County Clerk of candidates for ballot preparation	3/18/08	Kristine support: Pam & Julie
CLERK OF COURTS publishes notice of election 10 days before election and posts in 3 places in city. §66.0213(4)(a).	3/22/08	Kristine, Pam
Mail out absentee ballots	3/20/08	Pam/Kristine
Early Voting Begins at Village Hall	3/20/08	Pam/Kristine
Publish Notice of Public Test	3/20/08	Pam/Kristine
Publish Type B (Facsimile of Ballot and Voting Instructions) and Type D (Hours and Polling Places)	3/31/08	Pam support: Julie

² * Nomination papers must be signed by not less than 5% and not more than 10% of the total votes cast in the incorporation referendum. Clerk of Courts should review filed nomination papers. Total votes cast at referendum: 3451, 173 = 5%, 346 = 10%

STATE OF WISCONSIN
FILED

JAN 25 2008

DOUGLAS LA FOLLETTE

STATE OF WISCONSIN
RECEIVED

DEC 17 2007

Election	4/1/08	All
Election inspectors provide election returns to CLERK OF COURTS . §66.0213(4)(b).	4/1-4/2/08	Pam/Kristine
CLERK OF COURT canvasses returns and declares results w/in 1 week of election. §66.0213(4)(b).	No later than 4/8/07	Kristine support: Pam
CLERK OF COURT notifies officers-elect and issues certificates of election. §66.0213(4)(b), (Personal service or 1st class mail §7.80)	No later than 4/5/08	Kristine support: Pam
Newly elected officers must file oath of office with CLERK OF COURTS . § 66.0213(3), 10 days after notification	By 4/14/08	Kristine support: Pam
OFFICIALS AND APPOINTEES begin on 3rd Tues. of April. §§66.0213(4)(b)	4/15/08	Toby & Pam

STATE OF WISCONSIN
FILED

JAN 25 2008

DOUGLAS LA FOLLETTE
SECRETARY OF STATE

STATE OF WISCONSIN
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DEC 17 2007

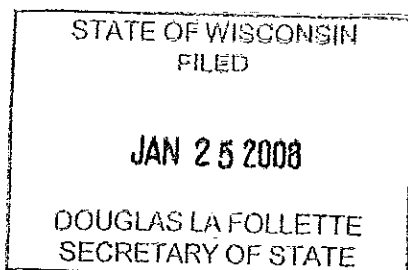
DOUGLAS LA FOLLETTE
SECRETARY OF STATE



Clerk of Circuit Court

Kristine M. Deiss
Washington County Courthouse – Justice Center
P. O. Box 1986
West Bend, WI 53095-7986

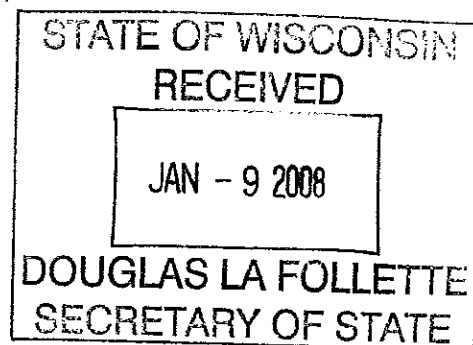
January 7, 2008



Mr. Douglas LaFollette, Secretary of State
Office of the Secretary
30 W. Mifflin, 10th Floor
Madison, WI 53703-7848

RE: Incorporation of the Town of Richfield
Case No. 06-CV-487

Dear Secretary LaFollette:



Pursuant to Wisconsin Statutes Sec. 66.0211(5), I'm forwarding a packet of information to you for the certification of the Village of Richfield. As you already know, the State of Wisconsin approved Richfield's incorporation in August. The voters of Richfield approved an incorporation referendum on November 6, 2007.

State law requires the Clerk of Circuit Court to certify the fact that a majority of residents did in fact cast their ballots in favor of incorporation. Please allow this letter to serve as notification of the approval of the incorporation referendum. I've attached a copy of the description of the legal boundaries of the Village and the associated population and a copy of the plat, as required by Sec. 66.0211, Wis. Stats. I've also included a general map of the metropolitan area, which includes the Village of Richfield.

Richfield has created a timeline for incorporation which is also attached. Richfield has request that I sent this information to you in early January, but is asking that you not certify the incorporation until February 13, 2008.

Please forward two copies of the attachments to the Department of Transportation and one copy to the Department of Administration, Department of Revenue and Department of Commerce.

Douglas LaFollette, Secretary of State
January 7, 2008
Page 2

Thank you for your cooperation on this matter.

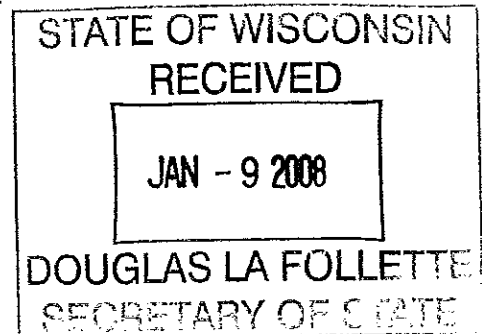
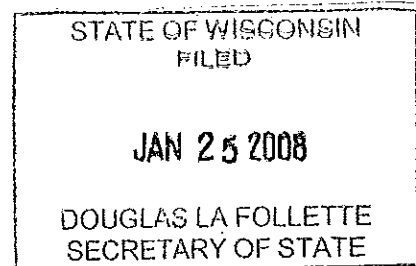
Sincerely,

Kristine M. Deiss
Clerk of Circuit Court

KMD:kd

Enc.

