

Chapter 2

ADMINISTRATION*

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ARTICLE I. IN GENERAL**Sec. 2-1. Definitions.**

The following words, terms and phrases, when used in this chapter, shall have the meaning ascribed to them in this section, except where the context clearly indicates a different meaning:

Public employee means any person employed by the village who is excluded from the definition of “Public officer” as defined in this section.

Public officer means a person serving in statutory elected or appointed offices as provided for in Wis. Stats. ch. 61, and all members appointed to boards, committees and commissions established or appointed by the village president and/or village board, whether paid or unpaid.
(Code 1988, § 2-7-1)

Cross reference – Definitions generally, § 1-2.

Sec. 2-2. Declaration of policy.

It is declared that high ethical standards among village officers and employees are essential to the conduct of good representative government and that a code of ethics for the guidance of public officers and employees will help such village officers and employees avoid conflicts with improved standards of public service and will promote and strengthen the confidence of the residents of the village in their public officers and employees. The purpose of this chapter is to establish guidelines for ethical standards of conduct for all such village officers and employees by setting forth the acts of actions that are incompatible with the public interest and which compromise, or appear to compromise, public trust in the fairness, independence and integrity of village officers and employees and their official actions.
(Code 1988, § 2-7-2)

Sec. 2-3. Statutory standards of conduct.

The provisions of the following sections of the state statutes, as amended from time to time, are made part of this section, and shall apply to all public officers and employees whenever applicable:

- (1) Wis. Stats. § 946.10. Bribery of Public Officers and Employees.
 - (2) Wis. Stats. § 946.11. Special Privileges from Public Utilities.
 - (3) Wis. Stats. § 946.12. Misconduct in Public Office.
 - (4) Wis. Stats. § 946.13. Private Interest in Public Contract Prohibited.
- (Code 1988, § 2-7-3)

Sec. 2-4. Village government.

(a) *Form.* The village is a body corporate and politic, with the powers of a municipality at common law, and governed by the provisions of Wis. Stats. chs. 61 and 66, laws amending such chapters, other acts of the legislature and the constitution of the state.

(b) *Division.*

- (1) *Legislative branch.* The village board is the legislative branch of the village government. The primary business of the village board is the passage of law in the form of ordinances or resolutions which shall prescribe what the law shall be, not only in relation to the particular facts existing at the time, but as to all future cases arising under such law. The village board shall fix the salaries of all officers and employees of the village, and be charged with the official management of the village's financial affairs, budget, revenues and the raising of funds necessary for the operation of the village.
- (2) *Executive branch.* The village president shall be the chief executive officer. He shall take care that all village ordinances and state laws are observed and enforced, and that all village officers, boards and commissions discharge their duties. When present, he shall preside at the meetings of the village board. He shall give the village board such information and recommend such measures as he may deem advantageous to the village from time to time.
- (3) *Administrative officer.* The village administrator shall be the chief administrative officer. He shall be responsible for directing and coordinating the administration of the village government in accordance with the policies established by the village board as set forth in this Code.

(Code 1988, § 2-1-1)

State law reference – Municipal home rule generally, Wis. Const., art XI, § 3.**Sec. 2-5. Election poll hours.**

The voting polls in the village shall be open from 8:00 a.m. to 8:00 p.m. for all elections.

(Code 1988, § 2-1-2)

Sec. 2-6. Official newspaper.

The official village newspaper shall be the Spring Valley Sun.

(Code 1988, § 2-1-3)

Sec. 2-7. Specific conflicts of interest.

(a) *Use of public property.* No public officer or employee shall use or permit the use of village 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 officer or employee in the conduct of official business, as authorized by the village board or authorizing board, commission or committee.

(b) *Disclosure of interest.* Except as provided in this section, no public officer or employee shall engage in any business transaction with the village, or have a financial or other personal interest, direct or indirect, which is incompatible with the proper discharge of his official duties or will tend to impair his independence or judgment or action in the performance of his official duties. Any public officer or employee who has a substantial financial interest, including employment, in any business entity entering into, proposing to enter into or bidding any transaction with the village, or as part of his official duties will be making an official decision or recommendation significantly affecting a business competitor,

client or regular customer, shall disclose such interest to the membership of the village board, or committee, board or commission thereof, as appropriate, to be recorded in the minutes of the village board, or committee, board or commission thereof. Upon such disclosure, it is advised that the public officer or employee abstain from voting on, and participating in the discussion of the matter.

(c) *Representing private interests before the village board or village agencies.* No public officer or employee, including persons engaged to provide professional services to the village, shall represent, for compensation, private interests before the village board or any village board, commission or committee, without disclosure of the private business relationship and explicit consent of the village board.

(d) *Disclosure of confidential information.* Without proper authorization of the village board, no public officer or employee shall disclose confidential information concerning the property, government or affairs of the village, nor shall he use such information to advance the financial or other private interest of himself or others.

(e) *Gifts and favors.* No public officer or employee shall accept anything of value, whether in the form of a gift, service, loan or promise, from any person, who, to his knowledge, has a direct financial interest in any transaction or official business with the village which may tend to impair his independence of judgment or action in the performance of his official duties. However, it is not a conflict of interest for any public officer or employee to receive a gift or gratuity that is an unsolicited item of nominal intrinsic value, such as a meal, up to \$10.00 in value.

(f) *Outside employment.* No full-time officer of the village shall engage in any other remunerative employment within or without the village, provided that the village board may approve such outside employment or activity if it finds that such employment or activity does not interfere or conflict with the ability of the officer or employee to perform his duties in an efficient and unbiased manner.

(g) *Advisory opinion.* Any questions as to the interpretation of any provisions of this section shall be referred to the village attorney for an advisory opinion.

(Code 1988, § 2-7-4)

Sec. 2-8. Eligibility for office.

(a) No person shall be elected by the people to a village office who is not, at the time of his election, not a citizen of the United States and the state, and an elector of the village, and in case of a ward office, of the ward, and actually residing in such ward.

(b) An appointee by the village president, required to be confirmed by the village board, who shall be rejected by the village board shall be ineligible for appointment to the same office for one year after such rejection.

Sec. 2-9. Oaths of office.

(a) *Required.* Within five days after the election or appointment of any village officer, the village administrator shall notify the person of such election or appointment. Every person elected or appointed to the office of village president, trustee, municipal judge and administrator (clerk) shall, within five days after such election, or notice thereof, when required, take and file the official oath.

(b) *Form, filing and general procedure.* The form, filing and general procedure for the taking of oaths shall be governed by Wis. Stats. ch. 19, subch. I (Wis. Stats. § 19.01 et seq.). (Code 1988, § 2-3-10)

Sec. 2-10. Vacancies.

(a) *Occurrence.* Except as provided in subsection (c) of this section, vacancies in elective and appointive positions shall occur as provided in Wis. Stats. §§ 17.03 and 17.035.

(b) *Filling.* Vacancies in elective and appointive offices shall be filled as provided in Wis. Stats. § 17.23.

(c) *Temporary incapacitation.* If any officer shall be absent or temporarily incapacitated for any cause, the village board may appoint a person to discharge such officer's duties until he returns or until such disability is removed. (Code 1988, § 2-3-11)

Sec. 2-11. Removal from office.

(a) *Elected officials.* Elected officials may be removed by the village board as provided in Wis. Stats. §§ 17.12(1)(a) and 17.16.

(b) *Appointed officials.* Appointed officials may be removed as provided in Wis. Stats. §§ 17.12(1)(c) and 17.16. (Code 1988, § 2-3-12)

Sec. 2-12. Care and custody of official property.

Village officers must observe the standards of care imposed by Wis. Stats. § 19.21, with respect to the care and custody of official property. (Code 1988, § 2-3-13)

Sec. 2-13. Official bonds and sureties; separate bond required for each term of service.

(a) If required by law or the village board, upon entering the duties of his office, every officer shall give a bond in such amount as may be determined by the village board, with such sureties as are approved by the village president, conditioned upon the faithful performance of the duties of his office. Official bonds shall be filed with the office of the village administrator.

(b) Any person reelected or reappointed to the same office shall take and file an official bond for each term of service. (Code 1988, § 2-3-14)

State law reference – Similar provisions, Wis. Stats. § 62.11.

Sec. 2-14. Grievance procedures regarding access to public buildings by handicapped persons.

(a) *Statement of purpose.* The village is committed to providing adequate access by handicapped or

visually impaired persons to public buildings financed in part by federal revenue sharing. This section provides for a grievance procedure providing for prompt and equitable resolution of complaints alleging any action prohibited by the office of revenue sharing's (ORS) regulations (31 CFR 51.55(d)(2)) implementing section 504 of the Rehabilitation Act of 1973, as amended (29 USC 794), which section states, in part, that "no otherwise qualified disabled individual...shall, solely by reason of his disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance...."

(b) *Complaint procedure.*

- (1) Complaints should be filed with the village administrator, who has been designated to coordinate compliance with section 504 of the Rehabilitation Act of 1973.
- (2) A complaint should:
 - a. Be filed in writing or verbally;
 - b. Contain the name and address of the person filing the complaint; and
 - c. Briefly describe the alleged violation of the regulations.
- (3) A complaint should be filed within 30 days after the complainant becomes aware of the alleged violation. (Processing of allegations of discrimination occurring before this grievance procedure was in place and will be considered on a case-by-case basis.)
- (4) An investigation, as may be appropriate, shall follow a filing of complaint. The investigation will be conducted by an appropriate person designated by the village administrator, who should review the Handicapped Requirements Handbook as published by the Federal Programs Advisory Service.
- (5) A written determination as to the validity of the complaint and a description of the resolution, if any, shall be issued by the designated person, and a copy forwarded to the complainant no later than 30 days after its filing.
- (6) The section 504 coordinator shall maintain the files and records of the village relating to complaints filed.

(c) *Appeals.*

- (1) The complainant may appeal the decision of the section 504 coordinator where he is dissatisfied with the resolution. The appeal request shall be made to the village administrator within seven days.
- (2) The grievance shall be heard by the village board within ten working days after the filing of an appeals request. The grievance shall be heard at the village hall at a convenient time fixed by the village board. The village administrator shall give at least three days' written notice to the applicant, by first class mail, of any such grievance hearing.

- (3) Either party to the grievance may be represented, present evidence by testimony or otherwise, cross examine witnesses and make argument either in person or by an agent of his choosing. Proceedings may, and upon request of the applicant shall, be recorded.
- (4) The decision of the village board on the grievance appeal shall be in writing and shall state the reasons for the decision. The decision of the village board shall be rendered within three working days of the close of the hearing, and the village board shall, immediately upon rendering the decision, mail a copy of the decision by first class mail to the applicant at the current post office address given in his application, and record a copy of its determination with the village administrator.

(d) *Other remedies.* The right of a person to a prompt and equitable resolution of the complaint filed under this section shall not be impaired by the person’s pursuit of other remedies, such as the filing of a section 504 complaint with the Office of Revenue Sharing, U.S. Department of the Treasury. Utilization of the grievance procedure set forth in this section is not a prerequisite to the pursuit of other remedies. However, the village believes that resolution of the complaint will be more promptly achieved if the village is able to provide a remedy before the complaint is brought to an external organization.

(e) *Due process.* This section shall be construed to protect the substantive rights of interested persons, meet appropriate due process standards, and assure that the village complies with section 504 and the ORS regulations.
(Code 1988, § 10-7-1)

Sec. 2-15. Fair Housing Act adopted by reference.

The provisions of Wis. Stats. § 106.50, Fair Housing Act, are adopted by reference in this section as if fully set forth in this section, and any violation of such act shall constitute a violation of this section. Such violations shall be subject to punishment as set forth in section 1-27.

Secs. 2-16 – 2-50. Reserved.

ARTICLE II. VILLAGE BOARD

Sec. 2-51. Constitution; powers.

The trustees of the village shall constitute the village board. The village board shall be vested with all of the powers of the village not specifically given to some other officer, as well as the powers set forth elsewhere throughout this Code.

(Code 1988, § 2-2-1)

State law reference – Village board powers generally, Wis. Stats. §§ 61.32, 61.34.

Sec. 2-52. Trustees.

(a) *Election; number; term.* The village shall have six trustees in addition to the president, who is a trustee by virtue of his office as president. The six trustees shall constitute the village board. Three trustees shall be elected at each annual spring election for a term of two years, which shall commence 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.

(Code 1988, § 2-2-2)

State law reference – Authority, Wis. Stats. §§ 61.20, 61.325.

Sec. 2-53. Village president.

(a) *Election; term.* The village president shall be elected at the annual spring election in odd-numbered years, for a term of two years, commencing on the third Tuesday of April in the year of his election.

(b) *Duties.* The village president shall, by virtue of his office, be a trustee and preside at all meetings of the village board; have a vote as trustee; and sign all ordinances, rules, bylaws, regulations and commissions adopted or authorized by the village board and all orders drawn on the treasury. He shall maintain peace and good order; see that the village ordinances are faithfully obeyed; and, in case of disturbance, riot or other apparent necessity, appoint as many special marshals as he shall deem necessary, who, for the time being, shall possess all of the powers and rights of constables.

(Code 1988, § 2-2-3)

State law reference – Authority, Wis. Stats. §§ 61.24.

Sec. 2-54. Standing committees.

(a) *Appointments.* Standing committees of the village are appointed by the village president, subject to confirmation by the village board, and shall consist of members of the village board. The composition of each standing committee and appointments to each committee shall be made at the annual meeting of the village board. Standing committees shall review such matters as may be referred to them by the village board, and shall submit recommendations for action of the village board.

(b) *Established.* The following standing committees are established:

(1) *Finance committee.* The finance committee shall consist of three trustees, who shall:

- a. Review and finalize the annual budget for public hearing and village board approval.
- b. Monitor expenditures.
- c. Review requests for nonbudgeted or emergency expenditures and make recommendations to the full village board.
- d. Review any proposed changes in the village's insurance coverage and risk management program.
- e. Coordinate village requests for grant funding.
- f. Advise the village board regarding potential and pending litigation involving the village.
- g. Recommend for village board consideration policies and procedures regarding village

operations and the delivery of services to the public.

h. Consider any other matters which may be referred by the village board.

- (2) *Public works committee.* The public works committee shall consist of three trustees, who shall:
- a. Review and finalize the annual capital improvements program.
 - b. Recommend policy guidelines regarding public improvements.
 - c. Mediate disputes between property owners and the village regarding public improvements.
 - d. Review and approve any unusual requests for use of village buildings.
 - e. Review and recommend any proposed changes, remodeling, additions, etc. to the municipal building or other nonpark village buildings or property.
 - f. Recommend for village board consideration policies and procedures regarding village operations and the delivery of services to the public.
 - g. Recommend actions regarding the use and maintenance of village streets.
 - h. Coordinate the village's refuse collection activities.
 - i. Consider any other matters which may be referred by the village board.
- (3) *Personnel committee.* The personnel committee shall consist of three trustees, who shall:
- a. Review recommended personnel and labor policies, and serve as the negotiating unit for the village in labor negotiations.
 - b. Consider any other matters which may be referred by the village board.
- (4) *Emergency services committee.* The personnel committee shall consist of three trustees, who shall:
- a. Review traffic or pedestrian safety matters and recommend needed action for village board approval.
 - b. Advise the village board on matters pertaining to the police department, fire department and emergency government programs.
 - c. Exercise any and all functions, duties and powers of the board of health appearing in the Code of Ordinances, as the designee of the village board.
 - d. Consider any other matters which may be referred by the village board.

- (5) *Municipal development committee.* The municipal development committee shall consist of three trustees, one citizen and the village administrator who shall:
- a. Advise proper officials on property maintenance and village beautification efforts.
 - b. Promote the village as a place for business expansion and relocation.
 - c. Consider any other matters which may be referred by the village board.
- (c) *Duties of village president.*
- (1) The village president shall designate the chairperson of each standing committee. All committee appointments, except the designation of chairpersons, shall be subject to confirmation by a majority vote of the village board.
 - (2) All trustees shall serve on at least one standing committee. The village president shall be an ex officio member of each standing committee or may be appointed to serve as a member of a specific committee.
 - (3) The village president may declare the entire village 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 village board.
 - (4) From time to time, the village president may appoint such special committees as he deems advisable, or as provided for by motion or resolution by the village board, stating the number of members and object thereof, to perform such duties as may be assigned to them.
- (d) *Reports.* Each standing committee shall, at the next regular village board meeting, submit a report on all matters referred to it. Such report shall recommend a definite action on each item, and shall be approved by a majority of the committee. Any committee may require any village officer or employee to confer with it and supply information in connection with any matter pending before it.
- (e) *Ambiguity of conflict of authority.* In case of ambiguity or apparent conflict between the definition of committee authority as set forth in this section and a definition in this Code of the authority of a village officer, employee, board or association, the latter shall prevail.
(Code 1988, § 2-2-4)

Sec. 2-55. Powers.

(a) *Generally.* The village board shall be vested with all of the powers of the village not specifically given to 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 to 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 power into effect by license, regulation, suppression, borrowing, taxation, special assessment, appropriation, finem, 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:
- a. Acquire property, real or personal, within or without the village, for parks, libraries, historical places, recreation, beautification, streets, waterworks, sewage or waste disposal, arbors, improvement of watercourses, public grounds, vehicle parking areas and any other public purpose;
 - b. Acquire real property within or contiguous to the village, by means other than condemnation, for industrial sites;
 - c. Improve and beautify real or personal property within or contiguous to the village;
 - d. Construct, own, lease and maintain buildings on such property for instruction, recreation, amusement and other public purposes; and
 - e. Sell and convey such property.

Condemnation shall be as provided by statute.

(c) *Acquisition of easements and property rights.* Confirming all powers granted to the village board and in furtherance thereof, the village board is expressly authorized to acquire by gift, purchase or condemnation under statute, any and all property rights in land 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 any public purpose, including the exercise of powers granted under Wis. Stats. §§ 61.35 and 62.23, and may sell and convey such easement or property rights when they are no longer needed for public use or protection.

(d) *Finances.* The village board may levy and provide for the collection of taxes and special assessments; refund any tax or special assessment paid, or any part thereof, when satisfied that such tax or special assessment was unjust or illegal; and generally manage the village finances. The village board may loan money to any school district, located wholly or partly within the village, in such sums as are needed by such district to meet the immediate expenses of operating the schools thereof, and the board of the district may borrow money from the village accordingly, and give its note for such loan. No such loan shall be made to extend beyond August 30 next following the making of such loan, or in an amount exceeding one-half of the estimated receipts for such district as certified by the state superintendent of public instruction and the local school clerk. The rate of interest on any such loan shall be determined by the village board.

(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 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.

(Code 1988, § 2-2-5)

State law reference – Wis. Constr., art. XI, § 3; Wis. Stats. § 61.34

Sec. 2-56. Cooperation with other municipalities.

On behalf of the village, the village board 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.

(Code 1988, § 2-2-6)

State law reference – Wis. Stats. §§ 61.34(2), 66.0301.

Sec. 2-57. Internal powers; residency required.

(a) The village board has the power to preserve order at its meetings.

(b) Members of the village board shall be residents of the village at the time of their election and during their terms of office.

(Code 1988, § 2-2-7)

Sec. 2-58. Salaries.

The president and other trustees who make up the village board, whether operating under general or special law, may, by three-fourths of all of the members of the village board, determine that an annual salary be paid to the president and trustees. Previously established salaries shall remain until changed by ordinance and shall not be increased or diminished during the term of office of the president and trustees.

(Code 1988, § 2-2-8)

State law reference – Authority, Wis. Stats. § 61.32.

Sec. 2-59. Meetings.

(a) *Regular meetings.* Regular meetings of the village board shall be held on the first Wednesday of each calendar month at 7:00 p.m. local time, except when the designated day falls on a legal holiday, in which case the regular meeting shall be held on the following Monday, or at such other date and time as the village board shall designate. When the village board designates a date and time for the regular village board meeting, notice thereof shall be posted at the village hall and in the official village newspaper prior to such rescheduled meeting date. All meetings of the village board shall be held at the village hall, unless otherwise specified in the minutes of the preceding meeting or by written notice posted at the regular place at least three hours prior to any meeting. In any event, all village board meetings shall be held within the boundaries of the village.

(b) *Annual organizational meeting.* The village board shall hold an annual organizational meeting on the third Tuesday of April for the purpose of organization.

(c) *Minutes.* The village administrator/deputy clerk shall keep a record of all village board proceedings and cause the proceedings to be published.

(Code 1988, § 2-2-9)

State law reference – Similar provisions, Wis. Stats. § 61.32.

Sec. 2-60. Special meetings.

(a) Special meetings of the village board may be called by the village president, or by two trustees filling a request with the village administrator at least 48 hours prior to the time specified for such meeting. The village administrator shall select the day for the special meeting and immediately notify each trustee of the time and purpose of such meeting. A minimum of 24 hours prior to the meeting time, the notice shall be delivered or mailed to each trustee personally or left at his usual place of abode. The village administrator shall cause an affidavit of such notice to be filed in his 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 of such meeting. Notice to the public of such special meetings shall conform to the open meeting requirements of Wis. Stats. §§ 61.32 and Wis. Stats. ch. 19, subch. IV. The village administrator shall immediately give notice upon the call for such special meeting being filed with him.

(b) If all of the trustees file a written consent or waiver of notice, any special meeting shall be held forthwith, but not less than two hours after the required notice is provided under Wis. Stats. § 19.84(3).

(c) The request for any special meeting shall state the purpose for which the meeting is to be called, and no business shall be transacted except that for which the meeting has been called.

(Code 1988, § 2-2-10)

Sec. 2-61. Open meetings; adjournment; closed meetings.

(a) *Compliance with open meeting law required.* All meetings shall be open to the public, unless such meetings fall within a lawful exception of the state open meetings law, Wis. Stats. ch. 19, subch. V. (Wis. Stats. § 19.81 et seq.)

(b) *Adjournment.* Regular sessions of the village board may be adjourned from time to time for later reconvening. Any regular session of the village board may be adjourned for later reconvening as many times as the village board may determine to be necessary, advisable or convenient. Such adjournment may be made for a new reconvening time later in the same day or in a subsequent day. Any such adjournment may provide for reconvening at the same place or another place. An adjournment to a closed session may only be for a permitted purpose as enumerated in Wis. Stats. § 19.85, and must meet the other requirements of such section.

(c) *Meetings to be open.* During the holding of any open session in the regular meeting room or substituted meeting room, such room and meeting shall, at all times, be open and remain open to all citizens.

(d) *Closed meetings.* The provisions of this section do not prohibit the village board or any committee thereof from having a closed meeting which is legally convened and held in a room in a building other than the official meeting room or in some other building within the village.

(e) *Exceptions.*

(1) Any meeting of a governmental body, upon motion duly made and carried, may be convened in closed session under one or more of the exemptions provided in this subsection (e). The motion shall be carried by a majority vote in such a manner that the vote of each member is ascertained

and recorded in the minutes. No motion to convene in closed session may be adopted, unless the chief presiding officer announces to the persons present at the meeting at which such motion is made, the nature of the business to be considered at such closed session, and the specific exemptions under this subsection by which such closed session is claimed to be authorized. Such announcement shall become part of the record of the meeting. No business may be taken up at any closed session, except that which relates to matters contained in the chief presiding officer's announcement of the closed session. A closed session may be held for any of the following purposes:

- a. Deliberating concerning a case which was the subject of any judicial or quasi-judicial trial or hearing before that governmental body.
- b. Considering dismissal, demotion, licensing, or discipline of any public employee or person licensed by a board or commission or the investigation of charges against such person, and the taking of formal action on any such matter, provided that the public employee or person licensed is given actual notice of any evidentiary hearing which may be held prior to final action being taken of any meeting at which final action may be taken. The notice shall contain a statement that the person has the right to demand that the evidentiary hearing or meeting be held in open session. This subsection and subsection (e)(1)i of this section do not apply to any such evidentiary hearing or meeting where the employee or person licensed requests that an open session be held.
- c. Considering employment, promotion, compensation or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility.
- d. Considering specific applications of probation, extended supervision or parole, or considering strategy for crime detection or prevention, except as provided in Wis. Stats. § 304.06(1)(eg) and by rule promulgated under Wis. Stats. § 304.06 (1)(em).
- e. Deliberating or negotiating the purchasing of public properties, the investing of public funds or conducting other specified public business, whenever competitive or bargaining reasons require a closed session.
- f. Deliberating by the village board on unemployment insurance in a meeting at which all employer or employee members of the village board are excluded.
- g. Deliberating by the village board on worker's compensation in a meeting at which all employer or employee members of the village board are excluded.
- h. Deliberating under Wis. Stats. § 157.70 if the location of a burial site, as defined in Wis. Stats. § 157.70(1)(b), is a subject of the deliberation and if discussing the location in public would be likely to result in disturbance of the burial site.
- i. Considering financial, medical, social or personal histories or disciplinary date of specific persons, preliminary consideration of specific personnel problems or the investigation of charges against specific persons, except where subsection (h)(1)b of this section applies,

which, if discussed in public, would be likely to have a substantial adverse effect upon the reputation of any person referred to in such histories or data, or involved in such problems or investigations.

