

# TITLE 2

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## **Government and Administration**

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Revised as advertised May 22, 2013.

# Title 2 4 Chapter 1

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## Village Government and Elections

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## **Sec. 2-1-1 Village Government.**

The Village of Winneconne is a body corporate and politic with the powers of a municipality at common law and governed by the provisions of Chapters 61 and 66, Wis. Stats., laws amending those chapters, other acts of the legislature and the Constitution of the State of Wisconsin.

**State Law Reference:** Wis. Const., Art. XI, Sec. 3.

## **Sec. 2-1-2 Candidates for Elective Office; Nomination Papers; Primary Elections.**

### **(a) Candidates for Elective Office; Nomination Papers.**

- (1) Nomination papers for elective offices shall be signed by not less than twenty (20) nor more than one hundred (100) electors of the Village.
- (2) Nomination papers for elective offices shall be circulated not sooner than the 1<sup>st</sup> day of December preceding the election, and shall be filed with the Village Clerk-Treasurer not later than 5:00 p.m. the first Tuesday in January; or the next day if Tuesday is a holiday.

**(b) Primary Elections.** Candidates for all elective Village offices shall be nominated by nonpartisan primary election conducted as directed by Ch. 8, Wis. Stats., so far as applicable and specifically in accordance with Sec. 8.05(4)(b), Wis. Stats.

## **Sec. 2-1-3 Wards, Polling Places, and Election Hours.**

**(a) Wards Established.** There is hereby established pursuant to law four (4) election wards in the Village of Winneconne defined and described as follows:

- (1) **Election Ward No. 1** shall be all that portion of the Village of Winneconne lying north and west of the point of intersection of the centerline of State Highway 116 and the west bank of the Wolf River, thence north along the contour and bank of the Wolf River to the north corporate limits of the Village, thence west along the north line of the corporate limits extended, thence south along the west corporate limits to the centerline of State Highway 116, thence east along the centerline of State Highway 116 to the place of beginning.
- (2) **Election Ward No. 2** shall be all that portion of the Village of Winneconne lying north and east of the point of intersection of the centerline of State Highway 116 and the east bank of the Wolf River, thence north along the contour and bank of the Wolf River to the north corporate limits of the Village, thence east along the north line of the corporate limits extended, thence south along the east corporate limits to the centerline of State Highway 116 to the place of beginning.
- (3) **Election Ward No. 3** shall be all that portion of the Village of Winneconne lying south and east of the point of intersection of the centerline of State Highway 116 and the east bank of the Wolf River, thence south along the contour and bank of the Wolf River to the south corporate limits of the Village, thence east along the south line of the corporate limits extended, thence north along the east corporate limits to the centerline of State Highway 116, thence west along the centerline of State Highway 116 to the place of beginning.

(4) **Election Ward No. 4** shall be all that portion of the Village of Winneconne lying south and west of the point of intersection of the centerline of State Highway 116 and the west bank of the Wolf River to the south corporate limits of the Village, thence west along the south line of the corporate limits extended, thence north along the west corporate limits to the centerline of State Highway 116, thence east along the centerline of State Highway 116 to the place of beginning.

(c) **Polls, Places and Time.** The polls in the election Wards 1 through 4 shall be held in the Winneconne Municipal Center of the Village of Winneconne which shall be open from 7:00 a.m. to 8:00 p.m. for all elections.

(d) **Elected Officials Selected at Large.** All Village officials shall be elected on an at-large basis.

#### **Sec. 2-1-4 Election Officials.**

(a) Pursuant to the Wisconsin Statutes, there is hereby established one (1) set of election officials to conduct all elections of the Village which shall consist of not more than seven (7) election inspectors. However, pursuant to Sec. 7.32, Wis. Stats., the Village Clerk-Treasurer is authorized to reduce the number of election officials, provided that no such action may reduce the number of officials at a polling place to less than three (3). The Clerk-Treasurer shall determine in advance of each election whether the number of election officials for such election should be reduced from the number prescribed by the Wisconsin Statutes, and if such a reduction is so determined, the Clerk-Treasurer shall further redistribute duties among the remaining officials. Pursuant to Sec. 7.32, Wis. Stats., the Village Clerk-Treasurer is hereby authorized to reduce the number of election officials for all elections to three (3) officials.

(b) Because Ch. 7.30(1), Wis. Stats., allows for the creation of alternate or two (2) sets of election officials to work at different times on Election Day, the Village Board authorizes the selection of alternate and/or two (2) sets of election officials to staff the polls on election day. The Clerk-Treasurer is hereby authorized to schedule election officials in shifts on any said Election Day. The Village Clerk-Treasurer shall redistribute the duties of such election officials.

**State Law Reference:** Secs. 7.30 and 7.32, Wis. Stats.

#### **Sec. 2-1-5 Official Newspaper; Legal Posting.**

(a) **Publication.** When publication is used instead of legal posting, the official newspaper of the Village of Winneconne shall be as annually designated by the Village Board.

(b) **Legal Posting.** When legal posting is used instead of publication, the Village shall post notices in the following four (4) designated posting locations:

(1) Citizens Bank (lobby).

(2) Winneconne Municipal Center (bulletin board – west entrance).

(3) Winneconne Municipal Center (bulletin board — east entrance).

(4) U.S. Post Office (lobby)

**State Law Reference:** Sec. 985.06, Wis. Stats.

# Title 2 4 Chapter 2

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## Village Board

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**Sec. 2-2-1 Village Board.**

The Trustees of the Village of Winneconne shall constitute the Village Board. The Village Board shall be vested with all the powers of the Village not specifically given some other officer, as well as those powers set forth elsewhere throughout this Code of Ordinances.

**State Law Reference:** Sections 61.32 and 61.34, Wis. Stats.

**Sec. 2-2-2 Trustees.**

- (a) **Election, Term, Number.** The Village of Winneconne shall have six (6) Trustees in addition to the President, who is a Trustee by virtue of his/her office as President. The Village President and six (6) Trustees shall constitute the Village Board. Two (2) Trustees shall be elected at each annual spring election for a term of three (3) years, commencing on the third Tuesday of April in the year of their election.
- (b) **Appointment as President.** A Village Trustee shall be eligible for appointment as Village President to fill an unexpired term.

**State Law Reference:** Sections 61.20 and 61.325, Wis. Stats.

**Sec. 2-2-3 Eligibility for Office.**

- (a) No person shall be elected by the people to a Village office, who is not at the time of his/her election, a citizen of the United States and of this State, and an elector of the Village, and actually residing therein.
- (b) An appointee by the Village President, requiring to be confirmed by the Village Board, who shall be rejected by the Board, shall be ineligible for appointment to the same office for one (1) year thereafter.

**State Law Reference:** Sec. 62.09(2), Wis. Stats.

**Sec. 2-2-4 Oaths of Office.**

- (a) **Oath of Office.** Every officer of the Village, including members of Village boards and commissions, shall, before entering upon his/her 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 such oath in the office of the Village Clerk-Treasurer. Any person reelected or reappointed to the same office shall take and file an official oath for each term of service.
- (b) **Form, Procedure.** The form, filing and general procedure for the taking of oaths shall be governed by Chapter 19, Subchapter I, Wis. Stats.

**State Law Reference:** Chapter 19, Sub.ch. I, Wis. Stats.

**Sec. 2-2-5 Vacancies.**

- (a) **How Occurring.** Except as provided in Subsection (c) below, vacancies in elective and appointive positions occur as provided in Sections 17.03 and 17.035, Wis. Stats.
- (b) **How Filled.** Vacancies in elective and appointive offices shall be filled as provided in Sec. 17.24, Wis. Stats.
- (c) **Temporary Incapacitation.** If any officer be absent or temporarily incapacitated from any cause, the Board may appoint some person to discharge his/her duties until he/she returns or until such disability is removed.

**State Law Reference:** Sec. 61.23, Wis. Stats.

**Sec. 2-2-6 Removal from Office.**

- (a) **Elected Officials.** Elected officials may be removed by the Village Board as provided in Sections 17.12(1)(a) and 17.16, Wis. Stats.
- (b) **Appointed Officials.** Appointed officials may be removed as provided in Sections 17.12(1)(c) and 17.16, Wis. Stats. Annotation: 62 Atty. Gen. Op. 97.

**Sec. 2-2-7 Custody of Official Property.**

Village officers must observe the standards of care imposed by Sec. 19.21, Wis. Stats., with respect to the care and custody of official property.

**State Law Reference:** Sec. 19.21, Wis. Stats.

**Sec. 2-2-8 Village President.**

- (a) **Election.** The Village President shall be elected at the annual spring election for a term of three (3) years, commencing on the third Tuesday of April in the year of his/her election.
- (b) **Duties.** The Village President shall by virtue of his/her office be a Trustee and preside at all meetings of the Board, have a vote as Trustee, and sign all ordinances, rules, bylaws, regulations and commissions adopted or authorized by the Board and all orders drawn on the treasury. The Village President shall maintain peace and good order, see that the Village ordinances are faithfully obeyed.
- (c) **Participation in Debate.** The Village President shall vote on all matters in the same way that other Trustees vote. The President has the power to make motions, and to introduce ordinances, resolutions and the like as any other Trustee.
- (d) **Appointments.**
  - (5) Throughout this Code of Ordinances, the Village President is required to appoint citizens to committees, commissions and/or boards. In the event the Village Board rejects a Village President's appointment, the same name may not be submitted for the same job for a period of twelve (12) months after the refusal of such appointment.
  - (6) In the event a vacancy occurs in any committee, board or commission requiring the appointment of a citizen member and the Village President does not nominate a successor thereof for a period of sixty (60) days after the vacancy occurs, the Village

Board may then nominate an appointee to such position, subject to the approval of the Village President.

- (7) In the event the Village Board, by parliamentary practice, tables an appointment by the Village President, such tabling action shall be effective for that meeting, but at the next regular meeting of the Village Board, such appointment shall be on the meeting agenda for further consideration, and the particular appointment involved may not be tabled a second (2nd) time.

**State Law Reference:** Sec. 61.24, Wis. Stats.

## **Sec. 2-2-9                    Standing Committees.**

- (a) **Committee Appointments.** At the first special or the first regular Board meeting following the third (3rd) Tuesday in April, the Village President shall nominate Trustees to all committees, subject to confirmation by majority vote of the Board. Three (3) Trustees shall make up each of the following standing committees:

- (1) Finance Committee.
- (2) Public Works Committee.
- (3) Police and Fire Committee.
- (4) Parks Committee

- (b) **Chairpersons.**

- (1) The Village President shall annually appoint the chairperson of each standing committee at the organizational meeting.
- (2) The Village President may serve as a member of any committee in order to make a quorum.
- (3) Committees-of-the-Whole; Special Committees.
- (4) The Village President may declare the entire Board a committee of the whole for informal discussion at any meeting or for any other purpose, and shall ex officio be chairperson of the same.
- (5) The Village President may, from time to time, appoint such special committee or committees as he/she deems advisable or as provided for by motion or resolution by the Board stating the number of members and object thereof to perform such duties as may be assigned to them.

- (c) **Committee Reports.**

- (1) All committees are subunits of the Village Board and perform no executive or administrative Village function other than as specifically authorized by ordinance or policy adopted by the Village Board.
- (2) Each committee shall give the full Board at the next regular Board meeting a verbal or written 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 Board with the issue.
- (3) If a committee member in a particular committee disagrees with the position taken by the



committee on an issue, such member may address the Board with the minority position. The Board shall permit one (1) committee member supporting the majority position equal time to address the Board on such 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 Village officer, employee, board, or association, the most specific definition of authority shall prevail.
- (e) **Cooperation of Village Officers.** All Village 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 Village Department.

## **Sec. 2-2-10            General Powers of the Village Board.**

- (a) **General.** The Village Board shall be vested with all the powers of the Village not specifically given some other officer. Except as otherwise provided by law, the Village Board shall have the management and control of the Village property, finances, highways, streets, navigable waters and the public service, and shall have the power to act for the government and good order of the Village, for its commercial benefit and for the health, safety, welfare and convenience of the public, and may carry its powers into effect by license, regulation, suppression, borrowing, taxation, special assessment, appropriation, fine, imprisonment and other necessary or convenient means. The powers hereby conferred shall be in addition to all other grants and shall be limited only by express language.
- (b) **Acquisition and Disposal of Property.** The Village Board may acquire property, real or personal, within or without the Village, for parks, libraries, historic places, recreation, beautification, streets, waterworks, sewage or waste disposal, harbors, improvement of watercourses, public grounds, vehicle parking areas and for any other public purpose; may acquire real property within or contiguous to the Village, by means other than condemnation, for industrial sites; may improve and beautify the same; may construct, own, lease and maintain buildings on such property for instruction, recreation, amusement and other public purposes; and may sell and convey such property. Condemnation shall be as provided by the Wisconsin Statutes.
- (c) **Acquisition of Easements and Property Rights.** Confirming all powers granted to the Village Board and in furtherance thereof, the Board is expressly authorized to acquire by gift, purchase or condemnation under the Wisconsin Statutes, any and all property rights in lands or waters, including rights of access and use, negative or positive easements, restrictive covenants, covenants running with land, scenic easements and any rights for use of property of any nature whatsoever, however denominated, which may be lawfully acquired for the benefit of the public or for any public purpose, including the exercise of powers granted under Sections 61.35 and 62.23, Wis. Stats.; and may sell and convey such easements or property rights when no longer needed for public use or protection.
- (d) **Village Finances.** The Village board may levy and provide for the collection of taxes and special assessments; may refund any tax or special assessment paid, or any part thereof, when satisfied that the same was unjust or illegal; and generally may manage the Village finances.
- (e) **Construction of Powers.** Consistent with the purpose of giving to villages the largest

measure of self-government in accordance with the spirit of the home rule amendment to the Constitution, the grants of power to the Village Board in this Section and throughout this Code of Ordinances shall be liberally construed in favor of the rights, powers and privileges of villages to promote the general welfare, peace, good order and prosperity of the Village and its inhabitants.