Cc: Administrator Toby Cotter
Clerk Pam Spranger
Attorney Stan Riffle
Hon. Patrick J. Faragher



**Legal Description
Incorporation Limits
Town of Richfield, Wisconsin**

Being all of Town 9 North, Range 19 East, Town of Richfield, Washington County, Wisconsin, being described as follows:

Beginning at the Southeast corner said Town 9 North, Range 19 East; thence West along the South line of Town 9 North, Range 19 East, said line being the North line of Town 8 North, Range 19 East (Town of Lisbon, Waukesha County), to the Southwest corner of Town 9 North, Range 19 East; thence North along the West line of Town 9 North, Range 19 East, said line being the East line of Town 9 North, Range 18 East (Town of Erin), to the Northwest corner of Town 9 North, Range 19 East; thence East along the North line of Town 9 North, Range 19 East, said line being the South line of Town 10 North, Range 19 East (Town of Polk), to the Northeast corner of Town 9 North, Range 19 East; thence South along the East line of Town 9 North, Range 19 East, said line being the West line of Town 9 North, Range 20 East (Town of Germantown); thence continuing South along the East line of Town 9 North, Range 19 East, along the West line of Town 9 North, Range 20 East (Village of Germantown), to the Point of Beginning.

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2007 DEC 26 AM 11:40
WASHINGTON COUNTY
CLERK OF CIRCUIT COURT

STATE OF WISCONSIN
FILED
JAN 25 2008
DOUGLAS LA FOLLETTE
SECRETARY OF STATE

STATE OF WISCONSIN
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JAN - 9 2008
DOUGLAS LA FOLLETTE
SECRETARY OF STATE



**WISCONSIN DEPARTMENT OF
ADMINISTRATION**

**JIM DOYLE
GOVERNOR
MICHAEL L. MORGAN
SECRETARY**

Division of Intergovernmental Relations
101 East Wilson Street, 10th Floor
Post Office Box 8944
Madison, WI 53708-8944
Voice (608) 266-0288
Fax (608) 267-6917 TTY (608) 267-9629

PAMELA S. SPRANGER
CLERK, TOWN OF RICHFIELD
4128 HUBERTUS RD
HUBERTUS, WI 53033 - 9719

001 1

October 10, 2007

FINAL ESTIMATE OF JANUARY 1, 2007 POPULATION

Dear Local Official:

The final estimate of the January 1, 2007 population for the TOWN OF RICHFIELD in WASHINGTON County is 11,385.

Approximately 8,538 of the estimated population for the TOWN OF RICHFIELD are of voting age. This approximation is a courtesy estimate that helps you comply with Wisconsin Statute 5.66, which requires municipal clerks to approximate the number of electors prior to elections. The voting age population was calculated by applying the 2000 Census proportion of persons age 18 and over to the final January 1 estimate, and then multiplying the result by a state-wide factor to account for the general aging of the population.

STATE OF WISCONSIN
FILED

JAN 25 2008

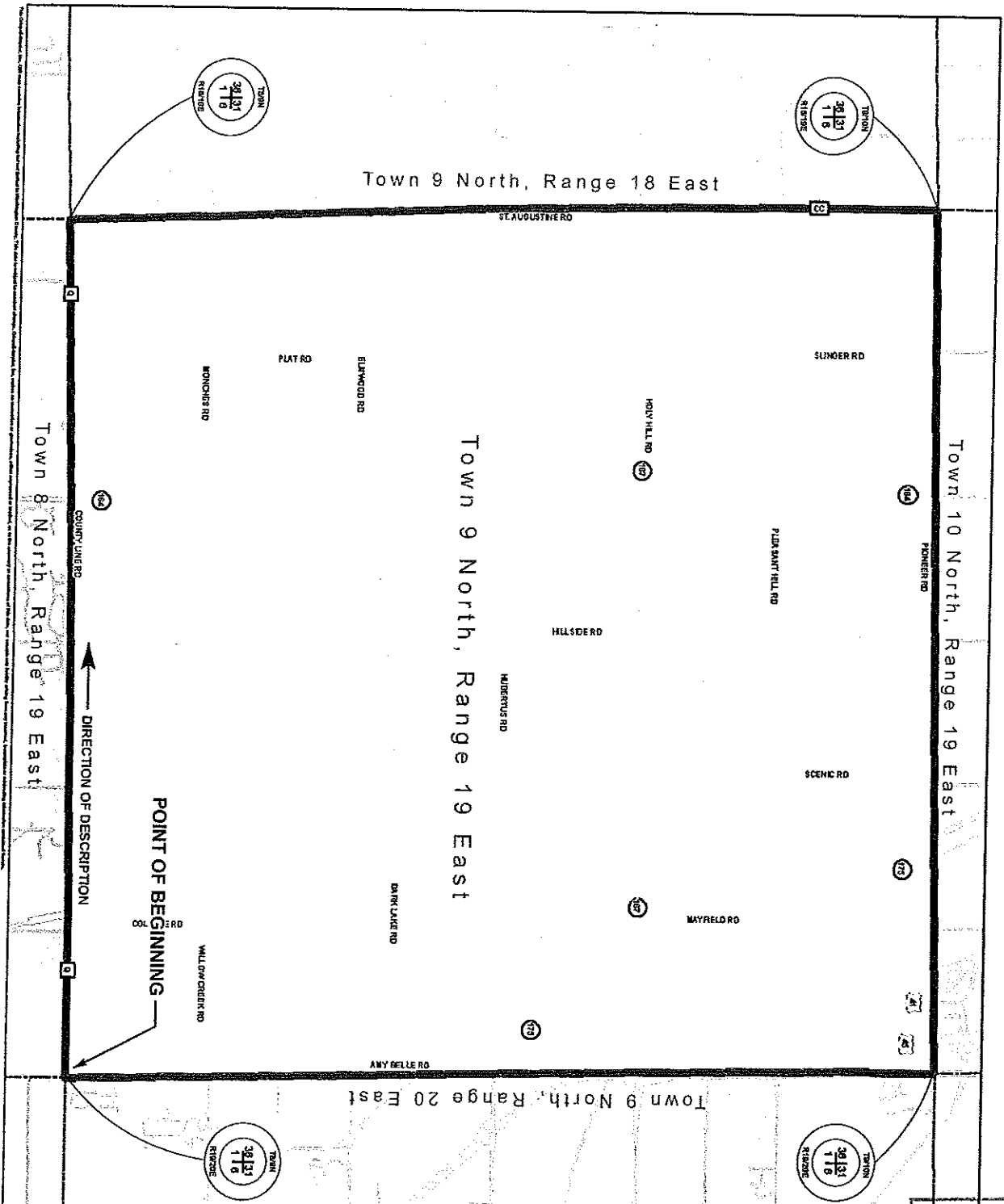
DOUGLAS LA FOLLETTE
SECRETARY OF STATE

RECEIVED
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STATE OF WISCONSIN
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JAN - 9 2008

