

TITLE 2

Government and Administration

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Title 2 ► Chapter 1

Village Government and Elections

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Sec. 2-1-1 Village Government.

- (a) **Village Government Organization.** The Village of Fall River is a body corporate and politic with the powers of a municipality at common law and governed by the provisions of Chapters 61 and 66, Wis. Stats., laws amending those chapters, other acts of the legislature and the Constitution of the State of Wisconsin.
- (b) **Division of Government.**
- (1) **Legislative Branch.** The Village Board is the legislative branch of the Village government. Its primary business 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 it. 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, its budget, its revenues and the raising of funds necessary for the operation of the Village of Fall River.
 - (2) **Executive Branch.** The Village President 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, the Village President shall preside at the meetings of the Village Board. The Village President shall from time to time give the Village Board such information and recommend such measures as he/she may deem advantageous to the Village of Fall River.

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

Sec. 2-1-2 Candidates for Elective Office; Caucus for Nomination of Candidates.

Every candidate for an elective Village of Fall River office shall be nominated by use of a caucus as prescribed by Sec. 8.05(1), Wis. Stats.

State Law Reference: Sec. 8.05(1), Wis. Stats.

Sec. 2-1-3 Election Hours.

The voting polls in the Village of Fall River, Columbia County, Wisconsin shall be open from 7:00 a.m. to 8:00 p.m. for all elections.

Sec. 2-1-4 Election Officials.

- (a) **Statutory Authorization.** The process for the appointment of election officials set forth in Sec. 7.30, Wis. Stats., shall be followed. Pursuant to Section 7.30(1), Wis. Stats., there shall be at least seven (7) election inspectors at the polling place at each election conducted in the Village of Fall River, except as otherwise provided below in Subsections (b)(2)-(4). That statute further authorizes the Village Board to provide for the selection of alternate officials or the selection of two (2) or more sets of election officials to work at different times on election day.
- (b) **Appointment of Officials.** At its regular meeting in December of each odd-numbered year, the Village Board shall appoint not less than seven (7) election inspectors. At such meeting, the Village Board may appoint additional inspectors in a number it deems necessary so that there are two (2) or more sets of inspectors available to work at different times on election day. Provided, however, the additional election inspectors shall be appointed in such a manner that the total number of officials is an odd number.
- (c) **Hours of Work.** Pursuant to Sec. 7.30(1), Wis. Stats., the Village Board authorizes the Village Clerk-Treasurer to determine the inspectors who will work at each election and to determine the hours each inspector will work.
- (d) **Reduction or Addition of Election Officials.**
 - (1) Section 7.32, Wis. Stats., authorizes the Village Board to reduce the required number of election officials at a polling place to no less than three (3), and the Village Board has determined that would be advantageous to the Village of Fall River to have only as many election officials on duty as are needed for any given election. Pursuant to Section 7.32, Wis. Stats., the Village Clerk-Treasurer is authorized, at the discretion of the Village Clerk-Treasurer, to reduce the number of election officials, provided

- that at all time there shall be a minimum of three (3) election officials on duty. The Village Clerk-Treasurer shall determine in advance of each election whether the number of election officials for such election should be reduced from the number prescribed by the Wisconsin Statutes, and if such a reduction is so determined, the Village Clerk-Treasurer shall further redistribute duties among the remaining officials.
- (2) At the discretion of the Village Clerk-Treasurer, the requisite number of election officials may be increased for any election; however, the number of election officials working at a given election shall always be an odd number.
- (e) **Sets of Election Officials.** Because Section 7.30(1), Wis. Stats., allows for the selection of two (2) or more sets of officials to work at different times on each election day, the Village Board authorizes the selection of two (2) sets of election officials to staff the polls on election day if deemed necessary by the Village Clerk-Treasurer. The Village Clerk-Treasurer is hereby authorized to schedule election officials in shifts on any said election day. The Village Clerk-Treasurer shall redistribute the duties of such election officials to reflect scheduling by shift. The second, or last, shift shall end with completion of all required election day duties that follow the closure of the polls.
- (f) **Polling Place Greeter.** As prescribed by Section 7.30(1)(b), Wis. Stats., the Village Board authorizes the Village Clerk-Treasurer for each election to appoint, at the Village Clerk-Treasurer's discretion, one (1) additional election worker per shift to serve as a greeter to answer questions and to direct electors to the proper locations for registration and voting, and who shall be available to substitute for other election officials who must leave the polling place room during the voting process.
- (g) **Tabulators.** The Village Clerk-Treasurer may deem necessary from time to time to select and employ tabulators for certain elections due to the high projected voter turnout. Tabulators shall assist and be under the direction of the election officials after the close of the polls. The Village Clerk-Treasurer shall select and employ tabulators, if needed, for any election.
- (h) **Clerk-Treasurer's Service as Alternate.** The Fall River Village Board appoints:
- (1) The Village Clerk-Treasurer to serve as an election official in the absence of an appointed election official.
 - (2) The Village Clerk-Treasurer to serve as an alternate election official in the absence of an appointed alternate election official.

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

Sec. 2-1-5 Public Notices; Official Newspaper; Legal Posting.

Public notice of all meetings of governmental bodies of the Village of Fall River, including but not limited to the Village Board, shall be given by the chief presiding officer of such a body, or such person's designee, in the following manner:

2-1-5

(a) **Publication in Official Newspaper.**

(1) The Village of Fall River does not designate an official newspaper for the publication of legal and/or official notices and documents as there is no newspaper published within Village boundaries. If publication in an official newspaper designated under Sections 985.04, 985.05 and 985.06, Wis. Stats., is utilized instead of legal posting or another authorized manner of providing notice under Subsection (b) below, the Village Board will designate a newspaper by resolution. An official newspaper is required to be used only if such newspaper is published within the boundaries of the Village.

(2) Public notice of all meetings of such governmental bodies shall be provided to those news media who have filed a written request with the Village to receive such meeting notices.

(b) **Legal Posting.** When an official newspaper is not published within the Village, public notice of Village governmental meetings shall be provided using one (1) of the following methods:

(1) The notice is posted in at least one (1) public place likely to give notice to persons affected and is placed electronically on an internet site maintained by the municipality; or

(2) Public notice is provided by paid publication in a news medium likely to give notice to persons affected; or

(3) The notice is posted in a minimum of three (3) designated public places likely to give notice to affected persons. The following are the Village of Fall River's designated posting locations:

a. Village of Fall River Municipal Building.

b. U.S. Post Office - Fall River.

c. Farmers & Merchants Union Bank – Fall River Branch.

(c) **Other Required Statutory Notices.** Public notices for governmental meetings shall also be provided in another manner if so required by a Wisconsin Statute.

State Law Reference: Secs. 19.84, 61.50, 985.02, 985.04 - 985.06, Wis. Stats.

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Village Board

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Sec. 2-2-1 Village Board.

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

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

Sec. 2-2-2 Trustees.

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

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

Sec. 2-2-3 Village President.

- (a) **Election.** The Village President shall be elected at the annual spring election in odd-numbered years for a term of two (2) years, commencing on the third Tuesday of April in the year of his/her election.
- (b) **Duties.** The Village President shall by virtue of his/her office be a Trustee and preside at all meetings of the 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. The Village President 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/she shall deem necessary, who for the time being shall possess all the powers and rights of constables.
- (c) **Participation in Debate.** The Village President shall vote on all matters in the same way that other Trustees vote. The President has the power to make motions, and to introduce ordinances, resolutions and the like as any other Trustee.
- (d) **Appointments.**
 - (1) Wherever in this Code of Ordinances the Village President is required to appoint citizens to committees, commissions and/or boards, in the event the Village Board rejects a Village President's appointment, the same name may not be submitted for the same job for a period of twelve (12) months after the refusal of such appointment.
 - (2) In the event a vacancy occurs in any committee, board or commission requiring the appointment of a citizen member and the Village President does not nominate a successor thereof for a period of sixty (60) days after the vacancy occurs, the Village Board may then nominate an appointee to such position, subject to the approval of the Village President.
 - (3) In the event the Village Board, by parliamentary practice, tables an appointment by the Village President, such tabling action shall be effective for that meeting, but at the next regular meeting of the Village Board, such appointment shall be on the meeting

agenda for further consideration, and the particular appointment involved may not be tabled a second (2nd) time.

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

Sec. 2-2-4 Standing Committees.

- (a) **Committee Appointments.** At the first special or the first regular Village Board meeting on the third Tuesday in April or thereafter, the Village President shall nominate Trustees to standing committees, subject to confirmation by majority vote 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 Village Board action. All Trustees shall serve on at least one (1) committee.
- (b) **Committees Designated.** The Village Board shall have the following standing committees, each composed of three (3) Trustees:
 - (1) Finance Committee.
 - (2) Public Works Committee.
 - (3) Judiciary Committee.
 - (4) Public Safety Committee.
 - (5) Emergency Management Committee.
 - (6) Economic Development Committee.
- (c) **Chairpersons.**
 - (1) The Village President shall designate the chairperson of each standing committee.
 - (2) 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.
- (d) **Committees-of-the-Whole; Special Committees.**
 - (1) **Committee-of-the-Whole Organization.** 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 same. Meetings of the Committee-of-the-Whole may be held on regular dates set by its membership or at the call of the Village President. No final votes are taken at meetings of the Committee-of-the-Whole, although the membership may vote to make a recommendation to be taken up at a regular Village Board meeting or assign tasks to Village staff or other Village commissions or bodies.
 - (2) **Committee-of-the-Whole Purpose.** The role of the Committee-of-the-Whole is to:
 - a. Allow the entire membership of the Village Board, sitting in a deliberative rather than a legislative capacity, to engage in informal discussion and preliminary consideration of matters awaiting legislative action;
 - b. Provide an efficient means for the Village Board and staff to receive information and reports at the same time and engage in discussion in advance of a regular Village Board meeting;

- c. Engage in review of strategic planning and Village policies; and
- d. Permit business to be considered that requires a simultaneous, initial hearing by all Village Board members.
- (3) **Special Committees.** The Village President may appoint special committees as he/she deems advisable or as provided by the Village Board, with the purpose stated.
- (e) **Committee Reports.**
 - (1) **Authority.** All committees are subunits of the Village Board and perform no executive or administrative Village function other than as specifically authorized by ordinance or policy adopted by the Village Board.
 - (2) **Reports.** Each committee shall give the full Village Board at the next regular Board meeting a verbal or written report on all matters referred to it. Such report shall recommend a definite action on each item and shall be approved by a majority of the committee. Each committee report shall include the date, time, and place of the meeting and the members attending. Each such committee report, verbal or written, is deemed to be the product of the entire committee, whether any item therein is approved unanimously or not. Each such report should provide all necessary historical background to familiarize the Village Board with the issue.
 - (3) **Minority Reports.** If a committee member in a particular committee disagrees with the position taken by the committee on an issue, such member may address the Village Board with the minority position. The Village Board shall permit one (1) committee member supporting the majority position equal time to address the Board on such issue.
- (f) **Ambiguity of Committee Authority.** In case of ambiguity or apparent conflict between the preceding definition of committee authority and a definition, in these ordinances, of the authority of a Village officer, employee, committee, or association, the latter shall prevail.
- (g) **Cooperation of Village Officers.** All Village officers shall, upon request of the chairperson of any committee, confer with the committee and supply such information as the committee may request upon any pending matter.