**State Law Reference:** Art. XI, Sec. 3, Wis. Const.; Sec. 61.34, Wis. Stats.

**Sec. 2-2-11 Cooperation with Other Municipalities.**

The Village Board, on behalf of the Village, may join with other counties, villages, cities, towns or other governmental entities in a cooperative arrangement for executing any power or duty in order to attain greater economy or efficiency, including joint employment of appointive officers and employees.

**State Law Reference:** Sections 61.34(2) and 66.0301, Wis. Stats.

**Sec. 2-2-12 Internal Powers of the Board.**

The Village Board has the power to preserve order at its meetings. Members of the Village Board shall be residents of the Village at the time of their election and during their terms of office.

**State Law Reference:** Sec. 61.32, Wis. Stats.

**Sec. 2-2-13 Salaries.**

**(a) Authority.** The Village President and other Trustees who make up the Village Board, whether operating under general or special law, may by a three-fourths majority vote of all the members of the Village Board determine that a salary be paid the President, Trustees, and other Village officials. Salaries heretofore established shall so remain until changed by ordinance and shall not be increased or diminished during their terms of office.

**(b) Salaries Determined.**

**(8)** The salary for the position of Village Trustee will be established by the Village Board. This salary will not take effect during the current term of each Trustee serving on the Village Board on the date of enactment of this amendment.

**(9)** The salary for the position of Village President will be established by the Village Board. This salary will not take effect during the current term of the President serving on the Village Board on the date of enactment of this amendment.

**State Law Reference:** Sec. 61.32, Wis. Stats.

**Sec. 2-2-14 Meetings.**

**(a) Regular Meetings.** Regular monthly meetings of the Village Board shall be held at a date and time established by the Village Board. Any regular meeting falling on a legal

holiday shall be held at another date designated by the Village Board. When the Village Board designates a date and time for the regular Board meeting, notice thereof shall be posted at the Winneconne Municipal Center in the Village of Winneconne prior to such rescheduled meeting date. All meetings of the Board shall be held at the Winneconne Municipal Center, unless specified otherwise in the minutes of the preceding meeting or by written notice posted at the regular meeting place at least three (3) hours prior to any meeting. In any event, all Board meetings shall be held within the boundaries of the Village, unless specifically otherwise noticed. The majority of the Board members must consent to any change in the place of any meeting of the Village Board.

- (e) **Annual Organizational Meeting.** The Village Board shall hold an annual organizational meeting on the third Tuesday in April or on the first regular or special meeting following the spring election for the purpose of organization.
- (f) **Board Minutes.** The Village Clerk-Treasurer shall keep a record of all Board proceedings and cause the proceedings to be published and/or posted.

**State Law Reference:** Sec. 61.32, Wis. Stats.

### **Sec. 2-2-15 Special Meetings.**

- (a) Special meetings of the Board may be called by two (2) Trustees filing a request with the Village Clerk-Treasurer at least twenty-four (24) hours prior to the time specified for such meeting. The Village Clerk-Treasurer shall cause a record of such notice to be filed in his/her office prior to the time fixed for such special meeting. No business shall be transacted at a special meeting except for the purpose stated in the notice thereof. Notice to the public of special meetings shall conform to the open meeting requirements of Sec. 61.32 and Chapter 19, Subch. IV, Wis. Stats. The Village Clerk-Treasurer shall give notice immediately upon the call for such meeting being filed with him/her.
- (b) The request for any special meeting shall state the purpose for which the meeting is to be called and no business shall be transacted but that for which the meeting has been called.

**State Law Reference:** Sections 61.32 and 985.02(2)(a), Wis. Stats.; Ch. 19, Sub.ch. IV, Wis. Stats.

### **Sec 2-2-16 Open Meetings; Adjournment of Meetings.**

- (a) **Open Meeting Law Compliance.** All meetings of the Village Board and subunits thereof shall be open to the public as provided in Subchapter IV of Chapter 19, Secs. 19.81 through 19.89, Wis. Stats. Public notice of all such meetings shall be given as provided in Sec. 19.84, Wis. Stats.
- (b) **Adjournment of Meetings.** An adjournment to a closed session may be only for a permitted purpose as enumerated in Sec. 19.85, Wis. Stats., and must meet the other requirements of said Sec. 19.85, Wis. Stats.
- (c) **Meetings to Be Open.** During the holding of any open session in the regular meeting room or in the substituted meeting room, said room and said meeting shall at all times be open and remain open to all citizens.
- (d) **Closed Meetings.** The provisions of this Code of Ordinances do not prohibit the Board

or any committee thereof from having a closed meeting which is legally convened and legally held in a room in said building other than the official meeting room or in some other building in the Village.

- (e) **Photographs, Motion Pictures, Videotape—Permission Required for Artificial Illumination.** No photographs, motion pictures, or videotapes that require the use of flash bulbs, electronic flashes, flood lights, or similar artificial illumination shall be made at Village Board meetings without the consent of the Presiding Officer.

**State Law Reference:** Sec. 61.32 and Ch. 19, Subch. IV, Wis. Stats.

### **Sec. 2-2-17 Quorum.**

- (a) A majority of the Trustees shall constitute a quorum, but a lesser number may adjourn or compel attendance of absent members if a majority is not present. The Village President shall be counted in computing a quorum.
- (b) When the presiding officer shall have called the members to order, the Village Clerk-Treasurer shall record the attendance, noting who are present, and who are absent, and if, after having gone through with the call, it shall appear that a quorum is not present, the fact shall be entered in the minutes, and the members present may adjourn to a later date in the month; if they do not establish the next meeting date, the Village Board shall stand adjourned to the time appointed for the next regular meeting unless a special meeting is called sooner.

**State Law Reference:** Sec. 61.32, Wis. Stats.

### **Sec. 2-2-18 Presiding Officers.**

- (a) **The Village President Shall Preside.** Village President shall preside over meetings of the Village Board. In the absence of the Village President, the President Pro Tem shall preside over meetings of the Village Board. In case of absence of the Village President, and President Pro Tem, the Village Clerk-Treasurer shall call the meeting to order and the Trustees present shall elect one of their number acting President.
- (b) **President Pro Tem.** At the annual organization meeting, the Village Board shall elect one of its members to serve as the President Pro Tem, who shall preside over meetings of the Village Board in the absence of the Village President.
- (c) **Duties.** The presiding officer shall preserve order and decorum, decide all questions of order, and conduct the proceedings of the meeting. In the event of a dispute regarding Board procedures, the matter shall be decided in accordance with the parliamentary rules contained in *Robert's Rules of Order*, unless otherwise provided by statute or by these rules. Any member shall have the right to appeal from a decision of the presiding officer. Such appeal is not debatable and must be sustained by a majority vote of the members present excluding the presiding officer.

**State Law Reference:** Sec. 61.32, Wis. Stats.

## **Sec. 2-2-19 Meeting Agendas; Order of Business.**

### **(a) Agenda.**

- (1) The order of business at all regular or special meetings shall be according to the agenda prepared by the Clerk-Treasurer. All matters to be presented at a Board meeting shall be filed with the Clerk-Treasurer, or his/her deputy, no later than 24 hours preceding the scheduled regular Board meeting to enable the Clerk-Treasurer to prepare the agenda and all attachments and distribute the same to the Village Board. Matters filed after 24 hours preceding the Board meeting will not be placed upon the agenda. The Village President may waive the filing deadline for emergency cause shown.
- (2) A submitting department shall include copies of all material necessary to consider the agenda item.
- (3) The Village President and/or Village Trustees can advise the Clerk-Treasurer whether to include an item on the agenda, except that the Trustees calling a special meeting shall decide which items shall be first considered at such special meeting.
- (4) The Clerk-Treasurer shall afford the Trustees maximum reasonable notice of agenda items as each situation allows.

**(b) Order of Business.** Generally, the order of business to be observed in the conduct of all special or regular Board meetings shall be established by agenda notice.

**(c) Order to Be Followed.** No business shall be taken up out of order unless authorized by the Village President or by majority consent of all Trustees and in the absence of any debate whatsoever.

**(d) Recognition of Visitors.** In order to maintain and hold meetings in an orderly fashion the following procedure will be followed regarding visitors unless having previously made a request to be placed on the agenda for a specific item:

- (1) No discussion allowed from visitors during the course of the meeting unless requested by the Board.
- (2) At the appropriate time, each visitor can be recognized and allowed to speak for no more than five (5) minutes.
- (3) Procedure at Public Hearings.
- (4) After opening the public hearing, the presiding officer shall then call on those persons who wish to speak for the proposition. Each person wishing to speak for the proposition shall give his or her name and address.
- (5) Each person speaking on behalf of the proposition shall be limited in time to not more than five (5) minutes. The presiding officer may allow for additional time.
- (6) The presiding officer shall then call on those persons who wish to oppose the proposition.

**(e)** Each such person wishing to speak in opposition to the proposition shall give his or her name and address and shall also be limited to five (5) minutes.

**(f)** Any person wishing to speak in rebuttal to any statements made may, with the permission of the presiding officer, do so, provided, however, such rebuttal statement shall be limited to three (3) minutes by any one (1) individual.

**(g)** When the presiding officer in his/her discretion is satisfied that the proposition has been heard, he/she shall announce the fact that the hearing is concluded.

**Sec. 2-2-20 Introduction of Business; Resolutions and Ordinances; Disposition of Communications.**

**(a) Definitions-Ordinances, Resolutions and Motions.**

- (1) Ordinance. A legislative act prescribing general, uniform, and permanent rules of conduct relating to the corporate affairs of the municipality. Board action shall be taken by ordinance when required by law, or to prescribe permanent rules of conduct which continue in force until repealed, or where such conduct is enforced by penalty.
- (2) Resolution. An internal legislative act which is a formal statement of policy concerning matters of a special or temporary nature. Board action shall be taken by resolution where required by law and in those instances where an expression of policy more formal than a motion is desired.
- (3) Motion. A form of action taken by the Board to direct that a specific action be taken on behalf of the municipality. A motion, once approved and entered into the record, is the equivalent of a resolution in those instances where a resolution is not required by law.

**(b) Ordinances.** All ordinances and resolutions shall be prepared as follows:

- (1) Each ordinance or resolution shall include a note stating the purpose thereof. All ordinances submitted to the Board shall be in writing and shall include at the outset a descriptive or brief statement of the subject matter and a title.
- (2) The sponsor of an ordinance or resolution may be the President, one (1) or more Trustees, a department head or a committee, board, or commission.
- (3) No ordinance, resolution or by-law shall be considered unless presented in writing by a Trustee or by a committee. Unless requested by a Trustee before final vote is taken, no ordinance, resolution or by-law need be read in full.
- (4) On ordinances or resolutions that require special handling, the Clerk-Treasurer shall assure that an editorial note is prepared showing compliance with such special handling.
- (5) The Clerk-Treasurer may reject any ordinance or resolution from placement on the agenda which fails to comply with this Section.
- (6) Resolutions shall be in writing at the request of one Trustee; such request shall be non-debatable. Resolutions may be referred to an appropriate standing committee for an advisory recommendation.

**(c) Subject and Numbering of Ordinances.** Each ordinance shall be related to no more than one (1) 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 title of amending and repealing ordinances shall reflect their purpose to amend or repeal.

**(d) Notice.** The Village Board may take action on an ordinance only if it appears on the written agenda for the meeting at which action is requested.

**(e) Effective Date.** Unless otherwise provided, all ordinances shall take effect and be in force from and after passage and publication and/or legal posting; and published copies thereof shall have appended the date of first publication and/or legal posting.

**(f) Disposition of Petitions, Communication, Etc.** Every petition or other correspondence from citizens addressed to the Village Board or to the Village Clerk-Treasurer or other Village officer for reference to the Village Board, shall be delivered by such other Village officer to the Village President or to the presiding officer of the Board as soon as

convenient after receipt of same, and in any event, prior to or at the opening of the next meeting of the Village Board following the receipt of same. Every such petition, or other writing, and every paper, communication or other proceeding which shall come before the Board for action, may be referred by the Village President or presiding officer to the appropriate committee or commission, unless objected to by some member of the Board.

- (g) **Reference and Reports.** The presiding officer may refer new business coming to the Board to an appropriate Board committee unless otherwise referred or acted upon by the Village Board. All referrals, unless otherwise provided for in the referral, shall be reported on at the next regular Board meeting. Village Board motions based upon committee or commission action is permissible only on items specifically on the agenda.

### **Sec. 2-2-21 Publication and Effect of Ordinances.**

- (a) All ordinances adopted by the Village Board shall, at the discretion and direction of the Village Board, be published in the official newspaper for the Village of Winneconne as a Class 1 Notice under Chapter 985, Wis. Stats., or posted in three (3) public places within the Village.
- (b) Notwithstanding any provision herein, if any ordinance adopted by the Village Board for the Village of Winneconne contains any penalty or forfeiture said ordinance shall be published as a Class 1 Notice under Chapter 985, Wis. Stats.
- (c) If an ordinance resolution, motion or other action is legally posted under this Section, the Clerk-Treasurer shall sign an affidavit attesting that the item was posted as required by this Section and stating the date and place of posting. The affidavit shall be filed with other records under the jurisdiction of the Clerk-Treasurer.
- (d) All ordinances shall take effect and be in force from and after passage and publication/posting thereof, unless otherwise provided.

**State Law Reference:** Sections 61.32 and 61.50, Wis. Stats.

### **Sec. 2-2-22 Conduct of Deliberations.**

- (a) **Roll Call Votes.** A roll call shall not be necessary on any questions or motions except as follows:
  - (1) When the ayes and noes are requested by any member.
  - (2) When required by the state statutes of Wisconsin.
- (b) **Record of Votes.** All aye and nay votes shall be recorded in the official minutes. The Clerk-Treasurer shall call for the ayes and noes on a roll call vote. The order of call shall rotate at each meeting. The order of vote for each meeting shall be in rotation such that the first called shall be one name down the seniority roster of the Board of Trustees from the previous meeting. Each vote called during that meeting will be in the same order. Any Trustee may demand a vote on any matter. The Clerk-Treasurer shall record the ayes and noes on each vote.
- (c) **Parliamentary Procedure.** Except as provided below, the presiding officer, in the event of a dispute regarding procedure, shall in all other respects determine the rules of its procedure, which shall be governed by *Robert's Rules of Order, Revised*, which is hereby incorporated by reference, unless otherwise provided by ordinance or Statute.