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SECRETARY OF STATE



STATE OF WISCONSIN
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JAN 25 2008

DOUGLAS LA FOLLETTE
SECRETARY OF STATE




Washington County, Wisconsin
Village Boundary
(Plat Map)

 Richfield Village Boundary

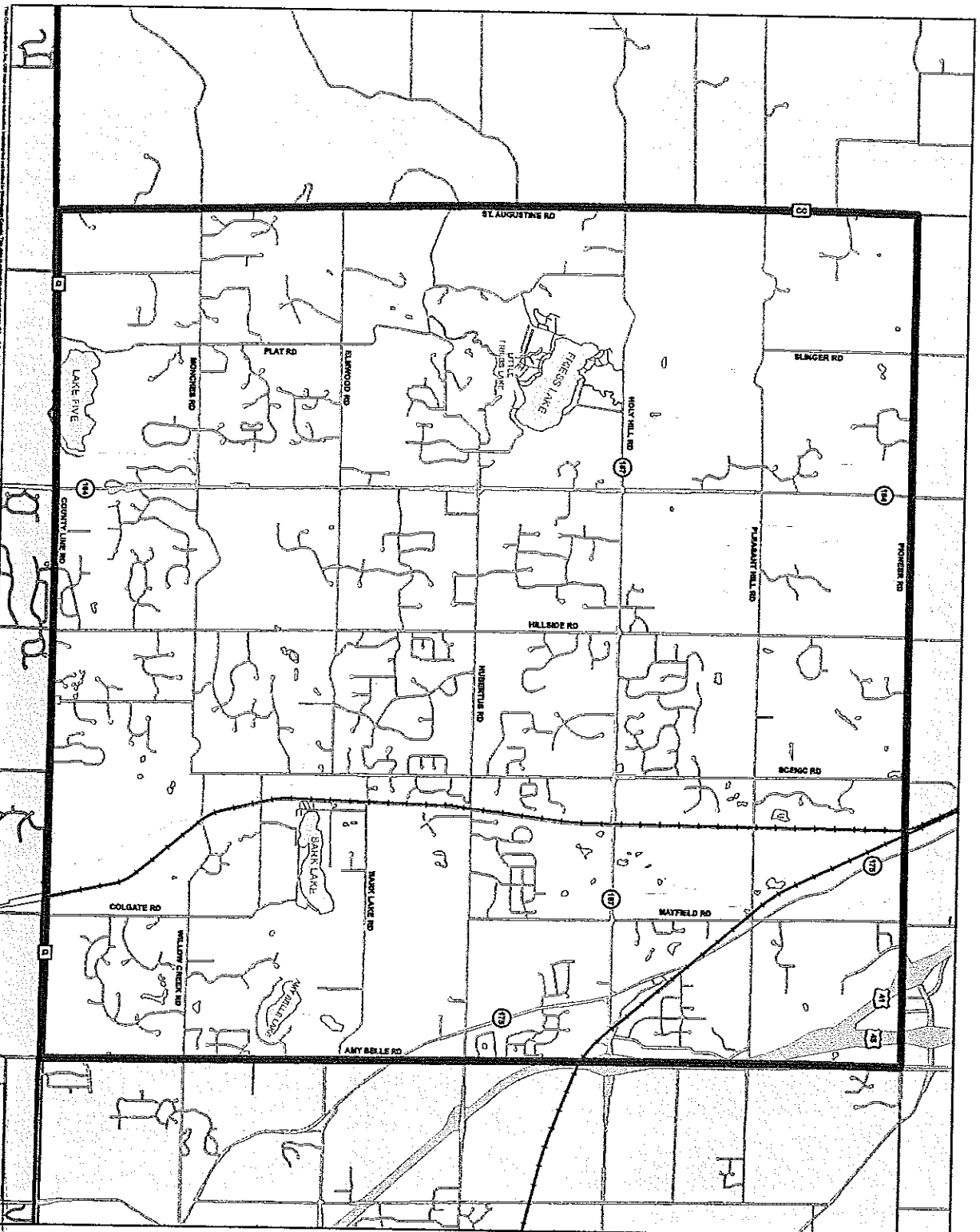
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DOUGLAS LA FOLLETTE
SECRETARY OF STATE

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CRISPPELL-SNYDER, INC.
PROFESSIONAL CONSULTANTS

October, 2007

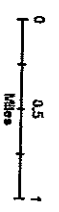


Map 2

Washington County, Wisconsin
 Village Boundary

Legend
 □ Richfield
 □ Village Boundary

STATE OF WISCONSIN
 RECEIVED
 JAN - 9 2008
 DOUGLAS LA FOLLETTE
 SECRETARY OF STATE



CRISPPELL-SNYDER, INC.
 STATE OF WISCONSIN
 FILED
 JAN 25 2008

(a) *Characteristics of territory.* The entire territory of the proposed village or city shall be reasonably homogeneous and compact, taking into consideration natural boundaries, natural drainage basin, soil conditions, present and potential transportation facilities, previous political boundaries, boundaries of school districts, shopping and social customs. An isolated municipality shall have a reasonably developed community center, including some or all features such as retail stores, churches, post office, telecommunications exchange and similar centers of community activity.

(b) *Territory beyond the core.* The territory beyond the most densely populated one-half square mile specified in s. 66.0205 (1) or the most densely populated square mile specified in s. 66.0205 (2) shall have an average of more than 30 housing units per quarter section or an assessed value, as defined in s. 66.0217 (1) (a) for real estate tax purposes, more than 25% of which is attributable to existing or potential mercantile, manufacturing or public utility uses. The territory beyond the most densely populated square mile as specified in s. 66.0205 (3) or (4) shall have the potential for residential or other urban land use development on a substantial scale within the next 3 years. The board may waive these requirements to the extent that water, terrain or geography prevents the development.