- j. Conferring with legal counsel for the governmental body who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved.
- k. Considering of requests for confidential written advice from any county or municipal ethics board under Wis. Stats. § 19.59(5).
- l. Considering any and all matters related to acts by businesses under Wis. Stats. § 560.16 which, if discussed in public, could adversely affect the business or its employees or former employees.
- m. Considering financial information relating to the support by a person, other than an authority, of a nonprofit corporation operating the Olympic Ice Training Center under Wis. Stats. § 42.11(3), if the information is exempt from disclosure under Wis. Stats. § 42.115, or would be exempt if the information were to be contained in a record. For the purposes of this subsection, the terms “authority” and “record” have the meanings given under Wis. Stats. § 19.32.

(2) No governmental body may commence a meeting, subsequently convened in closed session and thereafter reconvened again in open session within 12 hours after completion of the closed session, unless public notice of such subsequent open session was given at the same time and in the same manner as the public notice of the meeting convened prior to the closed session.

(3) Nothing in this section shall be construed to authorize a governmental body to consider a meeting in closed session the final ratification or approval of a collective bargaining agreement which has been negotiated by such body or on its behalf.

(Code 1988, § 2-2-11)

Sec. 2-62. Quorum.

(a) Four members of the village board shall constitute a quorum, but a lesser number may adjourn or compel attendance of absent members if a majority is not present. The president shall be counted in completing a quorum.

(b) When the presiding officer shall have called the members of the village board to order, the village administrator shall proceed to call the roll in alphabetical order, noting who is present and absent, and if, after having gone through with the roll call, it shall appear that a quorum is not present, such fact shall be entered in the village board minutes, and the members present may adjourn to a later date in the month. If the village board members present 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.

(Code 1988, § 2-2-12)

Sec. 2-63. Presiding officers.

(a) *Village president.* The village president shall preside over meetings of the village board, and in the absence of the village president, the president pro tem, shall preside. In case of absence of the village president and president pro tem, the village administrator shall call the meeting to order and the trustees present shall elect one of their number as acting president pro tem.

(b) *President pro tem.* At the first meeting subsequent to the regular election and qualification of new members and after organization, the village board shall choose a president pro tem from its members, who, in the absence of the president, shall preside at meetings of the village board, and during the absence or inability of the village president shall have the powers and duties of the village president, except that he shall not have power to approve and act of the village board which the village president has disapproved, by filing objections with the village administrator.

(c) *Duties; appeals of decisions; clerk pro tem.* The presiding officer shall preserve order and decorum, decide all questions of order and conduct the proceedings of the meeting and accordance with the parliamentary rules contained in Robert's Rules of Order, Newly Revised, unless otherwise provided by statute or this article. 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. In the absence of the village administrator, the presiding officer shall appoint a clerk pro tem.
(Code 1988, § 2-2-13)

Sec. 2-64. Order of business.

(a) *Enumerated.* The following order shall be observed in conducting the business of the village board at all meetings:

- (1) Call to order by presiding officer;
- (2) Roll call. If a quorum is not present, the meeting shall adjourn, which adjournment may be to a specific date;
- (3) Reading, correction and approval of the minutes of the last preceding meetings and approval of the agenda;
- (4) Appearances;
- (5) Old or unfinished business;
- (6) New business;
- (7) Committee reports;
- (8) Adjournment.

(b) *Authorization required for taking up business out of order.* No business shall be taken up out of order unless authorized by the village president or majority consent of all trustees and in the absence of any debate whatsoever.

(Code 1988, § 2-2-14)

Sec. 2-65. Introduction of ordinances, resolutions and bylaws; disposition of communications.

(a) *Ordinances and bylaws to be in writing.* All ordinances or bylaws submitted to the village board shall be in writing, and shall include at the outset a brief statement of the subject matter and title, and shall be referred to the appropriate committee by the president. The committee shall report back to the village board on the matter at the next village board meeting. Resolutions shall be in writing, at the request of one trustee, and such request shall be nondebatable. Unless requested by a trustee before a final vote is taken, no ordinance, resolution or bylaw need be read in full. Resolutions may be referred to an appropriate standing committee for an advisory recommendation.

(b) *Subject and numbering of ordinances.* Each ordinance shall be related to no more than one subject. Amendment or repeal of ordinances shall only be accomplished if the amending or repealing ordinance contains the number and title of the ordinance to be amended or repealed, and the title of amending and repealing the ordinances shall reflect their purpose to amend or repeal.

(c) *Notice.*

(1) The village board may take action on an ordinance only if it appears on the written agenda for the meeting at which the action is requested.

(2) Ordinances will be placed on the agenda for village board action only if such ordinances are submitted to the village administrator in written form a minimum of five days prior to the meeting at which the action is requested.

(d) *Disposition of petitions, communications, etc.* Every petition or other writing of any kind, addressed to the village board or village administrator or other village officer for reference to the village board, shall be delivered by such other village officer to the village president or the presiding officer of the village board as soon as convenient after receipt thereof, and in any event prior to or at the opening of the meeting of the village board following the receipt thereof. Every such petition or other writing, and every paper, communication or other proceeding which shall come before the village board for action may be referred by the village president or presiding officer to the appropriate committee or commission unless objected to by a member of the village board.

(Code 1988, § 2-2-15)

Sec. 2-66. Conduct of deliberations.

(a) A roll call shall not be necessary on any questions or motions, except as follows:

(1) When the ayes and nays are requested by any member.

(2) On confirmation and adoption of any measure assessing or levying taxes, appropriations or

disbursing money or creating any liability or charge against the village, or any fund thereof, in excess of \$5,000.00.

(3) When required by statute.

(b) All aye and nay votes shall be recorded in the official minutes. The aye and nay votes shall be ordered upon any question at the request of any member of the village board or the president, and the village administrator shall call the roll in alphabetical order one time and then starting with “Z” and in reverse alphabetical order the next time.

(c) Except as provided in this subsection, the village board shall, in all other respects, determine the rules of its procedure, which shall be governed by Robert’s Rules of Order, Newly Revised, which is incorporated by reference, unless otherwise provided by ordinance or statute, except when otherwise limited or modified by this Code:

- (1) No trustee shall address the village board until he has been recognized by the presiding officer. Upon such recognition, the trustee shall address himself to the village board and confine his remarks to the question under discussion and avoid all personalities.
- (2) When two or more members simultaneously seek recognition, the presiding officer shall name the member who is to speak first.
- (3) No person, other than a member, shall address the village board, except under order of business, except the citizens may address the village board with permission of the presiding officer as to matters which are being considered by the village board at the time.
- (4) When a question is in debate, no action shall be in order, except:
 - a. To adjourn;
 - b. To lay on the table;
 - c. The previous question;
 - d. To postpone to a certain date;
 - e. To refer to a standing, select or special committee;
 - f. To amend;
 - g. To postpone indefinitely;

and such several motions shall have precedence in the order in which they stand.

(Code 1988, § 2-2-17)

Sec. 2-67. Reconsideration of questions.

When a question has been decided once, any member of the majority, or, in case of a tie, any member voting in the affirmative, may move a reconsideration thereof, but, if a motion to reconsider shall be made on a day subsequent to the day on which the ordinance question was decided, a vote of the majority of the entire village board shall be required to sustain it.

(Code 1988, § 2-2-18)

Sec. 2-68. Disturbances and disorderly conduct.

Whenever any disturbance or disorderly conduct shall occur in any of the meetings of the village board, the president may cause the room to be cleared of all persons causing such disturbance or disorderly conduct.

(Code 1988, § 2-2-19)

Sec. 2-69. Rescinding or amending rules.

The rules of this article 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 of all the members of the village board.

(Code 1988, § 2-2-20)

Sec. 2-70. Suspension of rules.

The rules of this article shall not be suspended, except by a two-thirds vote of all the members of the village board.

(Code 1988, § 2-2-21)

Sec. 2-71 – 2-100. Reserved.**ARTICLE III. OFFICERS AND EMPLOYEES*****Sec. 2-101. Powers and duties generally.**

(a) Except as otherwise provided, officers shall generally have the powers and duties prescribed for similar officers of towns and villages and by law, except the village president shall perform such duties as shall be required of him by the village board. Officers whose powers and duties are not enumerated in Wis. Stats. ch. 61 shall have such powers and duties as are prescribed by law for similar officers or as directed by the village board.

(b) All officers and departments may make the necessary rules for the conduct of their duties and incidental proceedings.

***Cross references** – Any ordinance establishing positions, classifying positions, or setting salaries of village officers or village officers and employees, or any personnel regulations saved from repeal, § 1-9(14); flood regulation enforcement by zoning administrator, § 14-41; zoning administrator, § 58-42.

(c) The general laws for the punishment of bribery, misdemeanors and corruption in office shall apply to village officers.

(d) Whenever any village official, in his official capacity, is proceeded against or obliged to proceed before any court, board or commission to defend or maintain his official position, or because of some act arising out of the performance of his official duties, and he has prevailed in such proceedings, or the village board has ordered the proceedings discontinued, the village board may provide for payment to such official such sum as it sees fit to reimburse him for the expenses reasonably incurred for costs and attorney's fees.

(Code 1988, § 2-3-1)

Sec. 2-102. Village administrator.

(a) *Office created.* To provide the village with a more efficient, effective and responsible government under a government system of a part-time village president and village board, there is created the office of village administrator. Pursuant to Wis. Stats. § 66.0101, the village elects not to be bound by the portion of the statutes providing for the election of the village clerk and treasurer.

(b) *Appointment.* The village administrator shall be responsible to the village board and shall be hired by the village board upon such terms and conditions, and receive such salary, as are prescribed and set by the village board.

(c) *Functions, powers and duties.* The village administrator shall serve as the chief administrative officer of the village, and shall be responsible to the village president and village board for the daily administration of all business affairs of the village, with the following powers and duties:

- (1) Direct the effective and efficient performance of all village employees and coordinate and expedite all village services, functions and programs.
- (2) Carry out all directives approved by the village board which required administrative implementation through the active direction and coordination of the various village departments.
- (3) Direct, coordinate and expedite the activities of all village departments, except for such authority vested by statute in certain boards and commissions. This shall include making or directing such studies as are necessary to the most economical and efficient operation of such departments, sources and programs from the various departments, when deemed necessary.
- (4) Be responsible to the village president and village board at all times, and be responsible for effectuating all actions of the village president and village board which require administrative implementation or where the village president and village board have directed him to act.
- (5) Be responsible for the administration of all day-to-day operations and services provided by the village government, including supervision of all departments in the monitoring and enforcement of all village ordinances, resolutions, statutes and village board directives.
- (6) Establish and implement administrative procedures to increase the effectiveness and efficiency of the village government which are fully consistent with approved policies established by the

village board.

- (7) Keep informed concerning current federal, state and county legislation and administrative rules affecting the village, and submit appropriate reports and recommendations on such rules to the village board.
- (8) Represent the village in matters involving legislative and intergovernmental affairs, as required.
- (9) Submit as deemed necessary, recommendations or suggestions for improving the health, safety or welfare of the village, and institute and operate a system whereby village departments, as well as persons having business with the village president and/or village board or any village department, may properly and efficiently conduct such business.
- (10) Establish and maintain procedures to facilitate communication between citizens and village government to assure that complaints, grievances, recommendations and other matters receive prompt attention 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.
- (12) Keep the village president and village board informed about activities of the village departments through oral or written reports.
- (13) Serve as the village's personnel officer, which shall include the development, implementation, interpretation and enforcement of the village personnel rules and regulations, as approved by the village board. This includes recommending revisions to the personnel policy, when necessary. In addition, the village administrator shall recommend salary and wage scales for all village employees not covered by collective bargaining agreements, and direct and oversee the process where personnel problems and/or grievances are promptly resolved.
- (14) Direct and oversee the village's purchasing policy, as approved by the village board.
- (15) Administer the payroll and maintain accurate and complete official employment records for all village employees.
- (16) Serve as village treasurer, and administer the receipts, deposits and appropriate investment of all monies received by the village, and may draw and countersign all orders on the village treasury.
- (17) Serve as village clerk, and be responsible for the duties of the clerk as set forth in Wis. Stats. § 61.25 and ordinances.
- (18) Serve as building inspector.
(Code 1988, § 2-3-2)

Sec. 2-103. Village attorney.

- (a) *Appointment.* The village attorney is an appointed position. At the village board organizational

meeting in April, the village president shall appoint a village attorney, subject to confirmation by a majority of the members of the village board. The village attorney's term shall be for one year, and shall commence on May 15 succeeding his appointment.

- (b) *Duties.* The village attorney shall have the following duties:
- (1) Conduct all legal business in which the village is interested.
 - (2) When requested by village officers, give written legal opinions, which shall be filed with the village.
 - (3) Draft ordinances, bonds and other instruments as may be required by village officers.
 - (4) Appoint an assistant, who shall have the power to perform his duties and for whose acts he shall be responsible to the village. Such assistant shall receive no compensation from the village, unless previously provided by an ordinance.
 - (5) Perform such other duties as provided by law and as designated by the village board.
- (c) *Special counsel.* The village board may employ and compensate special counsel to assist in or take charge of any matter in which the village is interested.
- (Code 1988, § 2-3-3)

Sec. 2-104. Chief of police.

- (a) *Appointment; powers and duties; compensation.*
- (1) The chief of police shall be appointed by a majority vote of the members of the village board for an indefinite term, and shall be subject to removal by a three-fourths vote of the members of the village board. The chief of police shall exercise the powers and duties of village marshals and constables and any other powers and duties prescribed by the village board, ordinances or statute. Upon a vacancy, the ranking officer shall temporarily replace the chief of police until the vacancy is filled by the village board.
 - (2) The compensation to be paid to the chief of police for his services, hours of active duty, rest days, vacation periods and other involvement of his employment shall be as determined by the village board from time to time.
- (b) *General duties.* The chief of police shall:
- (1) Have command of the police department. He shall have general administration and control of the police department, and shall be responsible for its government, efficiency and general good conduct. He shall perform all duties prescribed to him by law and ordinances, and shall obey all lawful written orders of the village president or village board.
 - (2) Cause the public peace to be preserved, and may arrest, and with reasonable diligence take before the proper court, every person within the village found to be engaged in any disturbance

of the peace or violating any law or ordinance. The chief of police shall cooperate with other law enforcement officers in the arrest or apprehension of persons charged with a crime.

(Code 1988, § 2-3-4)

Sec. 2-105. Fire chief.

(a) *Appointment.* The fire chief shall be appointed by a majority vote of the members of the village board for an indefinite term, and shall be subject to removal by a three-fourths vote of the members of the village board. Upon a vacancy in the office of fire chief, the ranking officer of the fire department shall temporarily perform the duties of the fire chief until such vacancy is filled. The fire chief shall, by virtue of office, be a fire inspector.

(b) *Powers and duties.*

- (1) The fire chief shall have general supervision of the fire department, subject to this Code and the bylaws of the fire department, and shall be responsible for the personnel and general efficiency of the fire department.
- (2) It shall be the duty of the fire chief to:
 - a. Preside at all meetings of the fire department.
 - b. Call special meetings.
 - c. Preserve order.
 - d. Decide all points of order that may arise; and
 - e. Enforce a rigid observance of this Code and the bylaws of the fire department.
- (3) It shall be the duty of the fire chief or ranking officer of the fire department to:
 - a. Be present at all fires;
 - b. Have complete command of, and the entire responsibility for, all firefighting operations;
 - c. Plan the control of all firefighting operations;
 - d. Direct the action of firefighters upon arrival at a fire;
 - e. Observe that the fire department does its duty;
 - f. Grant leaves of absence at a fire when he may deem it proper; and
 - g. Ensure that the fire apparatus is kept in proper condition, at all times.
- (4) The fire chief shall enforce all fire prevention ordinances and laws and regulations pertaining to

fire prevention, and keep citizens informed on fire prevention methods and the activities of the fire department.

- (5) The fire chief shall keep a fire record book of every fire to which the fire department was called, and enter in such book the following:
- a. Locality of the fire;
 - b. Time the alarm was received;
 - c. Cause of the fire;
 - d. Where the fire started;
 - e. Cause of delay in responding to the alarm, if any;
 - f. Method of extinguishment and equipment used;
 - g. Amount of insurance carried on the building and its contents;
 - h. Estimated fire loss;
 - i. Time the fire was extinguished;
 - j. Names of men responding to the alarm; and
 - k. General remarks.

(Code 1988, § 2-3-5)

Sec. 2-106. 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 May 1 following this appointment. The weed commissioner shall take the official oath, which shall be filed in the office of the village administrator, and shall hold the office for one year. The weed commissioner shall hold office pursuant to, and fulfill the duties set out in, law.

(Code 1988, § 2-3-6)

State law reference - Weed commissioner generally, Wis. Stats. § 66.0517.

Sec. 2-107. Director of public works.

(a) *Appointment.* The director of public works shall be appointed by a majority vote of the members of the village board solely on the basis of merit, training, experience, administrative ability, efficiency and general qualifications and fitness for performing the duties of such position.

(b) *Term.* The director of public works shall hold office for an indefinite term, subject to removal by a three-fourths vote of the village board.

(c) *Duties and powers.* The director of public works shall have the following duties and powers:

- (1) General charge and supervision of all public works in the village.
 - (2) Responsibility for the maintenance, repair and construction of streets, alleys, curbs and gutters, sidewalks, bridges, street signs, storm sewers, village buildings and structures and all machinery, equipment and property used in any activity under his control.
 - (3) Have charge of all public services, including garbage and refuse collections and disposal, snow and ice removal, street cleaning and flushing, and mosquito and rodent control.
 - (4) Perform such other activities and duties imposed on him from time to time by the village board or by his job description and employment contract.
- (Code 1988, § 2-3-7)

Sec. 2-108. Assessor.

(a) Pursuant to Wis. Stats. § 61.195, 61.197 and 66.0101, the village elects not to be governed by the portions of Wis. Stats. §§ 61.19 and 61.23 which relate to the selection and tenure of the village assessor, and which are 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. A corporation or independent contractor may be appointed as the village assessor. The corporation or independent contractor so appointed shall designate the person responsible for the assessment. Such designee shall file the official oath under Wis. Stats. § 19.01, and sign the affidavit of the assessor attached to the assessment roll under Wis. Stats. § 70.49. No person may be designated by any corporation or independent contractor unless he has been granted the appropriate certification under Wis. Stats. § 73.09. For purposes of this subsection, the term “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.

(c) The assessor shall have an indefinite term of office, subject to removal under Wis. Stats. § 17.14(1).

(Code 1988, § 2-3-8)

State law references – Public official’s oaths and bonds, Wis. Stats. § 19.01; affidavit of assessor Wis. Stats. § 70.49; assessor certification generally, Wis. Stats. § 73.09.

Sec. 2-109. Adult school crossing guards.

Pursuant to Wis. Stats. § 349.215 and for the protection of person who are crossing a highway or public thoroughfare in the vicinity of a school within the boundaries of the village, adult school crossing guards shall be appointed by the Spring Valley School District. The school crossing guards shall wear insignias or uniforms with signals or signs to direct traffic to stop at school crossings.

(Ord. of 2-1-1995)

Secs. 2-110 – 2-140. Reserved.

ARTICLE IV. BOARDS, COMMISSIONS AND COMMITTEES*

Sec. 2-141. Meetings; public notice.

(a) *Regular meetings.* Every board, committee and commission created by or existing under the ordinances of the village shall:

- (1) Schedule a date, time and place for its meetings;
- (2) When required by law, notify or publish a notice in the official village newspaper, in advance, of the date, time and place of each regular meeting, in compliance with the law; and/or
- (3) Post, on official village bulletin boards, an agenda of the matters to be taken up at such meeting.

(b) *Special meetings.* Nothing in subsection (a) of this section 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 comply in all respects with the provisions of Wis. Stats. §§ 19.81 and 19.89.

(c) *Minutes.* The secretary of each board, committee and commission shall file a copy of the meetings minutes of such board, committee or commission with the village administrator.

(Code 1988, § 2-4-6)

Sec. 2-142. Residency required for service.

No person who is not a resident of, and not residing in, the village shall be appointed in a voting capacity to any village board or commission. Any board or commission member who moves from the village shall be removed from such board or commission, but may be appointed to serve in an ex officio capacity.

(Code 1988, § 2-4-7)

Sec. 2-143. Board of review.

(a) *Composition.* The board of review shall be composed of the village president, village administrator and three trustees and shall be appointed annually by the village president, subject to confirmation by the village board.

(b) *Duties and functions; compensation.*

- (1) The duties and functions of the board of review shall be as prescribed in Wis. Stats. §§ 70.46 and 70.47.
- (2) Members of the board of review shall act without compensation.

***Cross reference** – Zoning agency or committee, § 14-43.

(c) *Meetings.* In accordance with Wis. Stats. § 70.47(3)b, the village board designates hours for the annual board of review proceedings other than the hours set forth in Wis. Stats. § 70.47(3)a, and designates the hours of the annual board of review meeting to be 10:00 a.m. to 4:00 p.m. The board of review may adjourn from day to day or time to time, until such time as its business is completed, provided that adequate notice of each adjournment is given.
(Code 1988, § 2-4-1)

Sec. 2-144. Zoning board of appeals.

- (a) *Established.*
- (1) A zoning board of appeals shall be appointed as specified in Wis. Stats. § 62.23(7)(e). The zoning board of appeals shall consist of five citizen members appointed by the village president, subject to confirmation by the village board, for a three-year term of office. The members shall serve without compensation, and shall be removable by the board for cause upon written charges and a public hearing. The village president shall designate one of the members as chairman.
 - (2) Vacancies on the zoning board of appeals shall be filled for the unexpired terms of members whose terms become vacant.
 - (3) In addition to the five members provided for in subsection (a)(1) of this section, the village president may appoint an alternate member, who shall act with full power, for a term of three years only when a member of the zoning board of appeals abstains from voting because of interest or when a member is absent. The provisions set forth in subsections (a)(1) and (2) of this section regarding removal and the filling of vacancies shall apply to such alternate member.
- (b) *Powers.* The zoning board of appeals shall have the following powers:
- (1) Hear and decide appeals where it is alleged there is an error in an order, requirement, decision or termination made by an administrative official in the enforcement of the zoning regulations (chapter 58 of this Code) or flood regulations (chapter 14 of this Code).
 - (2) Hear and decide special exceptions to the terms of the village zoning regulations (chapter 58 of this Code) and flood regulations (chapter 14 of this Code) upon which the zoning board of appeals is required to pass.
 - (3) Authorize, upon appeal in specific cases, such variance from the terms of the village zoning regulations (chapter 58 of this Code) as will not be contrary to the public interest, where, owing to specific conditions, a literal enforcement will result in practical difficulty or unnecessary hardship, so that the spirit of the zoning regulations (chapter 58 of this Code) shall be observed, public safety and welfare secured and substantial justice done; provided, however, that no such action shall have the effect, in any district, of establishing a use which is not permitted in such district.
 - (4) 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 regulations (chapter 58 of this Code), for such purposes which are reasonably necessary for the public

convenience and welfare. The zoning board of appeals may permit in appropriate cases, and subject to appropriate conditions and safeguards, in harmony with the general purpose and intent of this Code, a building or premise to be erected or used for such public utility purposes in any location which is reasonably necessary for the public convenience and welfare.