- (d) Motions Stated.** Prior to any debate on a matter, the members of the Village Board shall be entitled to a clear understanding of the motion before the Village Board. The person making the motion shall clearly state the motion. There shall be a second to any motion prior to any debate or discussion of the motion. The presiding officer may, if felt necessary, restate the motion prior to any debate and discussion. Any member of the Village Board, prior to a vote on the motion, may request that the motion and any amendments adopted to the motion be reduced to writing and submitted in writing to the members of the Village Board prior to the final vote on the matter.
- (e) Change of Vote.** No member of the Village Board may change his or her vote on any action item, business item, motion or question after the final result has been announced.
- (f) Motions With Preference.** During any meeting of the Village Board certain motions will have preference. In order of precedence they are;
- (1) Motion to Adjourn.** This motion can be made at any time and has first precedence. This is a non-debatable motion.
  - (2) Motion to Lay on the Table.** This motion may be made when the subject matter appropriate for tabling is to be debated or discussed. This motion is a non-debatable motion.
  - (3) Motion to Call Previous Question.** This motion may be made at any time after the debate or discussion commences related to an action item, business item, motion or question that is properly before the Village Board. This motion is a non-debatable motion. This motion, if adopted, ends the debate and discussion at the meeting on the action item, business item, motion or question. The motion, if adopted, brings the Village Board to a direct vote with the first vote on any amendments, if any, and then to the main action item, business item, motion or question.
  - (4) Motion to Postpone to a Date Certain.** This motion may be made at any time after the debate and discussion commences on an action item, business item, motion or question that is properly before the Village Board. This motion is debatable. This motion, if adopted, ends the debate and discussion at the meeting on the action item, business item, motion or question. This motion must establish a date and time certain when the debate and discussion before the Village Board will continue. The date and time established must be on a date and time for a regularly scheduled or special meeting of the Village Board.
  - (5) Motion to a Committee.** This motion may be made at any time after the debate and discussion commences on an action item, business item, motion or question that is properly before the Village Board. The motion is debatable. This motion, if adopted, ends the debate and discussion at the meeting on the action item, business item, motion or question. This motion, if adopted, forwards the action item, business item, motion or question to a committee for further review and discussion. The committee must be a committee of the Village Board.
  - (6) Motion to Amend or Divide the Question.** This motion may be made at any time after debate and discussion commences on the action item, business item, motion or question properly before the Village Board. The motion is debatable. This motion, if adopted, divides the main action item, main business item, main motion or main question pursuant to the method described and adopted in the motion to divide.
  - (7) Motion to Postpone Indefinitely.** This motion may be made at any time after debate and discussion commences on the action item, business item, motion or question



properly before the Village Board. This motion is debatable. This motion, if adopted, ends the debate and discussion at the meeting on the action item, business item, motion or question.

**(8) Motion to Introduce a Matter Related to the Action Item, Business Item, Motion or Question.** This motion may be made at any time after the debate and discussion properly before the Village Board. This motion is debatable. This motion, if adopted, expands or adds to the debate and discussion new items related to the main action item, main business item, main motion or main question pursuant to the method described and approved in the motion to introduce a matter related.

**(g) Public Directory Votes.** No member of the Village Board shall request, at a meeting of the Village Board, a vote from the general public unless the proposed vote of the general public is so noted by the presiding officer of the meeting as strictly an advisory vote to the Board. Any vote taken by the general public at a meeting of the Village Board shall be considered by the Board only as an advisory vote and shall not be considered as a directory vote.

**(h) Compelling Votes.** No member may be compelled to vote. When a member abstains from voting, the effect is the same as if the member voted on the prevailing side. The "prevailing side" is defined as the votes accumulated which resulted in carrying or defeating a question. In case of a tie vote (not including the abstention), the abstaining vote is considered a "naye." In case of a vote requiring approval by more than a simple majority, an abstaining vote is considered an "aye." (See also Section 2-5-7).

**(i) Majority Vote.** Unless a larger number is required by statute, ordinance or bylaw, a majority vote of those present at a legally constituted meeting is necessary to carry a question.

### **Sec. 2-2-23 Reconsideration of Questions.**

Any member voting on the prevailing side may move for reconsideration of the vote on any question at that meeting or the next succeeding regular meeting, except those which cannot be reconsidered pursuant to *Robert's Rules of Order, Revised*. A Trustee may not change his vote on any question after the result has been announced.

### **Sec. 2-2-24 Disturbances and Disorderly Conduct.**

Whenever any disturbance or disorderly conduct shall occur in any of the meetings of the Board, the President may, following a warning, cause the room to be cleared by a law enforcement officer of all persons causing such disorderly conduct.

### **Sec. 2-2-25 Amendment of Rules.**

The rules of Sections 2-2-17 through 2-2-19 shall not be rescinded or amended unless the proposed amendment or motion to rescind has laid over from a regular meeting, and then it shall require a vote of two-thirds (2/3) of all the members of the Board.

### **Sec. 2-2-26 Suspension of Rules.**

These rules shall not be suspended except by a two-thirds (2/3) vote of all the members of the Board.

# Title 2 4 Chapter 3

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## Municipal Officers and Employees

- 2-3-1 General Provisions
- 2-3-2 Appointed Officials
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- 2-3-8 Fire Chief; Fire District Officers
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- 2-3-16 Eligibility for Office
- 2-3-17 Oaths of Office
- 2-3-18 Vacancies
- 2-3-19 Removal from Office
- 2-3-20 Custody of Official Property
- 2-3-21 Rule Making Authority

**Sec. 2-3-1 General Provisions.**

- (a) **General Powers.** Officers shall have generally the powers and duties prescribed for like officers of towns and villages, except as otherwise provided, and such powers and duties as are prescribed by law and except as to the Village President, shall perform such duties as shall be required of him/her by the Village Board. Officers whose powers and duties are not enumerated in Chapter 61, Wis. Stats., shall have such powers and duties as are prescribed by law for like officers or as are directed by the Village Board.
- (b) **Rules.** All officers and departments may make the necessary rules for the conduct of their duties and incidental proceedings, subject to prior approval by the Village Board.
- (c) **Applicability of Ethics Statutes.** The general laws for the punishment of bribery, misdemeanors and corruption in office shall apply to Village officers.
- (d) **Legal Representation.** Whenever a Village official in his/her official capacity is proceeded against or is obliged to proceed before any civil court, board or commission, to defend or maintain his/her official position, or because of some act arising out of the performance of his/her official duties, and he/she has prevailed in such proceedings, or the Village Board has ordered the proceedings discontinued, the Board may provide for payment to such official such sum as it sees fit, to reimburse him/her for the expenses reasonably incurred for costs and attorney's fees.

**Sec. 2-3-2 Appointed Officials.**

The Village officials hereinafter set forth shall be appointed;

<b>Official</b>	<b>How Appointed</b>	<b>Term</b>
Building Inspector	Village President subject to confirmation by the Village Board	By Contract
Attorney	Village President subject to confirmation by the Village Board	Pleasure of Board
Engineer (Consulting)	Village President subject to confirmation by the Village Board	Pleasure of Board
Weed Commissioner	Village President subject to confirmation by the Village Board	One Year
Village Forester	Village President subject to confirmation by the Village Board	One Year
Chief of Police	Village President subject to	Indefinite

Municipal Officers and Employees

	confirmation by the Village Board	
Assessor	Village President subject to confirmation by the Village Board	By Contract
Director of Public Works	Village President subject to confirmation by the Village Board	Indefinite
Clerk-Treasurer	Village President subject to confirmation by the Village Board	Indefinite
Administrator-Economic Development Coordinator	Majority vote by the Village Board	Indefinite
Municipal Judge	Elected (even years)	Four Years
Clerk of Municipal Court	Municipal Judge	Indefinite
Head of Emergency Government Services	Village President subject to confirmation by the Village Board	Indefinite

**Sec. 2-3-3 Village Administrator-Economic Development Coordinator.**

- (a) Office Created.** In order to provide the Village of Winneconne with a more efficient, effective and responsible government under a system of a part-time President and part-time Village Board (hereinafter referred to as "Board") at a time when Village government is becoming increasingly complex, there is hereby created the Office of Village Administrator-Economic Development Coordinator for the Village of Winneconne (hereinafter referred to as "Administrator").
- (b) Appointment, Term of Office and Removal.** The Administrator shall be appointed on the basis of merit with due regard to training, experience, administrative ability and general fitness for the office, by a majority vote of the Board. The Administrator shall hold office for an indefinite term subject to removal at any time by a majority vote of the Board. This Subsection, however, shall not preclude the Board from establishing other employment terms and conditions not inconsistent with the provisions of this Section or this Code of Ordinances.
- (c) General Functions and Duties of the Administrator.** The Administrator, subject to the limitations defined in resolutions and ordinances of the Village of Winneconne and Wisconsin Statutes, shall be the chief administrative officer of the Village, responsible only to the President and the Board for the proper administration of the business affairs of the Village, pursuant to the Wisconsin Statutes, the ordinances of the Village of Winneconne,

and the resolutions and ordinances of the Village of Winneconne, and the resolutions and directives of the Board. The Administrator shall have such powers and duties as prescribed in this Section.

**(d) General Duties.** The Village Administrator shall:

- (1) Carry out directives of the President and Board which require administrative implementation, reporting promptly to the President and Board any difficulties encountered herein;
- (2) Be responsible for the administration of all day-to-day operations of the Village government including the monitoring of all Village ordinances, resolutions, Board meeting minutes and Wisconsin Statutes;
- (3) Prepare a plan of administration, including an organizational chart, which defines authority and responsibility for all non-statutory positions of the Village; and submit it to the Village Board for adoption as the official organization and administrative procedure plan for the Village;
- (4) Establish when necessary administrative procedures to increase the effectiveness and efficiency of Village government according to current practices in local government, not inconsistent with Subsection (e)(3) above or directions of the President and Board;
- (5) Serve as ex-officio nonvoting member of all boards, commissions and committees of the Village, except as specified by the Board, Wisconsin Statutes, or this Code of Ordinances.
- (6) Keep informed concerning current federal, state, and county legislation and administrative rules affecting the Village and submit appropriate reports and recommendations thereon to the Board;
- (7) Keep informed concerning the availability of federal, state and county funds for local programs. Assist department heads and the Board in obtaining these funds under the direction of the President and the Board;
- (8) Represent the Village in matters involving legislative and inter-governmental affairs as authorized and directed as to that representation by the President and Board;
- (9) Act as public information officer for the Village with the responsibility of assuring that the news media are kept informed about the operation of the Village and that all open meeting rules and regulations are followed;
- (10) Establish and maintain procedures to facilitate communications between citizens and Village government to assure that complaints, grievances, recommendations and other matters receive prompt attention by the responsible official, and to assure that all such matters are expeditiously resolved;
- (11) Promote the economic well-being and growth of the Village through public and private sector cooperation; develop positive working relationships with the Wisconsin Department of Commerce, Forward Wisconsin, and other economic development agencies; maintain good communications with the commercial and industrial sectors of the Village; coordinate business development and retention efforts with the Chamber of Commerce; and initiate other economic development activities when opportunities arise;
- (12) Act as compliance officer for the Village with responsibility for compliance with applicable state and federal regulations and program requirements;
- (13) Perform various zoning and land use, planning, permit issuance and code compliance functions as directed by the Village Board.

**(e) Responsibilities to the Board.**

- (1) Attend all meetings of the Board, assisting the President and the Board as required in the performance of their duties;
  - (2) In coordination with the President, the Board and the Clerk-Treasurer, ensure that appropriate agendas are prepared for all meetings of the Board, all Board committees, and all other appropriate committees and commissions of the Village, together with such supporting material as may be required; with nothing herein being construed as to give the Administrator authority to limit or in any way prevent matters from being considered by the Board, or any of its committees and commissions;
  - (3) Assist in the preparation of ordinances and resolutions as required by the President or the Board, or needed;
  - (4) Keep the President and Board regularly informed about the activities of the Administrator's office by oral or written report at regular and special meetings of the Board;
  - (5) In the event that action normally requiring Board approval is necessary at a time when the Board cannot meet, the Administrator shall receive directives from the President.
- (f) **Personnel.** The Village Administrator shall:
- (1) Be responsible for the administrative (and operational) direction and coordination of all employees of the Village according to the established organization procedures.
  - (2) Recommend to the Board the appointment, promotion, and when necessary for the good of the Village, the suspension or termination of department heads;
  - (3) In consultation with the appropriate department head, be responsible for recommending to the Village Board the appointment, promotion, and when necessary for the good of the Village, the suspension or termination of employees below the department head level;
  - (4) Serve as personnel officer for the Village with responsibilities to see that complete and current personnel records, including specific job descriptions, for all Village employees are kept; evaluate in conjunction with department heads the performance of all employees on a regular bases; recommend salary and wage scales or Village employees not covered by collective bargaining agreements; develop and enforce high standards of performance by Village employees; assure that Village employees have proper working conditions; work closely with department heads to promptly resolve personnel or grievances;
  - (5) Assist in labor contract negotiations and collective bargaining issues;
  - (6) Work closely with department heads to assure that employees receive adequate opportunities for training to maintain and improve their job-related knowledge and skills and act as the approving authority for requests by employees to attend conferences, meetings, training schools, etc., provided that funds have been budgeted for these activities.
- (g) **Budgeting and Purchasing.** The Village Administrator shall:
- (1) Be responsible for the preparation of the annual Village budget, in accordance with guidelines as may be provided by the Village Board and in coordination with department heads, and pursuant to Wisconsin Statutes, for review and approval by the President and the Board;
  - (2) Administer the budget as adopted by the Board;
  - (3) Report regularly to the Board on the current fiscal position of the Village;
  - (4) Supervise the accounting system of the Village and insure that the system employs methods in accordance with current professional accounting practices;
  - (5) Serve as the purchasing agent for the Village, supervising all purchasing and contracting

for supplies and services, subject to the purchasing procedures established by the Board and any limitation contained in the Wisconsin Statutes;

- (h) Cooperation.** All officials and employees of the Village shall cooperate with and assist the Administrator so that the Village government shall function effectively and efficiently.