(2) In addition to complying with each of the applicable standards set forth in sub. (1) and s. 66.0205 in order to be approved for referendum, a proposed incorporation must be in the public interest as determined by the board upon consideration of the following:

(a) *Tax revenue.* The present and potential sources of tax revenue appear sufficient to defray the anticipated cost of governmental services at a local tax rate which compares favorably with the tax rate in a similar area for the same level of services.

(b) *Level of services.* The level of governmental services desired or needed by the residents of the territory compared to the level of services offered by the proposed village or city and the level available from a contiguous municipality which files a certified copy of a resolution as provided in s. 66.0203 (6).

(c) *Impact on the remainder of the town.* The impact, financial and otherwise, upon the remainder of the town from which the territory is to be incorporated.

(d) *Impact on the metropolitan community.* The effect upon the future rendering of governmental services both inside the territory proposed for incorporation and elsewhere within the metropolitan community. There shall be an express finding that the proposed incorporation will not substantially hinder the solution of governmental problems affecting the metropolitan community.

History: 1977 c. 29, 1983 a. 189 s. 329 (14); 1985 a. 297 s. 76; 1999 a. 150 s. 38; Stats. 1999 s. 66.0207; 2003 a. 171.
The delegation of legislative power under sub. (2) (d) is constitutional. *Westring v. James*, 71 Wis. 2d 462, 238 N.W.2d 695 (1976).
Incorporation of a town in a metropolitan area is discussed. *Pleasant Prairie v. Department of Local Affairs and Development*, 113 Wis. 2d 327, 334 N.W.2d 893 (1983).

That the department approved annexations that helped create fragmented town borders did not render arbitrary and capricious the department's determination that the town's proposed incorporation did not meet the requirement of homogeneity and compactness. *Incorporation of the Town of Pewaukee*, 186 Wis. 2d 515, 521 N.W.2d 433 (Ct. App. 1994).

Whether incorporation would benefit the proposed village area is not the standard for allowing incorporation. An area must meet all the requirements of subs. (1) and (2). *Yabag v. DOA*, 2001 WI App 217, 247 Wis. 2d 850, 634 N.W.2d 946, 00-3513, 66.0209

66.0209 Review of incorporation-related orders and decisions. (1) The order of the circuit court made under s. 66.0203 (8) or (9) (f) may be appealed to the court of appeals.

(2) The decision of the board made under s. 66.0203 (9) is subject to judicial review under ch. 227.

(3) Where a proceeding for judicial review is commenced under sub. (2), appeal under sub. (1) may not be taken and the time for allowing incorporation. An area must meet all the requirements of subs. (1) and (2). *Yabag v. DOA*, 2001 WI App 217, 247 Wis. 2d 850, 634 N.W.2d 946, 00-3513, 66.0203 (9) (f) may not be stayed pending

of further litigation, unless the court of appeals or the supreme court, upon an appeal or upon the filing of an original action in the supreme court, concludes that a strong probability exists that the order of the circuit court or the decision of the board will be set aside.

History: 1977 c. 29, 187; Sup. Ct. Order, 146 Wis. 2d xiii (1988); 1999 a. 150 s. 39; Stats. 1999 s. 66.0209; 2001 a. 103; 2003 a. 171.

When a petition to incorporate is dismissed due to DOA disapproval, sub. (2) prevents appellate court review prior to judicial review under ch. 227. *Petition to Incorporate Powers Lake Village*, 171 Wis. 2d 659, 492 N.W.2d 342 (Ct. App. 1992).

66.0211 Incorporation referendum procedure.

(1) **ORDER.** The circuit court's order for an incorporation referendum shall specify the voting place and the date of the referendum, which shall be not less than 6 weeks from the date of the order, and name 3 inspectors of election. If the order is for a city incorporation referendum the order shall further specify that 7 alderpersons shall be elected at large from the proposed city. The city council at its first meeting shall determine the number and boundaries of wards in compliance with s. 5.15 (1) and (2), and the combination of wards into aldermanic districts. The number of alderpersons per aldermanic district shall be determined by charter ordinance.

(2) **NOTICE OF REFERENDUM.** Notice of the referendum shall be given by publication of the order of the circuit court in a newspaper having general circulation in the territory. Publication shall be once a week for 4 successive weeks. The first publication may not be more than 4 weeks before the referendum.

(3) **RETURN.** An incorporation referendum shall be conducted in the same manner as an annexation referendum under s. 66.0217 (7) to the extent applicable except that the ballot shall contain the words "For a city [village]" and "Against a city [village]". The inspectors shall make a return to the circuit court.

(4) **COSTS.** If the referendum is against incorporation, the costs of the election shall be borne by the towns involved in the proportion that the number of electors of each town within the territory proposed to be incorporated, voting in the referendum, bears to the total number of electors in the territory voting in the referendum. If the referendum is for a village or city, the costs shall be charged against the municipality in the apportionment of town assets.

(5) **CERTIFICATION OF INCORPORATION.** If a majority of the votes in an incorporation referendum are cast in favor of a village or city, the clerk of the circuit court shall certify the fact to the secretary of state and supply the secretary of state with a copy of a description of the legal boundaries of the village or city and the associated population and a copy of a plat of the village or city. Within 10 days of receipt of the description and plat, the secretary of state shall forward 2 copies to the department of transportation and one copy each to the department of administration, the department of revenue and the department of commerce. The secretary of state shall issue a certificate of incorporation and record the certificate.

History: 1971 c. 304; 1973 c. 37, 90; 1977 c. 29 s. 1654 (8) (c); 1977 c. 273; 1979 c. 361 s. 112; 1981 c. 4 s. 19; 1981 c. 377; 1993 a. 184; 1995 a. 27 s. 9116 (5); 1999 a. 150 s. 40; Stats. 1999 s. 66.0211.

A referendum is effective immediately if the majority of votes are for incorporation. 70 Atty. Gen. 128.