- (5) Reverse or affirm, wholly or in part, or modify any order, requirement, decision or determination as, in its opinion, ought to be made in the premises. The concurring vote of three 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 regulations (chapter 58 of this 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 of time longer than six months from the date of such order, unless the land use permit is obtained within such period of time and the erection or alteration of a building is started or the use is commenced within such period of time.
- (c) *Meetings; rules of procedure.* All meetings of the zoning board of appeals shall be held at the call of the chairman and at such other times as the zoning board of appeals may determine. All hearings conducted by the zoning board of appeals shall be open to the public. The zoning board of appeals 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 examinations and other official actions, all of which shall be immediately filed in the office of the village administrator and shall be a public record. The zoning board of appeals shall adopt its own rules of procedure which are not in conflict with this section or applicable statutes.
- (d) *Offices.* The village shall provide suitable offices for holding hearings and the presentation of records, documents and accounts.
- (Code 1988, § 2-4-2)

Sec. 2-145. Board of park commissioners.

The village board shall constitute the board of park commissioners, and shall exercise all of the power conferred by law upon boards of park commissioners in cities and villages.

(Code 1988, § 2-4-3)

Sec. 2-146. Library board.

- (a) *Organization; terms.*
- (1) Pursuant to Wis. Stats. ch. 43, there is created a municipal library board for the village, which shall consist of a five-member board. The library board shall have four citizen members and one village trustee.
- (2) Terms of such citizen members of the library board shall be from July 1 in the year of their appointment, and each regular appointment shall be for a term of two years. Not more than one member of the village board shall be a member of the library board at one time. Members shall be appointed by the village president, subject to confirmation by the village board. The village

president shall appoint a school district administrator or his representative as one of the library board members to represent the public school districts in which the library is located. The trustee member shall be appointed annually at the village board’s organizational meeting.

- (3) A majority of the membership of the library board shall constitute a quorum.
 - (4) As soon as practicable after the first appointments, at a date and place fixed by the appointing officer, and annually thereafter, within 30 days after the time designated in subsection (a)(2) of this section for the beginning of terms, the members of the library board shall organize, by election from among their number, a president and such other officers as they deem necessary to prescribe and adopt rules and regulations for the operation of the library.
- (b) *Duties and powers.* The library board shall have the duties and powers as prescribed by Wis. Stats. ch. 43, and more particularly as set forth in Wis. Stats. § 43.58.
 (Code 1988, § 2-4-4)

Sec. 2-147. Board of health.

- (a) *Composition.* The board of health shall consist of the members of the village board meeting as a committee of the whole. The health officer and any assistants shall be ex officio members of the board of health.
 - (b) *Power of appointment.* The board of health may appoint persons to aid them.
 - (c) *Responsibilities.*
 - (1) The board of health shall take such measures as shall be most effectual for the preservation of the public health. It shall be the duty of the board of health to assume the general administration of health and sanitation laws and regulations in the village; supervise the work of the health officer; and attend to the administration and enforcement of the health laws of the state and the rules and regulations prescribed by the state board of health and the ordinances of the village.
 - (2) The board of health shall take such measures and make such rules and regulations as shall necessary for the preservation and promotion of public health within the village. All orders and regulations of the board of health shall be published in the official newspaper and, after such publication, shall have the force and effect of ordinances including penalties for violations.
- (Code 1988, § 2-4-5)

Secs. 2-148 – 2-180. Reserved.

ARTICLE V. FINANCE*

***Cross reference** – Any ordinance promising or guaranteeing the payment of money for the village or authorizing the issuance of any bonds or notes of the village, any evidence of the village’s indebtedness, or any contract, right, agreement, lease, deed or other instrument or obligation assumed by the village saved from repeal, § 1-9(2).

Sec. 2-181. Treasurer's bond.

(a) *Eliminated.* The village elects not to give the bond on the village administrator in his capacity as village treasurer provided for by Wis. Stats. § 70.67(1).

(b) *Liability for default of treasurer.* Pursuant to Wis. Stats. § 70.67(2), the village shall be obligated to pay all state and county taxes required by law to be paid by such treasurer to the county treasurer, in case the village administrator while acting as treasurer shall fail to do so.

(Code 1988, § 2-5-2)

Sec. 2-182. Budget.

(a) *Departmental estimates.* When requested by the village administrator, each officer, department and committee shall file with the village administrator annually an itemized statement of disbursements made to carry out the powers and duties of such officer, department or committee during the preceding fiscal year, and a detailed statement of the receipts and disbursements on account of any special fund under the supervision of such officer, department or committee during such year, and of the current fiscal year and for the ensuing fiscal year. Such statements shall be presented in the form prescribed by the village administrator and shall be designated as "Departmental Estimates," and shall be as merely uniform as possible for the main division of all departments.

(b) *Consideration of departmental estimates.* The village administrator shall consider departmental estimates in consultation with the department head, and recommend to the village board's finance committee a budget amount for such department or activity. The finance committee shall consider the budget recommendations submitted by the village administrator in developing a proposed budget for submission to the village board.

(c) *Required information.* The proposed budget shall include the following information:

- (1) The actual expenditures of each department and activity for the expired portion of the current year and last preceding fiscal year, and the estimated expense of each department and activity of the village for the remainder of the current year and ensuing fiscal year, with reasons for any proposed increase or decrease as compared with actual and estimated expenditures for the current year.
- (2) An itemization of all anticipated income of the village from sources other than general property taxes and bonds issued, with a comparative statement of the amounts received by the village from each of such sources or similar sources for the last preceding year and current fiscal year.
- (3) An estimate of the amount of money to be raised from general property taxes which, with income from other sources, will be necessary to meet the proposed expenditures.
- (4) All existing indebtedness of the village, including the amount of interest payable and principal to be redeemed on any outstanding general obligations bonds of the village, and any estimated deficiency in the sinking fund of any such bonds during the ensuing fiscal year.
- (5) Such other information as may be required by the village board and law.

(d) *Copies.* The village administrator shall provide a reasonable number of copies of the budget summary prepared for distribution to citizens. The entire fiscal budget shall be available for public inspection in the office of the village administrator during regular office hours.

(e) *Report and hearing.*

- (1) The finance committee shall make a report to the village board at the November 1 meeting, which shall include the estimated cost of improvements, as well as the estimated cost of operating the various departments and all other costs, including interest charges, for which money will have to be raised by taxation during the following year. At the time the annual budget is submitted, the finance committee shall submit to the village board the draft of the ensuing fiscal year. Upon the submission of the proposed appropriation ordinance to the village board, it shall be deemed to have been regularly introduced.
- (2) A summary of such budget, notice of the time and place where such budget and details are available for public inspection and notice of the time and place for holding the public hearing on such budget shall be published in a newspaper of general circulation in the village or legally posted at least 15 days prior to the time of such public hearing.
- (3) Not less than 15 days after the publication of the proposed budget and the notice of the hearing on such proposed budget, the public hearing shall be held at the time and place stipulated, at which time any resident or taxpayer of the village shall have an opportunity to be heard on the proposed budget. The budget hearing may be adjourned from time to time. Following the public hearing, the proposed appropriation ordinance may be changed or amended and shall take the same course in the village board as other ordinances.

(Code 1988, § 2-5-3)

Sec. 2-183. Budget changes.

The amount of the tax to be levied or certified, the amounts of the various appropriations and the purposes thereof shall not be changed after the approval of the budget, except upon the recommendation of the village president and a two-thirds vote of the entire membership of the village board. Notice of such change shall be given by publication within eight days thereafter in the official village newspaper.

(Code 1988, § 2-5-4)

Sec. 2-184. Funds to be spent in accordance with appropriation.

No money shall be drawn from the treasury of the village, nor shall any obligation for the expenditure of money be incurred, except in pursuance of the annual appropriation in the adopted budget or when changed as authorized by section 2-183. At the close of each fiscal year any unencumbered balance of an appropriation shall revert to the general fund and shall be subject to reappropriation, but appropriations may be made to the village board, to be paid out of the income of the current year, in furtherance of improvements or other objects or works which will not be completed within such year, and any such appropriations shall continue in force until the purpose for which it was made shall have been accomplished or abandoned.

(Code 1988, § 2-5-5)

Sec. 2-185. Fiscal year.

The calendar year shall be the fiscal year.

(Code 1988, § 2-5-6)

State law reference – Similar provisions, Wis. Stats. § 61.51(3).

Sec. 2-186. Public depositories.

The village board shall designate the public depositories within the state within which village funds shall be deposited, and when the money is deposited in such depositories in the name of the village, village officials and bondsmen shall not be liable for such losses as are defined by law. The interest arising from such deposits shall be paid into the village treasury. A copy of the resolution designating public depositories shall be filed annually with the state commissioner of banking. Pursuant to law, designated public depositories shall be required to pledge U.S. Treasury notes equal in amount to any uninsured balance of the village's deposit.

(Code 1988, § 2-5-7)

State law reference – Similar provisions, Wis. Stats. § 62.12(7).

Sec. 2-187. Claims.

(a) *Certification of compliance.* Prior to submission of any account, demand or claim to the village board for approval of payment, the village administrator shall certify, or cause to be endorsed thereon or on attached papers, that the following conditions have been complied with:

- (1) Funds are available for such claim pursuant to the budget.
- (2) The item or service was duly authorized by the proper official or agency and has been received or rendered in accordance with the purchasing agreement.
- (3) The claim is accurate in amount and a proper charge against the treasury.

(b) *Audit of accounts.*

- (1) Except as provided in subsection (c) of this section, no account or demand against the village shall be paid until it has been passed upon by the finance committee and an order drawn on the village administrator for such account or demand. Every such account shall be itemized and certified as provided in subsection (a) of this section.
- (2) After auditing, the finance committee shall cause finance committee's approval to be endorsed by the village administrator upon each account, adding the amount allowed or specifying the items, or parts thereof, which are disallowed. If the village board shall approve the claim, it shall direct the village administrator to issue a village order for the amount of the claim approved. All money paid out of the village treasury shall be paid upon an order signed by the village president and countersigned by the village administrator, except that payments of regular wages or salaries shall be as provided in subsection (c) of this section. The minutes of the proceedings of the village board, or a statement attached thereto, shall show to whom and for what purpose every such account was allowed and the amount thereof.

(c) *Payment of regular wages and salaries.* Regular wages or salaries of village officers and employees shall be paid by payroll, verified by the proper village official, department head, board or commission and filed with the village administrator in time for payment on the regular payday.

(d) *Method of incurring claims.* All actions of the village board appropriating money or creating a charge against the village, other than claims for purchases or work previously authorized by the village board, shall only be acted upon at the next regular meeting after introduction, provided that this rule may be suspended by affirmative vote of by three-fourths of all members of the village board. A roll call shall be taken and recorded on all appropriations.

(Code 1988, § 2-5-8)

State law reference – Similar provisions, Wis. Stats. § 61.51.

Sec. 2-188. Temporary investment of funds not immediately needed.

Pursuant to Wis. Stats. §§ 66.0603(1m) and 219.05, the village administrator may invest any village funds not immediately needed.

(Code 1988, § 2-5-9)

Sec. 2-189. Receiving money; receipt.

(a) The village administrator and his deputies shall not receive any money into the treasury from any source, except on account of taxes levied and collected during the fiscal year for which they may then be serving, without giving a receipt for such receipt in the manner specified by the village board.

(b) Upon the payment of any money, except for taxes as provided in subsection (a) of this section, the village administrator shall make out a receipt, in duplicate, for the money received. The village administrator shall charge the amount there of to the treasury and credit the proper account. The payment of the money to any receiving agent of the village, to the village, or to the village administrator shall be safeguarded in such a manner as the village board shall direct.

(Code 1988, § 2-5-10)

Sec. 2-190. Statement of real property status.

The village administrator and his designees are authorized to prepare a statement of real property status form to be used to provide information often requested for transfers of real property, such as the amount of outstanding special assessments, deferred assessments, changes in assessments, amount of taxes, outstanding water, electric and sewer bills, current water, electric and sewer bills, contemplated improvements, floodplain status, violations of the building and health codes and similar information. Any such information sought shall be provided to the person requesting the information on such form. For furnishing the information on such form, the village shall collect a fee as set by the village board from time to time which is on file in the village offices.

(Code 1988, § 2-5-11)

Sec. 2-191. Bidding procedures for public construction.

(a) *Adopted.* Pursuant to Wis. Stats. § 61.56, as a complete alternative to the requirements of Wis. Stats. §§ 61.54 and 61.55, and in lieu thereof, the provisions of Wis. Stats. § 62.15 shall be applicable to

all village contracts for public construction over \$15,000.00. The authority vested in the board of public works by Wis. Stats. § 62.15 shall be exercised by the village board or a committee designated by the village board.

(b) *Construction authorized by vote of village board.* Any class of public construction may be done directly by the village without submitting such construction for bids, provided that the construction is authorized by a vote of three-fourths of all members of the village board.

(c) *Exemptions.* The competitive bidding law as outlined in this section is limited to public construction. Although the village may hire engineers and architects to work on the projects, they are providing services that do not come under the heading of public construction, and therefore, such services are exempt from bidding procedures under this section and section 2-192.
(Code 1988, § 2-5-12)

Sec. 2-192. Bid solicitations.

(a) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meaning ascribed to them in this section, except where the context clearly indicates a different meaning:

Formal bid means the procedure used for purchasing goods and services in an amount over \$15,000.00, and in some instances amounts less than \$15,000.00. The formal bid procedure requires a legal public notice and contains detailed, written specifications regarding the goods and services to be purchased and a number of specific conditions associated with the purchase.

Informal quotation means a written request sent to vendors for a quotation, and is used for the purchase of goods and services in an amount less than \$15,000.00.

Memorandum of verbal quotation form means the form upon which verbal quotation results are recorded when the village solicits verbal quotations on items the village purchases which are less than \$15,000.00.

(b) *Procedures.*

- (1) Competitive bids or quotations shall be obtained before contracting to purchase articles, goods, wares, material services or merchandise which amount, in bulk, to more than \$1,000.00. Purchases up to \$1,000.00 may be made by telephone quotations, informal written quotations or formal bids. Purchases from \$1,000.00 to \$15,000.00 shall be made by written quotation, telephone quotations or formal bids. Pursuant to subsection (a) of this section, purchases over \$15,000.00 shall be made by formal bid, unless exempted by action of the finance committee.
- (2) Verbal quotations for goods and services shall be secured from at least two qualified vendors, and the result of the quotations shall be recorded on the memorandum of verbal quotation form and signed by the persons receiving the quotations.
- (3) Informal requests for written quotations shall be solicited from at least three qualified bidders on the request for quotation form. All written requests for quotations shall be issued by the village administrator. Informal requests for written quotations may also be solicited by telephone.

Vendors shall be given a reasonable time to respond to the request for an informal written quotation, and shall be given clear, concise, specifications and informal bidding instructions to facilitate competitive bidding.

- (4) When a formal bid is required or deemed to be in the best interest of the village, the bidding procedure shall follow the legal requirements associated with a class 1 notice under statute and the procedures normally associated with the formal bid proposal.
- (5) The formal bid proposal will contain at least the following information:
 - a. The bid number.
 - b. A detailed description of the goods and services required, including enough information about the items or services required so that more than one vendor can meet the specifications.
 - c. The time, date and place that the bids will be opened.
 - d. The address to which the bids shall be mailed or delivered.
 - e. A section on special provisions, including guarantees and service considerations, trade-in considerations and other information relating to special conditions.

Instructions to bidders shall include such information as delivery dates, transportation charges, proposal prices, conditions for guaranteeing the proposals, payment terms, right of rejection of proposals, right to reject merchandise, insurance requirements, alternative proposal considerations, tax information and other appropriate information regarding the awarding and execution of the contract and contract considerations.

- (6) Specifications for all items purchased shall be developed with the full involvement and participation of the using departments. However, the village administrator shall ensure that then specifications are sufficiently broad enough so that competition in the bidding process is preserved.
- (c) *Blanket purchase orders.*
- (1) Upon authorization by the village board following recommendation from the finance committee, the village administrator may issue blanket purchase orders to the few merchants from whom many repetitive purchases are made as supplies are required.
 - (2) The village board shall determine the need to use a blanket purchase order procedure.
 - (3) The bidding procedure for blanket purchase orders may follow the procedures used for other goods and services.
 - (4) After a vendor has been selected, the using departments shall use the same purchase order number on all purchases made under the blanket purchase order. The finance committee shall

authorize the individuals who shall have the authority to sign for purchases under the blanket purchase order procedure.

(Code 1988, § 2-5-13)

Sec. 2-193. Payment of taxes; interest; penalties.

(a) *Payment installments.* All real estate taxes levied pursuant to this Code and statutes may be paid in two installments. The first installment shall be paid on or before January 31, and the second installment shall be paid on or before July 31 next succeeding, in accordance to the provisions of Wis. Stats. § 74.03. If the first installment of the real estate taxes is not paid on or before January 31, the whole amount of the real estate taxes shall become due and shall be collected by the village administrator, together with unpaid personal property taxes, on or before the last day of February.

(b) *Personal property taxes.*

(1) A penalty of 0.5 percent per month, or fraction thereof, beginning from the preceding January 1, shall be paid on any overdue or delinquent personal property taxes. All taxes on personal property shall be paid on or before the last day of February, pursuant to Wis. Stats. § 74.03(1).

(2) Immediately upon the sale or transfer of a business, the village administrator shall require an advance payment of all personal taxes based on the previous year's mill rate, multiplied by the premises', property's or business' current year's valuation.

(Code 1988, § 2-5-14)

Sec. 2-194. Levy of special assessments.

(a) The village by resolution may levy and collect special assessments upon property in a limited and determinable area for special benefits conferred upon such property by any municipal work or improvement, and may provide for the payment of all, or any part, of the cost of the work or improvement.

(b) The amount assessed against any property for any work or improvement which does not represent an exercise of the police power shall not exceed the value of the benefits accruing to the property from such work or improvement, and for any work or improvement representing an exercise of the police power, the assessment shall be upon a reasonable basis as determined by the village board.

(Code 1988, § 2-6-1)

State law reference – Special assessments generally, Wis. Stats. § 66.0701.

Sec. 2-195. Resolutions and report required.

(a) Prior to making any special assessments, the village board shall declare by preliminary resolution its intention to exercise such powers for a stated municipal purpose. Such resolution shall generally describe the contemplated purpose; limits of the proposed assessment district; number of installments in which the special assessments may be paid or that the number of installments will be determined at the hearing required under 2-198; and direct the proper municipal officer or employee to make a report thereon. Such resolution may limit the proportion of the cost to be assessed.

- (b) The report required by subsection (a) of this section shall consist of:
- (1) Preliminary or final plans and specifications.
 - (2) An estimate of the entire cost of the proposed work or improvement.
 - (3) An estimate, as to each parcel of property affected, of the:
 - a. Assessment of benefits to be levied.
 - b. Damages to be awarded for property taken or damaged.
 - c. Net amount of such benefits over damages, or the net amount of such damages over benefits.
 - (4) Where the work or improvements constitute an exercise of the police power, a statement that the property against which the assessments are proposed is benefitted. In such case, the estimates required under subsection (b)(3) of this section shall be replaced by a schedule of the proposed assessments.
 - (5) When completed, a copy of the report shall be filed with the village administrator for public inspection.
- (c) The report required by Wis. Stats. § 66.0703 and subsections (a) and (b) of this section shall contain a statement of the final cost of the work, service or improvement in lieu of an estimate of the cost when the village board determines by resolution that the hearing on the assessments be held subsequent to the completion of the work or improvement or the rendering of services.

(Code 1988, § 2-6-2)

Sec. 2-196. Costs paid by special assessment.

The cost of any work or improvement to be paid in whole or in part by special assessment on property may include the direct and indirect cost thereof; the damages occasioned thereby; the interest on bonds or notes issued in anticipation of the collection of assessments; a reasonable charge for the services of the administrative staff of the village and the cost of any architectural, engineering and legal services; and any other item of direct or indirect cost which may reasonably be attributed to the proposed work or improvement. The amount to be assessed against all property for any such proposed work or improvement shall be apportioned among the individual parcels in the manner designated by the village board.

(Code 1988, § 2-6-3)

Sec. 2-197. Exemptions; deductions.

(a) If any property deemed benefitted by any work or improvement shall be exempt from assessment for such work or improvement by reason of any provision of law, such assessment shall be computed and shall be paid by the village.

(b) A parcel of land against which a special assessment has been levied for the sanitary sewer or water main laid in one of the streets upon which such parcel abuts shall be entitled to such deduction or exemption as the village board determines to be reasonable and just under the circumstances of each case when a special assessment is levied for the sanitary sewer or water main laid in the other street upon which such corner lot abuts. Under any circumstance, the assessment will not be less than the long way of such lot. The village board may allow a similar deduction or exemption from special assessment levied for any other public improvement.
(Code 1988, § 2-6-4)

Sec. 2-198. Notice of proposed or approved project; hearing.

Upon the completion and filing of the report required in section 2-195(b)(5), the village administrator shall give notice stating the nature of the proposed or approved work or improvement; the general boundary lines of the proposed assessment district; the place and time at which the report may be inspected; and the place and time at which all interested persons, their agents or attorneys may appear before the village board or a committee thereof and be heard concerning the matters contained in the preliminary resolution and report. Such notice shall be given either by publication in the official village newspaper or posted in not less than three public places within the village, and a copy of such notice shall be mailed to each interested person whose post office address is known. The hearing shall commence not less than ten days nor more than 40 days after the publication or posting of such notice.
(Code 1988, § 2-6-5)

Sec. 2-199. Actions of village board after hearing.

- (a) After the hearing as set forth in section 2-198, the village board may approve, disapprove, modify or re-refer the report to the designated officer or employee with such directions as it deems necessary to change the plans and specifications to accomplish a fair and equitable assessment.
- (b) If an assessment shall be made against any property and an award of compensation or damage shall be made in favor of the property, the village board shall assess only the difference between such assessment of benefits and the award of compensation or damage.
- (c) If the work or improvement has:
- (1) Not previously been authorized or approved, the village board shall approve the work or improvement and by resolution direct that the work or improvement be done and paid for in accordance with the report finally approved.
 - (2) Been approved by the village board, or work is commenced or completed prior to the filing of the report or the hearing, then the village board shall by resolution confirm the report as made or modified, and provide for payment in whole or part by assessment.
- (d) The final resolution as required in this section shall be published by the village administrator.
- (e) After the publication of the final resolution, any work or improvement provided for and not yet authorized shall be deemed fully authorized and all awards of compensation or damage and assessments made shall be deemed duly and property made, subject to the right of appeal by Wis.

Stats. § 66.0703, or any other applicable provision of law.
(Code 1988, § 2-6-6)

Sec. 2-200. Combined assessments.

If more than a single improvement is undertaken, the village board may combine the assessments as a single assessment on each property affected, except the property owner may object to any one or more of such improvements.
(Code 1988, § 2-6-7)

Sec. 2-201. Power to amend, cancel or confirm special assessment.

If, after completion or after the receipt of bids, the actual cost of any work or improvement is found to vary materially from the original estimate, or the assessment is void or invalid for any reason, or the village board determines to reconsider an assessment, the village board is empowered, after giving notice as required in section 2-198, to amend, cancel or confirm any prior assessment, and notice of such amendment, cancellation or confirmation shall be given by the village administrator.
(Code 1988, § 2-6-8)

Sec. 2-202. Where cost of work or improvement is less than assessment.

If the cost of the work or improvement is less than the assessment levied, the village board shall reduce each assessment proportionately, without notice or hearing. If the assessment has been paid either in part or in full, the village shall refund the property owner such overpayment.
(Code 1988, § 2-6-9)

Sec. 2-203. Appealed assessments payable when due; default.