Sec. 2-2-5 General Powers of the Village Board.

- (a) **General.** The Village Board shall be vested with all the powers of the Village not specifically given some other officer. Except as otherwise provided by law, the Village Board shall have the management and control of the Village property, finances, highways, streets, navigable waters and the public service, and shall have the power to act for the government and good order of the Village of Fall River, for its commercial benefit and for the health, safety, welfare and convenience of the public, and may carry its powers into effect by license, regulation, suppression, borrowing, taxation, special assessment, appropriation, fine, imprisonment and other necessary or convenient means. The powers hereby conferred shall be in addition to all other grants, limited only by express language.

- (b) **Acquisition and Disposal of Property.** The Village Board may acquire property, real or personal, within or without the Village, for parks, libraries, historic places, recreation, beautification, streets, waterworks, sewage or waste disposal, harbors, improvement of watercourses, public grounds, vehicle parking areas and for any other public purpose; may acquire real property within or contiguous to the Village, by means other than condemnation, for industrial sites; may improve and beautify the same; may construct, own, lease and maintain buildings on such property for instruction, recreation, amusement and other public purposes; and may sell and convey such property. Condemnation shall be as provided by the Wisconsin Statutes.
- (c) **Acquisition of Easements and Property Rights.** Confirming all powers granted to the Village Board and in furtherance thereof, the Village Board is expressly authorized to acquire by gift, purchase or condemnation under the Wisconsin Statutes, any and all property rights in lands or waters, including rights of access and use, negative or positive easements, restrictive covenants, covenants running with land, scenic easements and any rights for use of property of any nature whatsoever, however denominated, which may be lawfully acquired for the benefit of the public or for any public purpose, including the exercise of powers granted under Sections 61.35 and 62.23, Wis. Stats.; and may sell and convey such easements or property rights when no longer needed for public use or protection.
- (d) **Village Finances.** The Village Board may levy and provide for the collection of taxes and special assessments; may refund any tax or special assessment paid, or any part thereof, when satisfied that the same was unjust or illegal; and generally may manage the Village finances. The Village Board may loan money to any school district located within the Village or within which the Village is wholly or partially located 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 such Village accordingly and give its note therefor. No such loan shall be made to extend beyond August 30 next following the making thereof or in an amount exceeding one-half (1/2) 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 the Village of Fall River Code of Ordinances shall be liberally construed in favor of the rights, powers and privileges of villages to promote the general welfare, peace, good order and prosperity of the Village of Fall River and its inhabitants.

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

Sec. 2-2-6 Cooperation with Other Municipalities.

Per Sections 61.34(2) and 66.0301, Wis. Stats., the Village Board, on behalf of the Village of Fall River, 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.

Sec. 2-2-7 Internal Powers of the Village Board.

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

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

Sec. 2-2-8 Salaries.

The Village President and other Trustees who make up the Village Board, whether operating under general or special law, may by majority vote of all the members of the Village Board determine that a salary be paid the President, Trustees, and other Village officials. Salaries heretofore established shall so remain until changed by ordinance and shall not be increased or diminished during their terms of office. Board salaries shall be as prescribed in Section 1-3-1.

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

Sec. 2-2-9 Meetings.

- (a) **Regular Meetings.** Regular meetings of the Village Board shall be held on the second Wednesday of each calendar month at 6:00 p.m. unless otherwise designated. Any regular meeting falling on a legal holiday shall be held at another date designated by the Village Board at the same time and place. When the Village Board designates a date and time for the regular Board meeting, notice thereof shall be posted as required by Section 2-1-5 prior to such rescheduled meeting date. All meetings of the Village Board shall be held at the Fall River Municipal Building, unless specified otherwise in notices per Section 2-1-5 in and by written notice posted at the regular meeting place at least three (3) hours prior to any meeting. In any event, all Village Board meetings shall be held within the boundaries of the Village of Fall River, unless specifically otherwise noticed. A majority of Board members must consent to any change in the place of any meeting of the Village Board.

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

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

Sec. 2-2-10 Special Meetings.

- (a) **How Called.** Special meetings of the Village Board may be called by the Village President, or by two (2) Trustees filing a request with the Village Clerk-Treasurer at least twenty-four (24) hours prior to the time specified for such meeting. The Village President shall select the day/time for the special meeting and shall immediately have each Trustee notified of the time and purpose of such meeting. The notice shall be delivered or mailed to each Trustee personally or left at his/her usual place of abode a minimum of twenty-four (24) hours prior to the meeting time. However, an emergency meeting may be called with notice of a minimum of two (2) hours. The Village Clerk-Treasurer shall cause a record of such notice to be filed in his/her office prior to the time fixed for such special meeting. No business shall be transacted at a special meeting except for the purpose stated in the notice thereof. Notice to the public of special meetings shall conform to the open meeting requirements of Sec. 61.32 and Chapter 19, Subch. IV, Wis. Stats. The Village Clerk-Treasurer shall give notice immediately upon the call for such meeting being filed with him/her.
- (b) **Special Meeting Purpose; Private Parties to Pay Fee.** The request for any special meeting shall state the purpose for which the meeting is to be called and no business shall be transacted but that for which the meeting has been called. Individuals requesting a special meeting of the Village Board shall be required to pay a fee as prescribed in Section 1-3-1.

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

Sec 2-2-11 Open Meetings; Adjournment of Meetings.

- (a) **Open Meeting Law Compliance.** All meetings of the Village Board and subunits thereof shall be open to the public as provided in Subchapter IV of Chapter 19, Secs. 19.81 through 19.89, Wis. Stats. Public notice of all such meetings shall be given as provided in Sec. 19.84, Wis. Stats.

- (b) **Adjournment of Meetings.** An adjournment to a closed session may be only for a permitted purpose as enumerated in Sec. 19.85, Wis. Stats., and must meet the other requirements of said Sec. 19.85, Wis. Stats.
- (c) **Meetings to Be Open.** During the holding of any open session in the regular meeting room or in the substituted meeting room, said room and said meeting shall at all times be open and remain open to all citizens.
- (d) **Legally Permitted Closed Meetings.**
 - (1) **Pursuant to Statute.** The provisions of this Code of Ordinances do not prohibit the Village Board or any committee thereof from having a closed meeting ("executive meeting") which is legally convened and/or legally held in a room in said building other than the official meeting room or in some other building in the Village provided proper notice is given thereof pursuant to the Wisconsin Open Meeting Law.
 - (2) **Confidentiality.**
 - a. Village Board members shall keep confidential all written materials and verbal information provided to them during executive sessions, to ensure that the Village's position is not compromised. Confidentiality also includes information provided to members outside of executive sessions when the information is considered to be exempt from disclosure under the laws of the State of Wisconsin.
 - b. If the Village Board, after a lawful closed session, has provided direction or consensus to Village staff on proposed terms and conditions for any confidential or privileged issue, all contact with any other party shall be made by the designated Village representative handling the issue. Members should consult with the Village President and/or Village Attorney prior to discussing such information with anyone other than other Village Board members, the Village Attorney or designated Village staff. Any Village Board member or Village employee having any contact or discussion with any person other than those listed above on any such confidential or privileged issue shall make full disclosure to the Village Board in a timely manner.
- (e) **Photographs, Motion Pictures, Videotape—Permission Required for Artificial Illumination.** No photographs, motion pictures, or videotapes that require the use of flash bulbs, electronic flashes, flood lights, or similar artificial illumination shall be made at Village Board meetings without the consent of the Presiding Officer.

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

Sec. 2-2-12 Quorum.

- (a) **Quorum Determination.** A majority of the Trustees shall constitute a quorum, but a lesser number may adjourn or compel attendance of absent members if a majority is not present. The Village President shall be counted in computing a quorum.

- (b) **Quorum Not Present.** When the presiding officer shall have called the members to order, the Village Clerk-Treasurer shall record the attendance, noting who are present, and who are absent, and if, after having gone through with the call, it shall appear that a quorum is not present, the fact shall be entered in the minutes, and the members present may adjourn to a later date in the month; if they do not establish the next meeting date, the Village Board shall stand adjourned to the time appointed for the next regular meeting unless a special meeting is called sooner.

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

Sec. 2-2-13 Presiding Officers.

- (a) **The Village President Shall Preside.** Village President shall preside over meetings of the Village Board. In the absence of the Village President, the President Pro Tem shall preside over meetings of the Village Board. In case of absence of the Village President, and President Pro Tem, the Village Clerk-Treasurer shall call the meeting to order and the Trustees present shall elect one of their number acting President.
- (b) **Temporary Presiding Officer.** The Village Board shall elect one of its members to preside over meetings of the Village Board in the absence of the Village President.
- (c) **Duties.**
- (1) It shall be the duty of the Presiding Officer to:
 - a. Call the meeting to order.
 - b. Keep the meeting to its order of business.
 - c. Control discussion in an orderly manner:
 1. Every Village Board member who wishes an opportunity to speak must be recognized by the presiding officer.
 2. Permit audience participation at the appropriate times.
 3. Require all speakers to state their name and address for the record, speak to the question, and observe the rules of order.
 - d. State each motion before it is discussed and before it is voted upon.
 - e. Put motions to a vote and announce the outcome.
 - (2) In the event of a dispute regarding Board procedures, the matter shall be decided in accordance with the parliamentary rules contained in *Robert's Rules of Order*, unless otherwise provided by statute or by these rules. Any member shall have the right to appeal from a decision of the presiding officer. Such appeal is not debatable and must be sustained by a majority vote of the members present excluding the presiding officer.

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

Sec. 2-2-14 Meeting Agendas; Order of Business; Public Hearings.

(a) **Agenda.**

- (1) The order of business at all regular or special meetings shall be according to the agenda prepared by the Village Clerk-Treasurer. All matters to be presented at a Village Board meeting shall be filed with the Village Clerk-Treasurer, or his/her deputy, no later than 12:00 noon on the Friday preceding the scheduled regular Village Board meeting to enable the Village Clerk-Treasurer to prepare the agenda and all attachments and distribute the same to the Village Board. Matters filed after 12:00 noon on the Friday preceding the Village Board meeting will not be placed upon the agenda. The Village President may waive the filing deadline for emergency cause shown.
- (2) A submitting department shall include copies of all material necessary to consider the agenda item.
- (3) The Village President shall advise the Village Clerk-Treasurer whether to include an item on the agenda, except that the Trustees calling a special meeting shall decide which items shall be first considered at such special meeting.
- (4) The Village Clerk-Treasurer shall afford the Trustees maximum reasonable notice of agenda items as each situation allows.