66.0213 Powers of new village or city; elections; adjustment of taxes; reorganization as village. (1) **VILLAGE OR CITY POWERS.** A village or city incorporated under ss. 66.0201 to 66.0213 is a body corporate and politic, with powers and privileges of a municipal corporation at common law and conferred by these statutes.

(2) **EXISTING ORDINANCES.** (a) Ordinances in force in the territory incorporated or any part of the territory, to the extent not inconsistent with chs. 61 and 62, continue in force until altered or repealed.

(b) A county shoreland zoning ordinance enacted under s. 59.692 that is in force in any part of the territory incorporated

STATE OF WISCONSIN FILED JAN 25 2008

Feb. 13th

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VILLAGE OF RICHFIELD
FIRST ELECTION & VILLAGE TRANSITIONAL TIME LINE
APRIL 1, 2008

Toby Cotter	Richfield Administrator
Pam Spranger	Richfield Clerk
Julie Aquavia	Richfield Attorney
Kristine Deiss	Clerk of the Circuit Court
Brenda Jaszewski	County Clerk
Doug LaFollette	WI Secretary of State

STATE OF WISCONSIN
FILED

JAN 25 2008

DOUGLAS LA FOLLETTE
SECRETARY OF STATE

RECEIVED
 WASHINGTON COUNTY
 CLERK OF CIRCUIT COURT
 DEC 26 AM 11:40

Incorporation Referendum	11/6/07	COMPLETED
Election inspectors shall immediately make a return to the CIRCUIT COURT	11/8/07	COMPLETED
Hold Final Town Budget Meeting	11/13/07	COMPLETED
Clerk to send out public notice regarding town board election as required because at this point Richfield is still a town and therefore supervisors should proceed as such until otherwise (i.e. the certificate of incorporation is signed). At that point the specific rules about the 1st election will trump the general election laws.	11/28/07	COMPLETED
CLERK OF COURTS certifies to Sec. of State and supplies a copy of a description of the legal boundaries, the population and a copy of the plat ¹ (letter to Secretary of State to issue certification on February 13, 2008)	1/7-1/11/08	Kristine support: Toby & Julie
Within 10 days of receipt of description & plat, Sec. of State circulates to state departments. §66.0211(5)	1/7-1/11/08	Sec. of State
Sec. of State shall issue certificate of incorporation and record the same. §66.0211(5). Nomination papers may begin circulation on date Secretary of State certifies incorporation. (Based on Ch. 8 and timing of election.)	2/13/08	Sec. of State

STATE OF WISCONSIN
RECEIVED

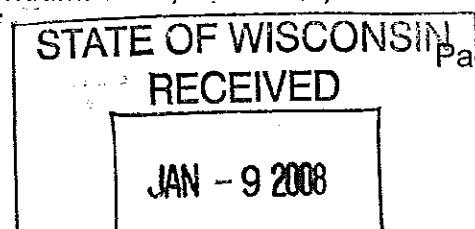
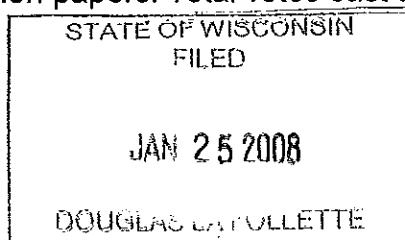
JAN - 9 2008

DOUGLAS LA FOLLETTE
SECRETARY OF STATE

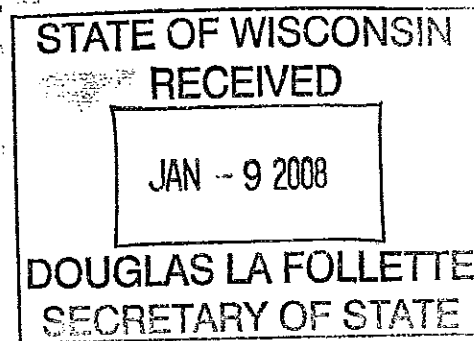
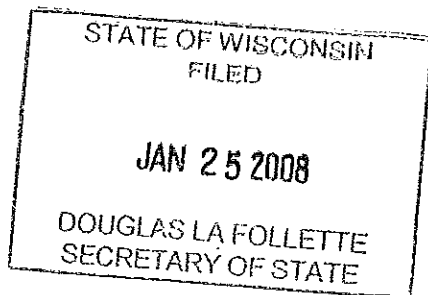
¹ absolute last possible date for issuance & April 1 election is 2/20

Hold Special Village Board Meeting where trustees can vote on reducing the size of the board from seven members to five members; pass an ordinance regarding staggering of terms for positions to be elected in April; enter contract with Washington County Sheriff; etc	2/13/08	Toby support: Julie
Publish Type A (Notice of Election) Notice (40 days before election)	2/21/08	Pam support: Julie
CLERK OF COURTS fixes the time for the first election, the polling places and names 3 inspectors for each polling place, within 10 days of incorporation §66.0213(4)(a).	No later than 2/23-25/08	Kristine support: Pam & Julie
Publish Type E (Absentee Voting) Notice (4 th Tues. before election) with County Clerk	3/4/08	Pam/Brenda support: Julie
Nomination papers due 15 days before election. Papers to conform with ch. 8 as much as possible. ² Also file declaration of candidacy as req'd by §8.21, Stats. FILE WITH CLERK OF COURTS	3/17/08	Kristine, Pam; Candidates for Office
Process nomination papers	3/18/08	Kristine support: Pam
Notify County Clerk of candidates for ballot preparation	3/18/08	Kristine support: Pam & Julie
CLERK OF COURTS publishes notice of election 10 days before election and posts in 3 places in city. §66.0213(4)(a).	3/22/08	Kristine, Pam
Mail out absentee ballots	3/20/08	Pam/Kristine
Early Voting Begins at Village Hall	3/20/08	Pam/Kristine
Publish Notice of Public Test	3/20/08	Pam/Kristine
Publish Type B (Facsimile of Ballot and Voting Instructions) and Type D (Hours and Polling Places)	3/31/08	Pam support: Julie