Pursuant to Wis. Stats. § 66.0703, it shall be a condition to the maintenance of any appeal that any assessment appealed shall be paid when due and payable, and upon default of payment any such appeal shall be dismissed.
(Code 1988, § 2-6-10)

Sec. 2-204. Special assessment a lien on property.

Pursuant to Wis. Stats. § 66.073, any special assessment levied under this article shall be a lien on the property against which it is levied on behalf of the village. The village board shall provide for the collection of such assessments and may establish penalties for payment after the due date. The village board shall provide that all assessments not paid by the date specified shall be extended upon the tax roll as a delinquent tax against the property, and all proceedings in relation to the collection of such delinquent taxes shall apply to such assessments, except as otherwise provided by statute.
(Code 1988, § 2-6-11)

Sec. 2-205. Special charges; exemption.

(a) In addition to all other methods provided by law, special charges for current services may be imposed by the village board by allocating all or part of the cost to the property served. Such services

may include snow and ice removal, weed elimination, street sprinkling, oiling or tarring, repair of sidewalks or curb and gutter, garbage and refuse disposal, sewer service and tree care or removal. The provision for notice of such charges shall be optional with the village board, except that in the case of street, sidewalk or curb and gutter repair, 20 days' notice shall be published in the village newspaper or posted in three places within the village, and at least 10 days before the hearing or proceeding, a copy of such notice shall be mailed to every interested person whose post office address is known. Such notice shall specify that, on a certain date, a hearing will be held by the village board as to whether the service in question shall be performed.

(b) Such special charges shall not be payable in installments. If such charges are not paid with the period fixed by the village board, such delinquent charges shall become a lien as provided in section 2-204.

(c) Section 2-195(a) shall not be applicable to proceedings under this section.
(Code 1988, § 2-6-12)

Sec. 2-206. Miscellaneous provisions.

(a) If any assessment or charge levied under this article is invalid because such assessment or charge are found to be unconstitutional, the village board may reassess such assessment or charge pursuant to the provisions of any applicable law.

(b) Without notice or hearing, the village board may levy and assess all or any part of the cost of any work or improvement upon the property benefited if notice and hearing is waived in writing by affected property owners.

(c) Notwithstanding any other provisions of law, this article or other ordinance or resolution, it is specifically intended and provided by this article that the village may levy special assessments for work or improvement against the property benefited either before or after the approval of work plans and specifications, contracting for the work or completing the work or improvement.
(Code 1988, § 2-6-13)

Sec. 2-207 – 2-240. Reserved.

ARTICLE VI. ADMINISTRATIVE REVIEW

Sec. 2-241. Definitions.

The following words, terms and phrases, when used in this article, shall have the meaning ascribed to them in this section, except where the context clearly indicates a different meaning:

Municipal authority includes the village board, commission, committee, agency, officer, employee or agent of the village making a determination under section 2-242, and every person, committee or agency of the village making an independent review under section 2-248(b).
(Code 1988, § 2-8-4)

Cross reference - Definitions generally, § 1-2.

State law reference – Similar provisions, Wis. Stats. § 68.05.

Sec. 2-242. Right of review of administrative determinations.

Any person aggrieved by an administrative determination of the village board or a commission, committee, agency, officer or employee of the village or agent acting on its behalf may have such determination reviewed as provided in this article. The remedies under this article shall not be exclusive, but an election to proceed under this article shall be an election of remedies.

(Code 1988, § 2-8-1)

State law reference – Similar provisions, Wis. Stats. § 68.01.

Sec. 2-243. Reviewable determinations.

The following determinations are reviewable under this article:

- (1) The grant or denial, in whole or in part, after application of an initial permit, license, right, privilege or authority, except a fermented malt beverage or intoxicating liquor licenses.
- (2) The suspension, revocation or nonrenewal of an existing permit, license, right, privilege or authority, except as provided in section 2-244(4).
- (3) The denial of a grant of money or other thing of value under a statute or ordinance prescribing conditions of eligibility for such grant.
- (4) The imposition of a penalty or sanction upon any person, except a municipal employee or officer, other than by a court.
- (5) The suspension or removal of a village officer or employee, except as provided in section 2-244(2) and (7).

(Code 1988, § 2-8-2)

State law reference – Similar provisions, Wis. Stats. § 68.02.

Sec. 2-244. Determinations not subject to review.

The following determinations are not reviewable under this article:

- (1) A legislative enactment. For the purpose of this subsection, the term “legislative enactment” means an ordinance, resolution or adopted motion of the village board.
- (2) Any action subject to administrative or judicial review procedures under state statutes or other provisions of this Code.
- (3) The denial of a tort or contract claim for money required to be filed with the village under Wis. Stats. § 62.25
- (4) The grant, denial, suspension or revocation of a fermented malt beverage or intoxicating liquor

license under Wis. Stats. ch. 125.

- (5) Judgments and orders of a court.
 - (6) Determinations made during municipal labor negotiations.
 - (7) Determinations subject to grievances, arbitration or other procedures provided in collective bargaining agreements.
- (Code 1988, § 2-8-3)

State law reference – Similar provisions, Wis. Stats. § 68.03.

Sec. 2-245. Persons aggrieved.

A person aggrieved includes any individual, partnership, corporation, association, public or private organization, officer, department, board, commission or agency of the village whose rights, duties or privileges are adversely affected by a determination of a municipal authority. No department, board, commission, agency, officer or employee of the village who is aggrieved may initiate review under this article of a determination of any other department, board, commission, agency, officer or employee of the village, but may respond or intervene in a review proceeding under this article which is initiated by another.

(Code 1988, § 2-8-5)

State law reference – Similar provisions, Wis. Stats. §§ 68.01, 68.06.

Sec. 2-246. Reducing determination to writing.

If a determination subject to this article is made orally, or if in writing, does not state the reasons for such determination, the municipal authority making such determination shall, upon written request of any person aggrieved by such determination made within ten days of the notice of such determination, reduce the determination and the reasons for such determination to writing, and mail or deliver such determination and reasons to the person making the request. The determination shall be dated, and shall advise such person of his right to have such determination reviewed, that such review may be obtained within 30 days, and the officer or person to whom a request for review shall be addressed.

(Code 1988, § 2-8-6)

State law reference – Similar provisions, Wis. Stats. § 68.07.

Sec. 2-247. Request for review of determinations.

Any person allegedly aggrieved may have a written or oral determination reviewed upon written request, mailed or delivered to the municipal authority which made such determination, within 30 days of the notice to such person of such determination. The request for review shall state the grounds upon which the person allegedly aggrieved contends that the determination should be modified or reversed. A request for review shall be made to the officer, employee, agent, agency, committee, board, commission or party shall not preclude the person aggrieved from review, unless such failure has caused prejudice to the municipal authority.

(Code 1988, § 2-8-7)

State law reference – Similar provisions, Wis. Stats. § 68.08.

Sec. 2-248. Review of determination.

(a) *Initial determination.* If a request for review is made under section 2-247, the determination to be reviewed shall be termed as an initial determination.

(b) *Who shall make review.* A review under this section may be made by the officer, employee, agent, agency, committee, board, commission or body who made the initial person, committee or agency of the village, appointed by the village president without confirmation, shall be provided, if practicable.

(c) *When to make review.* The municipal authority shall review the initial determination within 15 days of receipt of a request for review. The time for review may be extended by agreement with the person allegedly aggrieved.

(d) *Right to present evidence and argument.* The person aggrieved may file with his request for review, or within the time agreed with the municipal authority, written evidence and argument in support of his position with respect to the initial determination.

(e) *Decisions.* The municipal authority may affirm, reverse or modify the initial determination, and shall mail or deliver to the person aggrieved a copy of the municipal authority's decision on review, which shall state the reasons for such decision. The decision shall advise the person aggrieved of his right to appeal the decision, that appeal may be taken within 30 days, and the office or person with whom notice of appeal shall be filed.

(Code 1988, § 2-8-8)

State law reference – Similar provisions, Wis. Stats. § 68.09.

Sec. 2-249. Administrative appeal.

(a) *Initial determination or decision on review.*

(1) If the person aggrieved had a hearing substantially in compliance with section 2-250 when the initial determination was made, he may elect to follow sections 2-246 – 2-248, but is not entitled to a further hearing under section 2-250, unless granted by the municipal authority; however, he may seek judicial review under section 2-252.

(2) If the person aggrieved did not have a hearing substantially in compliance with section 2-250 when the initial determination was made, he shall follow sections 2-246 – 2-248 and may appeal under this section from the decision made under section 2-248.

(b) *Time limit.* An appeal from a decision on review under section 2-248 may be taken within 30 days of such decision.

(c) *Written notice.* An appeal under this section may be taken by a written notice of appeal filed with or mailed to the office or person designated in the municipal authority's decision.

(Code 1988, § 2-8-9)

State law reference – Similar provisions, Wis. Stats. § 68.10.

Sec. 2-250. Appeal hearings.

(a) *Time.* The village shall provide the appellant with a hearing on an appeal under section 2-249 within 15 days of receipt of the notice of appeal, and shall serve the appellant with notice of such hearing by mail or personal service at least ten days before such hearing. The office or person with whom a notice of appeal is filed shall immediately notify the village attorney, who shall forthwith advise the village president of such appeal.

(b) *Conduct.* At the hearing, the appellant and the municipal authority may be represented by counsel and may present evidence and call and examine witnesses and cross examine witnesses of the other party. Such witnesses shall be sworn by the person conducting the hearing. Without confirmation, the village president shall appoint an impartial decisionmaker who shall make the decision on the administrative appeal, and such decisionmaker may be an officer, committee, board or commission or the village or the village board who did not participate in making or reviewing the initial determination. The decisionmaker may issue subpoenas. The hearing may, however, be conducted by an impartial person, committee, board or commission designated by the village president to conduct the hearing and report to the decisionmaker.

(c) *Records.* The person conducting the hearing or employed for that purpose shall take notes of the testimony and shall mark and preserve all exhibits. The person conducting the hearing may, and upon request of the appellant shall, cause the proceedings to be taken by a stenographer or a recording device, and the expense thereof shall be paid by the village.

(d) *Initial determinations.* Where substantial existing rights are affected by an initial determination, the municipal authority making such determination shall, when practicable, give any person directly affected an opportunity to be heard in accordance with this section before making such determination.

(Code 1988, § 2-8-10)

State law reference – Similar provisions, Wis. Stats. § 68.11.

Sec. 2-251. Final determinations.

(a) Within 20 days of completion of the hearing conducted under section 2-250 and the filing of briefs, if any, the decisionmaker shall mail or deliver its written determination to the appellant stating the reason for the determination. Such determination shall be a final determination.

(b) A determination following a hearing substantially meeting the requirements of section 2-250 or a decision on review under section 2-248 following such hearing shall be a final determination, judicial review of which may be obtained under section 2-252.

(Code 1988, § 2-8-11)

State law reference – Similar provisions, Wis. Stats. § 68.12.

Sec. 2-252. Judicial review.

(a) Any party to a proceeding resulting in a final determination may seek review of such determination by writ of certiorari within 30 days of receipt of the final determination.

(b) The record of the proceedings shall be transcribed at the expense of the person seeking the

review. A transcript shall be supplied to any person requesting the transcript, at his expense. If the person seeking the review establishes indigence to the satisfaction of the reviewing court, the court may order the proceedings transcribed at the expense of the village, and the person seeking review shall be furnished a free copy of the transcript. By stipulation, the court may order a synopsis of the proceedings in lieu of the transcript. The court may otherwise limit the requirement for a transcript.

(Code 1988, § 2-8-12)

State law reference – Similar provisions, Wis. Stats. § 68.13.

Sec. 2-253. Legislative review.

(a) Seeking review pursuant to this article does not preclude a person aggrieved from seeking relief from the village board or any of its board, commissions, committees or agencies which may have jurisdiction.

(b) If, in the course of legislative review under this section, a determination is modified, such modification and any evidence adduced before the village board or any of its boards, commissions, committees or agencies shall be made part of the record on review under section 2-252.

(c) The village board or any of its boards, commissions, committees or agencies conducting a legislative review under this section need not conduct the type of hearing required under section 2-250.

(Code 1988, § 2-8-13)

State law reference – Similar provisions, Wis. Stats. § 68.14.

Secs. 2-254 – 2-281. Reserved.

ARTICLE VII. PUBLIC RECORDS

Sec. 2-282. Definitions.

The following words, terms and phrases, when used in this article, shall have the meaning ascribed to them in this section, except where the context clearly indicates a different meaning. The applicable definitions in Wis. Stats. § 19.32 are adopted by reference in this section and shall apply to this article.

Actual cost means the total cost of personnel, including wages, fringe benefits and all other benefits and overhead related to the time spent in search of the records.

Custodian means the officer, department head, division head or employee of the village designated under section 2-284 or otherwise responsible by law to keep and preserve any village records or files, deposit or keep such records in his office or who is lawfully in possession, or entitled to possession, of such public records, and is required by this section to respond to requests for access to such records.

Direct cost means the actual cost of personnel, plus all expenses for paper, copier, time, depreciation and supplies.

Cross reference - Definitions generally, § 1-2.

Sec. 2-283. Maintenance.

(a) Except as provided under section 2-288, each officer and employee of the village shall safely keep and preserve all records received from his predecessor or other persons and which are required by law to be filed, deposited or kept in his office or are in the lawful possession or control of the officer or employee or his deputies, or to the possession or control of which they may be lawfully entitled as such officers or employees.

(b) Upon the expiration of an officer’s term of office or an employee’s term of employment, or whenever the office or position of employment becomes vacant, each such officer or employee shall deliver to his successor all records then in his custody, and the successor shall receipt for such records to the officer or employee, who shall file such receipt with the village administrator. If a vacancy occurs before a successor is selected or qualifies, such records shall be delivered to and receipted for by the village administrator on behalf of the successor, to be delivered to such successor upon his receipt.

(Code 1988, § 2-9-2)

Sec. 2-284. Legal custodians.

(a) Each elected official is the legal custodian of his records and the records of his office, but the official may designate the village administrator to act as the legal custodian.

(b) Unless provided in subsection (c) of this section, the village administrator or his designee shall act as legal custodian for the village board and any committee, commission, board or other authority created by ordinance or resolution of the village board. The following offices or authorities shall have the following named individuals as legal custodians of records:

<i>Authority</i>	<i>Designated Legal Custodian</i>
Village assessor’s office	Village assessor
General village records (including board records)	Village administrator
Building inspector’s office	Village administrator
Fire department	Fire chief
Police department	Chief of police
Village attorney’s office	Village attorney

(c) For every authority not specified in subsections (a) and (b) of this section, the authority’s chief administrative officer is the legal custodian of the authority, but the officer may designate an employee of his staff to act as the legal custodian.

(d) Each legal custodian shall name a person to act as legal custodian in his absence or in the absence of his designee, and each legal custodian shall send notice of the designated deputy to the village administrator.

(e) The village administrator shall establish criteria for establishing the records system, and shall cause the department/office records system to be reviewed annually.

(Code 1988, § 2-9-3)

Sec. 2-285. Public access.

(a) Except as provided under section 2-287, any person has a right to inspect a record and make or receive a copy of any record provided in Wis. Stats. § 19.35(1).

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

(c) If regular office hours are not maintained at the location where records are kept, the records will be available for inspection and copying upon at least 48 hours' advance notice of the intent to inspect and copy.

(d) An inspector shall be permitted to use facilities comparable to the facilities available to village employees to inspect, copy or abstract a record.

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

(f) A requester shall be charged a fee as set by the village board from time to time per page to defray the cost of copying records.

(1) If the form of a written record does not permit copying, the actual and necessary cost of photographing and photographic processing shall be charged.

(2) The actual full cost of providing a copy of other records not in printed form on paper, such as films, computer printouts and audiotapes and videotapes, shall be charged.

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

(4) There shall be no charge for locating a record, unless the actual cost of such location exceeds \$50.00, in which case the actual cost shall be determined by the legal custodian and billed to the requester.

(5) The legal custodian shall estimate the cost of all applicable fees and shall require a cash deposit adequate to assure payment, if such estimate exceeds \$5.00.

(6) Elected and appointed officials or the village shall not be required to pay for public records that may reasonably require for the proper performance of their official duties.

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

(g) Pursuant to Wis. Stats. § 19.34 and the guidelines listed therein, each authority shall adopt, prominently display and make available for inspection and copying at its offices, for the guidance of the public, a notice containing a description of its organization and the established times and places at which, the legal custodian from whom and the methods whereby, the public may obtain information and access to records in its custody, make requests for records or obtain copies of records, and the costs

thereof; however, this subsection does not apply to members of the village board.
(Code 1988, § 2-9-4)

Sec. 2-286. Access procedures.

(a) A request to inspect or copy a record shall be made to the legal custodian. A request shall be deemed sufficient if it reasonably describes the requested record or the information requested. However, a request for a record without a reasonable limitation as to the subject matter or length of time represented by the record does not constitute a sufficient request. A request may be made orally, but a request must be in writing before an action to enforce the request is commenced under Wis. Stats. § 19.37. Except as provided in this section, no request may be refused because the person making the request is unwilling to be identified or to state the purpose of the request. No request may be refused because the request is received by mail, unless prepayment of a fee is required under section 2-285(f)(6). A requester may be required to show acceptable identification whenever the requested record is kept at a private residence or whenever security reasons or law or regulations so require.

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

(c) A request for a record may be denied as provided in section 2-287. If a request is made orally, the request may be denied orally, unless a demand for a written statement of the reasons for denying the request is made by the requester within five business days of the oral denial. If a written request is denied, in whole or in part, the requester shall receive a written statement of the reasons for denying the request. Every written denial of a request shall inform the requester that, if the request for the record was made in writing, then the determination is subject to review upon petition for a writ of mandamus under Wis. Stats. § 19.37(1), or upon application to the attorney general or a district attorney.
(Code 1988, § 2-9-5)

Sec. 2-287. Limitations on right to access.

(a) *Application of other laws.* Any record which is specifically exempt from disclosure by state or federal law, or is authorized to be exempt from disclosure by state law, is exempt from disclosure, except any portion of the record which contains public information is open to public inspection as provided in subsection (f) of this section.

(b) *Law enforcement records.* Except as otherwise provided by law, whenever federal law or regulations require, or as condition to receipt of aids by the state require that any record relating to the investigative information obtained for law enforcement purposes by withheld from public access, then such information is exempt from disclosure.

(c) *Contractors' records.* Each authority shall make available for inspection and copying any record produced or collected under a contract entered into by the authority with a person other than an authority to the same extent as if the record were maintained by the authority. This subsection does not apply to

the inspection or copying of a record under Wis. Stats. § 19.35(1)(am).

(d) *Computer programs and data.* A computer program, as defined in Wis. Stats. § 22.03(4)(c), is not subject to examination or copying, but the material used as input for a computer program or produced as a product of the computer program is subject to the right of examination and copying, except as otherwise provided in Wis. Stats. § 19.35 of this section.

(e) *Trade secrets.* An authority may withhold access to any record, or portion thereof, containing information qualifying as a trade secret.

(f) *Separation of information.* If a record contains information that is subject to disclosure and information that is not subject to disclosure, the authority having custody of the record shall provide the information that is subject to disclosure and delete the information that is not subject to disclosure from the record before its release.

(g) *Identities of law enforcement informants.*

(1) For the purposes of this subsection:

a. The term “informant” means an individual who requests confidentiality from a law enforcement agency in conjunction with providing information to that agency or, pursuant to an express promise of confidentiality by a law enforcement agency or under circumstances in which a promise of confidentiality would be reasonably implied, provides information to a law enforcement agency or is working with a law enforcement agency to obtain information related in any case to any of the following:

1. Another person who the individual or law enforcement agency suspects has violated, is violating or will violate a federal law, state law or an ordinance of any local government.
2. Past, present or future activities that the individual or law enforcement agency believes may violate a federal law, state law or an ordinance of any local government.

b. The term “law enforcement agency” has the meaning given in Wis. Stats. § 165.83(1)(b), and includes the department of corrections.

(2) If an authority that is a law enforcement agency receives a request to inspect or copy a record, or portion thereof, that contains specific information, including, but not limited to, a name, address, telephone number, voice recording or handwriting sample which, if disclosed, would identify an informant, the authority shall delete the portion of the record in which the information is contained, or, if no portion of the record can be inspected or copied without identifying the informant, shall withhold the record unless the legal custodian of the record makes a determination, at the time that the request is made, that the public interest in allowing a person to inspect, copy or receive a copy of such identifying information outweighs the harm done to the public interest by allowing such access.

(Code 1988, § 2-9-6)

Sec. 2-288. Destruction.

(a) Village officers may destroy the following nonutility financial records of which they are the legal custodians and which are considered obsolete after the completion of any required audit by the bureau of municipal audit or an auditor licensed under Wis. Stats.ch. 442, but not less than seven years after payment or receipt of any sum involved in the particular transaction, unless a shorter period of time has been fixed by the state public records board pursuant to Wis. Stats. § 16.61(3)(e), and then after such shorter period of time:

- (1) Bank statements, deposit books, slips and stubs.
- (2) Bonds and coupons, after maturity.
- (3) Canceled checks, duplicates and check stubs.
- (4) License and permit applications, stubs and duplicates.
- (5) Payrolls and other time and employment records of personnel included under the state retirement fund.
- (6) Receipt forms.
- (7) Special assessment records.
- (8) Vouchers, requisitions, purchase orders and all other supporting documents pertaining thereto.

(b) Village officers may destroy the following utility records of which they are the legal custodians and which are considered obsolete after the completion of any required audit by the bureau of municipal audit or an auditor licensed under Wis. Stats.ch. 442, but not less than seven years after payment or receipt of any sum involved in the particular transaction, unless a shorter period of time has been fixed by the state public records board pursuant to Wis. Stats. § 16.61(3)(e), and then after such shorter period of time, except that water stubs, receipts of current billings and customers' ledgers may be destroyed not less than two years after payment or receipt of the sum involved or the effective date of such record:

- (1) Contracts and papers relating thereto.
- (2) Excavation permits.
- (3) Inspection records.

(c) Village officers may destroy the following records of which they are the legal custodians and which are considered obsolete, but not less than seven years after the record was effective, unless another period of time has been set by statute, and then after such a period of time, or unless a shorter period of time has been fixed by the state public records board pursuant to Wis. Stats. § 16.61(3)(e), and then after such shorter period of time:

- (1) Contracts and papers relating thereto.

- (2) Correspondence and communications.
- (3) Financial reports, other than annual financial reports.
- (4) Justice dockets.
- (5) Oaths of office.
- (6) Reports of boards, commissions, committees and officials duplicated in the village board's proceedings.
- (7) Election notices and proofs of publications.
- (8) Canceled voter registration cards.
- (9) Official bonds.
- (10) Police records, other than investigative records.
- (11) Resolutions and petitions, provided the text of the resolutions and petitions appears in the official village minutes.

(d) Notwithstanding the provisions appearing in subsections (a)-(c) of this section, it is intended that the election materials may be destroyed according to lesser time schedules as made and provided in Wis. Stats. § 7.23.

(e) At least 60 days' notice shall be given to the state historical society prior to the destruction of any records as provided by Wis. Stats. § 19.21(4)(a), unless notice is waived by the state historical society.

(f) Any tape recordings of a governmental meeting of the village may be destroyed, erased or reused no sooner than 90 days after the minutes of the meeting have been approved and published, if the purpose of the recording was to make minutes of the meeting.
(Code 1988, § 2-9-7)

Sec. 2-289. Microfilm preservation.

Subject to the approval of the village administrator, any village officer or the director of any department or division of the village government may keep and preserve public records in his possession by means of microfilm or other photographic reproduction method. Such records shall meet the standards for photographic reproduction set forth in Wis. Stats. § 16.61(7)(a) and (b), and shall be considered original records for all purposes. Such records shall be preserved along with other files of the department or division, and shall be open to public inspection and copying according to the provisions of law and sections 2-285 – 2-287.

(Code 1988, § 2-9-8)

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*Cross references: Any administrative ordinances of the village not in conflict or inconsistent with the provisions of this Code, including but not limited to letting contracts without bids and releasing persons from liability, saved from repeal, § 1-9(3); administration and enforcement concerning floods, § 14-41 et seq.; law enforcement, § 38-31 et seq.; utilities, ch. 54; administration and enforcement of zoning, § 58-41 et seq.; open meeting law guide, app. A.