### **Sec. 2-3-4 Village Clerk-Treasurer.**

- (a) Consolidated Offices.** Pursuant to Sections 61.195, 61.197 and 66.0101, Wis. Stats., the Village of Winneconne hereby elects not to be governed by those portions of Sections 61.19, 61.25 and 61.26, Wis. Stats., which relate to the selection and tenure of the Clerk and Treasurer, and which are in conflict with this Section. The offices of Village Clerk and Village Treasurer are hereby consolidated and the duties of both offices shall be performed by the person appointed as Village Clerk-Treasurer by the Village President subject to confirmation by the Village Board (Charter Ordinance).
- (b) Term.** The appointed Village Clerk-Treasurer shall hold office for an indefinite term, subject to removal as provided in Sec. 17.13, Wis. Stats.
- (c) Audits.** Annual audits shall be made of the records of the Clerk-Treasurer with the audit to be made by a certified public accountant.
- (d) Duties as Clerk.** In his/her capacity as Village Clerk, the Village Clerk-Treasurer shall be responsible for performing those duties required by the Wisconsin Statutes and for such additional duties described in his/her position description and/or employment contract. Maintain all personnel records, attend and keep minutes of all Village Board meetings and committee meetings as required by employment contract.
- (e) Duties as Treasurer.** In his/her capacity as Village Treasurer, the Village Clerk-Treasurer shall be responsible for performing those duties required by the Wisconsin Statutes and for such additional duties described in his/her position description and/or employment contract.
- (f) Duties Prescribed by Law.** The Clerk-Treasurer shall perform such other duties as are prescribed by State Statutes, Village ordinances, and by order of the Village Board. The Clerk-Treasurer generally shall perform, under direction of the Village President or other presiding officer of the Board, all duties pertaining to his/her office Clerk-Treasurer, and shall be responsible for all the official acts of assistants.
- (g) Bond.** The Clerk-Treasurer shall execute to the Village a surety company fidelity bond in an amount determined by the Village Board.

### **Sec. 2-3-5 Deputy Clerk-Treasurer.**

The Village Board may appoint a Deputy Clerk-Treasurer(s), subject to confirmation by a majority of all the members of the Village Board. The Deputy Clerk-Treasurer(s) shall have an indefinite term of office. The Deputy Clerk-Treasurers shall act under the Village Clerk-Treasurer's direction and, during the temporary absence or disability of the Village Clerk-Treasurer or during a vacancy in such office, shall perform the duties of Village Clerk-Treasurer. The acts of the Deputy(s) shall be covered by official bond as the Village Board shall direct.

**State Law Reference:** Sec. 61.261, Wis. Stats.

**Sec. 2-3-6 Village Attorney.**

- (a) **Appointment.** The Village Attorney is an appointed position. The Village Attorney shall be appointed pursuant to Section 2-3-2, except the Village Attorney shall serve at the pleasure of the Board.
- (b) **Duties.** The Village Attorney shall have the following duties:
  - (1) The Village Attorney shall conduct all of the legal business in which the Village is interested.
  - (2) He/she shall, when requested by Village officers, give written legal opinions, which shall be filed with the Village.
  - (3) He/she shall draft ordinances, bonds and other instruments as may be required by Village officers.

**Sec. 2-3-7 Chief of Police**

- (a) **Appointment.** The Chief of Police shall be appointed pursuant to Section 2-3-2. The Chief shall exercise the powers and duties of the Village marshals and Village constables and any other powers and duties as provided from time to time by the Village Board.
- (b) **General Duties.** The Chief of Police shall be responsible for performing those duties required by the Wisconsin Statutes and for such additional duties described in his/her position description and/or employment contract.

**State Law Reference:** Sec. 61.65(1)(am), Wis. Stats.

**Sec. 2-3-8 Fire Chief; Fire District Officers.**

Fire Chief and Fire District officers shall be elected pursuant to Winneconne Poygan Fire District bylaws; such bylaws are herein adopted and incorporated by reference.

**Sec. 2-3-9 Weed Commissioner.**

The Weed Commissioner shall be appointed by the Village President, subject to Village Board confirmation. The term of office of the Weed Commissioner shall commence on the first day of May following his/her appointment. The Weed Commissioner shall take the official oath, which oath shall be filed in the Office of the Village Clerk-Treasurer and shall hold office for one year. The Weed Commissioner shall hold office pursuant to and fulfill the duties set out in state law.

**State Law Reference:** Secs. 66.0407 and 66.0517, Wis. Stats.

**Sec. 2-3-10 Director of Public Works.**

- (a) **Appointment.** The Director of Public Works shall be appointed pursuant to Section 2-3-2.



Generally, the Village Board shall maintain, service, inspect and/or repair all Village public works equipment, and property including street equipment, streets and street right-of-way, Village water utility, sewer department, Village cemeteries, Village parks, Village buildings and other items as determined by the Village Board.

- (b) **Duties and Powers.** The Director of Public Works shall be responsible for performing those duties required by the Wisconsin Statutes and for such additional duties described in his/her position description and/or employment contract.

**Sec. 2-3-11 Assessor.**

- (a) Pursuant to Sections 61.195, 61.197 and 66.0101, Wis. Stats., the Village hereby elects not to be governed by those portions of Sections 61.19 and 61.23, Wis. Stats., which relates to the selection and tenure of the Village Assessor, and which is in conflict with this Section.
- (b) Instead of being elected, the Assessor or assessing firm shall be appointed by the Village President, subject to confirmation by a majority vote of the members-elect of the Village Board. Said person so appointed to perform the duties of such office shall have a one (1) year term and shall serve as determined by contract. A corporation or an independent contractor may be appointed as the Village Assessor. The corporation or independent contractor so appointed shall designate the person responsible for the assessment. The designee shall file the official oath under Sec. 19.01, Wis. Stats., and sign the affidavit of the Assessor attached to the assessment roll under Sec. 70.49, Wis. Stats. No person may be designated by any corporation or independent contractor unless he/she has been granted the appropriate certification under Sec. 73.09, Wis. Stats. For purposes of this Subsection, "independent contractor" means a person who either is under contract to furnish appraisal and assessment services or is customarily engaged in an independently established trade, business or profession in which the services are offered to the general public.

**State Law Reference:** Public Official's oaths and bonds, Sec. 19.01, Wis. Stats.; corporation as assessor, Sections 61.197 and 61.27, Wis. Stats.; affidavit of assessor, Sec. 70.49, Wis. Stats.; assessor certification, Sec. 73.02, Wis. Stats.; assessors in cities, Sec. 70.05, Wis. Stats.

**Sec. 2-3-12 Building Inspector; Plumbing Inspector; Heating, Ventilating and Air Conditioning Inspector; Electrical Inspector.**

(a) **Appointment.**

(1) Inspectors shall be appointed pursuant to Section 2-3-2.

(2) Each inspector shall:

- a Shall be responsible for performing those duties required by the Wisconsin Statutes and Wisconsin Administrative Code and for such additional duties described in his/her position description and/or contract.
- b Possess such executive ability as is requisite for the performance of his/her duties and shall have a thorough knowledge of the standard materials and methods used in the installation of equipment in his/her area of responsibility;
- c Be well versed in approved methods of construction for safety to persons and property, the Statutes of the State of Wisconsin relating to work in his/her area of

- responsibility, and any orders, rules and regulations issued by authority thereof;
- d Have sufficient experience in the installation of equipment to enable him/her to understand and apply the appropriate codes adopted by the Village of Winneconne.
- e Be certified in his/her area of inspection responsibilities.

**(b) Authority to Enter Premises; Appeals.**

- (1) In the discharge of their respective duties, each Inspector under this Section or his/her authorized agent may enter any building, upon presentation of the proper credentials, during reasonable hours for the purpose of inspection and may require the production of any permit or license required hereunder. No person shall interfere with the Inspector or his/her authorized agent while in the performance of his duties; and any person so interfering shall be in violation of this Section and subject to a penalty as provided by Section 1-1-6.
- (2) If consent to entry to personal or real properties which are not public buildings or to portions of public buildings which are not open to the public for inspection purposes has been denied, the Inspector shall obtain a special inspection warrant under Sec. 66.0119, Wis. Stats.
- (3) Any person feeling himself/herself aggrieved by any order or ruling of an Inspector may, within twenty (20) days thereafter, appeal from such order or ruling to the Board of Appeals, as established in the Zoning Code, such an appeal to be in writing.

**(c) Duties and Authority.** The Building Inspector shall have such responsibilities as are prescribed in this Section and Title 15 of this Code of Ordinances.

**(d) Stop Work Orders and Revocations.** The Building Inspector may order construction, installation, alteration or repair work stopped when such work is being done in violation of this Code of Ordinances. Work so stopped shall not be resumed, except with written permission of the Inspector, provided if the stop work order is an oral one it shall be followed by a written order within a reasonable period of time.

**(e) Conflict of Interest.** No Inspector shall inspect any construction work in the Village in which the Inspector has a personal or financial interest either direct or indirect.

**Sec. 2-3-13 Joint Municipal Court; Municipal Judge.**

**(a) Joint Municipal Court Created.** Pursuant to the authority granted by Chapter 755, Wis. Stats., there is hereby created and established a Joint Municipal Court to be designated "Municipal Court for the Village of Winneconne, the Town of Winneconne and the Town of Vinland", said court to become operative and function on October 1, 2008.

**(b) Municipal Judge.**

- (1) Qualifications. The Joint Municipal Court shall be under the jurisdiction of and presided over by a Municipal Judge who resides in one of the municipalities that is a party to the agreement forming this Joint Municipal Court.
- (2) Oath and Bond. The Municipal Judge shall, after election or appointment to fill a vacancy, take and file the official oath as prescribed in Sec. 757.02(1), Wis. Stats., and at the same time execute and file an official bond in the amount of Twenty Thousand Dollars (\$20,000.00). The Municipal Judge shall not act until the oath and bond have been filed as required by Sec. 19.01(4)(c), Wis. Stats., and the requirements of Sec. 755.03(2), Wis. Stats., have been complied with.
- (3) Salary. The salary of the Municipal Judge shall be fixed by the Village Board of the

Village of Winneconne, the Town Boards of the Towns of Winneconne and Vinland, which shall be in lieu of fees and costs. No salary shall be paid for any time during the term during which the Judge has not executed the official bond or official oath, as required by Sec. 755.03, Wis. Stats., and filed pursuant to Sec. 19.01(4)(c), Wis. Stats. The municipalities may by separate ordinance allocate funds for the administration of the Municipal Court pursuant to Sec. 66.0303, Wis. Stats.

**(c) Elections.**

- (1) Term. The Municipal Judge shall be elected at large in the spring election commencing with April 2011 for a term of four (4) years commencing on May 1 succeeding his or her election. All candidates for the position of Municipal Judge shall be nominated by nomination papers as provided in Section 8.10, Wis. Stats., and selection at a primary election if such is held as provided in Section 8.11, Wis. Stats. The State Elections Board shall serve as filing office for the candidates.
- (2) Electors. Electors in all municipalities that are parties to the agreement shall vote for Municipal Judge.

**(d) Jurisdiction.**

- (1) Statutory and Ordinance Jurisdiction. The Municipal Court shall have jurisdiction over incidents occurring on or after provided in Article VII, Sec. 14 of the Wisconsin Constitution, Sections 755.045 and 755.05, Wis. Stats., and as otherwise provided by state law. In addition, it shall have exclusive jurisdiction over actions in the municipalities that are parties to the agreement seek to impose forfeitures for violations of municipal ordinances, resolutions and bylaws.
- (2) Civil Warrants. The Municipal Judge may issue civil warrants to enforce matters under the jurisdiction of the Municipal court under Sections 66.0119 and 755.045(2), Wis. Stats.
- (3) Juvenile Jurisdiction. The Municipal Court has jurisdiction over juvenile offenders when a municipality that is party to the agreement enacts an ordinance under the authority of Sec. 938.17(2)(cm), Wis. Stats.

**(e) Municipal Court Administration.**

- (1) Hours. The Municipal Court shall be open at such location and at such times as determined by the governing bodies of the municipalities that are parties to the agreement and the Municipal Judge.
- (2) **Employees.** The Municipal Judge shall, in writing, appoint such clerks and deputy clerks as are authorized and funded by the Village of Winneconne and the Towns of Winneconne and Vinland.

**(f) Collection of Forfeitures and Costs.** The Municipal Judge may impose punishment and sentences as provided by Chapters 800 and 938, Wis. Stats., and as provided in the ordinances of the municipalities that are parties to the agreement. All forfeitures, fees, assessments, surcharges and costs shall be paid to the treasurer of the municipality within which the case arose within seven (7) days after receipt of the money by the Municipal Court. At the time of the payment, the Municipal Court shall report to the treasurer the title of the action, the nature of the offenses and total amount of judgments imposed in actions and proceedings in which such monies were collected.

**(g) Contempt of Court.** The Municipal Judge, after affording an opportunity to the person accused to be heard in defense, may impose a sanction authorized under Section 800.12, Wis. Stats., and may impose a forfeiture therefor not to exceed Fifty Dollars (\$50.00) or upon

nonpayment of the forfeiture and the assessments thereon, a jail sentence not to exceed seven (7) days.

- (h) **Abolition.** The Municipal Court hereby established shall not be abolished while the Section 755.01(4), Wis. Stats., agreement is in effect.

**Sec. 2-3-14 Clerk of Municipal Court.**

- (a) **Appointment.** The Municipal Judge shall, in writing, appoint such clerks and deputy clerks as are authorized by the Village Board, the Town of Winneconne and the Town of Vinland. Their salaries shall be fixed by the Village Board.
- (b) **Oath.** The Clerk of Municipal Court shall, before entering upon the duties of office, take the oath provided by Sec. 19.01, Wis. Stats., and give a bond if required by the Village Board. Oaths and bonds for such Clerks shall be filed with the Village Clerk-Treasurer. The cost of the bond shall be paid by the Village.
- (c) **Duties.** The Clerk of Municipal Court shall perform all duties as required by law and such other duties as are requested to be executed by such person by the Municipal Judge.