² * Nomination papers must be signed by not less than 5% and not more than 10% of the total votes cast in the incorporation referendum. Clerk of Courts should review filed nomination papers. Total votes cast at referendum: 3451, 173 = 5%, 346 = 10%



Election	4/1/08	All
Election inspectors provide election returns to CLERK OF COURTS. §66.0213(4)(b).	4/1-4/2/08	Pam/Kristine
CLERK OF COURT canvasses returns and declares results w/in 1 week of election. §66.0213(4)(b).	No later than 4/8/07	Kristine support: Pam
CLERK OF COURT notifies officers-elect and issues certificates of election. §66.0213(4)(b), (Personal service or 1st class mail \$7.80)	No later than 4/5/08	Kristine support: Pam
Newly elected officers must file oath of office with CLERK OF COURTS. § 66.0213(3), 10 days after notification	By 4/14/08	Kristine support: Pam
OFFICIALS AND APPOINTEES begin on 3rd Tues. of April. §§66.0213(4)(b)	4/15/08	Toby & Pam



2007 ASSEMBLY BILL 152

RECEIVED
2007 DEC 26 AM 11:40
WASHINGTON COURT
CLERK OF CIRCUIT COURT

March 5, 2007 - Introduced by Representatives GOTTlieb, ALBERS, MURSAG and Vos, cosponsored by Senators GROTHMAN and SCHULTZ. Referred to Committee on Elections and Constitutional Law.

1 AN ACT to amend 8.05 (4) (a) and 8.05 (5); to repeal and recreate 8.05 (4) (title);
2 and to create 8.11 (1m) of the statutes; relating to: the method of election of
3 village officers.

Analysis by the Legislative Reference Bureau

Currently, candidates for village offices at the spring election are nominated by caucus unless the majority of a governing body of a village provides, no later than December 1 preceding a spring election, for the nomination of candidates at the spring primary. In such case, nomination papers are used to nominate candidates.

This bill permits the majority of a governing body of a village to provide for the nomination of candidates for village offices by nomination papers for a specific election. The bill also provides that whenever the governing body of a village provides by charter ordinance that if three or more candidates file nomination papers for a village office, or whenever electors of a village, equal to at least 10 percent of the vote for governor in the village at the last general election file a petition so requesting, a primary shall be held for the nomination of candidates for village offices. Under the bill, nomination of candidates for village offices continues to be by caucus unless a majority of the governing body of a village makes a timely affirmative decision to nominate candidates by nomination papers or unless a primary is required by charter ordinance or a timely petition is filed requesting a primary.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

STATE OF WISCONSIN
FILED

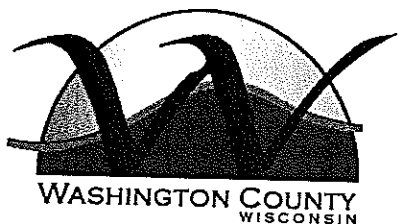
JAN 25 2008

DOUGLAS LA FOLLETTE
SECRETARY OF STATE

STATE OF WISCONSIN
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JAN - 9 2008

DOUGLAS LA FOLLETTE



Clerk of Circuit Court

Kristine M. Deiss
Washington County Courthouse – Justice Center
P. O. Box 1986
West Bend, WI 53095-7986

January 10, 2008

Mr. Douglas LaFollette, Secretary of State
Office of the Secretary
30 W. Mifflin, 10th Floor
Madison, WI 53703-7848

RE: Incorporation of the Town of Richfield
Case No. 06-CV-487

Dear Secretary LaFollette:

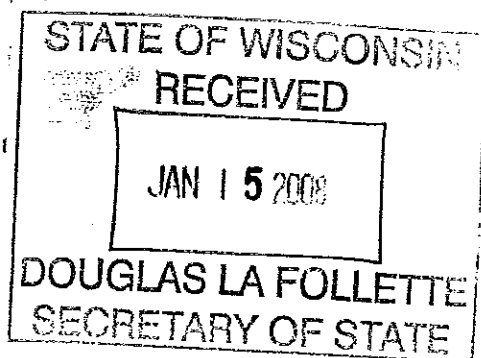
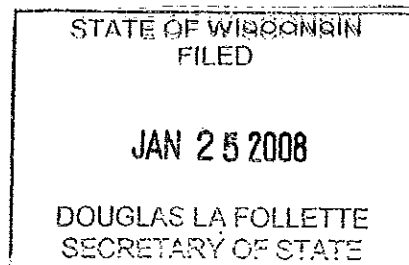
At the request of the Town of Richfield, I am forwarding a copy of the "Certification of the Board of Canvassers" dated November 7, 2007. I would request that you add this to your file.

Very truly yours,

Kristine M. Deiss
Clerk of Courts

KMD:kd

Cc: Administrator Toby Cotter
Clerk Pam Spranger
Attorney Stan Riffle



Certification of the Board of Canvassers

We, the undersigned, certify that we are the members of the Board of Canvassers for

Town of Richfield, Washington County
(insert municipality and county, if county canvass insert county only)

We certify that the attached Tabular Statement of Votes Cast and Summary Statement of the Board of Canvassers, canvassed and prepared by us, are correct and true as compiled from the original returns made to the

Municipal Clerk.
(County, Municipal, School District)

We further determine and certify that the following persons received the greatest and the next to greatest (for primary only) number of votes for the respective office for which each was a

candidate on November 6, 2007.
(insert date of primary or election)

<u>OFFICE</u> <small>(Title of Office)</small>	<u>HIGHEST CANDIDATE</u> <small>(Name of Winning Candidate)</small>	<u>SECOND HIGHEST CANDIDATE</u> <small>(For Primary Only) (Name of Second Highest Candidate)</small>
Referendum	2578 yes	873 no

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 2008 JAN -9 PM 3:50
 CLERK OF CIRCUIT COURT
 WASHINGTON COUNTY

BOARD OF CANVASSERS

- (1) Shirley A. Schuster
- (2) W. J. Jessenauer
- (3) Arvita Zander
- (4) _____
- (5) _____

November 7, 2007
(Date)

This document is signed by:

For a municipal election – The inspectors when there is only one polling place and one set of election results. s.7.53(1), Stats.
 For a municipal election – The municipal board of canvassers when there are 2 or more reporting units. s.7.53(2)(a), Stats.
 For state and county elections – The county board of canvassers. s.7.60(2), Stats.