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Article VII. Public Records

- Sec. 2-282. Definitions.
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- Sec. 2-288. Destruction.
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ARTICLE I. IN GENERAL**Sec. 2-1. Definitions.**

The following words, terms and phrases, when used in this chapter, shall have the meaning ascribed to them in this section, except where the context clearly indicates a different meaning:

Public employee means any person employed by the village who is excluded from the definition of “Public officer” as defined in this section.

Public officer means a person serving in statutory elected or appointed offices as provided for in Wis. Stats. ch. 61, and all members appointed to boards, committees and commissions established or appointed by the village president and/or village board, whether paid or unpaid.
(Code 1988, § 2-7-1)

Cross reference – Definitions generally, § 1-2.

Sec. 2-2. Declaration of policy.

It is declared that high ethical standards among village officers and employees are essential to the conduct of good representative government and that a code of ethics for the guidance of public officers and employees will help such village officers and employees avoid conflicts with improved standards of public service and will promote and strengthen the confidence of the residents of the village in their public officers and employees. The purpose of this chapter is to establish guidelines for ethical standards of conduct for all such village officers and employees by setting forth the acts of actions that are incompatible with the public interest and which compromise, or appear to compromise, public trust in the fairness, independence and integrity of village officers and employees and their official actions.
(Code 1988, § 2-7-2)

Sec. 2-3. Statutory standards of conduct.

The provisions of the following sections of the state statutes, as amended from time to time, are made part of this section, and shall apply to all public officers and employees whenever applicable:

- (1) Wis. Stats. § 946.10. Bribery of Public Officers and Employees.
 - (2) Wis. Stats. § 946.11. Special Privileges from Public Utilities.
 - (3) Wis. Stats. § 946.12. Misconduct in Public Office.
 - (4) Wis. Stats. § 946.13. Private Interest in Public Contract Prohibited.
- (Code 1988, § 2-7-3)

Sec. 2-4. Village government.

(a) *Form.* The village is a body corporate and politic, with the powers of a municipality at common law, and governed by the provisions of Wis. Stats. chs. 61 and 66, laws amending such chapters, other acts of the legislature and the constitution of the state.

(b) *Division.*

- (1) *Legislative branch.* The village board is the legislative branch of the village government. The primary business of the village board is the passage of law in the form of ordinances or resolutions which shall prescribe what the law shall be, not only in relation to the particular facts existing at the time, but as to all future cases arising under such law. The village board shall fix the salaries of all officers and employees of the village, and be charged with the official management of the village's financial affairs, budget, revenues and the raising of funds necessary for the operation of the village.
- (2) *Executive branch.* The village president shall be the chief executive officer. He shall take care that all village ordinances and state laws are observed and enforced, and that all village officers, boards and commissions discharge their duties. When present, he shall preside at the meetings of the village board. He shall give the village board such information and recommend such measures as he may deem advantageous to the village from time to time.
- (3) *Administrative officer.* The village administrator shall be the chief administrative officer. He shall be responsible for directing and coordinating the administration of the village government in accordance with the policies established by the village board as set forth in this Code.

(Code 1988, § 2-1-1)

State law reference – Municipal home rule generally, Wis. Const., art XI, § 3.

Sec. 2-5. Election poll hours.

The voting polls in the village shall be open from 8:00 a.m. to 8:00 p.m. for all elections.

(Code 1988, § 2-1-2)

Sec. 2-6. Official newspaper.

The official village newspaper shall be the Spring Valley Sun.

(Code 1988, § 2-1-3)

Sec. 2-7. Specific conflicts of interest.

(a) *Use of public property.* No public officer or employee shall use or permit the use of village 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 officer or employee in the conduct of official business, as authorized by the village board or authorizing board, commission or committee.

(b) *Disclosure of interest.* Except as provided in this section, no public officer or employee shall engage in any business transaction with the village, or have a financial or other personal interest, direct or indirect, which is incompatible with the proper discharge of his official duties or will tend to impair his independence or judgment or action in the performance of his official duties. Any public officer or employee who has a substantial financial interest, including employment, in any business entity entering into, proposing to enter into or bidding any transaction with the village, or as part of his official duties will be making an official decision or recommendation significantly affecting a business competitor,

client or regular customer, shall disclose such interest to the membership of the village board, or committee, board or commission thereof, as appropriate, to be recorded in the minutes of the village board, or committee, board or commission thereof. Upon such disclosure, it is advised that the public officer or employee abstain from voting on, and participating in the discussion of the matter.

(c) *Representing private interests before the village board or village agencies.* No public officer or employee, including persons engaged to provide professional services to the village, shall represent, for compensation, private interests before the village board or any village board, commission or committee, without disclosure of the private business relationship and explicit consent of the village board.

(d) *Disclosure of confidential information.* Without proper authorization of the village board, no public officer or employee shall disclose confidential information concerning the property, government or affairs of the village, nor shall he use such information to advance the financial or other private interest of himself or others.

(e) *Gifts and favors.* No public officer or employee shall accept anything of value, whether in the form of a gift, service, loan or promise, from any person, who, to his knowledge, has a direct financial interest in any transaction or official business with the village which may tend to impair his independence of judgment or action in the performance of his official duties. However, it is not a conflict of interest for any public officer or employee to receive a gift or gratuity that is an unsolicited item of nominal intrinsic value, such as a meal, up to \$10.00 in value.

(f) *Outside employment.* No full-time officer of the village shall engage in any other remunerative employment within or without the village, provided that the village board may approve such outside employment or activity if it finds that such employment or activity does not interfere or conflict with the ability of the officer or employee to perform his duties in an efficient and unbiased manner.

(g) *Advisory opinion.* Any questions as to the interpretation of any provisions of this section shall be referred to the village attorney for an advisory opinion.

(Code 1988, § 2-7-4)

Sec. 2-8. Eligibility for office.

(a) No person shall be elected by the people to a village office who is not, at the time of his election, not a citizen of the United States and the state, and an elector of the village, and in case of a ward office, of the ward, and actually residing in such ward.

(b) An appointee by the village president, required to be confirmed by the village board, who shall be rejected by the village board shall be ineligible for appointment to the same office for one year after such rejection.

Sec. 2-9. Oaths of office.

(a) *Required.* Within five days after the election or appointment of any village officer, the village administrator shall notify the person of such election or appointment. Every person elected or appointed to the office of village president, trustee, municipal judge and administrator (clerk) shall, within five days after such election, or notice thereof, when required, take and file the official oath.

(b) *Form, filing and general procedure.* The form, filing and general procedure for the taking of oaths shall be governed by Wis. Stats. ch. 19, subch. I (Wis. Stats. § 19.01 et seq.). (Code 1988, § 2-3-10)

Sec. 2-10. Vacancies.

(a) *Occurrence.* Except as provided in subsection (c) of this section, vacancies in elective and appointive positions shall occur as provided in Wis. Stats. §§ 17.03 and 17.035.

(b) *Filling.* Vacancies in elective and appointive offices shall be filled as provided in Wis. Stats. § 17.23.

(c) *Temporary incapacitation.* If any officer shall be absent or temporarily incapacitated for any cause, the village board may appoint a person to discharge such officer's duties until he returns or until such disability is removed. (Code 1988, § 2-3-11)

Sec. 2-11. Removal from office.

(a) *Elected officials.* Elected officials may be removed by the village board as provided in Wis. Stats. §§ 17.12(1)(a) and 17.16.

(b) *Appointed officials.* Appointed officials may be removed as provided in Wis. Stats. §§ 17.12(1)(c) and 17.16. (Code 1988, § 2-3-12)

Sec. 2-12. Care and custody of official property.

Village officers must observe the standards of care imposed by Wis. Stats. § 19.21, with respect to the care and custody of official property. (Code 1988, § 2-3-13)

Sec. 2-13. Official bonds and sureties; separate bond required for each term of service.

(a) If required by law or the village board, upon entering the duties of his office, every officer shall give a bond in such amount as may be determined by the village board, with such sureties as are approved by the village president, conditioned upon the faithful performance of the duties of his office. Official bonds shall be filed with the office of the village administrator.

(b) Any person reelected or reappointed to the same office shall take and file an official bond for each term of service. (Code 1988, § 2-3-14)

State law reference – Similar provisions, Wis. Stats. § 62.11.

Sec. 2-14. Grievance procedures regarding access to public buildings by handicapped persons.

(a) *Statement of purpose.* The village is committed to providing adequate access by handicapped or

visually impaired persons to public buildings financed in part by federal revenue sharing. This section provides for a grievance procedure providing for prompt and equitable resolution of complaints alleging any action prohibited by the office of revenue sharing's (ORS) regulations (31 CFR 51.55(d)(2)) implementing section 504 of the Rehabilitation Act of 1973, as amended (29 USC 794), which section states, in part, that "no otherwise qualified disabled individual...shall, solely by reason of his disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance...."

(b) *Complaint procedure.*

- (1) Complaints should be filed with the village administrator, who has been designated to coordinate compliance with section 504 of the Rehabilitation Act of 1973.
- (2) A complaint should:
 - a. Be filed in writing or verbally;
 - b. Contain the name and address of the person filing the complaint; and
 - c. Briefly describe the alleged violation of the regulations.
- (3) A complaint should be filed within 30 days after the complainant becomes aware of the alleged violation. (Processing of allegations of discrimination occurring before this grievance procedure was in place and will be considered on a case-by-case basis.)
- (4) An investigation, as may be appropriate, shall follow a filing of complaint. The investigation will be conducted by an appropriate person designated by the village administrator, who should review the Handicapped Requirements Handbook as published by the Federal Programs Advisory Service.
- (5) A written determination as to the validity of the complaint and a description of the resolution, if any, shall be issued by the designated person, and a copy forwarded to the complainant no later than 30 days after its filing.
- (6) The section 504 coordinator shall maintain the files and records of the village relating to complaints filed.

(c) *Appeals.*

- (1) The complainant may appeal the decision of the section 504 coordinator where he is dissatisfied with the resolution. The appeal request shall be made to the village administrator within seven days.
- (2) The grievance shall be heard by the village board within ten working days after the filing of an appeals request. The grievance shall be heard at the village hall at a convenient time fixed by the village board. The village administrator shall give at least three days' written notice to the applicant, by first class mail, of any such grievance hearing.

- (3) Either party to the grievance may be represented, present evidence by testimony or otherwise, cross examine witnesses and make argument either in person or by an agent of his choosing. Proceedings may, and upon request of the applicant shall, be recorded.
- (4) The decision of the village board on the grievance appeal shall be in writing and shall state the reasons for the decision. The decision of the village board shall be rendered within three working days of the close of the hearing, and the village board shall, immediately upon rendering the decision, mail a copy of the decision by first class mail to the applicant at the current post office address given in his application, and record a copy of its determination with the village administrator.

(d) *Other remedies.* The right of a person to a prompt and equitable resolution of the complaint filed under this section shall not be impaired by the person’s pursuit of other remedies, such as the filing of a section 504 complaint with the Office of Revenue Sharing, U.S. Department of the Treasury. Utilization of the grievance procedure set forth in this section is not a prerequisite to the pursuit of other remedies. However, the village believes that resolution of the complaint will be more promptly achieved if the village is able to provide a remedy before the complaint is brought to an external organization.

(e) *Due process.* This section shall be construed to protect the substantive rights of interested persons, meet appropriate due process standards, and assure that the village complies with section 504 and the ORS regulations.
(Code 1988, § 10-7-1)

Sec. 2-15. Fair Housing Act adopted by reference.

The provisions of Wis. Stats. § 106.50, Fair Housing Act, are adopted by reference in this section as if fully set forth in this section, and any violation of such act shall constitute a violation of this section. Such violations shall be subject to punishment as set forth in section 1-27.

Secs. 2-16 – 2-50. Reserved.

ARTICLE II. VILLAGE BOARD

Sec. 2-51. Constitution; powers.

The trustees of the village shall constitute the village board. The village board shall be vested with all of the powers of the village not specifically given to some other officer, as well as the powers set forth elsewhere throughout this Code.

(Code 1988, § 2-2-1)

State law reference – Village board powers generally, Wis. Stats. §§ 61.32, 61.34.

Sec. 2-52. Trustees.

(a) *Election; number; term.* The village shall have six trustees in addition to the president, who is a trustee by virtue of his office as president. The six trustees shall constitute the village board. Three trustees shall be elected at each annual spring election for a term of two years, which shall commence 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.

(Code 1988, § 2-2-2)

State law reference – Authority, Wis. Stats. §§ 61.20, 61.325.

Sec. 2-53. Village president.

(a) *Election; term.* The village president shall be elected at the annual spring election in odd-numbered years, for a term of two years, commencing on the third Tuesday of April in the year of his election.

(b) *Duties.* The village president shall, by virtue of his office, be a trustee and preside at all meetings of the village board; have a vote as trustee; and sign all ordinances, rules, bylaws, regulations and commissions adopted or authorized by the village board and all orders drawn on the treasury. He shall maintain peace and good order; see that the village ordinances are faithfully obeyed; and, in case of disturbance, riot or other apparent necessity, appoint as many special marshals as he shall deem necessary, who, for the time being, shall possess all of the powers and rights of constables.

(Code 1988, § 2-2-3)

State law reference – Authority, Wis. Stats. §§ 61.24.

Sec. 2-54. Standing committees.

(a) *Appointments.* Standing committees of the village are appointed by the village president, subject to confirmation by the village board, and shall consist of members of the village board. The composition of each standing committee and appointments to each committee shall be made at the annual meeting of the village board. Standing committees shall review such matters as may be referred to them by the village board, and shall submit recommendations for action of the village board.

(b) *Established.* The following standing committees are established:

(1) *Finance committee.* The finance committee shall consist of three trustees, who shall:

- a. Review and finalize the annual budget for public hearing and village board approval.
- b. Monitor expenditures.
- c. Review requests for nonbudgeted or emergency expenditures and make recommendations to the full village board.
- d. Review any proposed changes in the village's insurance coverage and risk management program.
- e. Coordinate village requests for grant funding.
- f. Advise the village board regarding potential and pending litigation involving the village.
- g. Recommend for village board consideration policies and procedures regarding village

operations and the delivery of services to the public.

h. Consider any other matters which may be referred by the village board.

- (2) *Public works committee.* The public works committee shall consist of three trustees, who shall:
- a. Review and finalize the annual capital improvements program.
 - b. Recommend policy guidelines regarding public improvements.
 - c. Mediate disputes between property owners and the village regarding public improvements.
 - d. Review and approve any unusual requests for use of village buildings.
 - e. Review and recommend any proposed changes, remodeling, additions, etc. to the municipal building or other nonpark village buildings or property.
 - f. Recommend for village board consideration policies and procedures regarding village operations and the delivery of services to the public.
 - g. Recommend actions regarding the use and maintenance of village streets.
 - h. Coordinate the village's refuse collection activities.
 - i. Consider any other matters which may be referred by the village board.
- (3) *Personnel committee.* The personnel committee shall consist of three trustees, who shall:
- a. Review recommended personnel and labor policies, and serve as the negotiating unit for the village in labor negotiations.
 - b. Consider any other matters which may be referred by the village board.
- (4) *Emergency services committee.* The personnel committee shall consist of three trustees, who shall:
- a. Review traffic or pedestrian safety matters and recommend needed action for village board approval.
 - b. Advise the village board on matters pertaining to the police department, fire department and emergency government programs.
 - c. Exercise any and all functions, duties and powers of the board of health appearing in the Code of Ordinances, as the designee of the village board.
 - d. Consider any other matters which may be referred by the village board.

- (5) *Municipal development committee.* The municipal development committee shall consist of three trustees, one citizen and the village administrator who shall:
- a. Advise proper officials on property maintenance and village beautification efforts.
 - b. Promote the village as a place for business expansion and relocation.
 - c. Consider any other matters which may be referred by the village board.
- (c) *Duties of village president.*
- (1) The village president shall designate the chairperson of each standing committee. All committee appointments, except the designation of chairpersons, shall be subject to confirmation by a majority vote of the village board.
 - (2) All trustees shall serve on at least one standing committee. The village president shall be an ex officio member of each standing committee or may be appointed to serve as a member of a specific committee.
 - (3) The village president may declare the entire village 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 village board.
 - (4) From time to time, the village president may appoint such special committees as he deems advisable, or as provided for by motion or resolution by the village board, stating the number of members and object thereof, to perform such duties as may be assigned to them.
- (d) *Reports.* Each standing committee shall, at the next regular village board meeting, submit a report on all matters referred to it. Such report shall recommend a definite action on each item, and shall be approved by a majority of the committee. Any committee may require any village officer or employee to confer with it and supply information in connection with any matter pending before it.
- (e) *Ambiguity of conflict of authority.* In case of ambiguity or apparent conflict between the definition of committee authority as set forth in this section and a definition in this Code of the authority of a village officer, employee, board or association, the latter shall prevail.
(Code 1988, § 2-2-4)

Sec. 2-55. Powers.

(a) *Generally.* The village board shall be vested with all of the powers of the village not specifically given to 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 to 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 power into effect by license, regulation, suppression, borrowing, taxation, special assessment, appropriation, finem, 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:
- a. Acquire property, real or personal, within or without the village, for parks, libraries, historical places, recreation, beautification, streets, waterworks, sewage or waste disposal, arbors, improvement of watercourses, public grounds, vehicle parking areas and any other public purpose;
 - b. Acquire real property within or contiguous to the village, by means other than condemnation, for industrial sites;
 - c. Improve and beautify real or personal property within or contiguous to the village;
 - d. Construct, own, lease and maintain buildings on such property for instruction, recreation, amusement and other public purposes; and
 - e. Sell and convey such property.

Condemnation shall be as provided by statute.

(c) *Acquisition of easements and property rights.* Confirming all powers granted to the village board and in furtherance thereof, the village board is expressly authorized to acquire by gift, purchase or condemnation under statute, any and all property rights in land 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 any public purpose, including the exercise of powers granted under Wis. Stats. §§ 61.35 and 62.23, and may sell and convey such easement or property rights when they are no longer needed for public use or protection.

(d) *Finances.* The village board may levy and provide for the collection of taxes and special assessments; refund any tax or special assessment paid, or any part thereof, when satisfied that such tax or special assessment was unjust or illegal; and generally manage the village finances. The village board may loan money to any school district, located wholly or partly within the village, in such sums as are needed by such district to meet the immediate expenses of operating the schools thereof, and the board of the district may borrow money from the village accordingly, and give its note for such loan. No such loan shall be made to extend beyond August 30 next following the making of such loan, or in an amount exceeding one-half of the estimated receipts for such district as certified by the state superintendent of public instruction and the local school clerk. The rate of interest on any such loan shall be determined by the village board.

(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 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.

(Code 1988, § 2-2-5)

State law reference – Wis. Constr., art. XI, § 3; Wis. Stats. § 61.34

Sec. 2-56. Cooperation with other municipalities.

On behalf of the village, the village board 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.

(Code 1988, § 2-2-6)

State law reference – Wis. Stats. §§ 61.34(2), 66.0301.

Sec. 2-57. Internal powers; residency required.

(a) The village board has the power to preserve order at its meetings.

(b) Members of the village board shall be residents of the village at the time of their election and during their terms of office.

(Code 1988, § 2-2-7)

Sec. 2-58. Salaries.

The president and other trustees who make up the village board, whether operating under general or special law, may, by three-fourths of all of the members of the village board, determine that an annual salary be paid to the president and trustees. Previously established salaries shall remain until changed by ordinance and shall not be increased or diminished during the term of office of the president and trustees.

(Code 1988, § 2-2-8)

State law reference – Authority, Wis. Stats. § 61.32.

Sec. 2-59. Meetings.

(a) *Regular meetings.* Regular meetings of the village board shall be held on the first Wednesday of each calendar month at 7:00 p.m. local time, except when the designated day falls on a legal holiday, in which case the regular meeting shall be held on the following Monday, or at such other date and time as the village board shall designate. When the village board designates a date and time for the regular village board meeting, notice thereof shall be posted at the village hall and in the official village newspaper prior to such rescheduled meeting date. All meetings of the village board shall be held at the village hall, unless otherwise specified in the minutes of the preceding meeting or by written notice posted at the regular place at least three hours prior to any meeting. In any event, all village board meetings shall be held within the boundaries of the village.

(b) *Annual organizational meeting.* The village board shall hold an annual organizational meeting on the third Tuesday of April for the purpose of organization.

(c) *Minutes.* The village administrator/deputy clerk shall keep a record of all village board proceedings and cause the proceedings to be published.

(Code 1988, § 2-2-9)

State law reference – Similar provisions, Wis. Stats. § 61.32.

Sec. 2-60. Special meetings.

(a) Special meetings of the village board may be called by the village president, or by two trustees filling a request with the village administrator at least 48 hours prior to the time specified for such meeting. The village administrator shall select the day for the special meeting and immediately notify each trustee of the time and purpose of such meeting. A minimum of 24 hours prior to the meeting time, the notice shall be delivered or mailed to each trustee personally or left at his usual place of abode. The village administrator shall cause an affidavit of such notice to be filed in his 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 of such meeting. Notice to the public of such special meetings shall conform to the open meeting requirements of Wis. Stats. §§ 61.32 and Wis. Stats. ch. 19, subch. IV. The village administrator shall immediately give notice upon the call for such special meeting being filed with him.

(b) If all of the trustees file a written consent or waiver of notice, any special meeting shall be held forthwith, but not less than two hours after the required notice is provided under Wis. Stats. § 19.84(3).

(c) The request for any special meeting shall state the purpose for which the meeting is to be called, and no business shall be transacted except that for which the meeting has been called.

(Code 1988, § 2-2-10)

Sec. 2-61. Open meetings; adjournment; closed meetings.

(a) *Compliance with open meeting law required.* All meetings shall be open to the public, unless such meetings fall within a lawful exception of the state open meetings law, Wis. Stats. ch. 19, subch. V. (Wis. Stats. § 19.81 et seq.)

(b) *Adjournment.* Regular sessions of the village board may be adjourned from time to time for later reconvening. Any regular session of the village board may be adjourned for later reconvening as many times as the village board may determine to be necessary, advisable or convenient. Such adjournment may be made for a new reconvening time later in the same day or in a subsequent day. Any such adjournment may provide for reconvening at the same place or another place. An adjournment to a closed session may only be for a permitted purpose as enumerated in Wis. Stats. § 19.85, and must meet the other requirements of such section.

(c) *Meetings to be open.* During the holding of any open session in the regular meeting room or substituted meeting room, such room and meeting shall, at all times, be open and remain open to all citizens.

(d) *Closed meetings.* The provisions of this section do not prohibit the village board or any committee thereof from having a closed meeting which is legally convened and held in a room in a building other than the official meeting room or in some other building within the village.