(b) **Order of Business.** Generally, the following order may be observed in the conduct of all regular Village Board meetings:

- (1) Call to order.
- (2) Roll call.
- (3) Approval of minutes, and any corrections, of preceding regular and special meetings.
- (4) Public input.
- (5) Unfinished business.
- (6) New business, including the introduction of Ordinances and Resolutions.
- (7) Committee reports.
- (8) Reports of Village officers.
- (9) Communications and miscellaneous business as permitted by law.
- (10) Adjournment.

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

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

- (1) No discussion allowed from visitors during the course of the meeting unless requested by the Village Board.
- (2) At the appropriate time, each visitor can be recognized and allowed to speak for no more than five (5) minutes.

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- (3) If a speaker purports to speak for an organization, club or others so as to lead the Village Board to believe that a number of persons support a position, then such person shall state how that position was developed by the group.
- (e) **Procedure at Noticed Public Hearings.**
- (1) After opening the public hearing, the presiding officer shall then call on those persons who wish to speak for the proposition. Each person wishing to speak for the proposition shall give his or her name and address.
 - (2) Each person speaking on behalf of the proposition shall be limited in time to not more than five (5) minutes. The presiding officer may allow for additional time.
 - (3) The presiding officer shall then call on those persons who wish to oppose the proposition.
 - (4) Each such person wishing to speak in opposition to the proposition shall give his or her name and address and shall also be limited to five (5) minutes.
 - (5) Any person wishing to speak in rebuttal to any statements made may, with the permission of the presiding officer, do so, provided, however, such rebuttal statement shall be limited to three (3) minutes by any one (1) individual.
 - (6) If a speaker purports to speak for an organization, club or others so as to lead the Village Board to believe that a number of persons support a position, then such person shall state how that position was developed by the group.
 - (7) When the presiding officer in his/her discretion is satisfied that the proposition has been heard, he/she shall announce the fact that the hearing is concluded.
- (f) **Procedures During Agenda Public Input.** The Fall River Village Board welcomes public input. Citizens may address the Board at regularly scheduled Village Board meetings during the "Public Input" period listed on the agenda. Speakers are asked to keep the following guidelines in mind:
- (1) Individuals wishing to speak must register their intention to do so by signing up prior to the start of the meeting.
 - (2) Any supporting materials may be submitted to the Village Clerk-Treasurer prior to the meeting for distribution to Village Board members.
 - (3) Each speaker is allowed a maximum of two (2) minutes to address the Village Board. Additional time may be granted by consent of the majority of the Village Board.
 - (4) A maximum of twenty (20) minutes will be allowed for public input per meeting. Additional time may be granted by consent of the majority of the Village Board.
 - (5) Speakers will be taken in the order of signatures on the sign-up sheet.
 - (6) The presiding officer may impose reasonable limitations on citizen's participation such as barring or restricting repetitious, irrelevant, immaterial or inappropriate comments or testimony.
 - (7) Profane, vulgar, or threatening language will not be tolerated.
 - (8) No action can be taken by the Village Board on items discussed during the Public Input period of the agenda.
- (g) **Submittal of Written Comments.** If comments are provided in writing, they may be submitted to the Village Board on matters which the Village Board is considering at its meeting. It is encouraged that such written comments be filed with the Village Clerk-

Treasurer by noon of the Friday preceding the regular meeting. If written comments are given at the meeting, the presenter should provide copies for the Village Board and staff.

Sec. 2-2-15 Introduction of Business; Resolutions and Ordinances; Disposition of Communications.

(a) Definitions—Ordinances, Resolutions and Motions.

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

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

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

(c) Subject and Numbering of Ordinances. Each ordinance shall be related to no more than one (1) subject. Amendment or repeal of ordinances shall only be accomplished if the

amending or repealing ordinance contains the number and title of the ordinance to be amended or repealed, and title of amending and repealing ordinances shall reflect their purpose to amend or repeal.

- (d) **Notice.** The Village Board may take action on an ordinance only if it appears on the written agenda for the meeting at which action is requested.
- (e) **Effective Date.** Unless otherwise provided, all ordinances shall take effect and be in force from and after passage and publication and/or legal posting; and published copies thereof shall have appended the date of first publication and/or legal posting.
- (f) **Disposition of Petitions, Communication, Etc.** Every petition or other correspondence from citizens addressed to the Village Board or to the Village Clerk-Treasurer or other Village officer for reference to the Village Board, shall be delivered by such other Village officer to the Village President or to the presiding officer of the Board as soon as convenient after receipt of same, and in any event, prior to or at the opening of the next meeting of the Village Board following the receipt of same. Every such petition, or other writing, and every paper, communication or other proceeding which shall come before the Board for action, may be referred by the Village President or presiding officer to the appropriate committee or commission, unless objected to by some member of the Village Board.
- (g) **Reference and Reports.** The presiding officer may refer new business coming to the Board to an appropriate Board committee unless otherwise referred or acted upon by the Village Board. All referrals, unless otherwise provided for in the referral, shall be reported on at the next regular Village Board meeting. Village Board motions based upon committee or commission action is permissible only on items specifically on the agenda.

Sec. 2-2-16 Publication and Effect of Ordinances.

- (a) All ordinances adopted by the Village Board shall, at the discretion and direction of the Village Board, be published in a newspaper of general circulation for the Village of Fall River as a Class 1 Notice under Chapter 985, Wis. Stats., when required by state law or be legally posted in the Village of Fall River as prescribed in Section 2-1-5.
- (b) Notwithstanding any provision herein, if any ordinance adopted by the Village Board for the Village of Fall River contains any penalty or forfeiture said ordinance shall be published as a Class 1 Notice under Chapter 985, Wis. Stats., or be legally posted.
- (c) If an ordinance resolution, motion or other action is legally posted under this Section, the Village Clerk-Treasurer shall sign an affidavit attesting that the item was posted as required by this Section and stating the date and place of posting. The affidavit shall be filed with other records under the jurisdiction of the Village Clerk-Treasurer.
- (d) All ordinances shall take effect and be in force from and after passage and publication/posting thereof, unless otherwise provided.

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

Cross-Reference: Section 2-1-5.

Sec. 2-2-17 Conduct of Deliberations.

- (a) **Attendance Roll Call.** When the Presiding Officer shall have called the members to order, the Village Clerk-Treasurer shall proceed to call the roll in rotating order, noting who are present, and who are absent. If, after having gone through the call, it shall appear that a quorum is not present, the fact shall be entered in the minutes, and the members present may adjourn to a later date in the month. If they do not, the Village Board shall stand adjourned to the time appointed for the next regular meeting unless a special meeting is called sooner.
- (b) **Roll Call Votes.** A roll call shall not be necessary on any questions or motions except as follows:
 - (1) When the ayes and noes are requested by any member.
 - (2) When required by the state statutes of Wisconsin.
- (c) **Record of Votes.** All aye and nay votes shall be recorded in the official minutes. The ayes and nays shall be ordered upon any question at the request of any member of the Village Board. Any Trustee may demand a vote on any matter. The Village Clerk-Treasurer shall call for the ayes and noes on roll call votes in continuous rotation, beginning each roll call one (1) name further down the roster of Trustees. The Village Clerk-Treasurer shall record the ayes and noes on each vote.
- (d) **Parliamentary Procedure.** Except as provided below, the presiding officer, in the event of a dispute regarding procedure, shall in all other respects determine the rules of its procedure, which shall be governed by *Robert's Rules of Order, Revised (1984)*, which is hereby incorporated by reference, unless otherwise provided by ordinance or Statute.
- (e) **Motions Stated.** Prior to any debate on a matter, the members of the Village Board shall be entitled to a clear understanding of the motion before the Village Board. The person making the motion shall clearly state the motion. There shall be a second to any motion prior to any debate or discussion of the motion. The presiding officer may, if felt necessary, restate the motion prior to any debate and discussion. Any member of the Village Board, prior to a vote on the motion, may request that the motion and any amendments adopted to the motion be reduced to writing and submitted in writing to the members of the Village Board prior to the final vote on the matter.
- (f) **Change of Vote.** No member of the Village Board may change his or her vote on any action item, business item, motion or question after the final result has been announced.
- (g) **Motions With Preference.** During any meeting of the Village Board certain motions will have preference. In order of precedence they are;
 - (1) **Motion to Adjourn.** This motion can be made at any time and has first precedence. This is a non-debatable motion.
 - (2) **Motion to Lay on the Table.** This motion may be made when the subject matter appropriate for tabling is to be debated or discussed. This motion is a non-debatable motion.

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- (3) **Motion to Call Previous Question.** This motion may be made at any time after the debate or discussion commences related to an action item, business item, motion or question that is properly before the Village Board. This motion is a non-debatable motion. This motion, if adopted, ends the debate and discussion at the meeting on the action item, business item, motion or question. The motion, if adopted, brings the Village Board to a direct vote with the first vote on any amendments, if any, and then to the main action item, business item, motion or question.
 - (4) **Motion to Postpone to a Date Certain.** This motion may be made at any time after the debate and discussion commences on an action item, business item, motion or question that is properly before the Village Board. This motion is debatable. This motion, if adopted, ends the debate and discussion at the meeting on the action item, business item, motion or question. This motion must establish a date and time certain when the debate and discussion before the Village Board will continue. The date and time established must be on a date and time for a regularly scheduled or special meeting of the Village Board.
 - (5) **Motion to a Committee.** This motion may be made at any time after the debate and discussion commences on an action item, business item, motion or question that is properly before the Village Board. The motion is debatable. This motion, if adopted, ends the debate and discussion at the meeting on the action item, business item, motion or question. This motion, if adopted, forwards the action item, business item, motion or question to a committee for further review and discussion. The committee must be a committee of the Village Board.
 - (6) **Motion to Amend or Divide the Question.** This motion may be made at any time after debate and discussion commences on the action item, business item, motion or question properly before the Village Board. The motion is debatable. This motion, if adopted, divides the main action item, main business item, main motion or main question pursuant to the method described and adopted in the motion to divide.
 - (7) **Motion to Postpone Indefinitely.** This motion may be made at any time after debate and discussion commences on the action item, business item, motion or question properly before the Village Board. This motion is debatable. This motion, if adopted, ends the debate and discussion at the meeting on the action item, business item, motion or question.
 - (8) **Motion to Introduce a Matter Related to the Action Item, Business Item, Motion or Question.** This motion may be made at any time after the debate and discussion properly before the Village Board. This motion is debatable. This motion, if adopted, expands or adds to the debate and discussion new items related to the main action item, main business item, main motion or main question pursuant to the method described and approved in the motion to introduce a matter related.
- (h) **Public Directory Votes.** No member of the Village Board shall request, at a meeting of the Village Board, a vote from the general public unless the proposed vote of the general

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public is so noted by the presiding officer of the meeting as strictly an advisory vote to the Village Board. Any vote taken by the general public at a meeting of the Village Board shall be considered by the Village Board only as an advisory vote and shall not be considered as a directory vote.