**State Law Reference:** Sec. 755.10, Wis. Stats.

**Sec. 2-3-15 Head of Emergency Government Services.**

- (a) The Village President shall appoint the Head of Emergency Government Services, subject to confirmation by majority vote of the members-elect of the Village Board.
- (b) The Head of Emergency Government Services shall promulgate an effective program of emergency government in pursuit of the statewide goals of the emergency government organization:
- (1) To prepare for and minimize the effect of enemy action (civil defense) and natural or manmade disaster upon the civilian population; and
  - (2) To effectuate emergency repairs to, or the emergency restoration of, vital public utilities and facilities destroyed or damaged by such action or disaster. The above duties shall include preparation of emergency government and civil defense plans, as well as the requirements set forth in Ch. 166, Wis. Stats.

**State Law Reference:** Ch. 166, Wis. Stats.

**Sec. 2-3-16 Eligibility for Office**

An appointee by the Village President, requiring to be confirmed by the Village Board, who shall be rejected by the Board, shall be ineligible for appointment to the same office for one (1) year thereafter.

State Law Reference: Sec. 62.09(2), Wis. Stats.

**Sec. 2-3-17 Oaths of Office.**

- (c) **Oath of Office.** Every officer of the Village, including members of Village boards and commissions, shall, before entering upon his/her 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 such oath in the office of the Village Clerk-Treasurer. Any person reelected or reappointed to the same office shall take and file an official oath for each term of service.

- (d) Form, Procedure.** The form, filing and general procedure for the taking of oaths shall be governed by Chapter 19, Subchapter I, Wis. Stats.

**State Law Reference:** Chapter 19, Subch. I, Wis. Stats.

**Sec. 2-3-18 Vacancies.**

- (a) How Occurring.** Except as provided in Subsection (c) below, vacancies in elective and appointive positions occur as provided in Sections 17.03 and 17.035, Wis. Stats.
- (b) How Filled.** Vacancies in elective and appointive offices shall be filled as provided in Sec. 17.24, Wis. Stats.
- (c) Temporary Incapacitation.** If any officer be absent or temporarily incapacitated from any cause, the Board may appoint some person to discharge his/her duties until he/she returns or until such disability is removed.

**State Law Reference:** Sec. 61.23, Wis. Stats.

**Sec. 2-3-19 Removal from Office.**

Appointed Officials. Appointed officials may be removed as provided in Sections 17.12(1)(c) and 17.16, Wis. Stats. Annotation: 62 Atty. Gen. Op. 97.

**Sec. 2-3-20 Custody of Official Property.**

Village officers must observe the standards of care imposed by Sec. 19.21, Wis. Stats., with respect to the care and custody of official property.

**State Law Reference:** Sec. 19.21, Wis. Stats.

**Sec. 2-3-21 Rule Making Authority.**

Heads of departments of the Village supervised by the Village Administrator may make rules, policies or directives for the administration of their departments, but not for the conduct of the general public.

# Title 2 4 Chapter 4

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## Boards, Commissions and Committees

- 2-4-1 Board of Review
- 2-4-2 Cemetery Board
- 2-4-3 Plan Commission
- 2-4-4 Library Board
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- 2-4-6 Zoning Board of Appeals
- 2-4-7 Industrial Development Committee
- 2-4-8 Historic Preservation Commission
- 2-4-9 Beautification Committee
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- 2-4-11 Personnel & Finance Committee
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- 2-4-13 Community Development Authority
- 2-4-14 General Provisions Regarding Meetings and Public Notice
- 2-4-15 Residency Required for Service on Citizen Boards and  
Commissions; Attendance Standards
- 2-4-16 Committee and Commission Rules

**Sec. 2-4-1 Board of Review.**

**(a) Composition.**

- (1) The Board of Review shall be composed of the Village President, the Village Clerk-Treasurer and all members of the Village Board. The Village Board determines it necessary and in the best interest of the Village to appoint the Village Administrator to also serve on the Board of Review. The Village Clerk-Treasurer shall serve as Clerk of the Board of Review. The Assessor shall attend all meetings of the Board of Review, but shall not vote.
- (2) Pursuant to Secs. 70.47(6m)(c) and 70.46(1), Wis. Stats., the Village Board hereby provides for the appointment of alternates to serve on the Board of Review in the event a standing board member of the Board of Review is removed pursuant to Sec. 70.47(a), Wis. Stats., or recused pursuant to Sec. 70.47(b), Wis. Stats.
- (3) No Board of Review may be constituted unless it includes at least one (1) voting member who, within two (2) years of the Board's first meeting, has attended a training session under Sec. 73.03(55), Wis. Stats., and unless that member is the municipality's chief executive officer or that officer's designee. The Village Clerk-Treasurer shall provide an affidavit to the Wisconsin Department of Revenue stating whether the requirement under this Section has been fulfilled.

**(b) Compensation.** The members of the Board of Review shall receive compensation as determined by resolution of the Village Board, except members who are full-time employees/officials of the Village shall receive no additional compensation.

**(c) Duties.** The duties and functions of the Board of Review shall be as prescribed in Sections 70.46 and 70.47, Wis. Stats.

**(d) Meetings.** In accordance with Sec. 70.47(3)b, Wis. Stats., the Village Board do hereby exercise their right to designate hours for the annual Board of Review proceedings other than those set forth in Sec. 70.47(3)a, and shall designate the hours of the annual Board of Review. 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.

**(e) Objections to Valuations to be Written.** No person shall be permitted to appear and make objection before the Board of Review of the Village of Winneconne to the amount of valuation of any property unless objection thereto shall first have been made in writing and filed with the Clerk of the Board of Review.

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

**Sec. 2-4-2 Cemetery Board.**

**(a) Appointment of Board.**

- (1) The Cemetery Board shall consist of six (6) members as follows: Three (3) members of the Village board, Village Clerk-Treasurer, and two (2) citizen members. The citizen members shall be of recognized experience and qualifications.
- (2) The members of the Village Board, appointed to the Cemetery Board, shall be appointed by the Village President and confirmed by the Village Board annually during the month of April.

## Boards, Commissions and Committees

- (3) One (1) citizen member shall be appointed each year for a two (2) year term of office.
- (4) The Village Clerk-Treasurer, by virtue of his/her office, shall be a member of said Board in his/her capacity as Treasurer for the purpose of disposition and handling of cemetery funds and maintaining lot ownership and burial records.
- (b) **Vacancies.** All vacancies of the Cemetery Board shall be filled for the unexpired term in the same manner as appointed for the full term.
- (c) **Compensation.** No compensation shall be paid to the members of the Cemetery Board.
- (d) **Organization of Board.**
  - (1) The Village President will appoint a Village Trustee to serve as Board Chairperson with approval of the Village Board. The Village Clerk-Treasurer shall be a non-voting member.
  - (2) The Cemetery Board shall keep written records of the names of owners of all lots in plats, recordings of burial and other written records as required by law and conducive to a successful operation, a record of its proceedings including all actions taken, a copy of which shall be filed with the Village Clerk-Treasurer.
  - (3) Three (3) members shall constitute a quorum, but one of said members at all times must be a citizen member. All actions shall require affirmative approval of a majority of the members of the Board.
- (e) **Powers and Duties.**
  - (1) The Cemetery Board shall have the exclusive power to employ expert advice and such staff and/or personnel as may be necessary, and pay for the services and such other expenses as may be required, necessary and proper to carry on the successful control and management of the cemetery and pay out of the cemetery funds under its discretion and control or out of funds placed at its disposal through gifts or otherwise.
  - (2) The Cemetery Board shall have the powers and duties prescribed to municipally owned cemeteries by Ch. 157, Wis. Stats., and all legislative enactments amendatory thereof or supplementary thereto and such other powers and duties which shall be vested in them from time to time by law or by the Village Board.
  - (3) As far as possible the Cemetery Board shall utilize the services of the existing Village officials when necessary.
  - (4) The Cemetery Board is hereby authorized to adopt rules governing its proceedings.
  - (5) The Cemetery Board shall file copies of its meeting minutes with the Village Clerk-Treasurer.

### **Sec. 2-4-3 Plan Commission.**

- (a) **Composition.** The Village Plan Commission shall consist of seven (7) members who shall be the following: The Village President, who shall be its presiding officer, a Village Trustee, and five (5) citizen members.
- (b) **Appointment.**
  - (1) Trustee Member. The Trustee member shall be annually appointed by a two-thirds (2/3) vote at the organizational meeting of the Village Board.
  - (2) Citizen Members. Three (3) of the citizen members shall be appointed by the President of the Board upon creation of the Commission and shall hold office for a period ending one (1), two (2) and three (3) years respectively, from the succeeding first day of May, and



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thereafter annually during April. One such member shall be appointed for a term of three (3) years. The additional two (2) citizen members shall be appointed to hold office for a period of one (1) year from the succeeding first day of May and thereafter annually during the month of April.

(c) **Record.** The Plan Commission shall keep a written record of its proceedings to include all actions taken, a copy of which shall be filed with the Village Clerk-Treasurer. Four members shall constitute a quorum but all actions shall require the affirmative approval of a majority of all of the members of the Commission.

(d) **Duties.**

**(1) The Master Plan.**

(a) The Plan Commission shall make, adopt and, as necessary, amend, extend or add to the master plan, subject to Village Board confirmation, for the physical development of the Village including areas outside of its boundaries which, in the Plan Commission's judgment, bear relation to the development of the Village. The master plan, with the accompanying maps, plats and descriptive and explanatory matter, shall show the Commission's recommendations for such physical development, and may include, among other things without limitation because of enumeration, the general location, character and extent of streets, highways, freeways, street grades, roadways, walks, parking areas, public places and areas, parks, parkways, playgrounds, sites for public buildings and structures, and the general location and extent of sewers, water conduits and other public utilities whether privately or publicly owned, the acceptance, widening, narrowing, extension, relocation, removal, vacation, abandonment or change of use of any of the foregoing public ways, grounds, places, spaces, buildings, properties, utilities, routes or terminals, the general location, character and extent of community centers and neighborhood units, and a comprehensive zoning plan.

(b) The Commission may adopt the master plan as a whole by a single resolution, or, as the work of making the whole master plan progresses, may from time to time by resolution adopt a part or parts thereof, any such part to correspond generally with one or more of the functional subdivisions of the subject matter of the plan. The adoption of the plan or any part, amendment or addition, shall be by resolution carried by the affirmative votes of not less than a majority of all the members of the Plan Commission, subject to confirmation by the Village Board. The resolution shall refer expressly to the maps, descriptive matter, and other matters intended by the Commission to form the whole or any part of the plan, and the action taken shall be recorded on the adopted plan or part thereof by the identifying signature of the secretary of the Commission, and a copy of the plan or part thereof shall be certified to the Village Board. The purpose and effect of the adoption and certifying of the master plan or part thereof shall be solely to aid the Plan Commission and the Village Board in the performance of their duties.

(2) **Matters Referred to Plan Commission.** The Village Board or officer of the Village having final authority thereon, shall refer to the Plan Commission, for its consideration and report before final action is taken by the Board, public body or officer, the following matters: the location of any statue or other memorial; the location, acceptance, extension, alteration, vacation, abandonment, change of use, sale, acquisition of land for or lease of land for any street, alley or other public way, park, playground, airport, area for parking vehicles, or other memorial or public grounds; the location, extension, abandonment or authorization for

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any public utility whether publicly or privately owned; all plats of lands in the Village or within the territory over which the Village is given platting jurisdiction by Chapter 236, Wis. Stats.; the location, character and extent or acquisition, leasing or sale of lands for public or semi-public housing, slum clearance, relief of congestion, or vacation camps for children; and the amendment or repeal of any land use ordinance.

- (3) **Miscellaneous Powers.** The Commission may make reports and recommendations relating to the plan and development of the Village to public officials and agencies, civic, educational, professional and other organizations and citizens. It may recommend to the Village Board, programs for public improvements and the financing thereof. All public officials shall, upon request, furnish to the Commission, within a reasonable time, such available information as it may require for its work. The Commission, its members and employees, in the performance of its functions, may enter upon any land, make examinations and surveys, and place and maintain necessary monuments and markers thereon. In general, the Commission shall have such powers as may be necessary to enable it to perform its functions and promote municipal planning in cooperation with the Village Board. The Commission shall oversee community development block grants. The Village Board may refer to the Commission for its consideration and recommendation any matter pertaining to planning and development of land within the Village and within one and one-half (1 1/2) miles of the limits of the Village. All plats or replats of any lands within the limits of the Village or any lands outside the Village and within one and one-half (1 1/2) miles of the limits of the Village shall be submitted to the Commission for its recommendation to the Village Board before the same are approved by the Village Board.
- (e) **Compensation; Oath.** Compensation may be established by the Village Board for service on the Commission. Citizen members shall take the official oath required by Sec. 19.01, Wis. Stats., which shall be filed with the Village Clerk-Treasurer.
- (f) **Organization.** As soon as all members of the first Commission shall have been appointed, the Village Clerk-Treasurer shall give each member a written notice of the appointment and thereon shall fix the time and place of the first meeting which shall be not less than five (5) nor more than ten (10) days thereafter. Such Commission can elect a vice-chairman and a secretary, and shall keep a written record of its proceedings to include all actions taken, a copy of which shall be filed with the Village Clerk-Treasurer.
- (g) **Employees; Budget.** The Plan Commission shall have the power to employ experts and such staff as may be necessary, and to pay for their services and such other expenses as may be necessary and proper, within the limits of the budget established by the Village Board, or placed at its disposal through gift, and subject to any ordinance or resolution enacted by the Village Board. As far as possible, the Commission shall utilize the services of existing Village officials and employees.
- (h) **Rules of Procedure; Report.** The Plan Commission is hereby authorized to adopt rules governing its own proceedings. The Commission shall make a monthly report in writing to the Village Board of its transactions and expenditures, if any, for the preceding month, with such general recommendations as to matters covered by its prescribed duties and authority as seem proper.
- (i) **Special Meetings.** Individuals requesting a special meeting of the Plan Commission shall be required to pay a fee as may be established by the Village Board.