(e) *Exceptions.*

(1) Any meeting of a governmental body, upon motion duly made and carried, may be convened in closed session under one or more of the exemptions provided in this subsection (e). The motion shall be carried by a majority vote in such a manner that the vote of each member is ascertained

and recorded in the minutes. No motion to convene in closed session may be adopted, unless the chief presiding officer announces to the persons present at the meeting at which such motion is made, the nature of the business to be considered at such closed session, and the specific exemptions under this subsection by which such closed session is claimed to be authorized. Such announcement shall become part of the record of the meeting. No business may be taken up at any closed session, except that which relates to matters contained in the chief presiding officer's announcement of the closed session. A closed session may be held for any of the following purposes:

- a. Deliberating concerning a case which was the subject of any judicial or quasi-judicial trial or hearing before that governmental body.
- b. Considering dismissal, demotion, licensing, or discipline of any public employee or person licensed by a board or commission or the investigation of charges against such person, and the taking of formal action on any such matter, provided that the public employee or person licensed is given actual notice of any evidentiary hearing which may be held prior to final action being taken of any meeting at which final action may be taken. The notice shall contain a statement that the person has the right to demand that the evidentiary hearing or meeting be held in open session. This subsection and subsection (e)(1)i of this section do not apply to any such evidentiary hearing or meeting where the employee or person licensed requests that an open session be held.
- c. Considering employment, promotion, compensation or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility.
- d. Considering specific applications of probation, extended supervision or parole, or considering strategy for crime detection or prevention, except as provided in Wis. Stats. § 304.06(1)(eg) and by rule promulgated under Wis. Stats. § 304.06 (1)(em).
- e. Deliberating or negotiating the purchasing of public properties, the investing of public funds or conducting other specified public business, whenever competitive or bargaining reasons require a closed session.
- f. Deliberating by the village board on unemployment insurance in a meeting at which all employer or employee members of the village board are excluded.
- g. Deliberating by the village board on worker's compensation in a meeting at which all employer or employee members of the village board are excluded.
- h. Deliberating under Wis. Stats. § 157.70 if the location of a burial site, as defined in Wis. Stats. § 157.70(1)(b), is a subject of the deliberation and if discussing the location in public would be likely to result in disturbance of the burial site.
- i. Considering financial, medical, social or personal histories or disciplinary date of specific persons, preliminary consideration of specific personnel problems or the investigation of charges against specific persons, except where subsection (h)(1)b of this section applies,

which, if discussed in public, would be likely to have a substantial adverse effect upon the reputation of any person referred to in such histories or data, or involved in such problems or investigations.

- j. Conferring with legal counsel for the governmental body who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved.
- k. Considering of requests for confidential written advice from any county or municipal ethics board under Wis. Stats. § 19.59(5).
- l. Considering any and all matters related to acts by businesses under Wis. Stats. § 560.16 which, if discussed in public, could adversely affect the business or its employees or former employees.
- m. Considering financial information relating to the support by a person, other than an authority, of a nonprofit corporation operating the Olympic Ice Training Center under Wis. Stats. § 42.11(3), if the information is exempt from disclosure under Wis. Stats. § 42.115, or would be exempt if the information were to be contained in a record. For the purposes of this subsection, the terms “authority” and “record” have the meanings given under Wis. Stats. § 19.32.

(2) No governmental body may commence a meeting, subsequently convened in closed session and thereafter reconvened again in open session within 12 hours after completion of the closed session, unless public notice of such subsequent open session was given at the same time and in the same manner as the public notice of the meeting convened prior to the closed session.

(3) Nothing in this section shall be construed to authorize a governmental body to consider a meeting in closed session the final ratification or approval of a collective bargaining agreement which has been negotiated by such body or on its behalf.

(Code 1988, § 2-2-11)

Sec. 2-62. Quorum.

(a) Four members of the village board shall constitute a quorum, but a lesser number may adjourn or compel attendance of absent members if a majority is not present. The president shall be counted in completing a quorum.

(b) When the presiding officer shall have called the members of the village board to order, the village administrator shall proceed to call the roll in alphabetical order, noting who is present and absent, and if, after having gone through with the roll call, it shall appear that a quorum is not present, such fact shall be entered in the village board minutes, and the members present may adjourn to a later date in the month. If the village board members present 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.

(Code 1988, § 2-2-12)

Sec. 2-63. Presiding officers.

(a) *Village president.* The village president shall preside over meetings of the village board, and in the absence of the village president, the president pro tem, shall preside. In case of absence of the village president and president pro tem, the village administrator shall call the meeting to order and the trustees present shall elect one of their number as acting president pro tem.

(b) *President pro tem.* At the first meeting subsequent to the regular election and qualification of new members and after organization, the village board shall choose a president pro tem from its members, who, in the absence of the president, shall preside at meetings of the village board, and during the absence or inability of the village president shall have the powers and duties of the village president, except that he shall not have power to approve and act of the village board which the village president has disapproved, by filing objections with the village administrator.

(c) *Duties; appeals of decisions; clerk pro tem.* The presiding officer shall preserve order and decorum, decide all questions of order and conduct the proceedings of the meeting and accordance with the parliamentary rules contained in Robert's Rules of Order, Newly Revised, unless otherwise provided by statute or this article. 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. In the absence of the village administrator, the presiding officer shall appoint a clerk pro tem.
(Code 1988, § 2-2-13)

Sec. 2-64. Order of business.

(a) *Enumerated.* The following order shall be observed in conducting the business of the village board at all meetings:

- (1) Call to order by presiding officer;
- (2) Roll call. If a quorum is not present, the meeting shall adjourn, which adjournment may be to a specific date;
- (3) Reading, correction and approval of the minutes of the last preceding meetings and approval of the agenda;
- (4) Appearances;
- (5) Old or unfinished business;
- (6) New business;
- (7) Committee reports;
- (8) Adjournment.

(b) *Authorization required for taking up business out of order.* No business shall be taken up out of order unless authorized by the village president or majority consent of all trustees and in the absence of any debate whatsoever.

(Code 1988, § 2-2-14)

Sec. 2-65. Introduction of ordinances, resolutions and bylaws; disposition of communications.

(a) *Ordinances and bylaws to be in writing.* All ordinances or bylaws submitted to the village board shall be in writing, and shall include at the outset a brief statement of the subject matter and title, and shall be referred to the appropriate committee by the president. The committee shall report back to the village board on the matter at the next village board meeting. Resolutions shall be in writing, at the request of one trustee, and such request shall be nondebatable. Unless requested by a trustee before a final vote is taken, no ordinance, resolution or bylaw need be read in full. Resolutions may be referred to an appropriate standing committee for an advisory recommendation.

(b) *Subject and numbering of ordinances.* Each ordinance shall be related to no more than one subject. Amendment or repeal of ordinances shall only be accomplished if the amending or repealing ordinance contains the number and title of the ordinance to be amended or repealed, and the title of amending and repealing the ordinances shall reflect their purpose to amend or repeal.

(c) *Notice.*

(1) The village board may take action on an ordinance only if it appears on the written agenda for the meeting at which the action is requested.

(2) Ordinances will be placed on the agenda for village board action only if such ordinances are submitted to the village administrator in written form a minimum of five days prior to the meeting at which the action is requested.

(d) *Disposition of petitions, communications, etc.* Every petition or other writing of any kind, addressed to the village board or village administrator or other village officer for reference to the village board, shall be delivered by such other village officer to the village president or the presiding officer of the village board as soon as convenient after receipt thereof, and in any event prior to or at the opening of the meeting of the village board following the receipt thereof. Every such petition or other writing, and every paper, communication or other proceeding which shall come before the village board for action may be referred by the village president or presiding officer to the appropriate committee or commission unless objected to by a member of the village board.

(Code 1988, § 2-2-15)

Sec. 2-66. Conduct of deliberations.

(a) A roll call shall not be necessary on any questions or motions, except as follows:

(1) When the ayes and nays are requested by any member.

(2) On confirmation and adoption of any measure assessing or levying taxes, appropriations or

disbursing money or creating any liability or charge against the village, or any fund thereof, in excess of \$5,000.00.

(3) When required by statute.

(b) All aye and nay votes shall be recorded in the official minutes. The aye and nay votes shall be ordered upon any question at the request of any member of the village board or the president, and the village administrator shall call the roll in alphabetical order one time and then starting with “Z” and in reverse alphabetical order the next time.

(c) Except as provided in this subsection, the village board shall, in all other respects, determine the rules of its procedure, which shall be governed by Robert’s Rules of Order, Newly Revised, which is incorporated by reference, unless otherwise provided by ordinance or statute, except when otherwise limited or modified by this Code:

- (1) No trustee shall address the village board until he has been recognized by the presiding officer. Upon such recognition, the trustee shall address himself to the village board and confine his remarks to the question under discussion and avoid all personalities.
- (2) When two or more members simultaneously seek recognition, the presiding officer shall name the member who is to speak first.
- (3) No person, other than a member, shall address the village board, except under order of business, except the citizens may address the village board with permission of the presiding officer as to matters which are being considered by the village board at the time.
- (4) When a question is in debate, no action shall be in order, except:
 - a. To adjourn;
 - b. To lay on the table;
 - c. The previous question;
 - d. To postpone to a certain date;
 - e. To refer to a standing, select or special committee;
 - f. To amend;
 - g. To postpone indefinitely;

and such several motions shall have precedence in the order in which they stand.

(Code 1988, § 2-2-17)

Sec. 2-67. Reconsideration of questions.

When a question has been decided once, any member of the majority, or, in case of a tie, any member voting in the affirmative, may move a reconsideration thereof, but, if a motion to reconsider shall be made on a day subsequent to the day on which the ordinance question was decided, a vote of the majority of the entire village board shall be required to sustain it.

(Code 1988, § 2-2-18)

Sec. 2-68. Disturbances and disorderly conduct.

Whenever any disturbance or disorderly conduct shall occur in any of the meetings of the village board, the president may cause the room to be cleared of all persons causing such disturbance or disorderly conduct.

(Code 1988, § 2-2-19)

Sec. 2-69. Rescinding or amending rules.

The rules of this article 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 of all the members of the village board.

(Code 1988, § 2-2-20)

Sec. 2-70. Suspension of rules.

The rules of this article shall not be suspended, except by a two-thirds vote of all the members of the village board.

(Code 1988, § 2-2-21)

Sec. 2-71 – 2-100. Reserved.**ARTICLE III. OFFICERS AND EMPLOYEES*****Sec. 2-101. Powers and duties generally.**

(a) Except as otherwise provided, officers shall generally have the powers and duties prescribed for similar officers of towns and villages and by law, except the village president shall perform such duties as shall be required of him by the village board. Officers whose powers and duties are not enumerated in Wis. Stats. ch. 61 shall have such powers and duties as are prescribed by law for similar officers or as directed by the village board.

(b) All officers and departments may make the necessary rules for the conduct of their duties and incidental proceedings.

***Cross references** – Any ordinance establishing positions, classifying positions, or setting salaries of village officers or village officers and employees, or any personnel regulations saved from repeal, § 1-9(14); flood regulation enforcement by zoning administrator, § 14-41; zoning administrator, § 58-42.

(c) The general laws for the punishment of bribery, misdemeanors and corruption in office shall apply to village officers.

(d) Whenever any village official, in his official capacity, is proceeded against or obliged to proceed before any court, board or commission to defend or maintain his official position, or because of some act arising out of the performance of his official duties, and he has prevailed in such proceedings, or the village board has ordered the proceedings discontinued, the village board may provide for payment to such official such sum as it sees fit to reimburse him for the expenses reasonably incurred for costs and attorney's fees.

(Code 1988, § 2-3-1)

Sec. 2-102. Village administrator.

(a) *Office created.* To provide the village with a more efficient, effective and responsible government under a government system of a part-time village president and village board, there is created the office of village administrator. Pursuant to Wis. Stats. § 66.0101, the village elects not to be bound by the portion of the statutes providing for the election of the village clerk and treasurer.

(b) *Appointment.* The village administrator shall be responsible to the village board and shall be hired by the village board upon such terms and conditions, and receive such salary, as are prescribed and set by the village board.

(c) *Functions, powers and duties.* The village administrator shall serve as the chief administrative officer of the village, and shall be responsible to the village president and village board for the daily administration of all business affairs of the village, with the following powers and duties:

- (1) Direct the effective and efficient performance of all village employees and coordinate and expedite all village services, functions and programs.
- (2) Carry out all directives approved by the village board which required administrative implementation through the active direction and coordination of the various village departments.
- (3) Direct, coordinate and expedite the activities of all village departments, except for such authority vested by statute in certain boards and commissions. This shall include making or directing such studies as are necessary to the most economical and efficient operation of such departments, sources and programs from the various departments, when deemed necessary.
- (4) Be responsible to the village president and village board at all times, and be responsible for effectuating all actions of the village president and village board which require administrative implementation or where the village president and village board have directed him to act.
- (5) Be responsible for the administration of all day-to-day operations and services provided by the village government, including supervision of all departments in the monitoring and enforcement of all village ordinances, resolutions, statutes and village board directives.
- (6) Establish and implement administrative procedures to increase the effectiveness and efficiency of the village government which are fully consistent with approved policies established by the

village board.

- (7) Keep informed concerning current federal, state and county legislation and administrative rules affecting the village, and submit appropriate reports and recommendations on such rules to the village board.
- (8) Represent the village in matters involving legislative and intergovernmental affairs, as required.
- (9) Submit as deemed necessary, recommendations or suggestions for improving the health, safety or welfare of the village, and institute and operate a system whereby village departments, as well as persons having business with the village president and/or village board or any village department, may properly and efficiently conduct such business.
- (10) Establish and maintain procedures to facilitate communication between citizens and village government to assure that complaints, grievances, recommendations and other matters receive prompt attention 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.
- (12) Keep the village president and village board informed about activities of the village departments through oral or written reports.
- (13) Serve as the village's personnel officer, which shall include the development, implementation, interpretation and enforcement of the village personnel rules and regulations, as approved by the village board. This includes recommending revisions to the personnel policy, when necessary. In addition, the village administrator shall recommend salary and wage scales for all village employees not covered by collective bargaining agreements, and direct and oversee the process where personnel problems and/or grievances are promptly resolved.
- (14) Direct and oversee the village's purchasing policy, as approved by the village board.
- (15) Administer the payroll and maintain accurate and complete official employment records for all village employees.
- (16) Serve as village treasurer, and administer the receipts, deposits and appropriate investment of all monies received by the village, and may draw and countersign all orders on the village treasury.
- (17) Serve as village clerk, and be responsible for the duties of the clerk as set forth in Wis. Stats. § 61.25 and ordinances.
- (18) Serve as building inspector.
(Code 1988, § 2-3-2)

Sec. 2-103. Village attorney.

- (a) *Appointment.* The village attorney is an appointed position. At the village board organizational

meeting in April, the village president shall appoint a village attorney, subject to confirmation by a majority of the members of the village board. The village attorney's term shall be for one year, and shall commence on May 15 succeeding his appointment.

- (b) *Duties.* The village attorney shall have the following duties:
- (1) Conduct all legal business in which the village is interested.
 - (2) When requested by village officers, give written legal opinions, which shall be filed with the village.
 - (3) Draft ordinances, bonds and other instruments as may be required by village officers.
 - (4) Appoint an assistant, who shall have the power to perform his duties and for whose acts he shall be responsible to the village. Such assistant shall receive no compensation from the village, unless previously provided by an ordinance.
 - (5) Perform such other duties as provided by law and as designated by the village board.
- (c) *Special counsel.* The village board may employ and compensate special counsel to assist in or take charge of any matter in which the village is interested.
- (Code 1988, § 2-3-3)

Sec. 2-104. Chief of police.

- (a) *Appointment; powers and duties; compensation.*
- (1) The chief of police shall be appointed by a majority vote of the members of the village board for an indefinite term, and shall be subject to removal by a three-fourths vote of the members of the village board. The chief of police shall exercise the powers and duties of village marshals and constables and any other powers and duties prescribed by the village board, ordinances or statute. Upon a vacancy, the ranking officer shall temporarily replace the chief of police until the vacancy is filled by the village board.
 - (2) The compensation to be paid to the chief of police for his services, hours of active duty, rest days, vacation periods and other involvement of his employment shall be as determined by the village board from time to time.
- (b) *General duties.* The chief of police shall:
- (1) Have command of the police department. He shall have general administration and control of the police department, and shall be responsible for its government, efficiency and general good conduct. He shall perform all duties prescribed to him by law and ordinances, and shall obey all lawful written orders of the village president or village board.
 - (2) Cause the public peace to be preserved, and may arrest, and with reasonable diligence take before the proper court, every person within the village found to be engaged in any disturbance

of the peace or violating any law or ordinance. The chief of police shall cooperate with other law enforcement officers in the arrest or apprehension of persons charged with a crime.

(Code 1988, § 2-3-4)

Sec. 2-105. Fire chief.

(a) *Appointment.* The fire chief shall be appointed by a majority vote of the members of the village board for an indefinite term, and shall be subject to removal by a three-fourths vote of the members of the village board. Upon a vacancy in the office of fire chief, the ranking officer of the fire department shall temporarily perform the duties of the fire chief until such vacancy is filled. The fire chief shall, by virtue of office, be a fire inspector.

(b) *Powers and duties.*

- (1) The fire chief shall have general supervision of the fire department, subject to this Code and the bylaws of the fire department, and shall be responsible for the personnel and general efficiency of the fire department.
- (2) It shall be the duty of the fire chief to:
 - a. Preside at all meetings of the fire department.
 - b. Call special meetings.
 - c. Preserve order.
 - d. Decide all points of order that may arise; and
 - e. Enforce a rigid observance of this Code and the bylaws of the fire department.
- (3) It shall be the duty of the fire chief or ranking officer of the fire department to:
 - a. Be present at all fires;
 - b. Have complete command of, and the entire responsibility for, all firefighting operations;
 - c. Plan the control of all firefighting operations;
 - d. Direct the action of firefighters upon arrival at a fire;
 - e. Observe that the fire department does its duty;
 - f. Grant leaves of absence at a fire when he may deem it proper; and
 - g. Ensure that the fire apparatus is kept in proper condition, at all times.
- (4) The fire chief shall enforce all fire prevention ordinances and laws and regulations pertaining to

fire prevention, and keep citizens informed on fire prevention methods and the activities of the fire department.

- (5) The fire chief shall keep a fire record book of every fire to which the fire department was called, and enter in such book the following:
- a. Locality of the fire;
 - b. Time the alarm was received;
 - c. Cause of the fire;
 - d. Where the fire started;
 - e. Cause of delay in responding to the alarm, if any;
 - f. Method of extinguishment and equipment used;
 - g. Amount of insurance carried on the building and its contents;
 - h. Estimated fire loss;
 - i. Time the fire was extinguished;
 - j. Names of men responding to the alarm; and
 - k. General remarks.

(Code 1988, § 2-3-5)

Sec. 2-106. 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 May 1 following this appointment. The weed commissioner shall take the official oath, which shall be filed in the office of the village administrator, and shall hold the office for one year. The weed commissioner shall hold office pursuant to, and fulfill the duties set out in, law.

(Code 1988, § 2-3-6)

State law reference - Weed commissioner generally, Wis. Stats. § 66.0517.

Sec. 2-107. Director of public works.

(a) *Appointment.* The director of public works shall be appointed by a majority vote of the members of the village board solely on the basis of merit, training, experience, administrative ability, efficiency and general qualifications and fitness for performing the duties of such position.

(b) *Term.* The director of public works shall hold office for an indefinite term, subject to removal by a three-fourths vote of the village board.

(c) *Duties and powers.* The director of public works shall have the following duties and powers:

- (1) General charge and supervision of all public works in the village.
 - (2) Responsibility for the maintenance, repair and construction of streets, alleys, curbs and gutters, sidewalks, bridges, street signs, storm sewers, village buildings and structures and all machinery, equipment and property used in any activity under his control.
 - (3) Have charge of all public services, including garbage and refuse collections and disposal, snow and ice removal, street cleaning and flushing, and mosquito and rodent control.
 - (4) Perform such other activities and duties imposed on him from time to time by the village board or by his job description and employment contract.
- (Code 1988, § 2-3-7)

Sec. 2-108. Assessor.

(a) Pursuant to Wis. Stats. § 61.195, 61.197 and 66.0101, the village elects not to be governed by the portions of Wis. Stats. §§ 61.19 and 61.23 which relate to the selection and tenure of the village assessor, and which are 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. A corporation or independent contractor may be appointed as the village assessor. The corporation or independent contractor so appointed shall designate the person responsible for the assessment. Such designee shall file the official oath under Wis. Stats. § 19.01, and sign the affidavit of the assessor attached to the assessment roll under Wis. Stats. § 70.49. No person may be designated by any corporation or independent contractor unless he has been granted the appropriate certification under Wis. Stats. § 73.09. For purposes of this subsection, the term “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.

(c) The assessor shall have an indefinite term of office, subject to removal under Wis. Stats. § 17.14(1).

(Code 1988, § 2-3-8)

State law references – Public official’s oaths and bonds, Wis. Stats. § 19.01; affidavit of assessor Wis. Stats. § 70.49; assessor certification generally, Wis. Stats. § 73.09.

Sec. 2-109. Adult school crossing guards.

Pursuant to Wis. Stats. § 349.215 and for the protection of person who are crossing a highway or public thoroughfare in the vicinity of a school within the boundaries of the village, adult school crossing guards shall be appointed by the Spring Valley School District. The school crossing guards shall wear insignias or uniforms with signals or signs to direct traffic to stop at school crossings.

(Ord. of 2-1-1995)

Secs. 2-110 – 2-140. Reserved.

ARTICLE IV. BOARDS, COMMISSIONS AND COMMITTEES*

Sec. 2-141. Meetings; public notice.

(a) *Regular meetings.* Every board, committee and commission created by or existing under the ordinances of the village shall:

- (1) Schedule a date, time and place for its meetings;
- (2) When required by law, notify or publish a notice in the official village newspaper, in advance, of the date, time and place of each regular meeting, in compliance with the law; and/or
- (3) Post, on official village bulletin boards, an agenda of the matters to be taken up at such meeting.

(b) *Special meetings.* Nothing in subsection (a) of this section 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 comply in all respects with the provisions of Wis. Stats. §§ 19.81 and 19.89.

(c) *Minutes.* The secretary of each board, committee and commission shall file a copy of the meetings minutes of such board, committee or commission with the village administrator.

(Code 1988, § 2-4-6)

Sec. 2-142. Residency required for service.

No person who is not a resident of, and not residing in, the village shall be appointed in a voting capacity to any village board or commission. Any board or commission member who moves from the village shall be removed from such board or commission, but may be appointed to serve in an ex officio capacity.

(Code 1988, § 2-4-7)

Sec. 2-143. Board of review.

(a) *Composition.* The board of review shall be composed of the village president, village administrator and three trustees and shall be appointed annually by the village president, subject to confirmation by the village board.

(b) *Duties and functions; compensation.*

- (1) The duties and functions of the board of review shall be as prescribed in Wis. Stats. §§ 70.46 and 70.47.
- (2) Members of the board of review shall act without compensation.

***Cross reference** – Zoning agency or committee, § 14-43.

(c) *Meetings.* In accordance with Wis. Stats. § 70.47(3)b, the village board designates hours for the annual board of review proceedings other than the hours set forth in Wis. Stats. § 70.47(3)a, and designates the hours of the annual board of review meeting to be 10:00 a.m. to 4:00 p.m. The board of review may adjourn from day to day or time to time, until such time as its business is completed, provided that adequate notice of each adjournment is given.
(Code 1988, § 2-4-1)

Sec. 2-144. Zoning board of appeals.

- (a) *Established.*
- (1) A zoning board of appeals shall be appointed as specified in Wis. Stats. § 62.23(7)(e). The zoning board of appeals shall consist of five citizen members appointed by the village president, subject to confirmation by the village board, for a three-year term of office. The members shall serve without compensation, and shall be removable by the board for cause upon written charges and a public hearing. The village president shall designate one of the members as chairman.
 - (2) Vacancies on the zoning board of appeals shall be filled for the unexpired terms of members whose terms become vacant.
 - (3) In addition to the five members provided for in subsection (a)(1) of this section, the village president may appoint an alternate member, who shall act with full power, for a term of three years only when a member of the zoning board of appeals abstains from voting because of interest or when a member is absent. The provisions set forth in subsections (a)(1) and (2) of this section regarding removal and the filling of vacancies shall apply to such alternate member.
- (b) *Powers.* The zoning board of appeals shall have the following powers:
- (1) Hear and decide appeals where it is alleged there is an error in an order, requirement, decision or termination made by an administrative official in the enforcement of the zoning regulations (chapter 58 of this Code) or flood regulations (chapter 14 of this Code).
 - (2) Hear and decide special exceptions to the terms of the village zoning regulations (chapter 58 of this Code) and flood regulations (chapter 14 of this Code) upon which the zoning board of appeals is required to pass.
 - (3) Authorize, upon appeal in specific cases, such variance from the terms of the village zoning regulations (chapter 58 of this Code) as will not be contrary to the public interest, where, owing to specific conditions, a literal enforcement will result in practical difficulty or unnecessary hardship, so that the spirit of the zoning regulations (chapter 58 of this Code) shall be observed, public safety and welfare secured and substantial justice done; provided, however, that no such action shall have the effect, in any district, of establishing a use which is not permitted in such district.
 - (4) 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 regulations (chapter 58 of this Code), for such purposes which are reasonably necessary for the public

convenience and welfare. The zoning board of appeals may permit in appropriate cases, and subject to appropriate conditions and safeguards, in harmony with the general purpose and intent of this Code, a building or premise to be erected or used for such public utility purposes in any location which is reasonably necessary for the public convenience and welfare.