EB-106 (Rev. 8/98) (Reformatted 6/2001)
 Certification - Board of Canvassers Report

STATE OF WISCONSIN
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 JAN 25 2008

 DOUGLAS LA FOLLETTE
 SECRETARY OF STATE

STATE OF WISCONSIN
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 JAN 15 2008

 DOUGLAS LA FOLLETTE
 SECRETARY OF STATE

Tabular Statement of Votes Cast

T/ Richfield, Washington Co., WI
(insert municipality and county, if county canvass insert county only)

Special Election - Nov 6, 2007

(For County Use Only)
 For a Partisan Primary, insert political party

Office:			
Reporting Units:	Candidates: <u>Yes</u>	NO	Scattering <small>(for Counties only)</small>
Wards 1, 8	615	243	0
Wards 2, 3, 4	489	250	0
Wards 7, 9, 10, 11	799	217	0
Wards 5, 6, 12, 13	675	163	0

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 WASHINGTON COUNTY
 CLERK OF CIRCUIT COURT

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Total Votes Cast-Candidates: 2578 873 0

Total Votes Cast-Office: 3451

EB-106 (Rev. 8/98) Tabular - Board of Canvassers Report

STATE OF WISCONSIN
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 DOUGLAS LA FOLLETTE
 SECRETARY OF STATE

Summary Statement of the Board of Canvassers

Special Election - Nov 6, 2007

The total number of votes cast for Referendum was _____
of which _____ (insert office)

Yes received 2578
(candidate's name)

No received 873
(candidate's name)

_____ received _____
(candidate's name)

Scattering (for county only) received 0

The total number of votes cast for _____ was _____
of which _____ (insert office)

_____ received _____
(candidate's name)

_____ received _____
(candidate's name)

_____ received _____
(candidate's name)

Scattering (for county only) received _____

The total number of votes cast for _____ was _____
of which _____ (insert office)

_____ received _____
(candidate's name)

_____ received _____
(candidate's name)

_____ received _____
(candidate's name)

Scattering (for county only) received _____

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DOUGLAS LA FOLLETTE
SECRETARY OF STATE

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WASHINGTON COUNTY
CLERK OF CIRCUIT COURT

STATE OF WISCONSIN
FILED
JAN 25 2008
DOUGLAS LA FOLLETTE
SECRETARY OF STATE



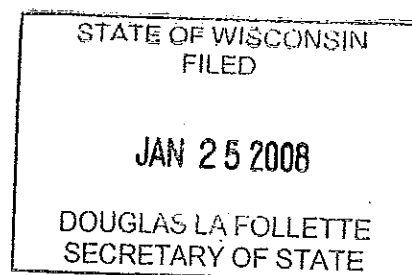
Clerk of Circuit Court

Kristine M. Deiss
Washington County Courthouse – Justice Center
P. O. Box 1986
West Bend, WI 53095-7986

January 21, 2008

Mr. Douglas J. LaFollette
Wisconsin Secretary of State
30 W. Mifflin St., 10th Fl.
Madison, WI 53702

RE: Incorporation of the Town of Richfield
Case No. 06-CV-487



Dear Sir:

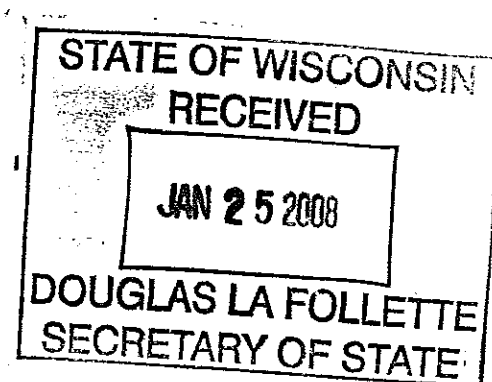
Enclosed is a signed Certification of Election being submitted pursuant to Sec. 66.0211(5), Wis. Stats. The attachments referred to in the certification were previously submitted under cover of letter dated January 7th and January 10th.

Very truly yours,

Kristine M. Deiss
Clerk of Courts

KMD:kd

Cc: Administrator Toby Cotter
Clerk Pam Spranger
Attorney Stan Riffle



In Re the Incorporation of the Town of
Richfield, Washington County, Wisconsin as
a Village

Case No. 06 CV 487

CERTIFICATION OF ELECTION

To: Mr. Douglas J. La Follette
Wisconsin Secretary of State
30 W. Mifflin St., 10th Fl.
Madison, WI 53702

I, Kristine Deiss, Washington County Clerk of Courts, certify that the following
information is true and correct:

On November 6, 2007, a referendum was held in the Town of Richfield regarding the
incorporation of the Town as a Village.

The election results are as follows:

Total Number of Votes:	3,451
Number For Incorporation:	2,578
Number Against Incorporation:	873

STATE OF WISCONSIN
FILED

JAN 25 2008

DOUGLAS LA FOLLETTE
SECRETARY OF STATE

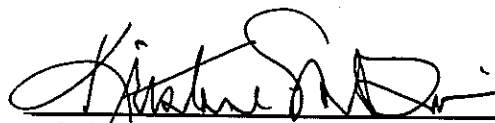
Attached to this certification is the Legal Description, Population and Plat as required
under §66.0211(5), Stats.

Attached to this certification is a copy of the statement from the election inspectors.

Given this 21st day of January, 2008.

"IN DUPLICATE"

(seal)


Kristine M. Deiss
Washington County Clerk of Courts

STATE OF WISCONSIN
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JAN 25 2008

DOUGLAS LA FOLLETTE
SECRETARY OF STATE

board may accept or reject the petition and if rejected no further action may be taken on the petition. Acceptance may consist of adoption of an annexation ordinance. Failure to reject the petition obligates the city or village to pay the cost of any referendum favorable to annexation.