**State Law Reference:** Sections 61.35, 62.23, and Chapter 236, Wis. Stats.

**Sec. 2-4-4 Library Board.**

**(a) Membership and Terms.**

(1) Pursuant to Sec. 43.54, Wis. Stats., the Library Board shall consist of five (5) members appointed by the Village President, subject to confirmation by the Village Board, to serve staggered three (3) year terms. Of these five (5) one (1) shall be a member of the Village Board. In addition to these five, One (1) member shall be a school district administrator or his/her representative, and one (1) member shall be a representative of the County Board. Up to two (2) members may be residents of towns adjacent to the Village pursuant to state law.

**(b) Powers and Duties.** The Library Board shall have the powers and duties prescribed by Sec. 43.58, Wis. Stats.

**(c) Budget and Report.** The Library Board shall submit to the Village Board an annual budget proposal by September 1 and an annual report sixty (60) days after the end of the fiscal year.

**State Law Reference:** Sec. 43.58, Wis. Stats.

**Sec. 2-4-5 Park Board.**

**(a) Appointment of Committee.**

(1) The Park Board shall consist of two (2) citizen members and three (3) Trustees. All members shall be adult residents of the Village of Winneconne interested in civic affairs with recognized experience and qualifications.

(2) All members of the Park Board shall be appointed by the Village President and confirmed by the Village Board. The citizen members shall each serve three year terms in staggered fashion. The (3) Trustee members shall annually be appointed at the Village Board's organizational meeting.

(3) Vacancies on the Park Board shall be filled for the unexpired term in the same manner as the appointment for the full term.

(4) All members of the Park Board shall serve without compensation.

**(b) Organization of the Board.**

(1) The most senior trustee on the committee shall serve as Chairman unless they serve a similar roll on another committee.

(2) The Park Board shall keep a written record of its proceedings to include all actions taken, a copy of such proceedings shall be filed with the Village Clerk-Treasurer. Three (3) members shall constitute a quorum, but all actions shall require the affirmative approval of a majority of all the members of the Park Board.

(3) The Park Board shall have the power to employ a working staff, together with obtaining such expert assistance as may be necessary, and to pay for their services and such other expenses as may be necessary and proper within the limits of the Park Board budget established by the Village Board, or placed at its disposal through gift, and subject to any ordinances, resolutions or policies enacted by the Village Board.

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(4) As far as possible, the Park Board shall utilize the services of existing Village officials and employees.

**(c) General Powers and Duties.**

(1) The Park Commission shall oversee and be responsible for the planning, physical development, operation, and maintenance of all recreational facilities within the Village of Winneconne, to include its parks, park shelters, and other associated facilities. The Park Commission shall also be responsible for the establishment and oversight of recreational programs offered by the Village, and the management of all trees located within public grounds and rights-of-ways (terraces). To that end, the Park Commission is charged with the responsibility to perform the following duties:

- a In the event said position is created, the Parks Director or his/her designee will submit a monthly report to the Village Board detailing its activities pursuant to this Section and specifically listing any items requiring Village Board action.
- b Not later than October 15 of each year, the Park Commission shall develop annual operating and capital budget proposals for all projects and operations related to parks and recreation, and submit the same to the Village Administrator and Village Board for their consideration in development of the succeeding year's budget.
- c The Park Commission shall advise the Village Board as to recommended changes to ordinances governing the use and operation of parks and park facilities.

(2) The Park Commission shall annually make and file with the Village Board in February of each year a report making a full disclosure of its undertakings, park and recreation program and user ship and a report of its receipts and disbursements of its transactions for the preceding year and such other general recommendations governed by its prescribed duties as it may deem proper. All annual revenues generated by the Park Commission shall be deposited in the Village general fund.

**(d) Specific Powers and Duties Delegated to Park Committee.** The following are powers delegated to the Park Committee by the Village Board which it may exercise independently of the Village Board. The Park Committee may:

- (1) Authorize the establishment of recreation programs based on assessment of community needs, and establish a schedule of fees and charges pertaining thereto.
- (2) Establish rules and regulations governing park use and recreational programs, except that Village Board approval if required for any rule or regulation which involves a penalty or which requires creation and/or amendment of an ordinance.
- (3) Accept cash and personal property donations made for purposes of contributing toward park projects, programs and memorials. The Park Committee shall deposit all cash donations with the Village Clerk-Treasurer who will deposit them into a segregated account designated for such donations.
- (4) Apply for and accept any grant which does not require the commitment of public funds.

**(e) Powers and Duties Requiring Village Board Approval.** The following are powers which may be exercised by the Park Committee, with the approval of the Village Board. With Village Board approval, the Park Committee may:

- (1) Layout and improve Village parks to include: determination of types of facilities required, specific design and location, and removal and/or location of existing facilities. Such improvements shall be limited to those which funds have been appropriated in the annual budget.

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- (2) Establish a schedule of rental fees for use of park shelters, ball diamonds, soccer fields, and other recreational facilities.
- (3) Acquire land for park and conservancy use in the name of the Village by purchase, land contract, lease, condemnation, or otherwise; nothing contained herein shall restrain the

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Village Board from directly and exclusively acquiring land for park and conservancy use in the name of the Village by purchase, land contract, lease, condemnation, or otherwise.

- (4) Accept donations of land for park and conservancy use in the name of the Village.
- (5) Accept donations of cash or land made in return for naming rights, unless authorized in a previously approved project plan.
- (6) Create advisory subcommittees comprised of Park Committee members, Village residents, or any combination of persons deemed qualified by the Park Committee to conduct studies or perform specific tasks under the authority and direction of the Committee.
- (7) Name any park or park facility.
- (8) Apply for and accept any grant requiring commitment of public funds.

**State Law Reference:** Secs. 27.08, 27.10, 27.13 and 27.14, Wis. Stats.

### **Sec. 2-4-6 Zoning Board of Appeals.**

- (a) **Establishment.** A Zoning Board of Appeals shall be appointed and governed by the State zoning enabling law as contained in Sec. 62.23, Wis. Stats., the Village Zoning Code and ordinances and this Section. The laws of the State or Village and local ordinances shall prevail in that order. The Zoning Board of Appeals shall consist of five (5) citizen members and two (2) alternate members, appointed by the Village President subject to confirmation by the Village Board, for a three (3) year term of office. The members shall be removable by the Village Board for cause upon written charges and upon public hearing. The Village President shall designate one of the members chairman.
- (b) **Powers.** The Zoning Board of Appeals shall have the following powers:
  - (1) To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by an administrative official in the enforcement of any Village Zoning Code or any ordinance adopted under Sections 62.23, 61.35 or 62.231 (wetlands), 87.30 or 144.26 (flood plains) or Chapter 91 (farmland preservation), Wis. Stats.
  - (2) To hear and decide special exceptions to the terms of the Village zoning and floodplain zoning regulations upon which the Board of Appeals is required to pass.
  - (3) To authorize, upon appeal in specific cases, such variance from the terms of the Village zoning regulations as will not be contrary to the public interest, where owing to special conditions, a literal enforcement will result in practical difficulty or unnecessary hardship, so that the spirit of the Zoning Code shall be observed, public safety and welfare secured and substantial justice done; provided, however, that no such action shall have the effect of establishing in any district a use or uses not permitted in such district. The Zoning Board of Appeals shall not grant use variances in floodplain or wetland and conservancy districts. In all other districts, no use variance shall be granted unless the applicant has first petitioned for a zoning amendment or a conditional use permit, if applicable and upon a showing that

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no lawful and feasible use of the subject property can be made in the absence of such variance. Any use variance granted shall be limited to the specific use described in the Board's decision and shall not permit variances in yard, area or other requirements of the district in which located.

- (4) To permit the erection and use of a building or premises in any location subject to appropriate conditions and safeguards in harmony with the general purposes of the Zoning Code, for such purposes which are reasonably necessary for public convenience and welfare.
- (5) The Zoning Board of Appeals may reverse or affirm wholly or in part or may modify any order, requirement, decision or determination as in its opinion ought to be made in the premises. The concurring vote of four (4) members of the Zoning Board of Appeals shall be necessary to reverse any order, requirement, decision or determination appealed from or to decide in favor of the applicant on any matter on which it is required to pass, or to effect any variation in the requirements of the Zoning Code. The grounds of every such determination shall be stated and recorded. No order of the Zoning Board of Appeals granting a variance shall be valid for a period longer than twelve (12) months from the date of such order unless the land use permit is obtained within such period and the erection or alteration of a building is started or the use is commenced within such period.

### **(c) Meeting and Rules.**

- (1) All meetings and hearings of the Zoning Board of Appeals shall be open to the public, except that the Board may go into closed session to deliberate after a hearing or an appeal. The final vote on an appeal shall be taken in open session by roll call vote, recorded and open for public inspection in the Board's office. Public notice of all regular and special meetings shall be given to the public and news media as required by the Wisconsin Open Meeting Law.
- (2) Special meetings may be scheduled by the Chairman or by the Secretary at the request of two (2) members. Notice of a special meeting shall be mailed to each member at least forty-eight (48) hours prior to the time set for the meeting, or announcement of the meeting shall be made at any meeting at which all members are present.
- (3) Hearings may be held at any regular or special meeting at the time set by the Chairman. Statutory notice requirements for hearings shall be followed.
- (4) A quorum for any meeting or hearing shall consist of four (4) members, but a lesser number may meet and adjourn to a specified time.
- (5) The Board shall keep minutes of its proceedings, showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact, and shall keep records of its examination and other official actions, all of which shall be immediately filed in the office of the Village Clerk-Treasurer and shall be public record. The Board shall adopt its own rules of procedure not in conflict with this Code of Ordinances or with the applicable Wisconsin Statutes.
- (6) No Board member shall participate in the decision of or vote upon any case in which the member is financially interested, directly or indirectly, but the Chairman shall direct an alternate member to act instead. Disqualification of a member for interest shall not decrease the number of votes required for acting upon any matter, but such member may be counted in determining whether a quorum is present for the transaction of business.

**(d) Offices.** The Village Board shall provide suitable offices for holding hearings and the

presentation of records, documents, and accounts.

**State Law Reference:** Sec. 62.23(7)(e), Wis. Stats.

**Sec. 2-4-7 Industrial Development Committee.**

- (a) **Composition.** The Industrial Development Committee shall consist of seven (7) members who shall be appointed annually by the Village President, subject to Village Board confirmation. Terms shall commence on May 1. The Village President shall also be a member of the Committee. Non-Village residents who reside in a town within Winnebago County may be appointed to the Industrial Development Committee.
- (b) **Duties.** The Industrial Development Committee shall have the following duties:
- (1) To confer with and advise the Village Board, Village President and Plan Committee on all matters concerning the industrial development of the Village.
  - (2) To advertise the industrial advantages and opportunities of the Village within the means provided by any appropriations made therefor by the Board.
  - (3) To collect data and information as to the type of industries best suited to the Village.
  - (4) To develop, compile and coordinate information regarding available areas suitable for industrial development.
  - (5) To encourage the proper zoning and orderly development of areas suitable for industrial development and to promote the interest of industrialization of such areas of the Village.
  - (6) To aid the Village Board and Plan Committee in the attraction of new industries and in the encouragement of expansion by existing industries and businesses.
  - (7) To cooperate with all industries and businesses in the Village in the solution of any community problems which they might have, and to encourage the management of such concerns to have a healthy and constructive interest in the Village's welfare.
  - (8) To periodically survey the overall condition of the Village from the standpoint of determining whether the Village has a community climate and furnishes such services and facilities as are conducive to industrial and economic expansion.
  - (9) To recommend to the Village Board the leasing, sale or use of Village-owned properties for industrial purposes.

**Sec. 2-4-8 Historic Preservation Commission.**

- (a) **Appointment of Commission.**
- (1) The Historic Preservation Commission of the Village of Winneconne shall consist of four (4) citizen members and one (1) Trustee. Additional exceptions can be made for adding non-voting/ex-officio members if their participation on a similar state level commission requires their participation on a local like-commission. All members shall be adult members of the Village of Winneconne interested in the historic background of the Village of Winneconne and its environs with recognized expert experience and qualifications.
  - (2) Two (2) citizen members shall be appointed each year by the Village President, subject to Village Board confirmation, for a two (2) year term of office. The Trustee members shall annually be appointed at the Village Board's organizational meeting.



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- (3) Vacancies on the Historic Preservation Commission shall be filled for the unexpired term in the same manner as appointment for a full term.
  - (4) All members shall serve without compensation for their services, but may be reimbursed for actual and necessary expenses incurred in performing duties outside the Village of Winneconne, if so authorized by the Historic Preservation Commission.
- (b) Organization of the Commission.**
- (1) At the Commission's first meeting following the annual spring election, the members of the Historic Preservation Commission shall elect from among their number a President, Secretary and such other officers as they deem necessary and take such other actions as they deem necessary to fulfill the responsibilities assigned to them.
  - (2) A majority of the membership of the Historic Commission shall constitute a quorum.
  - (3) The Historic Preservation Commission shall keep a written record of its proceedings including all actions taken. A copy of such proceedings shall be filed regularly with the Village Clerk-Treasurer.
- (c) Powers and Duties.** The Historic Preservation Commission shall preserve, advance and disseminate knowledge of the Village of Winneconne and its environs. It shall cooperate and work closely with the Winneconne Historical Society, Inc., in the accomplishment of their common goals.

### **Sec. 2-4-9 Beautification Committee.**

**(a) Appointment of Committee.**

- (1) The Beautification Committee of the Village of Winneconne shall consist of five (5) citizen members and one (1) Trustee. All members shall be adult members of the Village of Winneconne interested in the beautification of the Village of Winneconne.
- (2) Two (2) citizen members shall be appointed each year by the Village President, subject to Village Board confirmation, for a two (2) year term of office. The Trustee member shall annually be appointed at the Village Board's organizational meeting.
- (3) Vacancies on the Beautification Committee shall be filled for the unexpired term in the same manner as appointment for a full term.
- (4) All members shall serve without compensation for their services, but may be reimbursed for actual and necessary expenses incurred in performing duties outside the Village of Winneconne, if so authorized by the Beautification Committee.