- (5) Reverse or affirm, wholly or in part, or modify any order, requirement, decision or determination as, in its opinion, ought to be made in the premises. The concurring vote of three 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 regulations (chapter 58 of this 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 of time longer than six months from the date of such order, unless the land use permit is obtained within such period of time and the erection or alteration of a building is started or the use is commenced within such period of time.
- (c) *Meetings; rules of procedure.* All meetings of the zoning board of appeals shall be held at the call of the chairman and at such other times as the zoning board of appeals may determine. All hearings conducted by the zoning board of appeals shall be open to the public. The zoning board of appeals 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 examinations and other official actions, all of which shall be immediately filed in the office of the village administrator and shall be a public record. The zoning board of appeals shall adopt its own rules of procedure which are not in conflict with this section or applicable statutes.
- (d) *Offices.* The village shall provide suitable offices for holding hearings and the presentation of records, documents and accounts.
- (Code 1988, § 2-4-2)

Sec. 2-145. Board of park commissioners.

The village board shall constitute the board of park commissioners, and shall exercise all of the power conferred by law upon boards of park commissioners in cities and villages.

(Code 1988, § 2-4-3)

Sec. 2-146. Library board.

- (a) *Organization; terms.*
- (1) Pursuant to Wis. Stats. ch. 43, there is created a municipal library board for the village, which shall consist of a five-member board. The library board shall have four citizen members and one village trustee.
- (2) Terms of such citizen members of the library board shall be from July 1 in the year of their appointment, and each regular appointment shall be for a term of two years. Not more than one member of the village board shall be a member of the library board at one time. Members shall be appointed by the village president, subject to confirmation by the village board. The village

president shall appoint a school district administrator or his representative as one of the library board members to represent the public school districts in which the library is located. The trustee member shall be appointed annually at the village board’s organizational meeting.

- (3) A majority of the membership of the library board shall constitute a quorum.
- (4) As soon as practicable after the first appointments, at a date and place fixed by the appointing officer, and annually thereafter, within 30 days after the time designated in subsection (a)(2) of this section for the beginning of terms, the members of the library board shall organize, by election from among their number, a president and such other officers as they deem necessary to prescribe and adopt rules and regulations for the operation of the library.
- (b) *Duties and powers.* The library board shall have the duties and powers as prescribed by Wis. Stats. ch. 43, and more particularly as set forth in Wis. Stats. § 43.58.
(Code 1988, § 2-4-4)

Sec. 2-147. Board of health.

- (a) *Composition.* The board of health shall consist of the members of the village board meeting as a committee of the whole. The health officer and any assistants shall be ex officio members of the board of health.
- (b) *Power of appointment.* The board of health may appoint persons to aid them.
- (c) *Responsibilities.*
 - (1) The board of health shall take such measures as shall be most effectual for the preservation of the public health. It shall be the duty of the board of health to assume the general administration of health and sanitation laws and regulations in the village; supervise the work of the health officer; and attend to the administration and enforcement of the health laws of the state and the rules and regulations prescribed by the state board of health and the ordinances of the village.
 - (2) The board of health shall take such measures and make such rules and regulations as shall necessary for the preservation and promotion of public health within the village. All orders and regulations of the board of health shall be published in the official newspaper and, after such publication, shall have the force and effect of ordinances including penalties for violations.
(Code 1988, § 2-4-5)

Secs. 2-148 – 2-180. Reserved.

ARTICLE V. FINANCE*

***Cross reference** – Any ordinance promising or guaranteeing the payment of money for the village or authorizing the issuance of any bonds or notes of the village, any evidence of the village’s indebtedness, or any contract, right, agreement, lease, deed or other instrument or obligation assumed by the village saved from repeal, § 1-9(2).

Sec. 2-181. Treasurer's bond.

(a) *Eliminated.* The village elects not to give the bond on the village administrator in his capacity as village treasurer provided for by Wis. Stats. § 70.67(1).

(b) *Liability for default of treasurer.* Pursuant to Wis. Stats. § 70.67(2), the village shall be obligated to pay all state and county taxes required by law to be paid by such treasurer to the county treasurer, in case the village administrator while acting as treasurer shall fail to do so.

(Code 1988, § 2-5-2)

Sec. 2-182. Budget.

(a) *Departmental estimates.* When requested by the village administrator, each officer, department and committee shall file with the village administrator annually an itemized statement of disbursements made to carry out the powers and duties of such officer, department or committee during the preceding fiscal year, and a detailed statement of the receipts and disbursements on account of any special fund under the supervision of such officer, department or committee during such year, and of the current fiscal year and for the ensuing fiscal year. Such statements shall be presented in the form prescribed by the village administrator and shall be designated as "Departmental Estimates," and shall be as merely uniform as possible for the main division of all departments.

(b) *Consideration of departmental estimates.* The village administrator shall consider departmental estimates in consultation with the department head, and recommend to the village board's finance committee a budget amount for such department or activity. The finance committee shall consider the budget recommendations submitted by the village administrator in developing a proposed budget for submission to the village board.

(c) *Required information.* The proposed budget shall include the following information:

- (1) The actual expenditures of each department and activity for the expired portion of the current year and last preceding fiscal year, and the estimated expense of each department and activity of the village for the remainder of the current year and ensuing fiscal year, with reasons for any proposed increase or decrease as compared with actual and estimated expenditures for the current year.
- (2) An itemization of all anticipated income of the village from sources other than general property taxes and bonds issued, with a comparative statement of the amounts received by the village from each of such sources or similar sources for the last preceding year and current fiscal year.
- (3) An estimate of the amount of money to be raised from general property taxes which, with income from other sources, will be necessary to meet the proposed expenditures.
- (4) All existing indebtedness of the village, including the amount of interest payable and principal to be redeemed on any outstanding general obligations bonds of the village, and any estimated deficiency in the sinking fund of any such bonds during the ensuing fiscal year.
- (5) Such other information as may be required by the village board and law.

(d) *Copies.* The village administrator shall provide a reasonable number of copies of the budget summary prepared for distribution to citizens. The entire fiscal budget shall be available for public inspection in the office of the village administrator during regular office hours.

(e) *Report and hearing.*

- (1) The finance committee shall make a report to the village board at the November 1 meeting, which shall include the estimated cost of improvements, as well as the estimated cost of operating the various departments and all other costs, including interest charges, for which money will have to be raised by taxation during the following year. At the time the annual budget is submitted, the finance committee shall submit to the village board the draft of the ensuing fiscal year. Upon the submission of the proposed appropriation ordinance to the village board, it shall be deemed to have been regularly introduced.
- (2) A summary of such budget, notice of the time and place where such budget and details are available for public inspection and notice of the time and place for holding the public hearing on such budget shall be published in a newspaper of general circulation in the village or legally posted at least 15 days prior to the time of such public hearing.
- (3) Not less than 15 days after the publication of the proposed budget and the notice of the hearing on such proposed budget, the public hearing shall be held at the time and place stipulated, at which time any resident or taxpayer of the village shall have an opportunity to be heard on the proposed budget. The budget hearing may be adjourned from time to time. Following the public hearing, the proposed appropriation ordinance may be changed or amended and shall take the same course in the village board as other ordinances.

(Code 1988, § 2-5-3)

Sec. 2-183. Budget changes.

The amount of the tax to be levied or certified, the amounts of the various appropriations and the purposes thereof shall not be changed after the approval of the budget, except upon the recommendation of the village president and a two-thirds vote of the entire membership of the village board. Notice of such change shall be given by publication within eight days thereafter in the official village newspaper.

(Code 1988, § 2-5-4)

Sec. 2-184. Funds to be spent in accordance with appropriation.

No money shall be drawn from the treasury of the village, nor shall any obligation for the expenditure of money be incurred, except in pursuance of the annual appropriation in the adopted budget or when changed as authorized by section 2-183. At the close of each fiscal year any unencumbered balance of an appropriation shall revert to the general fund and shall be subject to reappropriation, but appropriations may be made to the village board, to be paid out of the income of the current year, in furtherance of improvements or other objects or works which will not be completed within such year, and any such appropriations shall continue in force until the purpose for which it was made shall have been accomplished or abandoned.

(Code 1988, § 2-5-5)

Sec. 2-185. Fiscal year.

The calendar year shall be the fiscal year.

(Code 1988, § 2-5-6)

State law reference – Similar provisions, Wis. Stats. § 61.51(3).

Sec. 2-186. Public depositories.

The village board shall designate the public depositories within the state within which village funds shall be deposited, and when the money is deposited in such depositories in the name of the village, village officials and bondsmen shall not be liable for such losses as are defined by law. The interest arising from such deposits shall be paid into the village treasury. A copy of the resolution designating public depositories shall be filed annually with the state commissioner of banking. Pursuant to law, designated public depositories shall be required to pledge U.S. Treasury notes equal in amount to any uninsured balance of the village's deposit.

(Code 1988, § 2-5-7)

State law reference – Similar provisions, Wis. Stats. § 62.12(7).

Sec. 2-187. Claims.

(a) *Certification of compliance.* Prior to submission of any account, demand or claim to the village board for approval of payment, the village administrator shall certify, or cause to be endorsed thereon or on attached papers, that the following conditions have been complied with:

- (1) Funds are available for such claim pursuant to the budget.
- (2) The item or service was duly authorized by the proper official or agency and has been received or rendered in accordance with the purchasing agreement.
- (3) The claim is accurate in amount and a proper charge against the treasury.

(b) *Audit of accounts.*

- (1) Except as provided in subsection (c) of this section, no account or demand against the village shall be paid until it has been passed upon by the finance committee and an order drawn on the village administrator for such account or demand. Every such account shall be itemized and certified as provided in subsection (a) of this section.
- (2) After auditing, the finance committee shall cause finance committee's approval to be endorsed by the village administrator upon each account, adding the amount allowed or specifying the items, or parts thereof, which are disallowed. If the village board shall approve the claim, it shall direct the village administrator to issue a village order for the amount of the claim approved. All money paid out of the village treasury shall be paid upon an order signed by the village president and countersigned by the village administrator, except that payments of regular wages or salaries shall be as provided in subsection (c) of this section. The minutes of the proceedings of the village board, or a statement attached thereto, shall show to whom and for what purpose every such account was allowed and the amount thereof.

(c) *Payment of regular wages and salaries.* Regular wages or salaries of village officers and employees shall be paid by payroll, verified by the proper village official, department head, board or commission and filed with the village administrator in time for payment on the regular payday.

(d) *Method of incurring claims.* All actions of the village board appropriating money or creating a charge against the village, other than claims for purchases or work previously authorized by the village board, shall only be acted upon at the next regular meeting after introduction, provided that this rule may be suspended by affirmative vote of by three-fourths of all members of the village board. A roll call shall be taken and recorded on all appropriations.

(Code 1988, § 2-5-8)

State law reference – Similar provisions, Wis. Stats. § 61.51.

Sec. 2-188. Temporary investment of funds not immediately needed.

Pursuant to Wis. Stats. §§ 66.0603(1m) and 219.05, the village administrator may invest any village funds not immediately needed.

(Code 1988, § 2-5-9)

Sec. 2-189. Receiving money; receipt.

(a) The village administrator and his deputies shall not receive any money into the treasury from any source, except on account of taxes levied and collected during the fiscal year for which they may then be serving, without giving a receipt for such receipt in the manner specified by the village board.

(b) Upon the payment of any money, except for taxes as provided in subsection (a) of this section, the village administrator shall make out a receipt, in duplicate, for the money received. The village administrator shall charge the amount there of to the treasury and credit the proper account. The payment of the money to any receiving agent of the village, to the village, or to the village administrator shall be safeguarded in such a manner as the village board shall direct.

(Code 1988, § 2-5-10)

Sec. 2-190. Statement of real property status.

The village administrator and his designees are authorized to prepare a statement of real property status form to be used to provide information often requested for transfers of real property, such as the amount of outstanding special assessments, deferred assessments, changes in assessments, amount of taxes, outstanding water, electric and sewer bills, current water, electric and sewer bills, contemplated improvements, floodplain status, violations of the building and health codes and similar information. Any such information sought shall be provided to the person requesting the information on such form. For furnishing the information on such form, the village shall collect a fee as set by the village board from time to time which is on file in the village offices.

(Code 1988, § 2-5-11)

Sec. 2-191. Bidding procedures for public construction.

(a) *Adopted.* Pursuant to Wis. Stats. § 61.56, as a complete alternative to the requirements of Wis. Stats. §§ 61.54 and 61.55, and in lieu thereof, the provisions of Wis. Stats. § 62.15 shall be applicable to

all village contracts for public construction over \$15,000.00. The authority vested in the board of public works by Wis. Stats. § 62.15 shall be exercised by the village board or a committee designated by the village board.

(b) *Construction authorized by vote of village board.* Any class of public construction may be done directly by the village without submitting such construction for bids, provided that the construction is authorized by a vote of three-fourths of all members of the village board.

(c) *Exemptions.* The competitive bidding law as outlined in this section is limited to public construction. Although the village may hire engineers and architects to work on the projects, they are providing services that do not come under the heading of public construction, and therefore, such services are exempt from bidding procedures under this section and section 2-192.
(Code 1988, § 2-5-12)

Sec. 2-192. Bid solicitations.

(a) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meaning ascribed to them in this section, except where the context clearly indicates a different meaning:

Formal bid means the procedure used for purchasing goods and services in an amount over \$15,000.00, and in some instances amounts less than \$15,000.00. The formal bid procedure requires a legal public notice and contains detailed, written specifications regarding the goods and services to be purchased and a number of specific conditions associated with the purchase.

Informal quotation means a written request sent to vendors for a quotation, and is used for the purchase of goods and services in an amount less than \$15,000.00.

Memorandum of verbal quotation form means the form upon which verbal quotation results are recorded when the village solicits verbal quotations on items the village purchases which are less than \$15,000.00.

(b) *Procedures.*

- (1) Competitive bids or quotations shall be obtained before contracting to purchase articles, goods, wares, material services or merchandise which amount, in bulk, to more than \$1,000.00. Purchases up to \$1,000.00 may be made by telephone quotations, informal written quotations or formal bids. Purchases from \$1,000.00 to \$15,000.00 shall be made by written quotation, telephone quotations or formal bids. Pursuant to subsection (a) of this section, purchases over \$15,000.00 shall be made by formal bid, unless exempted by action of the finance committee.
- (2) Verbal quotations for goods and services shall be secured from at least two qualified vendors, and the result of the quotations shall be recorded on the memorandum of verbal quotation form and signed by the persons receiving the quotations.
- (3) Informal requests for written quotations shall be solicited from at least three qualified bidders on the request for quotation form. All written requests for quotations shall be issued by the village administrator. Informal requests for written quotations may also be solicited by telephone.

Vendors shall be given a reasonable time to respond to the request for an informal written quotation, and shall be given clear, concise, specifications and informal bidding instructions to facilitate competitive bidding.

- (4) When a formal bid is required or deemed to be in the best interest of the village, the bidding procedure shall follow the legal requirements associated with a class 1 notice under statute and the procedures normally associated with the formal bid proposal.
- (5) The formal bid proposal will contain at least the following information:
 - a. The bid number.
 - b. A detailed description of the goods and services required, including enough information about the items or services required so that more than one vendor can meet the specifications.
 - c. The time, date and place that the bids will be opened.
 - d. The address to which the bids shall be mailed or delivered.
 - e. A section on special provisions, including guarantees and service considerations, trade-in considerations and other information relating to special conditions.

Instructions to bidders shall include such information as delivery dates, transportation charges, proposal prices, conditions for guaranteeing the proposals, payment terms, right of rejection of proposals, right to reject merchandise, insurance requirements, alternative proposal considerations, tax information and other appropriate information regarding the awarding and execution of the contract and contract considerations.

- (6) Specifications for all items purchased shall be developed with the full involvement and participation of the using departments. However, the village administrator shall ensure that then specifications are sufficiently broad enough so that competition in the bidding process is preserved.
- (c) *Blanket purchase orders.*
- (1) Upon authorization by the village board following recommendation from the finance committee, the village administrator may issue blanket purchase orders to the few merchants from whom many repetitive purchases are made as supplies are required.
 - (2) The village board shall determine the need to use a blanket purchase order procedure.
 - (3) The bidding procedure for blanket purchase orders may follow the procedures used for other goods and services.
 - (4) After a vendor has been selected, the using departments shall use the same purchase order number on all purchases made under the blanket purchase order. The finance committee shall

authorize the individuals who shall have the authority to sign for purchases under the blanket purchase order procedure.

(Code 1988, § 2-5-13)

Sec. 2-193. Payment of taxes; interest; penalties.

(a) *Payment installments.* All real estate taxes levied pursuant to this Code and statutes may be paid in two installments. The first installment shall be paid on or before January 31, and the second installment shall be paid on or before July 31 next succeeding, in accordance to the provisions of Wis. Stats. § 74.03. If the first installment of the real estate taxes is not paid on or before January 31, the whole amount of the real estate taxes shall become due and shall be collected by the village administrator, together with unpaid personal property taxes, on or before the last day of February.

(b) *Personal property taxes.*

(1) A penalty of 0.5 percent per month, or fraction thereof, beginning from the preceding January 1, shall be paid on any overdue or delinquent personal property taxes. All taxes on personal property shall be paid on or before the last day of February, pursuant to Wis. Stats. § 74.03(1).

(2) Immediately upon the sale or transfer of a business, the village administrator shall require an advance payment of all personal taxes based on the previous year's mill rate, multiplied by the premises', property's or business' current year's valuation.

(Code 1988, § 2-5-14)

Sec. 2-194. Levy of special assessments.

(a) The village by resolution may levy and collect special assessments upon property in a limited and determinable area for special benefits conferred upon such property by any municipal work or improvement, and may provide for the payment of all, or any part, of the cost of the work or improvement.

(b) The amount assessed against any property for any work or improvement which does not represent an exercise of the police power shall not exceed the value of the benefits accruing to the property from such work or improvement, and for any work or improvement representing an exercise of the police power, the assessment shall be upon a reasonable basis as determined by the village board.

(Code 1988, § 2-6-1)

State law reference – Special assessments generally, Wis. Stats. § 66.0701.

Sec. 2-195. Resolutions and report required.

(a) Prior to making any special assessments, the village board shall declare by preliminary resolution its intention to exercise such powers for a stated municipal purpose. Such resolution shall generally describe the contemplated purpose; limits of the proposed assessment district; number of installments in which the special assessments may be paid or that the number of installments will be determined at the hearing required under 2-198; and direct the proper municipal officer or employee to make a report thereon. Such resolution may limit the proportion of the cost to be assessed.

- (b) The report required by subsection (a) of this section shall consist of:
- (1) Preliminary or final plans and specifications.
 - (2) An estimate of the entire cost of the proposed work or improvement.
 - (3) An estimate, as to each parcel of property affected, of the:
 - a. Assessment of benefits to be levied.
 - b. Damages to be awarded for property taken or damaged.
 - c. Net amount of such benefits over damages, or the net amount of such damages over benefits.
 - (4) Where the work or improvements constitute an exercise of the police power, a statement that the property against which the assessments are proposed is benefitted. In such case, the estimates required under subsection (b)(3) of this section shall be replaced by a schedule of the proposed assessments.
 - (5) When completed, a copy of the report shall be filed with the village administrator for public inspection.
- (c) The report required by Wis. Stats. § 66.0703 and subsections (a) and (b) of this section shall contain a statement of the final cost of the work, service or improvement in lieu of an estimate of the cost when the village board determines by resolution that the hearing on the assessments be held subsequent to the completion of the work or improvement or the rendering of services.

(Code 1988, § 2-6-2)

Sec. 2-196. Costs paid by special assessment.

The cost of any work or improvement to be paid in whole or in part by special assessment on property may include the direct and indirect cost thereof; the damages occasioned thereby; the interest on bonds or notes issued in anticipation of the collection of assessments; a reasonable charge for the services of the administrative staff of the village and the cost of any architectural, engineering and legal services; and any other item of direct or indirect cost which may reasonably be attributed to the proposed work or improvement. The amount to be assessed against all property for any such proposed work or improvement shall be apportioned among the individual parcels in the manner designated by the village board.

(Code 1988, § 2-6-3)

Sec. 2-197. Exemptions; deductions.

(a) If any property deemed benefitted by any work or improvement shall be exempt from assessment for such work or improvement by reason of any provision of law, such assessment shall be computed and shall be paid by the village.

(b) A parcel of land against which a special assessment has been levied for the sanitary sewer or water main laid in one of the streets upon which such parcel abuts shall be entitled to such deduction or exemption as the village board determines to be reasonable and just under the circumstances of each case when a special assessment is levied for the sanitary sewer or water main laid in the other street upon which such corner lot abuts. Under any circumstance, the assessment will not be less than the long way of such lot. The village board may allow a similar deduction or exemption from special assessment levied for any other public improvement.
(Code 1988, § 2-6-4)

Sec. 2-198. Notice of proposed or approved project; hearing.

Upon the completion and filing of the report required in section 2-195(b)(5), the village administrator shall give notice stating the nature of the proposed or approved work or improvement; the general boundary lines of the proposed assessment district; the place and time at which the report may be inspected; and the place and time at which all interested persons, their agents or attorneys may appear before the village board or a committee thereof and be heard concerning the matters contained in the preliminary resolution and report. Such notice shall be given either by publication in the official village newspaper or posted in not less than three public places within the village, and a copy of such notice shall be mailed to each interested person whose post office address is known. The hearing shall commence not less than ten days nor more than 40 days after the publication or posting of such notice.
(Code 1988, § 2-6-5)

Sec. 2-199. Actions of village board after hearing.

(a) After the hearing as set forth in section 2-198, the village board may approve, disapprove, modify or re-refer the report to the designated officer or employee with such directions as it deems necessary to change the plans and specifications to accomplish a fair and equitable assessment.

(b) If an assessment shall be made against any property and an award of compensation or damage shall be made in favor of the property, the village board shall assess only the difference between such assessment of benefits and the award of compensation or damage.

(c) If the work or improvement has:

(1) Not previously been authorized or approved, the village board shall approve the work or improvement and by resolution direct that the work or improvement be done and paid for in accordance with the report finally approved.

(2) Been approved by the village board, or work is commenced or completed prior to the filing of the report or the hearing, then the village board shall by resolution confirm the report as made or modified, and provide for payment in whole or part by assessment.

(d) The final resolution as required in this section shall be published by the village administrator.

(e) After the publication of the final resolution, any work or improvement provided for and not yet authorized shall be deemed fully authorized and all awards of compensation or damage and assessments made shall be deemed duly and property made, subject to the right of appeal by Wis.

Stats. § 66.0703, or any other applicable provision of law.
(Code 1988, § 2-6-6)

Sec. 2-200. Combined assessments.

If more than a single improvement is undertaken, the village board may combine the assessments as a single assessment on each property affected, except the property owner may object to any one or more of such improvements.
(Code 1988, § 2-6-7)

Sec. 2-201. Power to amend, cancel or confirm special assessment.

If, after completion or after the receipt of bids, the actual cost of any work or improvement is found to vary materially from the original estimate, or the assessment is void or invalid for any reason, or the village board determines to reconsider an assessment, the village board is empowered, after giving notice as required in section 2-198, to amend, cancel or confirm any prior assessment, and notice of such amendment, cancellation or confirmation shall be given by the village administrator.
(Code 1988, § 2-6-8)

Sec. 2-202. Where cost of work or improvement is less than assessment.

If the cost of the work or improvement is less than the assessment levied, the village board shall reduce each assessment proportionately, without notice or hearing. If the assessment has been paid either in part or in full, the village shall refund the property owner such overpayment.
(Code 1988, § 2-6-9)

Sec. 2-203. Appealed assessments payable when due; default.