- (i) **Compelling Votes; Abstentions.** No member may be compelled to vote. When a member abstains from voting, the effect is the same as if the member voted on the prevailing side. The "prevailing side" is defined as the votes accumulated which resulted in carrying or defeating a question. In case of a tie vote (not including the abstention), the abstaining vote is considered a "naye." In case of a vote requiring approval by more than a simple majority, an abstaining vote is considered an "aye." (See also Section 2-5-7 on conflicts of interest).
- (j) **Majority Vote.**
 - (1) Unless a larger number is required by statute, ordinance or bylaw, a majority vote of those present at a legally constituted meeting is necessary to carry a question.
 - (2) In the case of a tie vote on any motion, the motion shall be considered lost.
- (k) **Staff Input.** During regular or special meetings of the Village Board, the presiding officer may call for a staff report on business items as the agenda is considered and before a motion is entertained by the presiding officer. Once a motion is pending, debate is limited to Village Board members; additional staff input will be limited to providing clarification on issues if requested by a Village Board member.

Sec. 2-2-18 Reconsideration of Questions.

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

Sec. 2-2-19 Disturbances and Disorderly Conduct.

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

Sec. 2-2-20 Amendment of Rules.

The rules of Sections 2-2-14 and 2-2-17 through 2-2-19 above shall not be rescinded or amended unless the proposed amendment or motion to rescind has laid over from a regular meeting, and then it shall require a vote of two-thirds (2/3) of all the members of the Village Board.

Sec. 2-2-21 Suspension of Rules.

- (a) The rules of Sections 2-2-14 and 2-2-17 through 2-2-19 shall not be suspended except by a two-thirds (2/3) vote of all the members of the Village Board.
- (b) These rules of procedure in Sections 2-2-14 and 2-2-17 through 2-2-19 are adopted for the sole benefit of the members of the Village Board to assist in the orderly conduct of Village Board business. These rules of procedure do not grant rights or privileges to members of the public or third parties. Failure of the Village Board to adhere to these rules shall not result in any liability to the Village, its officers, agents, and employees, nor shall failure to adhere to these rules result in invalidation of any Village Board act.

Title 2 ► Chapter 3

Municipal Officers and Employees

2-3-1	General Provisions
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2-3-16	Removal from Office
2-3-17	Custody of Official Property
2-3-18	Official Bonds; Officers Not to Be Sureties

Sec. 2-3-1 General Provisions.

- (a) **General Powers.** Officers shall have generally the powers and duties prescribed for like officers of towns and villages, except as otherwise provided, and such powers and duties as are prescribed by law and except as to the Village President, shall perform such duties as shall be required of him/her by the Village Board. Officers whose powers and duties are not enumerated in Chapter 61, Wis. Stats., shall have such powers and duties as are prescribed by law for like officers or as are directed by the Village Board.
- (b) **Rules.** All officers and departments may make the necessary rules for the conduct of their duties and incidental proceedings, subject to prior approval by the Village Board.
- (c) **Applicability of Ethics Statutes.** The general laws for the punishment of bribery, misdemeanors and corruption in office shall apply to Village of Fall River officers.

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

Sec. 2-3-2 Appointed Officials.

- (a) **Appointment.** The Village officials hereinafter set forth shall be appointed by the Village President, subject to confirmation by a majority vote of the Village Board or as otherwise prescribed, and one (1) or more of said offices may be held by the same person. Persons appointed to perform the duties of the following offices shall hold office for an indefinite term, subject to removal as provided by Sec. 17.12(1)(c) and (d), Wis. Stats.:

Official	How Appointed	Term
Building Inspector	Village Board	By Contract
Attorney	Village Board	Pleasure of Board
Engineer (Consulting)	Village Board	Pleasure of Board
Weed Commissioner	Village Board	One Year
Assessor	Village Board by two-thirds vote of the Village Board	By Contract
Director of Public Works	Village Board	Indefinite
Clerk-Treasurer	Village Board, by two-thirds vote of Village Board	Indefinite
Chief of Police	Village Board	Indefinite

(b) **Confirmation; Compensation.**

- (1) All confirmation votes by the Village Board shall be by simple majority vote, except that in the case of the offices of Clerk-Treasurer and Assessor, a confirmation vote by two-thirds (2/3) of the Village Board members is required.
- (2) The Village President shall not vote on the confirmation of such appointments, except in case of a tie. Compensation shall be as determined by the Village Board.

Sec. 2-3-3 Village Clerk-Treasurer.

- (a) **Consolidated Offices.** Pursuant to Sections 61.195, 61.197 and 66.0101, Wis. Stats., the Village of Fall River hereby elects not to be governed by those portions of Sections 61.19, 61.25 and 61.26, Wis. Stats., which relate to the selection and tenure of the Clerk and Treasurer, and which are in conflict with this Section. The offices of Village Clerk and Village Treasurer are hereby consolidated and the duties of both offices shall be performed by the person appointed as Village Clerk-Treasurer by the Village President subject to confirmation by the Village Board (Charter Ordinance).
- (b) **Term.** The Village Clerk-Treasurer shall be appointed by a two-thirds vote of the Village Board and shall hold office for an indefinite term, subject to removal as provided in Sec. 17.13, Wis. Stats.
- (c) **Audits.** Annual audits may be made of the records of the Clerk-Treasurer with the audit to be made by a certified public accountant.
- (d) **Duties as Clerk.** In his/her capacity as Village Clerk, the Village Clerk-Treasurer shall be responsible for performing those duties required by the Wisconsin Statutes and for the following additional duties:
- (1) Perform all election duties as required by Wisconsin Statute and keep and maintain all election records and all property used in conjunction with holding of elections;
 - (2) Publish all legal notices unless otherwise provided; file and preserve all contracts, bonds, oaths of office and other documents not required to be filed elsewhere;
 - (3) Issue all licenses required by ordinance or statute except as otherwise provided;
 - (4) Attend meetings, take minutes and maintain files for the Village Board, and such other official boards and commissions as may be directed;
 - (5) Maintain a file on all Village records, ordinances, resolutions and vouchers;
 - (6) Type and distribute reports for the Village Board and for federal and state agencies;
 - (7) Audit and obtain approval on claims charged against the Village;
 - (8) Assist the Assessor in maintaining property assessment records;
 - (9) Administer oaths and affirmations;
 - (10) Issue licenses to various vendors in the Village;
 - (11) Develop and implement improved internal control and financial reporting procedures as necessary or as requested;
 - (12) File financial and other reports with various state agencies;

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- (13) File insurance claims on behalf of the Village;
 - (14) Locate suppliers of goods or services and obtain quotes;
 - (15) Advertise for bids, receive them and summarize the results;
 - (16) Identify and evaluate ideas to achieve more efficient and effective operation;
 - (17) Coordinate, supervise and conduct elections;
 - (18) Confer with Village President, department heads and Village Board committees about projects and problems;
 - (19) Maintain personnel files under the direction of the Village Board.
- (e) **Duties as Treasurer.** In his/her capacity as Village Treasurer, the Village Clerk-Treasurer shall be responsible for performing those duties required by the Wisconsin Statutes and for the following additional duties:
- (1) Prepare the tax roll and tax notices required by the State of Wisconsin;
 - (2) Prepare financial and bank statement;
 - (3) Maintain fiscal records for the Village;
 - (4) Make reports to the State on assessments;
 - (5) Prepare and send invoices for services provided by municipal utilities.
 - (6) Perform record keeping, billing, collections, banking, investments, accounting and financial reporting of all Village operations, including utilities;
 - (7) Collect all taxes for the Village and other taxing bodies;
 - (8) Invest idle funds for maximum interest earnings;
 - (9) Prepare monthly financial report;
 - (10) Maintain payroll records and prepare payroll checks from approved employee time sheets;
 - (11) Prepare check vouchers for payment of approved claims for signature;
- (f) **Duties Prescribed by Law.** The Village Clerk-Treasurer shall perform such other duties as are prescribed by State Statutes, Village ordinances, and by order of the Village Board. The Village Clerk-Treasurer generally shall perform, under direction of the Village President or other presiding officer of the Village Board, all duties pertaining to his/her office of Clerk-Treasurer, and shall be responsible for all the official acts of assistants.
- (g) **Bond.** The Village Clerk-Treasurer shall execute to the Village a surety company fidelity bond in an amount determined by the Village Board.

Sec. 2-3-4 Deputy Clerk-Treasurer.

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

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

Sec. 2-3-5 Village Attorney.

- (a) **Appointment.** The Village Attorney is an appointed position. The Village Attorney shall be appointed pursuant to Section 2-3-2, except the Village Attorney shall serve at the pleasure of the Village Board.
- (b) **Duties.** The Village Attorney shall have the following duties:
 - (1) The Village Attorney shall conduct all of the legal business in which the Village of Fall River is interested, except as provided in Subsection (b)(5) below.
 - (2) The Village Attorney shall, when requested by Village officers, give written legal opinions, which shall be filed with the Village of Fall River.
 - (3) The Village Attorney shall draft ordinances, bonds, contracts and other legal instruments as may be required by Village officers.
 - (4) The Village Attorney may appoint an assistant, who shall have power to perform his/her duties and for whose acts he/she shall be responsible to the Village. Such assistant shall receive no separate compensation from the Village, unless previously provided by ordinance or agreement.
 - (5) The Village Board may employ and compensate special counsel to assist in or take charge of any matter in which the Village is interested (i.e. codification).
 - (6) The Village Attorney shall perform such other duties as provided by State law and as designated by the Village Board.

Sec. 2-3-6 Chief of Police.