**(b) Organization of the Committee.**

- (1) At the Committee's first meeting following the annual spring election, the members of the Beautification Committee shall elect from among their number a Chairperson and Secretary and such other officers as they deem necessary and take such other actions as they deem necessary to fulfill the responsibilities assigned to them.
  - (2) A majority of the membership of the Beautification Committee shall constitute a quorum.
  - (3) The Beautification Committee shall keep a written record of its proceedings including all actions taken. A copy of such proceedings shall be filed regularly with the Village Clerk-Treasurer.
- (c) Powers and Duties.** The Beautification Committee shall work to preserve and improve the physical attributes of the Village of Winneconne and its environs. Through observation, the

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Committee shall make suggestions to appropriate committees and the Village Board on how to make the Village as physically appealing to residents and visitors alike. It shall also provide the Village Board with periodic reports detailing the status, activities and plans of their Committee. The Committee will be responsible for the Main Street Planters, make suggestions on Christmas decorations and streetscape banners, and put up fall decorations along with managing the local art gallery housed upstairs of Village Hall. As per Village Ordinance 7-5-1-d-4, the Beautification Committee shall review design and type of furniture within the Village Hall. They will also review all applications for sidewalk café seating under the guidelines provided by Village ordinances. The Beautification committee shall also act as the Tree Committee making recommendations to residents on ideal options for memorial trees within public property. Their mission is to *preserve and enhance the quality of life in the Village of Winneconne by wisely managing our community tree resources.*

### **Sec. 2-4-10 Public Works Committee.**

#### **(a) Appointment of Committee.**

- (1) The Public Works Committee shall consist of three (3) Trustees. All members shall be interested in public workings of the Village including streets, public property, and utilities with recognized experience and qualifications.
- (2) All members of the Public Works Committee shall be appointed by the Village President and confirmed by the Village Board at the annual organizational meeting.
- (3) Vacancies on the Public Works Committee shall be appointed filled for the unexpired term by the Village President and confirmed by the Village Board.
- (4) All members of the Public Works Committee shall serve without compensation.

#### **(b) Organization of the Board.**

- (1) The most senior trustee on the committee shall serve as Chairman unless they serve a similar roll on another committee.
- (2) The Public Works Director shall keep a written record of the Public Works Committee proceedings to include actions taken; a copy of such proceedings shall be filed with the Village Clerk-Treasurer. Two (2) members shall constitute a quorum, but all actions shall require the affirmative approval of a majority of all the members of the Committee.
- (3) The Committee shall have the power to employ a working staff, together with obtaining such expert assistance as may be necessary, and to pay for their services and such other expenses as may be necessary and proper within the limits of the Public Works budget established by the Village Board, or placed at its disposal through gift, and subject to any ordinances, resolutions or policies enacted by the Village Board.
- (4) As far as possible, the Public Works Committee shall utilize the services of existing Village officials and employees.

#### **(c) General Powers and Duties.**

- (1) The Public Works Committee shall oversee and be responsible for the planning, physical development, operation, and maintenance of all public property within the Village of Winneconne, to include its streets, utilities, wastewater treatment plant, public buildings and grounds and other associated facilities. To that end, the Public Works Committee is charged with the responsibility to perform the following duties:

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- a The Public Works Director or his/her designee will submit a monthly report to the Village Board detailing its activities pursuant to this Section and specifically listing any items requiring Village Board action.
  - b Not later than October 15 of each year, the Public Works Committee shall develop annual operating and capital budget proposals for all projects and operations related to public works and utilities, and submit the same to the Village Administrator and Village Board for their consideration in development of the succeeding year's budget.
  - c The Committee shall advise the Village Board as to recommended changes to ordinances governing the use and operation of public property and related facilities.
- (d) Specific Powers and Duties Delegated to Public Works Committee.** The following are powers delegated to the Public Works Committee by the Village Board which it may exercise independently of the Village Board. The Public Works Committee may:
- (1) Authorize the establishment of recreation programs based on assessment of community needs, and establish a schedule of fees and charges pertaining thereto.
  - (2) Establish rules and regulations governing right-of-way use and restrictions, except that Village Board approval if required for any rule or regulation which involves a penalty or which requires creation and/or amendment of an ordinance; unless specifically granted within an applicable ordinance.
  - (3) Apply for and accept any grant which does not require the commitment of public funds.
- (e) Powers and Duties Requiring Village Board Approval.** The following are powers which may be exercised by the Public Works Committee, with the approval of the Village Board. With Village Board approval, the Public Works Committee may:
- (1) Layout, improve, and/or maintain Village right-of-way, utilities, grounds, equipment to include: determination of type, specific design and location, and removal and/or location of existing facilities. Such improvements shall be limited to those which funds have been appropriated in the annual budget.
  - (2) Establish a schedule of Capital Improvements and/or Maintenance for all Village grounds, equipment and facilities.
  - (3) Acquire land for right-of-way in the name of the Village by purchase, land contract, lease, condemnation, or otherwise; nothing contained herein shall restrain the Village Board from directly and exclusively acquiring land for park and conservancy use in the name of the Village by purchase, land contract, lease, condemnation, or otherwise.
  - (4) Accept donations of land for right-of-way use in the name of the Village.
  - (5) Create advisory subcommittees comprised of Public Works Trustees, Village residents, or any combination of persons deemed qualified by the Public Works Director to conduct studies or perform specific tasks under the authority and direction of the Committee.
  - (6) Apply for and accept any grant requiring commitment of public funds.

**State Law Reference:** Secs. 12, 15, 61, 66, 196, 197, 198 and 281, Wis. Stats.

### **Sec. 2-4-11 Personnel & Finance Committee.**

**(a) Appointment of Committee.**

- (1) The Personnel & Finance Committee shall consist of the three (3) longest standing Trustees.

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- (2) All members of the Personnel & Finance Committee shall be appointed by the Village President and confirmed by the Village Board. The (3) Trustee members shall annually be appointed at the Village Board's organizational meeting.
- (3) Vacancies on the Personnel & Finance Committee shall be filled for the unexpired term in the same manner as the appointment for the full term.
- (4) All members of the Personnel & Finance Committee shall serve without compensation.

### **(b) Organization of the Board.**

- (1) The most senior trustee on the committee shall serve as Chairman.
- (2) The Village Administrator shall keep a written record of the Committee's proceedings to include all actions taken, a copy of such proceedings shall be filed with the Village Clerk-Treasurer. Two (2) members shall constitute a quorum, but all actions shall require the affirmative approval of a majority of all the members of the Personnel & Finance Committee.
- (3) The Committee shall have the power to employ a working staff, together with obtaining such expert assistance as may be necessary, and to pay for their services and such other expenses as may be necessary and proper within the limits of the budget established by the Village Board, or placed at its disposal through gift, and subject to any ordinances, resolutions or policies enacted by the Village Board.
- (4) As far as possible, the Personnel and Finance Committee shall utilize the services of existing Village officials and employees.

### **(c) General Powers and Duties.**

The Personnel & Finance Committee shall oversee all personnel and financial operations of the Village including the hiring, employment policies and dismissal of employees (unless statutorily handled by other committees) at a managerialall levels along with the investment of public funds. To that end, the Personnel & Finance Committee is charged with the responsibility to perform the following duties:

- (1) Periodically review the Employee Policy Handbook and suggest changes when necessary.
- (2) Monthly review any outstanding Village Loans in which the Village, IDB or CDA has acted as Lendor or Lendee and make sure they are kept up to date.
- (3) Review regular evaluations of managerial level staff including the Village Administrator and suggest where improvements could be made.
- (4) Not later than October 15 of each year, the Personnel & Finance Committee shall review the annual Village operational, capital and debt budget as presented by the Village Administrator, and submit suggestions on change to the Village Board for their consideration in development of the succeeding year's budget.
- (5) The Committee shall advise the Village Board as to recommended changes to ordinances governing the use of personnel and/or public funds.
- (6) Have approval and make recommendation to the Village Board on all full-time hiring.

## **Sec. 2-4-12 Police & Fire Committee.**

### **(a) Appointment of Committee.**

- (1) The Police & Fire Committee shall consist of three (3) current Trustees from the Village

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Board.

- (2) All members of the Police & Fire Committee shall be appointed by the Village President and confirmed by the Village Board. The (3) Trustee members shall annually be appointed at the Village Board's organizational meeting.
- (3) Vacancies on the Police & Fire Committee shall be filled for the unexpired term in the same manner as the appointment for the full term.
- (4) All members of the Police & Fire Committee shall serve without additional compensation; Village Trustees accrue compensation in accordance with ord. 2-2-13.

### **(b) Organization of the Committee.**

- (1) President must appoint the most senior trustee on the committee shall serve as Chairman unless; that individual serves a similar role on another committee, in which case the President must appoint the Chairman.
- (2) The Police Chief shall keep a written record of the Committee's proceedings to include all actions taken. A copy of such proceedings shall be filed with the Village Clerk-Treasurer.
- (3) The Police Chief or his/her designee will submit a monthly report to the Committee for review detailing its activities and specifically list any items requiring Committee recommendation for Village Board action.
- (4) Two (2) members shall constitute a quorum, but all actions shall require the affirmative approval of a majority of all the members of the Committee.
- (5) The Police & Fire Committee shall have the power to employ a working staff, together with obtaining such expert assistance as may be necessary to conduct its business, and to pay for their services and such other expenses as may be necessary and proper within the limits of the Police and Fire budgets established by the Village Board, or placed at its disposal through gift, and subject to any ordinances, resolutions or policies enacted by the Village Board.
- (6) As far as practical, the Police & Fire Committee shall utilize the services of existing Village officials and employees.

### **(c) General Powers and Duties.**

The Police & Fire Committee shall review the operations of the Police Department and the Village portion of the Joint Winneconne-Poygan Volunteer Fire District. To that end, the Police and Fire Committee is responsible for reporting and making recommendations for Village Board action the following duties;

- (1) Policy and procedural reviews with regards to governance and oversight including; but not limited to, budgetary, policy, risk, and liability,
- (2) Annual review of department and Police Chief performance,
- (3) Review non-disciplinary personnel actions made by the Police Chief and take action when necessary. Personnel issues involving the suspension, reduction, suspension and reduction, or removal of a subordinate officer shall be referred to the Police Commission for resolution (Wisc Statute 62.13(5)). Personnel issues involving the suspension, reduction, suspension and reduction, or removal of the Police Chief shall be referred to the Village Board.
- (4) Not later than October 15 of each year, the Police and Fire Committee shall develop an annual operating and capital budget proposal for all projects and operations related to the police department,
- (5) Submit annual budgets to the Village Administrator and Village Board for consideration in development of the succeeding year's budget,

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(6) Shall advise the Village Board as to recommended changes to the Village ordinances, department policy manuals, budget.

**(d) Specific Powers and Duties Delegated to Police & Fire Committee.** The following are powers delegated to the Police & Fire Committee by the Village Board which it may exercise independently of the Village Board. The Police & Fire Committee may:

(1) Apply for and accept grants which do not require the commitment of village funds.

### **Sec. 2-4-13 Community Development Authority.**

#### **(a) Appointment of Committee.**

(1) The Community Development Authority shall consist of five (5) citizen members and two (2) Trustees. All members shall be adult residents of the Village of Winneconne interested in civic affairs with recognized experience and qualifications.

(2) All members of the Community Development Authority shall be appointed by the Village President and confirmed by the Village Board. The citizen members shall each serve three year terms in staggered fashion. The (2) Trustee members shall annually be appointed at the Village Board's organizational meeting.

(3) Vacancies on the Community Development Authority shall be filled for the unexpired term in the same manner as the appointment for the full term.

(4) All members of the Community Development Authority shall serve without compensation.

#### **(b) Organization of the Board.**

(1) The most senior trustee on the committee shall serve as President unless they serve a similar roll on another committee. The officers of the corporation shall be a President, a Secretary and a Treasurer.

(2) The CDA Director shall keep a written record of its proceedings to include all actions taken, a copy of such proceedings shall be filed with the Village Clerk-Treasurer. Four (4) members shall constitute a quorum, but all actions shall require the affirmative approval of a majority of all the members of the Community Development Authority.

#### **(c) General Powers and Duties.**

The Authority shall exercise all powers conferred, except that of eminent domain, and perform all duties imposed by State Statute and local ordinance of the Village Board and shall perform such further and other duties as may properly from time-to-time be required by the Village Board.

Specific action related to the following powers shall be subject to review and approval by the Village Board:

(1) acquisition of land

(2) issuance of debt, except for the issuance of industrial development bonds or other purely conduit debt

(3) hiring of staff

(4) entering into development agreements with Village Board approval.

(5) amendments, deletions, or additions to these By-Laws

(6) overall economic and community development

(7) management of all property held for development purposes

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- (8) preparation and adoption of tax increment financing project plans
- (9) preparation and adoption of re-development plans
- (10) declaration of blight
- (11) sale of land
- (12) review façade improvement loans

Specific action relating to the following powers shall not be subject to review and approval by the Village Board:

- (1) entering into contracts for services
- (2) issuance of industrial development bonds or other purely
- (3) conduit of debt

**Sec. 2-4-14            General Provisions Regarding Meetings and Public Notice.**

**(a) Regular Meetings; Public Notice.** Every Board, Committee and Committee created by or existing under the ordinances of the Village shall:

- a. Schedule a date, time and place for its meetings;
- b. Post, or when necessary publish, notice in or notify the official Village newspaper in advance of each such regular meeting of the date, time, and place thereof, in compliance with state law, thereof; and/or
- c. Post an agenda of the matters to be taken up at such meeting.

**State Law Reference:** Secs. 19.84 Wis. Stats.

**(a) Form of Notice.** Such notice shall set forth the time, date, place and subject matter of the meeting, including that intended for consideration at any contemplated closed session which may be authorized by law, and may be in the following form:

NOTICE OF MEETING  
VILLAGE OF WINNECONNE, WISCONSIN  
(Committee)

Please take notice that a meeting of the (Committee) of the Village of Winneconne will be held on (date), 20\_, at (time) p.m., at the Winneconne Municipal Center, in Room to consider the following:

- 1. (Agenda items set forth).
- 2. Such other matters as authorized by law.

Dated:  
(Committee)

By  
The Winneconne Municipal Center is accessible to the physically disadvantaged. If special accommodations for visually or hearing impaired individuals are needed, please contact the Winneconne Clerk-Treasurer at (telephone). Members of the Winneconne Village Board may be in attendance.