Pursuant to Wis. Stats. § 66.0703, it shall be a condition to the maintenance of any appeal that any assessment appealed shall be paid when due and payable, and upon default of payment any such appeal shall be dismissed.
(Code 1988, § 2-6-10)

Sec. 2-204. Special assessment a lien on property.

Pursuant to Wis. Stats. § 66.073, any special assessment levied under this article shall be a lien on the property against which it is levied on behalf of the village. The village board shall provide for the collection of such assessments and may establish penalties for payment after the due date. The village board shall provide that all assessments not paid by the date specified shall be extended upon the tax roll as a delinquent tax against the property, and all proceedings in relation to the collection of such delinquent taxes shall apply to such assessments, except as otherwise provided by statute.
(Code 1988, § 2-6-11)

Sec. 2-205. Special charges; exemption.

(a) In addition to all other methods provided by law, special charges for current services may be imposed by the village board by allocating all or part of the cost to the property served. Such services

may include snow and ice removal, weed elimination, street sprinkling, oiling or tarring, repair of sidewalks or curb and gutter, garbage and refuse disposal, sewer service and tree care or removal. The provision for notice of such charges shall be optional with the village board, except that in the case of street, sidewalk or curb and gutter repair, 20 days' notice shall be published in the village newspaper or posted in three places within the village, and at least 10 days before the hearing or proceeding, a copy of such notice shall be mailed to every interested person whose post office address is known. Such notice shall specify that, on a certain date, a hearing will be held by the village board as to whether the service in question shall be performed.

(b) Such special charges shall not be payable in installments. If such charges are not paid with the period fixed by the village board, such delinquent charges shall become a lien as provided in section 2-204.

(c) Section 2-195(a) shall not be applicable to proceedings under this section.
(Code 1988, § 2-6-12)

Sec. 2-206. Miscellaneous provisions.

(a) If any assessment or charge levied under this article is invalid because such assessment or charge are found to be unconstitutional, the village board may reassess such assessment or charge pursuant to the provisions of any applicable law.

(b) Without notice or hearing, the village board may levy and assess all or any part of the cost of any work or improvement upon the property benefited if notice and hearing is waived in writing by affected property owners.

(c) Notwithstanding any other provisions of law, this article or other ordinance or resolution, it is specifically intended and provided by this article that the village may levy special assessments for work or improvement against the property benefited either before or after the approval of work plans and specifications, contracting for the work or completing the work or improvement.
(Code 1988, § 2-6-13)

Sec. 2-207 – 2-240. Reserved.

ARTICLE VI. ADMINSTRATIVE REVIEW

Sec. 2-241. Definitions.

The following words, terms and phrases, when used in this article, shall have the meaning ascribed to them in this section, except where the context clearly indicates a different meaning:

Municipal authority includes the village board, commission, committee, agency, officer, employee or agent of the village making a determination under section 2-242, and every person, committee or agency of the village making an independent review under section 2-248(b).
(Code 1988, § 2-8-4)

Cross reference - Definitions generally, § 1-2.

State law reference – Similar provisions, Wis. Stats. § 68.05.

Sec. 2-242. Right of review of administrative determinations.

Any person aggrieved by an administrative determination of the village board or a commission, committee, agency, officer or employee of the village or agent acting on its behalf may have such determination reviewed as provided in this article. The remedies under this article shall not be exclusive, but an election to proceed under this article shall be an election of remedies.

(Code 1988, § 2-8-1)

State law reference – Similar provisions, Wis. Stats. § 68.01.

Sec. 2-243. Reviewable determinations.

The following determinations are reviewable under this article:

- (1) The grant or denial, in whole or in part, after application of an initial permit, license, right, privilege or authority, except a fermented malt beverage or intoxicating liquor licenses.
- (2) The suspension, revocation or nonrenewal of an existing permit, license, right, privilege or authority, except as provided in section 2-244(4).
- (3) The denial of a grant of money or other thing of value under a statute or ordinance prescribing conditions of eligibility for such grant.
- (4) The imposition of a penalty or sanction upon any person, except a municipal employee or officer, other than by a court.
- (5) The suspension or removal of a village officer or employee, except as provided in section 2-244(2) and (7).

(Code 1988, § 2-8-2)

State law reference – Similar provisions, Wis. Stats. § 68.02.

Sec. 2-244. Determinations not subject to review.

The following determinations are not reviewable under this article:

- (1) A legislative enactment. For the purpose of this subsection, the term “legislative enactment” means an ordinance, resolution or adopted motion of the village board.
- (2) Any action subject to administrative or judicial review procedures under state statutes or other provisions of this Code.
- (3) The denial of a tort or contract claim for money required to be filed with the village under Wis. Stats. § 62.25
- (4) The grant, denial, suspension or revocation of a fermented malt beverage or intoxicating liquor

license under Wis. Stats. ch. 125.

- (5) Judgments and orders of a court.
 - (6) Determinations made during municipal labor negotiations.
 - (7) Determinations subject to grievances, arbitration or other procedures provided in collective bargaining agreements.
- (Code 1988, § 2-8-3)
- State law reference** – Similar provisions, Wis. Stats. § 68.03.

Sec. 2-245. Persons aggrieved.

A person aggrieved includes any individual, partnership, corporation, association, public or private organization, officer, department, board, commission or agency of the village whose rights, duties or privileges are adversely affected by a determination of a municipal authority. No department, board, commission, agency, officer or employee of the village who is aggrieved may initiate review under this article of a determination of any other department, board, commission, agency, officer or employee of the village, but may respond or intervene in a review proceeding under this article which is initiated by another.

(Code 1988, § 2-8-5)

State law reference – Similar provisions, Wis. Stats. §§ 68.01, 68.06.

Sec. 2-246. Reducing determination to writing.

If a determination subject to this article is made orally, or if in writing, does not state the reasons for such determination, the municipal authority making such determination shall, upon written request of any person aggrieved by such determination made within ten days of the notice of such determination, reduce the determination and the reasons for such determination to writing, and mail or deliver such determination and reasons to the person making the request. The determination shall be dated, and shall advise such person of his right to have such determination reviewed, that such review may be obtained within 30 days, and the officer or person to whom a request for review shall be addressed.

(Code 1988, § 2-8-6)

State law reference – Similar provisions, Wis. Stats. § 68.07.

Sec. 2-247. Request for review of determinations.

Any person allegedly aggrieved may have a written or oral determination reviewed upon written request, mailed or delivered to the municipal authority which made such determination, within 30 days of the notice to such person of such determination. The request for review shall state the grounds upon which the person allegedly aggrieved contends that the determination should be modified or reversed. A request for review shall be made to the officer, employee, agent, agency, committee, board, commission or party shall not preclude the person aggrieved from review, unless such failure has caused prejudice to the municipal authority.

(Code 1988, § 2-8-7)

State law reference – Similar provisions, Wis. Stats. § 68.08.

Sec. 2-248. Review of determination.

(a) *Initial determination.* If a request for review is made under section 2-247, the determination to be reviewed shall be termed as an initial determination.

(b) *Who shall make review.* A review under this section may be made by the officer, employee, agent, agency, committee, board, commission or body who made the initial person, committee or agency of the village, appointed by the village president without confirmation, shall be provided, if practicable.

(c) *When to make review.* The municipal authority shall review the initial determination within 15 days of receipt of a request for review. The time for review may be extended by agreement with the person allegedly aggrieved.

(d) *Right to present evidence and argument.* The person aggrieved may file with his request for review, or within the time agreed with the municipal authority, written evidence and argument in support of his position with respect to the initial determination.

(e) *Decisions.* The municipal authority may affirm, reverse or modify the initial determination, and shall mail or deliver to the person aggrieved a copy of the municipal authority's decision on review, which shall state the reasons for such decision. The decision shall advise the person aggrieved of his right to appeal the decision, that appeal may be taken within 30 days, and the office or person with whom notice of appeal shall be filed.

(Code 1988, § 2-8-8)

State law reference – Similar provisions, Wis. Stats. § 68.09.

Sec. 2-249. Administrative appeal.

(a) *Initial determination or decision on review.*

(1) If the person aggrieved had a hearing substantially in compliance with section 2-250 when the initial determination was made, he may elect to follow sections 2-246 – 2-248, but is not entitled to a further hearing under section 2-250, unless granted by the municipal authority; however, he may seek judicial review under section 2-252.

(2) If the person aggrieved did not have a hearing substantially in compliance with section 2-250 when the initial determination was made, he shall follow sections 2-246 – 2-248 and may appeal under this section from the decision made under section 2-248.

(b) *Time limit.* An appeal from a decision on review under section 2-248 may be taken within 30 days of such decision.

(c) *Written notice.* An appeal under this section may be taken by a written notice of appeal filed with or mailed to the office or person designated in the municipal authority's decision.

(Code 1988, § 2-8-9)

State law reference – Similar provisions, Wis. Stats. § 68.10.

Sec. 2-250. Appeal hearings.

(a) *Time.* The village shall provide the appellant with a hearing on an appeal under section 2-249 within 15 days of receipt of the notice of appeal, and shall serve the appellant with notice of such hearing by mail or personal service at least ten days before such hearing. The office or person with whom a notice of appeal is filed shall immediately notify the village attorney, who shall forthwith advise the village president of such appeal.

(b) *Conduct.* At the hearing, the appellant and the municipal authority may be represented by counsel and may present evidence and call and examine witnesses and cross examine witnesses of the other party. Such witnesses shall be sworn by the person conducting the hearing. Without confirmation, the village president shall appoint an impartial decisionmaker who shall make the decision on the administrative appeal, and such decisionmaker may be an officer, committee, board or commission or the village or the village board who did not participate in making or reviewing the initial determination. The decisionmaker may issue subpoenas. The hearing may, however, be conducted by an impartial person, committee, board or commission designated by the village president to conduct the hearing and report to the decisionmaker.

(c) *Records.* The person conducting the hearing or employed for that purpose shall take notes of the testimony and shall mark and preserve all exhibits. The person conducting the hearing may, and upon request of the appellant shall, cause the proceedings to be taken by a stenographer or a recording device, and the expense thereof shall be paid by the village.

(d) *Initial determinations.* Where substantial existing rights are affected by an initial determination, the municipal authority making such determination shall, when practicable, give any person directly affected an opportunity to be heard in accordance with this section before making such determination.

(Code 1988, § 2-8-10)

State law reference – Similar provisions, Wis. Stats. § 68.11.

Sec. 2-251. Final determinations.

(a) Within 20 days of completion of the hearing conducted under section 2-250 and the filing of briefs, if any, the decisionmaker shall mail or deliver its written determination to the appellant stating the reason for the determination. Such determination shall be a final determination.

(b) A determination following a hearing substantially meeting the requirements of section 2-250 or a decision on review under section 2-248 following such hearing shall be a final determination, judicial review of which may be obtained under section 2-252.

(Code 1988, § 2-8-11)

State law reference – Similar provisions, Wis. Stats. § 68.12.

Sec. 2-252. Judicial review.

(a) Any party to a proceeding resulting in a final determination may seek review of such determination by writ of certiorari within 30 days of receipt of the final determination.

(b) The record of the proceedings shall be transcribed at the expense of the person seeking the

review. A transcript shall be supplied to any person requesting the transcript, at his expense. If the person seeking the review establishes indigence to the satisfaction of the reviewing court, the court may order the proceedings transcribed at the expense of the village, and the person seeking review shall be furnished a free copy of the transcript. By stipulation, the court may order a synopsis of the proceedings in lieu of the transcript. The court may otherwise limit the requirement for a transcript.

(Code 1988, § 2-8-12)

State law reference – Similar provisions, Wis. Stats. § 68.13.

Sec. 2-253. Legislative review.

(a) Seeking review pursuant to this article does not preclude a person aggrieved from seeking relief from the village board or any of its board, commissions, committees or agencies which may have jurisdiction.

(b) If, in the course of legislative review under this section, a determination is modified, such modification and any evidence adduced before the village board or any of its boards, commissions, committees or agencies shall be made part of the record on review under section 2-252.

(c) The village board or any of its boards, commissions, committees or agencies conducting a legislative review under this section need not conduct the type of hearing required under section 2-250.

(Code 1988, § 2-8-13)

State law reference – Similar provisions, Wis. Stats. § 68.14.

Secs. 2-254 – 2-281. Reserved.

ARTICLE VII. PUBLIC RECORDS

Sec. 2-282. Definitions.

The following words, terms and phrases, when used in this article, shall have the meaning ascribed to them in this section, except where the context clearly indicates a different meaning. The applicable definitions in Wis. Stats. § 19.32 are adopted by reference in this section and shall apply to this article.

Actual cost means the total cost of personnel, including wages, fringe benefits and all other benefits and overhead related to the time spent in search of the records.

Custodian means the officer, department head, division head or employee of the village designated under section 2-284 or otherwise responsible by law to keep and preserve any village records or files, deposit or keep such records in his office or who is lawfully in possession, or entitled to possession, of such public records, and is required by this section to respond to requests for access to such records.

Direct cost means the actual cost of personnel, plus all expenses for paper, copier, time, depreciation and supplies.

Cross reference - Definitions generally, § 1-2.

Sec. 2-283. Maintenance.

(a) Except as provided under section 2-288, each officer and employee of the village shall safely keep and preserve all records received from his predecessor or other persons and which are required by law to be filed, deposited or kept in his office or are in the lawful possession or control of the officer or employee or his deputies, or to the possession or control of which they may be lawfully entitled as such officers or employees.

(b) Upon the expiration of an officer’s term of office or an employee’s term of employment, or whenever the office or position of employment becomes vacant, each such officer or employee shall deliver to his successor all records then in his custody, and the successor shall receipt for such records to the officer or employee, who shall file such receipt with the village administrator. If a vacancy occurs before a successor is selected or qualifies, such records shall be delivered to and receipted for by the village administrator on behalf of the successor, to be delivered to such successor upon his receipt.

(Code 1988, § 2-9-2)

Sec. 2-284. Legal custodians.

(a) Each elected official is the legal custodian of his records and the records of his office, but the official may designate the village administrator to act as the legal custodian.

(b) Unless provided in subsection (c) of this section, the village administrator or his designee shall act as legal custodian for the village board and any committee, commission, board or other authority created by ordinance or resolution of the village board. The following offices or authorities shall have the following named individuals as legal custodians of records:

<i>Authority</i>	<i>Designated Legal Custodian</i>
Village assessor’s office	Village assessor
General village records (including board records)	Village administrator
Building inspector’s office	Village administrator
Fire department	Fire chief
Police department	Chief of police
Village attorney’s office	Village attorney

(c) For every authority not specified in subsections (a) and (b) of this section, the authority’s chief administrative officer is the legal custodian of the authority, but the officer may designate an employee of his staff to act as the legal custodian.

(d) Each legal custodian shall name a person to act as legal custodian in his absence or in the absence of his designee, and each legal custodian shall send notice of the designated deputy to the village administrator.

(e) The village administrator shall establish criteria for establishing the records system, and shall cause the department/office records system to be reviewed annually.

(Code 1988, § 2-9-3)

Sec. 2-285. Public access.

(a) Except as provided under section 2-287, any person has a right to inspect a record and make or receive a copy of any record provided in Wis. Stats. § 19.35(1).

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

(c) If regular office hours are not maintained at the location where records are kept, the records will be available for inspection and copying upon at least 48 hours' advance notice of the intent to inspect and copy.

(d) An inspector shall be permitted to use facilities comparable to the facilities available to village employees to inspect, copy or abstract a record.

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

(f) A requester shall be charged a fee as set by the village board from time to time per page to defray the cost of copying records.

(1) If the form of a written record does not permit copying, the actual and necessary cost of photographing and photographic processing shall be charged.

(2) The actual full cost of providing a copy of other records not in printed form on paper, such as films, computer printouts and audiotapes and videotapes, shall be charged.

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

(4) There shall be no charge for locating a record, unless the actual cost of such location exceeds \$50.00, in which case the actual cost shall be determined by the legal custodian and billed to the requester.

(5) The legal custodian shall estimate the cost of all applicable fees and shall require a cash deposit adequate to assure payment, if such estimate exceeds \$5.00.

(6) Elected and appointed officials or the village shall not be required to pay for public records that may reasonably require for the proper performance of their official duties.

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

(g) Pursuant to Wis. Stats. § 19.34 and the guidelines listed therein, each authority shall adopt, prominently display and make available for inspection and copying at its offices, for the guidance of the public, a notice containing a description of its organization and the established times and places at which, the legal custodian from whom and the methods whereby, the public may obtain information and access to records in its custody, make requests for records or obtain copies of records, and the costs

thereof; however, this subsection does not apply to members of the village board.
(Code 1988, § 2-9-4)

Sec. 2-286. Access procedures.

(a) A request to inspect or copy a record shall be made to the legal custodian. A request shall be deemed sufficient if it reasonably describes the requested record or the information requested. However, a request for a record without a reasonable limitation as to the subject matter or length of time represented by the record does not constitute a sufficient request. A request may be made orally, but a request must be in writing before an action to enforce the request is commenced under Wis. Stats. § 19.37. Except as provided in this section, no request may be refused because the person making the request is unwilling to be identified or to state the purpose of the request. No request may be refused because the request is received by mail, unless prepayment of a fee is required under section 2-285(f)(6). A requester may be required to show acceptable identification whenever the requested record is kept at a private residence or whenever security reasons or law or regulations so require.

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

(c) A request for a record may be denied as provided in section 2-287. If a request is made orally, the request may be denied orally, unless a demand for a written statement of the reasons for denying the request is made by the requester within five business days of the oral denial. If a written request is denied, in whole or in part, the requester shall receive a written statement of the reasons for denying the request. Every written denial of a request shall inform the requester that, if the request for the record was made in writing, then the determination is subject to review upon petition for a writ of mandamus under Wis. Stats. § 19.37(1), or upon application to the attorney general or a district attorney.
(Code 1988, § 2-9-5)

Sec. 2-287. Limitations on right to access.

(a) *Application of other laws.* Any record which is specifically exempt from disclosure by state or federal law, or is authorized to be exempt from disclosure by state law, is exempt from disclosure, except any portion of the record which contains public information is open to public inspection as provided in subsection (f) of this section.

(b) *Law enforcement records.* Except as otherwise provided by law, whenever federal law or regulations require, or as condition to receipt of aids by the state require that any record relating to the investigative information obtained for law enforcement purposes by withheld from public access, then such information is exempt from disclosure.

(c) *Contractors' records.* Each authority shall make available for inspection and copying any record produced or collected under a contract entered into by the authority with a person other than an authority to the same extent as if the record were maintained by the authority. This subsection does not apply to

the inspection or copying of a record under Wis. Stats. § 19.35(1)(am).

(d) *Computer programs and data.* A computer program, as defined in Wis. Stats. § 22.03(4)(c), is not subject to examination or copying, but the material used as input for a computer program or produced as a product of the computer program is subject to the right of examination and copying, except as otherwise provided in Wis. Stats. § 19.35 of this section.

(e) *Trade secrets.* An authority may withhold access to any record, or portion thereof, containing information qualifying as a trade secret.

(f) *Separation of information.* If a record contains information that is subject to disclosure and information that is not subject to disclosure, the authority having custody of the record shall provide the information that is subject to disclosure and delete the information that is not subject to disclosure from the record before its release.

(g) *Identities of law enforcement informants.*

(1) For the purposes of this subsection:

a. The term “informant” means an individual who requests confidentiality from a law enforcement agency in conjunction with providing information to that agency or, pursuant to an express promise of confidentiality by a law enforcement agency or under circumstances in which a promise of confidentiality would be reasonably implied, provides information to a law enforcement agency or is working with a law enforcement agency to obtain information related in any case to any of the following:

1. Another person who the individual or law enforcement agency suspects has violated, is violating or will violate a federal law, state law or an ordinance of any local government.
2. Past, present or future activities that the individual or law enforcement agency believes may violate a federal law, state law or an ordinance of any local government.

b. The term “law enforcement agency” has the meaning given in Wis. Stats. § 165.83(1)(b), and includes the department of corrections.

(2) If an authority that is a law enforcement agency receives a request to inspect or copy a record, or portion thereof, that contains specific information, including, but not limited to, a name, address, telephone number, voice recording or handwriting sample which, if disclosed, would identify an informant, the authority shall delete the portion of the record in which the information is contained, or, if no portion of the record can be inspected or copied without identifying the informant, shall withhold the record unless the legal custodian of the record makes a determination, at the time that the request is made, that the public interest in allowing a person to inspect, copy or receive a copy of such identifying information outweighs the harm done to the public interest by allowing such access.

(Code 1988, § 2-9-6)

Sec. 2-288. Destruction.

(a) Village officers may destroy the following nonutility financial records of which they are the legal custodians and which are considered obsolete after the completion of any required audit by the bureau of municipal audit or an auditor licensed under Wis. Stats.ch. 442, but not less than seven years after payment or receipt of any sum involved in the particular transaction, unless a shorter period of time has been fixed by the state public records board pursuant to Wis. Stats. § 16.61(3)(e), and then after such shorter period of time:

- (1) Bank statements, deposit books, slips and stubs.
- (2) Bonds and coupons, after maturity.
- (3) Canceled checks, duplicates and check stubs.
- (4) License and permit applications, stubs and duplicates.
- (5) Payrolls and other time and employment records of personnel included under the state retirement fund.
- (6) Receipt forms.
- (7) Special assessment records.
- (8) Vouchers, requisitions, purchase orders and all other supporting documents pertaining thereto.

(b) Village officers may destroy the following utility records of which they are the legal custodians and which are considered obsolete after the completion of any required audit by the bureau of municipal audit or an auditor licensed under Wis. Stats.ch. 442, but not less than seven years after payment or receipt of any sum involved in the particular transaction, unless a shorter period of time has been fixed by the state public records board pursuant to Wis. Stats. § 16.61(3)(e), and then after such shorter period of time, except that water stubs, receipts of current billings and customers' ledgers may be destroyed not less than two years after payment or receipt of the sum involved or the effective date of such record:

- (1) Contracts and papers relating thereto.
- (2) Excavation permits.
- (3) Inspection records.

(c) Village officers may destroy the following records of which they are the legal custodians and which are considered obsolete, but not less than seven years after the record was effective, unless another period of time has been set by statute, and then after such a period of time, or unless a shorter period of time has been fixed by the state public records board pursuant to Wis. Stats. § 16.61(3)(e), and then after such shorter period of time:

- (1) Contracts and papers relating thereto.

- (2) Correspondence and communications.
- (3) Financial reports, other than annual financial reports.
- (4) Justice dockets.
- (5) Oaths of office.
- (6) Reports of boards, commissions, committees and officials duplicated in the village board's proceedings.
- (7) Election notices and proofs of publications.
- (8) Canceled voter registration cards.
- (9) Official bonds.
- (10) Police records, other than investigative records.
- (11) Resolutions and petitions, provided the text of the resolutions and petitions appears in the official village minutes.

(d) Notwithstanding the provisions appearing in subsections (a)-(c) of this section, it is intended that the election materials may be destroyed according to lesser time schedules as made and provided in Wis. Stats. § 7.23.

(e) At least 60 days' notice shall be given to the state historical society prior to the destruction of any records as provided by Wis. Stats. § 19.21(4)(a), unless notice is waived by the state historical society.

(f) Any tape recordings of a governmental meeting of the village may be destroyed, erased or reused no sooner than 90 days after the minutes of the meeting have been approved and published, if the purpose of the recording was to make minutes of the meeting.
(Code 1988, § 2-9-7)

Sec. 2-289. Microfilm preservation.

Subject to the approval of the village administrator, any village officer or the director of any department or division of the village government may keep and preserve public records in his possession by means of microfilm or other photographic reproduction method. Such records shall meet the standards for photographic reproduction set forth in Wis. Stats. § 16.61(7)(a) and (b), and shall be considered original records for all purposes. Such records shall be preserved along with other files of the department or division, and shall be open to public inspection and copying according to the provisions of law and sections 2-285 – 2-287.

(Code 1988, § 2-9-8)