- (a) **Appointment.** The Chief of Police shall be appointed pursuant to Section 2-3-2. The Chief shall exercise the powers and duties of the Village marshals and Village constables and any other powers and duties as provided from time to time by the Village Board.
- (b) **General Duties.**
 - (1) The Chief of Police shall have command of the Police Department. The Chief of Police shall have general administration and control of the Department and shall be responsible for the Department's government, efficiency and general good conduct. The Chief of Police shall perform all duties prescribed to him/her by the laws of the State and the Ordinances of the Village of Fall River and shall obey all lawful written orders of the Village Board or appropriate Committee thereof.
 - (2) The Chief of Police shall cause the public peace to be preserved and may arrest and with reasonable diligence take before the proper court every person found in the Village engaged in any disturbance of the peace or violating any law of the State or Ordinance of the Village of Fall River. The Chief of Police shall cooperate with other law enforcement officers in the arrest or apprehension of person charged with crime.
 - (3) The Chief of Police shall see that all laws and ordinances of the Village and State are enforced. Whenever any violation thereof shall come to the Chief of Police's

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- knowledge, he/she shall cause the requisite complaint to be made and see that the evidence is procured for the successful prosecution of the offender or offenders.
- (4) The Chief of Police shall exercise supervisory control over all the personnel of his/her department and may adopt, subject to the approval of the Village Board, rules and regulations for the government, discipline, equipment and uniforms of the police officers.
 - (5) The Chief of Police shall be solely responsible for the care and condition of the equipment used by his/her Department. The Chief of Police shall keep an accurate and complete record of all complaints, arrests, traffic violations, convictions and dispositions of the Department.
 - (6) Subject to there being a Village Board-approved position and budget authorization, the Chief of Police shall select officers for full-time positions, subject to Village Board approval. Part-time officer positions shall be filled exclusively by the Chief of Police.

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

Sec. 2-3-7 Fire Chief.

- (a) **Appointment.** The Fire Chief shall assume office pursuant to the bylaws of the Fall River Community Fire District. The Fire Chief shall be the Village Fire Inspector by virtue of his/her office; the Fire Chief may delegate such duties.
- (b) **Powers and Duties.**
 - (1) The Fire Chief shall have general supervision of the Fall River Community Fire Department ("Department"), subject to this Chapter and the bylaws of the Department and shall be responsible for the personnel and general efficiency of the Fall River Community Fire Department.
 - (2) The Fire Chief shall enforce all fire prevention ordinances of this Village and state laws and regulations pertaining to fire prevention and shall keep citizens informed on fire prevention methods and on the activities of the Department.

Cross-Reference: Title 5, Chapter 2.

Sec. 2-3-8 Weed Commissioner.

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

one year. The Weed Commissioner shall hold office pursuant to and fulfill the duties set out in state law. The duties of Weed Commissioner may be assigned to another Village employee.

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

Sec. 2-3-9 Director of Public Works.

- (a) **Appointment.** The Director of Public Works shall be appointed pursuant to Section 2-3-2. Generally, the Director of Public Works shall maintain, service, inspect and/or repair all Village public works equipment, and property including street equipment, streets and street right-of-way, Village parks, Village buildings and other items as determined by the Village Board.
- (b) **Duties and Powers.** The Director of Public Works shall have the following duties and powers:
- (1) **General Duties.**
 - a. He/she shall have general charge and supervision of certain public works in the Village, including Village sewer and water utilities.
 - b. He/she shall be responsible for the maintenance, repair and construction of parks, streets, alleys, curbs and gutters, sidewalks, bridges, street signs, Village buildings and structures and all related machinery, equipment and property used in such activity.
 - c. He/she shall have charge of certain public services, including snow and ice removal, street cleaning, flushing, water services, and street maintenance.
 - d. He/she shall perform such other activities and duties, as are imposed upon him/her from time to time by the Village Board, his/her job description or employment contract.
 - (2) **Maintain, Clean and Repair Streets and Roads.** The Director of Public Works shall:
 - a. Plow and remove snow as needed.
 - b. Clean and sweep streets.
 - c. Repair streets and roads with proper materials as needed.
 - d. Mow grass as needed.
 - e. Assess street repair and replacement needs as directed by the Board.
 - (3) **Maintain Village Buildings and Equipment.** The Director of Public Works shall:
 - a. Clean, maintain, paint and service Village buildings as needed and as directed by the Village Board or designee.
 - b. Keep buildings in safe condition to meet all state and local building and safety code requirements.
 - c. Maintain and service Village vehicles and machinery as needed and as directed by the Village Board or designee.

Sec. 2-3-10 Assessor.

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

Cross-Reference: Section 3-3-6(e), Confidentiality of Assessor's Records.

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

Sec. 2-3-11 Building Inspector; Plumbing Inspector; Heating, Ventilating and Air Conditioning Inspector; Electrical Inspector.

- (a) **Appointment.**
 - (1) Inspectors shall be appointed pursuant to Section 2-3-2. The Village of Fall River may select the services of an inspection firm or independent contractor.
 - (2) Each inspector shall:
 - a. Possess such executive ability as is requisite for the performance of his/her duties and shall have a thorough knowledge of the standard materials and methods used in the installation of equipment in his/her area of responsibility;
 - b. Be well versed in approved methods of construction for safety to persons and property, the Wisconsin Statutes relating to work in his/her area of responsibility, and any orders, rules and regulations issued by authority thereof;

- c. Have sufficient experience in the installation of equipment to enable him/her to understand and apply the appropriate codes adopted by the Village of Fall River; and
 - d. Be certified in his/her area of inspection responsibilities.
- (b) **Authority to Enter Premises; Appeals.**
 - (1) In the discharge of their respective duties, each Inspector under this Section or his/her authorized agent may enter any building, upon presentation of the proper credentials, during reasonable hours for the purpose of inspection and may require the production of any permit or license required hereunder. No person shall interfere with the Inspector or his/her authorized agent while in the performance of his duties; and any person so interfering shall be in violation of this Section and subject to a penalty as provided by Section 1-1-6.
 - (2) If consent to entry to personal or real properties which are not public buildings or to portions of public buildings which are not open to the public for inspection purposes has been denied, the Inspector shall obtain a special inspection warrant under Sec. 66.0119, Wis. Stats.
 - (3) Any person feeling himself/herself aggrieved by any order or ruling of an Inspector may, within twenty (20) days thereafter, appeal from such order or ruling to the Board of Appeals, as established in the Zoning Code, such an appeal to be in writing.
- (c) **Duties and Authority.** The Building Inspector shall have such responsibilities as are prescribed in this Section and Title 15 of this Code of Ordinances.
- (d) **Stop Work Orders and Revocations.** The Building Inspector may order construction, installation, alteration or repair work stopped when such work is being done in violation of this Code of Ordinances. Work so stopped shall not be resumed, except with written permission of the Inspector, provided if the stop work order is an oral one it shall be followed by a written order within a reasonable period of time.
- (e) **Conflict of Interest.** No Inspector shall inspect any construction work in the Village of Fall River in which the Inspector has a personal or financial interest either direct or indirect.

Sec. 2-3-12 Joint Municipal Court; Municipal Judge.

- (a) **Joint Municipal Court Established.** Pursuant to Chapter 755, Wis. Stats., there is hereby created and established a Joint Municipal Court designated "Joint Municipal Court for the Village of Arlington, the Village of Cambria, the Village of Fall River, the City of Lodi, the Town of Lodi, the Village of Pardeeville, the Village of Poynette, the Village of Randolph, the Village of Rio, or the Village of Wyocena" (hereinafter known as the "Joint Municipal Court" or "Eastern Columbia County Joint Municipal Court") presided over by a Municipal Judge.

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- (b) **Municipal Court Committee; Composition.** The Municipal Court Committee shall be comprised of one (1) representative of each Member Municipality who shall be appointed by the Mayor, Village President or Chairperson of the Member Municipality, subject to confirmation by the respective governing body. Each Member Municipality may appoint an alternative representative who shall act of Committee matters in the absence of the regular representative.
- (c) **Creation and Qualifications of the Position of Municipal Judge.**
 - (1) **Qualifications of Office.** Pursuant to Chapter 755, Wis. Stats., the office of Municipal Judge is hereby created. Eligibility for the office of Municipal Judge shall be as follows: To be eligible for the office of Municipal Judge a person must be a qualified elector in either the Village of Arlington, or the Village of Cambria, or the Village of Fall River, or the City of Lodi, or the Town of Lodi, or the Village of Pardeeville, or the Village of Poynette, or the Village of Randolph, or the Village of Rio, or the Village of Wyocena.
 - (2) **Election and Term of Municipal Judge.** The appointed Municipal Judge must run for election at large the following spring election for a two (2) year term, commencing on May 1st succeeding his/her election. Electors of the Village of Arlington, and the Village of Cambria, and the Village of Fall River, and the City of Lodi, and the Town of Lodi, and the Village of Pardeeville, and the Village of Poynette, and the Village of Randolph, and the Village of Rio, and the Village of Wycena, shall be eligible to vote for the Municipal Judge of the Eastern Columbia County Joint Municipal Court.
 - (3) **Creation of the Position of Municipal Court Clerk.** Pursuant to Chapter 755, Wis. Stats., the office of the Clerk of the Municipal Court is hereby created. Said Clerk shall take the position upon hire by the Municipal Court Committee and written appointment by the Municipal Judge. Training and compensation of said Clerk shall be as determined by the governing bodies of member municipalities.
 - (4) **Salary of Municipal Judge.** The Municipal Judge shall receive a fixed salary and Municipal Judge's training pursuant to Sec. 755.18, Wis. Stats., the salary to be determined by the governing bodies of the Member Municipalities, subject to Sec. 755.04, Wis. Stats., which shall be in lieu of fees and costs. The salary shall be paid quarterly. No salary shall be paid to the Municipal Judge for any time during his/her term for which he/she has not executed and filed the official bond and oath required under Subsection (c)(5) below.
 - (5) **Bond and Oath of Municipal Judge.** The Municipal Judge shall, after election or appointment to fill a vacancy, take and file the Official Oath as prescribed in Sec. 757.02(1), Wis. Stats., pursuant to Sec. 755.03, Wis. Stats., with the Clerk of Circuit Court for Columbia Court, and at the same time shall execute and file an official bond.
 - (6) **Bond and Oath of Municipal Court Clerk.** The Municipal Court Clerk shall, before entering upon the duties of the office, take and file the official oath as prescribed in

Sec. 19.01, Wis. Stats., with the designated municipal clerk and at the same time, shall execute and file an official bond. The designated municipal clerk shall provide file copies to the other seven (7) communities.

- (d) **Jurisdiction of Municipal Judge.** The Municipal Judge shall have jurisdiction as provided by the Wisconsin Statutes and Laws of the State of Wisconsin and pursuant to Sec. 755.045, Wis. Stats.
- (e) **Procedures of the Joint Municipal Court.**
 - (1) **Location; Time.** The Joint Municipal Court's location and time shall be determined by order of the Municipal Judge.
 - (2) **Court Procedures.** The procedures in the Joint Municipal Court shall be as provided by the Statutes and Laws of the State of Wisconsin.
 - (3) **Deposits of Monies Received.** The Municipal Court Clerk, or his/her designee, shall make daily deposits of all forfeitures, fees, penalties, assessments and costs collected in any action or proceeding before the Joint Municipal Court. These deposits shall be made to a designated bank account as determined by the Joint Municipal Court Committee.
- (f) **Contempt in Municipal Court.** The Municipal Judge may impose a sanction as authorized under Sec. 800.12(2), Wis. Stats., for Contempt of Court as defined in Sec. 785.01(1), Wis. Stats., in accordance with the procedures under Sec. 785.01(1), Wis. Stats.
- (g) **Intergovernmental Agreement.** Each city or village shall enter into an intergovernmental agreement for the operation of the Joint Municipal Court with the other members of the Eastern Columbia County Municipal Court upon mutually agreeable terms.