2. If the petition is not rejected the clerk of the city or village with whom the annexation petition is filed shall give written notice of the petition by personal service or registered mail with return receipt requested to the clerk of any town from which territory is proposed to be detached and shall give like notice to any person who files a written request with the clerk. The notice shall indicate whether the petition is for direct annexation or whether it requests a referendum on the question of annexation.

3. If the notice indicates that the petition is for a referendum on the question of annexation, the clerk of the city or village shall file the notice as provided in s. 8.37. If the notice indicates that the petition is for a referendum on the question of annexation, the town clerk shall give notice as provided in par. (c) of a referendum of the electors residing in the area proposed for annexation to be held not less than 42 days nor more than 72 days after the date of personal service or mailing of the notice required under this paragraph. If the notice indicates that the petition is for direct annexation, no referendum shall be held unless within 30 days after the date of personal service or mailing of the notice required under this paragraph, a petition conforming to the requirements of s. 8.40 requesting a referendum is filed with the town clerk as provided in s. 8.37, signed by at least 20% of the electors residing in the area proposed to be annexed. If a petition requesting a referendum is filed, the clerk shall give notice as provided in par. (c) of a referendum of the electors residing in the area proposed for annexation to be held not less than 42 days nor more than 72 days after the receipt of the petition and shall mail a copy of the notice to the clerk of the city or village to which the annexation is proposed. The referendum shall be held at a convenient place within the town to be specified in the notice.

(b) *Clerk to act.* If more than one town is involved, the city or village clerk shall determine as nearly as is practicable which town contains the most electors in the area proposed to be annexed and shall indicate in the notice required under par. (a) that determination. The clerk of the town so designated shall perform the duties required under this subsection and the election shall be conducted in the town as are other elections.

(c) *Publication of notice.* The notice shall be published in a newspaper of general circulation in the area proposed to be annexed on the publication day next preceding the referendum election and one week prior to that publication.

(d) *How conducted.* The referendum shall be conducted by the town election officials but the town board may reduce the number of election officials for that election. The ballots shall contain the words "For annexation" and "Against annexation" and shall otherwise conform to the provisions of s. 5.64 (2). The election shall be conducted as are other town elections in accordance with chs. 6 and 7 to the extent applicable.

(e) *Canvass; statement to be filed.* The election inspectors shall make a statement of the holding of the election showing the whole number of votes cast, and the number cast for and against annexation, attach their affidavit to the statement and immediately file it in the office of the town clerk. They shall file a certified statement of the results in the office of the clerk of each other municipality affected.

(f) *Costs.* If the referendum is against annexation, the costs of the election shall be borne by the towns involved in the proportion that the number of electors of each town within the territory proposed to be annexed, voting in the referendum, bears to the total number of electors in that territory, voting in the referendum.

(g) *Effect.* If the result of the referendum is against annexation, all previous proceedings are nullified. If the result of the referendum is for annexation, failure of any town official to perform liter-

ally any duty required by this section does not invalidate the annexation.

(8) **ANNEXATION ORDINANCE.** (a) An ordinance for the annexation of the territory described in the annexation petition under sub. (3) may be enacted by a two-thirds vote of the elected members of the governing body not less than 20 days after the publication of the notice of intention to circulate the petition and not later than 120 days after the date of filing with the city or village clerk of the petition for annexation or of the referendum election if favorable to the annexation. If the annexation is subject to sub. (6) the governing body shall first review the reasons given by the department that the proposed annexation is against the public interest. Subject to s. 59.692 (7), an ordinance under this subsection may temporarily designate the classification of the annexed area for zoning purposes until the zoning ordinance is amended as prescribed in s. 62.23 (7) (d). Before introduction of an ordinance containing a temporary classification, the proposed classification shall be referred to and recommended by the plan commission. The authority to make a temporary classification is not effective when the county ordinance prevails during litigation as provided in s. 59.69 (7).

(b) The ordinance may annex the territory to an existing ward or may create an additional ward.

(c) The annexation is effective upon enactment of the annexation ordinance. The board of school directors in a 1st class city is not required to administer the schools in any territory annexed to the city until July 1 following the annexation.

(9) **FILING REQUIREMENTS; SURVEYS.** (a) The clerk of a city or village which has annexed territory shall file immediately with the secretary of state a certified copy of the ordinance, certificate and plat, and shall send one copy to each company that provides any utility service in the area that is annexed. The clerk shall record the ordinance with the register of deeds and file a signed copy of the ordinance with the clerk of any affected school district. Failure to file, record or send does not invalidate the annexation and the duty to file, record or send is a continuing one. The ordinance that is filed, recorded or sent shall describe the annexed territory and the associated population. The information filed with the secretary of state shall be utilized in making recommendations for adjustments to entitlements under the federal revenue sharing program and distribution of funds under ch. 79. The clerk shall certify annually to the secretary of state and record with the register of deeds a legal description of the total boundaries of the municipality as those boundaries existed on December 1, unless there has been no change in the 12 months preceding.

(b) Within 10 days of receipt of the ordinance, certificate and plat, the secretary of state shall forward 2 copies of the ordinance, certificate and plat to the department of transportation, one copy to the department of administration, one copy to the department of revenue, one copy to the department of public instruction, one copy to the department, one copy to the department of natural resources, one copy to the department of agriculture, trade and consumer protection and 2 copies to the clerk of the municipality from which the territory was annexed.

(c) Any city or village may direct a survey of its present boundaries to be made, and when properly attested the survey and plat may be filed in the office of the register of deeds in the county in which the city or village is located. Upon filing, the survey and plat are prima facie evidence of the facts set forth in the survey and plat.

(10) **QUALIFICATIONS OF ELECTORS AND OWNERS; ELECTOR DETERMINATION.** (a) Under this section, qualifications as to electors and owners shall be determined as of the date of filing a petition, except that all qualified electors residing in the territory proposed for annexation on the day of a referendum election may vote in the election. Residence and ownership shall be bona fide and not acquired for the purpose of defeating or invalidating the annexation proceedings.