**(b) Notice to Members.** Every member of any board, Committee or committee of the Village

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of Winneconne shall be notified by the secretary thereof that a meeting is to be held, and the time and place of such meeting and the subject to be considered thereat. Members shall be notified at least twenty-four (24) hours before the meeting unless it is an emergency meeting. No member shall be intentionally excluded from any meeting by a failure to give proper notice or a reasonable attempt to give proper notice to such member.

- (c) **Minutes to Be Kept.** Every board, Committee and committee shall keep a record of the minutes of its proceedings and shall cause a signed copy thereof to be filed by its secretary with the Village Clerk-Treasurer within one (1) week of the meeting date. The Village Clerk-Treasurer shall furnish a copy of all minutes filed with him to each member of the Village Board. All such minutes shall be public records.
- (d) **Special Meetings.** Nothing in Subsection (a) shall preclude the calling of a special meeting or 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 and 19.89, Wis. Stats.

### **Sec. 2-4-15            Residency Required for Service on Citizen Boards or Committees; Attendance Standards.**

- (a) **Residency.** Except for the Industrial Development Committee or Library Board, no person not a resident of and not residing in the Village of Winneconne shall be appointed in a voting capacity to any citizen Village board, committee or Committee listed in this Chapter. Any board or Committee member who moves from the Village shall be removed from such board or Committee, but may be appointed to serve in an ex officio capacity.
- (e) **Attendance Standard.** Members of board, committees and Committees are required to attend a minimum of two-thirds (2/3) of the meetings in each six (6) month period of their respective bodies, unless excused by majority vote of the membership of their body. Failure to comply with this Subsection may result in the removal and replacement of the official found to be in noncompliance by majority vote of the Village Board.

### **Sec. 2-4-16            Committee and Committee Rules.**

- (a) Except as provided herein, the provisions of Sections 2-2-17 through 2-2-21 of this Code of Ordinances relating to rules of procedure for the Village Board, together with Robert's Rules of Order (Revised), shall as far as applicable, also apply to committee board and Committee meetings.
- (f) A simple majority of the members of a committee or Committee shall constitute a quorum.



# Title 2 4 Chapter 5

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## Ethics Code and Employment

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**Sec. 2-5-1 Statement of Purpose.**

- (a) The proper operation of democratic government requires that public officials and employees be independent, impartial and responsible to the people; that government decisions and policy be made in proper channels of the governmental structure; that public office not be used for personal gain; and that the public have confidence in the integrity of its government. In recognition of these goals, there is hereby established in this Chapter a Code of Ethics for all Village of Winneconne officials and employees, whether elected or appointed, paid or unpaid, including members of boards, committees and Committees of the Village, as well as any individuals who are candidates for elective office as soon as such individuals file nomination papers with the Village.
- (b) The purpose of this Ethics Code is to establish guidelines for ethical standards of conduct for all such officials and employees by setting forth those acts or actions that are incompatible with the best interests of the Village of Winneconne and by directing disclosure by such officials and employees of private financial or other interests in matters affecting the Village. The Village Board believes that a Code of Ethics for the guidance of elected and appointed officials and employees will help them avoid conflicts between their personal interests and their public responsibilities, will improve standards of public service and will promote and strengthen the faith and confidence of the citizens of this Village in their elected and appointed officials and employees. The Village Board hereby reaffirms that each elected and appointed Village official and employee holds his or her position as a public trust, and any intentional effort to realize substantial personal gain through official conduct is a violation of that trust. The provisions and purpose of this Ethics Code and such rules and regulations as may be established are hereby declared to be in the best interests of the Village of Winneconne.

**Sec. 2-5-2 Definitions.**

The following definitions shall be applicable in this Chapter:

- (a) **Public Official.** Those persons serving in statutory elected or appointed offices provided for in Chapter 61, Wis. Stats., and all members appointed to boards, committees and Committees established or appointed by the Village President and/or Village Board pursuant to this Code of Ordinances, whether paid or unpaid.
- (b) **Public Employee.** Any person excluded from the definition of a public official who is employed by the Village.
- (c) **Anything of Value.** Any money or property, favor, service, payment, advance, forbearance, loan, or promise of future employment, but does not include compensation or expense reimbursement paid by the Village, honorariums, fees and expenses under the standards and reporting requirements set forth in Sec. 19.56, Wis. Stats., campaign contributions as regulated by Section 2-5-7(k) of this Chapter, or hospitality extended for a purpose unrelated to Village business by a person other than a firm, corporation, partnership, or joint venture.
- (d) **Business.** Any corporation, partnership, proprietorship, firm, enterprise, franchise, association, organization, self-employed individual or any other legal entity which engages in profit-making activities.
- (e) **Personal Interest.** Any interest arising from blood or marriage relationships or from close business or political associations, whether or not any financial interest is involved.

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- (f) **Significant Interest.** Owning or controlling, directly or indirectly, at least ten percent (10%) or Ten Thousand Dollars (\$10,000.00) of the outstanding stock of any business.
- (g) **Financial Interest.** Any interest which shall yield, directly or indirectly, a monetary or other material benefit to the officer or employee or to any person employing or retaining the services of the officer or employee.

### **Sec. 2-5-3 Statutory Standards of Conduct.**

There are certain provisions of the Wisconsin Statutes which should, while not set forth herein, be considered an integral part of any Code of Ethics. Accordingly, the provisions of the following sections of the Wisconsin Statutes, as from time to time amended, are made a part of this Code of Ethics and shall apply to public officials and employees whenever applicable, to wit:

- (a) Sec. 946.10. Bribery of Public Officers and Employees.
- (b) Sec. 946.11. Special Privileges from Public Utilities.
- (c) Sec. 946.12. Misconduct in Public Office.
- (d) Sec. 946.13. Private Interest in Public Contract Prohibited.
- (e) Sec. 2-5-4 Responsibility of Public Office.

Public officials and employees are agents of public purpose and hold office for the benefit of the public. They are bound to uphold the Constitution of the United States and the Constitution of this State and carry out impartially the laws of the nation, state and municipality, to observe in their official acts the highest standards of morality and to discharge faithfully the duties of their office regardless of personal considerations, recognizing that the public interest must be their prime concern.

### **Sec. 2-5-5 Dedicated Service.**

- (a) Officials and employees should adhere to the rules of work and performance established as the standard for their positions by the appropriate authority.
- (b) Officials and employees should not exceed their authority or breach the law or ask others to do so, and they should work in full cooperation with other public officials and employees unless prohibited from so doing by law or by officially recognized confidentiality of their work.
- (c) Members of the Village staff are expected to follow their appropriate professional code of ethics. Staff members shall file a copy of such professional ethics codes with the Village Administrator. The Village Board shall notify the appropriate professional ethics board of any ethics violations involving Village employees covered by such professional standards.

### **Sec. 2-5-6 Fair and Equal Treatment.**

- (a) **Use of Public Property.** No official or employee shall use or permit the unauthorized use of Village-owned vehicles, equipment, materials or property for personal convenience or profit, except when such services are available to the public generally or are provided as Village policy for the use of such official or employee in the conduct of official business, as authorized by the Village Board or authorized board, Committee or committee.

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- (b) **Obligations to Citizens.** No official or employee shall grant any special consideration, treatment or advantage to any citizen beyond that which is available to every other citizen. No official or employee shall use or attempt to use his or her position with the Village to secure any advantage, preference or gain, over and above his/her rightful remuneration and benefits, for himself/herself or for a member of his or her immediate family.
- (c) **Political Contributions.** No official shall personally solicit from any Village employee, other than an elected official, a contribution to a political campaign committee for which the person subject to this Chapter is a candidate or treasurer.

### **Sec. 2-5-7 Conflict of Interest.**

#### **(a) Financial and Personal Interest Prohibited.**

- (1) No official or employee of the Village, whether paid or unpaid, shall engage in any business or transaction or shall act in regard to financial or other personal interest, direct or indirect, which is incompatible with the proper discharge of official duties in the public interest contrary to the provisions of this Chapter or which would tend to impair independence of judgment or action in the performance of official duties.
  - (2) Any member of the Village Board who has a financial interest or personal interest in any proposed legislation before the Village Board shall disclose on the records of the Village Board the nature and extent of such interest; such official shall not participate in debate or vote for adoption or defeat of such legislation. If the matter before the Village Board involves a member's personal interest with persons involved, the member may participate in debate or discussion and vote on the matter following disclosure, unless an ordinance or contract is involved; if an ordinance or contract is involved, such official shall not participate in debate or discussion and vote on the matter.
  - (3) Any non-elected official, other than a Village employee, who has a financial interest or personal interest in any proposed legislative action of the Village Board or any board, Committee or committee upon which the official has any influence or input or of which the official is a member that is to make a recommendation or decision upon any item which is the subject of the proposed legislative action shall disclose on the records of the Village Board or the appropriate board, Committee or committee the nature and extent of such interest. Such official shall not participate in debate or discussion or vote for adoption or defeat of such legislation.
  - (4) Any Village employee who has a financial interest or personal interest in any proposed legislative action of the Village Board or any board, Committee or committee upon which the employee has any influence or input, or of which the employee is a member, that is to make a recommendation or decision upon any item which is the subject of the proposed legislative action shall disclose on the records of the Village Board or the appropriate board, Committee or committee the nature and extent of such interest.
- (b) **Disclosure of Confidential Information.** No official or employee shall, without proper legal authorization, disclose confidential information concerning the property, government or affairs of the Village, nor shall such information be used to advance the financial or other private interests of the official or employee or others.
  - (c) **Incompatible Employment.** No official or employee shall engage in or accept private employment or render service, for private interest, when such employment or service is incompatible with the proper discharge of his or her official duties or would tend to impair

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such official or employee's independence of judgment or action in the performance of his or her official duties, unless otherwise permitted by law and unless disclosure is made as hereinafter provided.

### **(d) Gifts and Favors.**

- (1) No official or employee shall accept or offer to accept anything of value from any person who, to his or her knowledge, is interested directly or indirectly, or is seeking an interest, directly or indirectly, in any manner whatsoever in business dealings with the Village, or from any person who conducts activities which are regulated by the Village, or from any person who has interests which may be substantially affected by actions of the Village.
- (2) No official or employee shall accept or offer to accept anything of value that may tend to influence such official or employee in the discharge of his or her duties, or grant in the discharge of his or her duties any improper favor, service, or thing of value.
- (3) Gifts received under unusual circumstances should be referred to the Village Board within ten (10) days for recommended disposition.
- (4) An official or employee is not to accept hospitality if, after consideration of the surrounding circumstances, it could reasonably be concluded that such hospitality would not be extended were it not for the fact that the guest, or a member of the guest's immediate family, was a Village official or employee. Participation in celebrations, grand openings, open houses, informational meetings and similar events are excluded from this prohibition. This paragraph further shall not be construed to prevent candidates for elective office from accepting hospitality from citizens for the purpose of supporting the candidate's campaign.

### **(e) Representing Private Interests before Village Agencies or Courts.**

- (1) Non-elected Village officials and employees shall not appear on behalf of any private person (other than him or herself, his or her spouse or minor children) before any Village agency, board, Committee or the Village Board if the official or employee or any board, Committee or committee of which the official or employee is a member has any jurisdiction, discretion or control over the matter which is the subject of such representation.
- (2) Elected Village officials may appear before Village agencies on behalf of constituents in the course of their duties as representatives of the electorate or in the performance of public or civic obligations. However, the disclosure requirements of Subsection (a) above shall be applicable to such appearances.

### **(f) Ad Hoc Committee Exceptions.** No violation of the conflict of interest restrictions of this Section shall exist, however, where an individual serves on a special ad hoc committee charged with the narrow responsibility of addressing a specific issue or topic in which that individual, or the employer or a client of that individual, has an interest so long as the individual discloses to the Village Board that such interest exists.

### **(g) Contracts with the Village.** No official or employee who, in his or her capacity as such officer or employee, participates in the making of a contract in which such officer or employee has a private pecuniary interest, direct or indirect, or performs in regard to that contract some function requiring the exercise of discretion on the part of such official or employee, shall enter into any contract with the Village unless:

- (1) The contract is awarded through a process of public notice and competitive bidding;
- (2) The contract or activity is exempt from or otherwise deemed appropriate by Sec. 946.13, Wis. Stats.;

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(3) The Village Board waives this requirement after determining that it is in the best interest of the Village to do so.

### **(h) Disclosure of Interest in Legislation.**

(1) To the extent known, any member of the Village Board who has a financial or personal interest in any proposed legislation before the Board shall disclose on the record of the Board the nature of and extent of such interest.

(2) Any other official or employee who has a financial interest or personal interest in any proposed legislative action of the Village Board or any board, Committee or committee upon which the official or employee has any influence or input or of which the official or employee is a member that is to make a recommendation or decision upon any item which is the subject of the proposed legislative action, shall disclose on the records of the Village Board or the appropriate board, Committee or committee the nature and extent of such interest.

### **Sec. 2-5-8 Advisory Opinions.**

Any questions as to the interpretation of any provisions of this Code of Ethics shall be referred to the Village Board, which, if it deems necessary or appropriate, may request an advisory opinion from the Village Attorney.

### **Sec. 2-5-9 Employees Covered by Collective Bargaining Agreements.**

In the event an employee, covered under a collective bargaining agreement, is allegedly involved in an Ethics Code violation, the terms and conditions set forth in the applicable collective bargaining agreement shall prevail in the administration and interpretation of Sections 2-5-1 through 2-5-11.

### **Sec. 2-5-10 Outside Employment.**

No full-time officer or full-time employee of the Village shall engage in any other remunerative employment within or without the Village; provided the Village Board may approve such outside employment or activity if it finds that it does not interfere or conflict with such officer's ability to perform his/her duties in an efficient and unbiased manner. Violation of this provision shall be grounds for removal from office of any such officer.

### **Sec. 2-5-11 Sanctions.**

A determination that an employee's actions constitute improper conduct under the provisions of this Chapter shall constitute a cause of suspension, removal from office or employment or other disciplinary action. Sanctions, including any disciplinary action that may affect employees covered under a labor agreement will be consistent with the terms and conditions set forth in the applicable labor agreement.