State Law References: Chs. 755, 785 and 800, Wis. Stats.

Sec. 2-3-13 Eligibility for Office.

- (a) **Resident Elector.** No person shall be elected by the people to a Village office, who is not at the time of his/her election, a citizen of the United States and of this State, and an elector of the Village of Fall River, and in case of a ward office, of the ward, and actually residing therein.
- (b) **Ineligible Appointee.** An appointee by the Village President, requiring 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 (1) year thereafter.

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

Sec. 2-3-14 Oaths of Office.

- (a) **Oath of Office.** Every officer of the Village of Fall River, including members of Village boards and commissions, shall, before entering upon his/her duties and within five (5) days of his/her election or appointment or notice thereof, take the oath of office prescribed by

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law and file such oath in the office of the Village Clerk-Treasurer. Any person reelected or reappointed to the same office shall take and file an official oath for each term of service.

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

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

Sec. 2-3-15 Vacancies.

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

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

Sec. 2-3-16 Removal from Office.

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

Annotation: 62 Atty. Gen. Op. 97.

Sec. 2-3-17 Custody of Official Property.

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

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

Sec. 2-3-18 Official Bonds; Officers Not to Be Sureties.

Every officer shall, if required by law or the Village Board, upon entering upon the duties of his/her office, 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/her office. Official bonds shall be filed with the office of the Village Clerk-Treasurer. Any person re-elected or re-appointed to the same office shall take and file an official bond for each term of service.

State Law Reference: Sec. 61.22, Wis. Stats.

VILLAGE OF FALL RIVER EMPLOYEE GRIEVANCE POLICY

- (a) **Discipline.** Discipline may result when an employee's actions do not conform with generally accepted standards of good behavior, when an employee violates a policy or rule, when an employee's performance is not acceptable, or when the employee's conduct is detrimental to the interests of the Village of Fall River. Disciplinary action may call for any of four (4) steps – verbal warning, written warning, suspension (with or without pay) or termination of employment – depending on the problem and the number of occurrences. There may be circumstances when one (1) or more steps are bypassed. Certain types of employee problems are serious enough to justify either a suspension or termination of employment without going through progressive discipline steps. The Village of Fall River reserves the right, in its sole discretion, to impose disciplinary action as may be appropriate to the particular circumstances.
- (b) **Grievances.** This policy is intended to comply with Section 66.0509, Wis. Stats., and provides a grievance procedure addressing issues concerning workplace safety, discipline and termination. This policy applies to all employees covered under Section 66.0509, Wis. Stats., other than police and fire employees subject to Section 62.13(5), Wis. Stats. An employee may appeal any level of discipline under this grievance procedure. For purposes of this policy, "workplace safety" is defined as conditions of employment affecting an employee's physical health or safety, the safe operation of workplace equipment and tools, safety of the physical work environment, personal protective equipment, workplace violence, and training related to the same. Employees should first discuss complaints or questions with their immediate supervisor. Every reasonable effort should be made by supervisors and employees to resolve any questions, problems or misunderstandings that have arisen before filing a grievance:
- (1) **Step 1 – Written Grievance Filed With The Village of Fall River Judiciary Committee.** The employee must prepare and file a written grievance with the Village of Fall River Judiciary Committee within five (5) business days of when the employee knows, or should have known, of the events giving rise to the grievance. The written grievance must contain the name and position of the employee filing it, a statement of the grievance, the issue involved, the relief sought, the date the event giving rise to the grievance took place, the employee's steps to orally review the matter with the employee's supervisor, and the employee's signature and the date. The Village of Fall River Judiciary Committee or its designee will investigate the facts giving rise to the grievance and inform the employee of his/her decision, if possible, within ten (10) business days of receipt of the grievance. In the event the grievance involves the

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Village of Fall River Judiciary Committee, the grievance shall be filed with the Village President and the Village President or his or her designee shall conduct the Step 1 investigation.

- (2) **Step 2 – Impartial Hearing Officer.** If the grievance is not settled at the Step 1 stage, the employee may request in writing, within five (5) business days following receipt of the Village's decision, a request for written review by an impartial hearing officer. The Village shall select the impartial hearing officer. The hearing officer shall not be a Village employee. The impartial hearing officer will determine whether the Village acted in an arbitrary and capricious manner. In all cases, the grievant shall have the burden of proof to support the grievance. This process does not involve a hearing before a court of law; thus, the rules of evidence will not be followed. Depending on the issue involved, the impartial hearing officer will determine whether a hearing is necessary, or whether the case may be decided based on a submission of written documents. The impartial hearing officer shall prepare a written decision.
 - (3) **Step 3 – Review By The Governing Body.** If the grievance is not resolved after Step 2, the employee or the Village of Fall River Judiciary Committee shall request within five (5) business days of receipt of the written decision from the hearing officer a written review by the governing body. The appeal shall be filed with the Village Board. The Village Board shall not take testimony or evidence; it may only determine whether the hearing officer reached an arbitrary or incorrect result based on a review of the record before the hearing officer. The matter will be scheduled for the Village Board's next regular meeting. The Village Board will inform the employee of its findings and decision in writing within ten (10) business days of the Village Board meeting. The Village Board shall decide the matter by majority vote and this decision shall be final and binding.
- (c) **Timeline.** If the employee fails to meet the deadlines set forth above, the grievance will be considered resolved.
 - (d) **Costs.** Any expense incurred by an employee in investigating, preparing, or presenting a grievance shall be the sole responsibility of the employee. Each party (employee and employer) shall bear its own costs for witnesses and all other out-of-pocket expenses, including possible attorney fees. The fees of the impartial hearing officer shall be divided equally between the parties with the employee(s) paying one-half and the employer paying one-half. The fees of the hearing officer will be negotiated between the Fall River Village Board and the specified impartial hearing officer.

Title 2 ► Chapter 4

Boards, Commissions and Committees

- 2-4-1** Board of Review
- 2-4-2** Zoning Board of Appeals
- 2-4-3** Plan Commission
- 2-4-4** Law Enforcement Disciplinary Committee
- 2-4-5** Municipal Court Committee
- 2-4-6** General Provisions Regarding Meetings and Public Notice
- 2-4-7** Residency Required for Service on Citizen Boards and Commissions;
Attendance Standards
- 2-4-8** Committee and Commission Rules

Sec. 2-4-1 Board of Review.

(a) **Composition.**

- (1) **Membership.** The Board of Review of the Village of Fall River shall be composed of the Village President or his/her designee, Village Clerk-Treasurer, and three (3) Trustees annually appointed by the Village Board. The Assessor shall attend all meetings of the Board of Review, but shall not vote.
- (2) **Alternate Members.** Pursuant to Secs. 70.47(6m)(c) and 70.46(1), Wis. Stats., the Village Board hereby provides for the appointment of alternates to serve on the Board of Review in the event a standing board member of the Board of Review is removed pursuant to Sec. 70.47(a), Wis. Stats., or recused pursuant to Sec. 70.47(b), Wis. Stats. The Village Board shall establish and maintain a public list of names and persons eligible and appointed by the Village Board to serve as alternative members of the Board of Review. The list shall be arranged and maintained by the Village Clerk-Treasurer in a priority order of probable and likely service as an alternative. The Village Clerk-Treasurer shall notify any named member who has been lawfully removed under Sec. 60.47(6m)(a) or (b), Wis. Stats., and shall notify the alternate person of his/her appointment to replace a named member of the Board of Review. The alternate, once noticed, if he/she approves the appointment, and he/she would not violate Sec. 19.59, Wis. Stats., shall then take the oath of office and act as a member of the Board of Review under Sec. 60.47(6m)(c), Wis. Stats.

- (3) **Training Requirement.** No Board of Review may be constituted unless it includes at least one (1) voting member who, within two (2) years of the Board's first meeting, has attended a training session under Sec. 73.03(55), Wis. Stats., and unless that member is the municipality's chief executive officer or that officer's designee. The Village Clerk-Treasurer shall provide an affidavit to the Wisconsin Department of Revenue stating whether the requirement under this Section has been fulfilled.
- (b) **Compensation.** The members of the Board of Review shall receive compensation as determined by resolution of the Village Board, except members who are full-time employees/officials of the Village shall receive no additional compensation.
- (c) **Duties.** The duties and functions of the Board of Review shall be as prescribed in Sections 70.46 and 70.47, Wis. Stats.
- (d) **Meetings.** In accordance with Sec. 70.47(3)b, Wis. Stats., the Village Board do hereby exercise their right to designate hours for the annual Board of Review proceedings other than those set forth in Sec. 70.47(3)a, and shall designate the hours of the annual Board of Review. The Board of Review may adjourn from day to day or from time to time, until such time as its business is completed, providing that adequate notice of each adjournment is so given.
- (e) **Objections to Valuations to be Written.** No person shall be permitted to appear and make objection before the Board of Review of the Village of Fall River to the amount of valuation of any property unless objection thereto shall first have been made in writing and filed with the Clerk of the Board of Review.
- (f) **Confidentiality of Assessor's Records.** Whenever the Assessor, in the performance of the Assessor's duties, requests or obtains income and expense information pursuant to Sec. 70.47(7)(af), Wis. Stats., or any successor statute thereto, then, such income and expense information that is provided to the Assessor shall be held by the Assessor on a confidential basis, except, however, that the information may be revealed to and used by persons: in the discharging of duties imposed by law; in the discharge of duties imposed by office (including, but not limited to, use by the Assessor in performance of official duties of the Assessor's office and use by the Board of Review in performance of its official duties); or pursuant to order of a court. Income and expense information provided to the Assessor under Sec. 70.47(7)(af), Wis. Stats., unless a court determines that it is inaccurate, is, per Sec. 70.47(7)(af), Wis. Stats., not subject to the right of inspection and copying under Sec. 19.35(1), Wis. Stats.
- (g) **Alternate Forms of Sworn Testimony at Board of Review Hearings.**
 - (1) **Statement of Purpose.** Sec. 70.47(8), Wis. Stats., authorizes the Board of Review to consider requests from a property owner, or the property owner's representative, to appear before the Board of Review under oath by telephone or to submit a written statement under oath to the Board of Review.
 - (2) **Procedures.**
 - a. In order for a property owner, or property owner's representative, to submit a request to testify by telephone or submit a sworn written statement, he/she must first comply with the following steps:

1. The legal requirement to provide Notice of Intent to Appear at the Board of Review shall be satisfied; and
 2. An Objection Form for Real Property Assessment (PA-115A) shall be completed and submitted to the Board of Review as required by the Wisconsin Statutes.
- b. After both requirements prescribed under Subsection (b)(1)a-b above have been satisfied, a Request to Testify by Telephone or to Submit a Sworn Written Statement at Board of Review (PA-814) may be submitted to the Village Clerk-Treasurer. Such request(s) must be submitted in time to be considered by the Board of Review at the first meeting of such Board.
- (3) **Criteria To Be Considered.** The Board of Review may consider any or all of the following factors when a determination whether to grant or deny the request:
- a. The requester's stated reason(s) for the request as stated on Form PA-814.
 - b. Fairness to the parties involved.
 - c. Ability of the requester to procure in person oral testimony and any due diligence exhibited by the requester in procuring the testimony.
 - d. Ability to cross-examine the person providing the testimony.
 - e. The Board of Review's technical capability to honor the request.
 - f. Any other factors which the Board of Review deems pertinent to deciding the request.
- (4) **Disabled or Ill Parties.** The Board of Review shall hear by telephone, upon oath, all disabled or ill persons who present to the Board of Review a letter from a physician, osteopath, physician assistant, or advanced practice nurse prescriber that confirms their illness or disability.

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

Sec. 2-4-2 Zoning Board of Appeals.

- (a) **Establishment.** A Zoning Board of Appeals shall be appointed and governed by the State zoning enabling law as contained in Sec. 62.23, Wis. Stats., the Village Zoning Code and ordinances and this Section. The laws of the State or Village and local ordinances shall prevail in that order. The Zoning Board of Appeals shall consist of five (5) citizen members and two (2) alternate members, appointed by the Village President subject to confirmation by the Village Board, for a three (3) year term of office. The members shall be removable by the Village Board for cause upon written charges and upon public hearing. The Village President shall designate one of the members chairperson.
- (b) **Powers.** The Zoning Board of Appeals shall have the following powers:
- (1) To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by an administrative official in the enforcement of any

Village Zoning Code or any ordinance adopted under Sections 62.23, 61.35 or 62.231 (wetlands), 87.30 or 144.26 (flood plains) or Chapter 91 (farmland preservation), Wis. Stats.

- (2) To hear and decide special exceptions to the terms of the Village zoning and floodplain zoning regulations upon which the Zoning Board of Appeals is required to pass.
- (3) To authorize, upon appeal in specific cases, such variance from the terms of the Village zoning regulations as will not be contrary to the public interest, where owing to special conditions, a literal enforcement will result in practical difficulty or unnecessary hardship, so that the spirit of the Zoning Code shall be observed, public safety and welfare secured and substantial justice done; provided, however, that no such action shall have the effect of establishing in any district a use or uses not permitted in such district. The Zoning Board of Appeals shall not grant use variances in floodplain or wetland and conservancy districts. In all other districts, no use variance shall be granted unless the applicant has first petitioned for a zoning amendment or a conditional use permit, if applicable, and upon a showing that no lawful and feasible use of the subject property can be made in the absence of such variance. Any use variance granted shall be limited to the specific use described in the Zoning Board of Appeal's decision and shall not permit variances in yard, area or other requirements of the district in which located.
- (4) To permit the erection and use of a building or premises in any location subject to appropriate conditions and safeguards in harmony with the general purposes of the Zoning Code, for such purposes which are reasonably necessary for public convenience and welfare.
- (5) The Zoning Board of Appeals may reverse or affirm wholly or in part or may modify any order, requirement, decision or determination as in its opinion should be applicable to that parcel or premises. The concurring vote of four (4) members of the Zoning Board of Appeals shall be necessary to reverse any order, requirement, decision, or determination appealed from or to decide in favor of the applicant on any matter on which it is required to pass, or to effect any variation in the requirements of Village zoning ordinances. The grounds of every such determination shall be stated and recorded. Per Sec. 62.23(7)(e)7., Wis. Stats., 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 the Zoning Code, a building or premises to be erected or used for such public utility purposes in any location which is reasonably necessary for the public convenience and welfare.
- (6) Per Sec. 62.23(7)(e)7.e., Wis. Stats., the Village Board authorizes the Zoning Board of Appeals to impose an expiration date for a variance if such date relates to a specific date by which action or work authorized must be commenced or completed. In the absence of a different expiration date being established at the time of granting a variance, no order of the Zoning Board of Appeals granting a variance shall be valid

for a period longer than eighteen (18) months from the date of such order unless within such period the erection or alteration of a building is started or the use is commenced per the variance approval. [See Section 13-1-263.]

(c) **Meeting and Rules.**

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

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

Sec. 2-4-3 Plan Commission.

- (a) **Title.** This Section is entitled the "Village of Fall River Plan Commission Ordinance."

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- (b) **Purpose.** The purpose of this Section is to establish a Village of Fall River Plan Commission and set forth its organization, powers and duties, to further the health, safety, welfare and wise use of resources for the benefit of current and future residents of the Village of Fall River and affected neighboring jurisdictions, through the adoption and implementation of comprehensive planning with significant citizen involvement.
- (c) **Composition.** The Plan Commission shall consist of the Village President, one (1) Trustee, Village Clerk-Treasurer and two (2) citizen members.
- (d) **Appointment.**
 - (1) **Election/Appointment of Trustee Member.** At its annual meeting in April of each year the Village Board shall, by a two-thirds (2/3) majority vote of its members, elect one (1) of its number as a member of the Village Plan Commission for a period of one (1) year from and after the first day of May next ensuing.
 - (2) **Appointment and Terms of Citizen Members.** The two (2) citizen members shall be appointed by the Village President, subject to Village Board confirmation, on the third Tuesday of April in each year, or the first Village Board meeting thereafter, to hold office for a staggered term of three (3) years commencing with the third Tuesday of April.
- (e) **Quorum.** Four (4) members shall constitute a quorum but all actions shall require the affirmative approval of a majority of all of the members of the Plan Commission.
- (f) **Vacancies.** A person who is appointed to fill a vacancy on the Plan Commission shall serve for the remainder of the term.
- (g) **Compensation; Expenses.** The Village Board may set a per diem allowance per meeting for citizen and elected official members of the Plan Commission, as allowed under Sec. 66.0501(2), Wis. Stats. In addition, the Village Board may reimburse reasonable costs and expenses.
- (h) **Experts; Staff.** The Plan Commission, under Sec. 62.23(1), Wis. Stats., may recommend to the Village Board the employment of experts and staff, and may review and recommend to the approval authority proposed payments under any contract with an expert.
- (i) **Rules; Records.** The Plan Commission, under Sec. 62.213(2), Wis. Stats., may adopt rules for the transaction of its business, subject to Village ordinances, and shall keep a record of its resolutions, transactions, findings and determinations, which shall be a public record under Secs. 19.21 through 19.39, Wis. Stats.; copies shall be filed with the Village Clerk-Treasurer.
- (j) **Chairperson and Officers.**
 - (1) **Chairperson.** The Plan Commission chairperson shall be the Village President. The chairperson shall, subject to Village ordinances and Plan Commission rules:
 - a. Provide leadership to the Plan Commission;
 - b. Set Plan Commission meeting and hearing dates;
 - c. Provide notice of Plan Commission meetings and hearings and set their agendas, personally or by his/her designee;

- d. Preside as Plan Commission meetings and hearings; and
- e. Ensure that the laws are followed.
- (2) **Vice-Chairperson.** The Plan Commission may elect, by open vote under Sec. 19.88(1), Wis. Stats., a vice-chairperson to act in the place of the chairperson when the chairperson is absent or incapacitated for any cause.
- (3) **Secretary.** The Plan Commission shall elect, by open vote under Sec. 19.88(1), Wis. Stats., one of its members to serve as secretary, or, with the approval of the Village Board, designate the Village Clerk-Treasurer or other Village official or employee as secretary.
- (k) **Commission Members As Local Public Officials.** All members of the Plan Commission shall faithfully discharge their official duties to the best of their abilities, as provided in the oath of office [Sec. 19.01, Wis. Stats.], in accordance with, but not limited to, the provisions of the Wisconsin Statutes on Public Records [Secs. 19.21 through 19.39, Wis. Stats.]; Code of Ethics for Local Government Officials [Secs. 19.42, 19.58 and 19.59, Wis. Stats.]; Open Meetings [Secs. 19.81 through 19.89, Wis. Stats.]; Misconduct in Office [Sec. 946.12, Wis. Stats.]; and Private Interests in Public Contracts [Sec. 946.13, Wis. Stats.]. Plan Commission members shall further perform their duties in a fair and rational manner and avoid arbitrary actions.
- (l) **General and Miscellaneous Powers.** The Plan Commission, under Sec. 62.23(4), Wis. Stats., shall have the power:
 - (1) Necessary to enable it to perform its functions and promote Village planning.
 - (2) To make reports and recommendations relating to the planning and development of the Village of Fall River to the Village Board, other public bodies, citizens, public utilities and organizations.
 - (3) To recommend to the Village Board programs for public improvements and the financing of such improvements.
 - (4) To receive from public officials, within a reasonable time, requested available information required for the Plan Commission to do its work.
 - (5) For itself, its members and employees, in the performance of their duties, to enter upon land, make examinations and surveys, and place and maintain necessary monuments and markers thereon. However, entry shall not be made upon private land, except to the extent that the private land is held open to the general public, without the permission of the landowner or tenant. If such permission has been refused, entry shall be made under the authority of an inspection warrant issued for cause under Sec. 66.0119, Wis. Stats., or other court-issued warrant.
- (m) **Village Comprehensive Planning; General Authority and Requirements.**
 - (1) **Comprehensive Plan.** The Plan Commission shall make and adopt a Comprehensive Plan under Secs. 62.23 and 66.1001, Wis. Stats., which contains the elements specified in Sec. 66.1001(2), Wis. Stats., and follows the procedures in Sec. 66.1001(4), Wis. Stats. The Plan Commission shall make and adopt the Comprehensive Plan within the time period directed by the Village Board, but not later than a

time sufficient to allow the Village Board to review and plan and pass an ordinance adopting it to take effect on or before January 1, 2010, so that the Village Comprehensive Plan is in effect by the date on which any Village program or action affecting land use must be consistent with the Village Comprehensive Plan under Sec. 66.1001(3), Wis. Stats.

- (2) **Preparation.** In this Subsection, the requirement to "make" the plan means that the Plan Commission shall ensure that the plan is prepared, and oversee and coordinate the preparation of the plan, whether the work is performed for the Village by the Plan Commission, Village staff, another unit of government, the regional planning commission, a consultant, citizens, an advisory committee, or any other person, group or organization.
- (n) **Procedure for Plan Commission Adoption and Recommendation of a Village Comprehensive Plan or Amendment.** The Plan Commission, in order to ensure that the requirements of Sec. 66.1001(4), Wis. Stats., are met, shall proceed as follows:
- (1) **Public Participation Verification.** Prior to beginning work on a Comprehensive Plan, the Plan Commission shall verify that the Village Board has adopted written procedures designed to foster public participation in every stage of preparation of the Comprehensive Plan. These written procedures shall include open discussion, communication programs, information services and noticed public meetings. These written procedures shall further provide for wide distribution of proposed, alternative or amended elements of a Comprehensive Plan and shall provide an opportunity for written comments to be submitted by members of the public to the Village Board and for the Village Board to respond to such written comments.
 - (2) **Resolution.** The Plan Commission, under Sec. 66.1001(4)(b), Wis. Stats., shall recommend its proposed Comprehensive Plan or amendment to the Village Board by adopting a resolution by a majority vote of the entire Plan Commission. The vote shall be recorded in the minutes of the Plan Commission. The resolution shall refer to maps and other descriptive materials that relate to one or more elements of the Comprehensive Plan. The resolution adopting a Comprehensive Plan shall further recite that the requirements of the comprehensive planning law have been met, under Sec. 66.1001, Wis. Stats., namely that:
 - a. The Village Board adopted written procedures to foster public participation and that such procedures allowed public participation at each stage of preparing the Comprehensive Plan;
 - b. The plan contains the nine (9) specified elements and meets the requirements of those elements;
 - c. The (specified) maps and (specified) other descriptive materials relate to the plan;
 - d. The plan has been adopted by a majority vote of the entire Plan Commission, which the clerk or secretary is directed to record in the minutes; and
 - e. The Plan Commission clerk or secretary is directed to send a copy of the Comprehensive Plan adopted by the Plan Commission to the governmental units specified in Sec. 66.1001(4), Wis. Stats., and Subsection (c) herein.

- (3) **Transmittal.** One copy of the Comprehensive Plan or amendment adopted by the Plan Commission for recommendation to the Village Board shall be sent to:
 - a. Every governmental body that is located in whole or in part within the boundaries of the Village, including any school district, sanitary district, public inland lake protection and rehabilitation district or other special district.
 - b. The clerk of every city, village, town, county and regional planning commission that is adjacent to the Village of Fall River.
 - c. The Wisconsin Land Council.
 - d. The Wisconsin Department of Administration.
 - e. The regional planning commission in which the Village is located.
 - f. The public library that serves the area in which the Village is located.
- (o) **Plan Implementation and Administration.**
 - (1) **Ordinance Development.** If directed by resolution or motion of the Village Board, the Plan Commission shall prepare the following for Village Board review and action:
 - a. **Zoning.** A proposed Village zoning ordinance under Section 62.23(7), Wis. Stats. (if not under county zoning), a Village construction site erosion control and stormwater management zoning ordinance, a Village exclusive agricultural zoning ordinance under Subchapter V of Ch. 91, Wis. Stats., and any other zoning ordinance within the Village's authority.
 - b. **Official Map.** A proposed official map ordinance under Sec. 62.23(6), Wis. Stats.
 - c. **Subdivisions.** A proposed Village subdivision or other land division ordinance under Sec. 236.45, Wis. Stats.
 - d. **Other.** Any other ordinance specified by the Village Board (Note: e.g., historic preservation, design review site plan review).
 - (2) **Ordinance Amendment.** The Plan Commission, on its own motion, or at the direction of the Village Board by its resolution or motion, may prepare proposed amendments to the Village's ordinances relating to comprehensive planning and land use.
 - (3) **Non-Regulatory Programs.** The Plan Commission, on its own motion, or at the direction of the Village Board by resolution or motion, may propose non-regulatory programs to implement the Comprehensive Plan, including programs relating to topics such as education, economic development and tourism promotion, preservation of natural resources through the acquisition of land or conservation easements, and capital improvements planning.
 - (4) **Consistency.** Any ordinance, amendment or program proposed by the Plan Commission, and any Plan Commission approval, recommendation for approval or other action under Village ordinances or programs that implement the Village's Comprehensive Plan under Secs. 62.23 and 66.1001, Wis. Stats., shall be consistent with that plan as of January 1, 2010. If any such Plan Commission action would not be consistent with the Comprehensive Plan, the Plan Commission shall use this as information to consider in updating the Comprehensive Plan.

(p) **Referrals to the Plan Commission.**

- (1) **Required Referrals Under Sec. 62.23(5), Wis. Stats.** The following shall be referred to the Plan Commission for advisory report:
- a. The location and architectural design of any public building.
 - b. The location of any statue or other memorial.
 - c. The location, acceptance, extension, alteration, vacation, abandonment, change of use, sale, acquisition of land for or lease of land for any:
 1. Street, alley or other public way;
 2. Park or playground;
 3. Airport;
 4. Area for parking vehicles; or
 5. Other memorial or public grounds.
 - d. The location, extension, abandonment or authorization for any publicly or privately owned public utility.
 - e. All plats under the Village's jurisdiction under Ch. 236, Wis. Stats., including divisions under a Village subdivision or other land division ordinance adopted under Sec. 236.45, Wis. Stats.
 - f. The location, character and extent or acquisition, lease or sale of lands for:
 1. Public or semi-public housing;
 2. Slum clearance;
 3. Relief of congestion; or
 4. Vacation camps for children.
 - g. The amendment or repeal of any ordinance adopted under Sec. 62.23, Wis. Stats., including ordinances relating to the Plan Commission, Village Comprehensive Plan under Sec. 66.1001, Wis. Stats., Village official map and/or Village zoning.
- (2) **Required Referrals Under Sections of the Wisconsin Statutes Other Than Sec. 62.23(5), Wis. Stats.** The following shall be referred to the Plan Commission for report:
- a. An application for initial licensure of a child welfare agency or group home under Sec. 48.68(3), Wis. Stats.
 - b. An application for initial licensure of a community-based residential facility under Sec. 50.03(4), Wis. Stats.
 - c. Proposed designation of a street, road or public way, or any part thereof, wholly within the jurisdiction of the Village, as a pedestrian mall under Sec. 66.0905, Wis. Stats.
 - d. Matters relating to the establishment or termination of an architectural conservancy district under Sec. 66.1007, Wis. Stats.
 - e. Matter's relating to the establishment of a reinvestment neighborhood required to be referred under Sec. 66.1107, Wis. Stats.
 - f. Matters relating to the establishment or termination of a business improvement district required to be referred under Sec. 66.1109, Wis. Stats.

- g. A proposed housing project under Sec. 66.1211(3), Wis. Stats.
 - h. Matters relating to urban redevelopment and renewal in the Village required to be referred under Subch. XIII of Ch. 66, Wis. Stats.
 - i. The adoption or amendment of a Village subdivision or other land division ordinance under Sec. 236.45(4), Wis. Stats.
 - j. Any other matter required by the Wisconsin Statutes to be referred to the Plan Commission.
- (3) **Required Referrals Under This Section.** In addition to referrals required by the Wisconsin Statutes, the following matters may be referred to the Plan Commission for report:
- a. Proposed regulations or amendments relating to historic preservation under Sec. 60.64, Wis. Stats.
 - b. A proposed driveway access ordinance or amendment.
 - c. A proposed Village official map ordinance under Sec. 62.23(6), Wis. Stats., or any other proposed Village ordinance under Sec. 62.23, Wis. Stats., not specifically required by the Wisconsin Statutes to be referred to the Plan Commission.
 - d. A proposed zoning ordinance or amendment adopted under Section 62.23(7), Wis. Stats., a construction site erosion control and stormwater management zoning ordinance under Sec. 627(6), Wis. Stats., a Village exclusive agricultural zoning ordinance under Subchapter V of Ch. 91, Wis. Stats.
 - e. A proposed extraterritorial zoning ordinance or a proposed amendment to an existing ordinance under Sec. 62.23(7a), Wis. Stats.
 - f. A proposed boundary change pursuant to an approved cooperative plan agreement under Sec. 66.0307, Wis. Stats., or a proposed boundary agreement under Sec. 66.0225, Wis. Stats., or other authority.
 - g. A proposed zoning ordinance or amendment pursuant to an agreement in an approved cooperative plan under Sec. 66.0307(7m), Wis. Stats.
 - h. Any proposed plan, element of a plan or amendment to such plan or element developed by the regional planning commission and sent to the Village for review or adoption.
 - i. Any proposed contract, for the provision of information, or the preparation of a Comprehensive Plan, an element of a plan or an implementation measure, between the Village and the regional planning commission, under Sec. 66.0309, Wis. Stats., another unit of government, a consultant or any other person or organization.
 - j. A proposed ordinance, regulation or plan, or amendment to the foregoing, relating to a mobile home park under Sec. 66.0435, Wis. Stats.
 - k. A proposed agreement, or proposed modification to such agreement, to establish an airport affected area, under Sec. 66.1009, Wis. Stats.

- l. A proposed airport zoning ordinance under Sec. 114.136(2), Wis. Stats.
 - m. A proposal to create environmental remediation tax incremental financing in the Village under Sec. 66.1106, Wis. Stats.
 - n. A proposed county agricultural preservation plan or amendment, under Subchapter IV of Ch. 91, Wis. Stats., referred by the county to the Village, or proposed Village agricultural preservation plan or amendment.
 - o. Any other matter required by any Village ordinance or Village Board resolution or motion to be referred to the Plan Commission.
- (4) **Discretionary Referrals.** The Village Board, or other Village officer or body with final approval authority or referral authorization under the Village ordinances, may refer any of the following to the Plan Commission for report:
- a. A proposed intergovernmental cooperation agreement, under Sec. 66.0301, Wis. Stats., or other statute, affecting land use, or a municipal revenue sharing agreement under Sec. 66.0305, Wis. Stats.
 - b. Any other matter deemed advisable for referral to the Plan Commission for report.
- (5) **Referral Period.** No final action may be taken by the Village Board or any other officer or body with final authority on a matter referred to the Plan Commission until the Plan Commission has made its report, or thirty (30) days, or such longer period as stipulated by the Village Board, has passed since referral. The thirty (30) day period for referrals required by the Wisconsin Statutes may be shortened only if so authorized by statute. The thirty (30) day referral period, for matters subject to required or discretionary referral under the Village's ordinances, but not required to be referred under the Wisconsin Statutes, may be made subject by the Village Board to a referral period shorter or longer than the thirty (30) day referral period if deemed advisable.

State Law Reference: Secs. 61.35, 62.23, and Ch. 236, Wis. Stats.

Sec. 2-4-4 Law Enforcement Disciplinary Committee.

- (a) **Membership.** The Law Enforcement Disciplinary Committee ("Police Committee") shall consist of three (3) members, none of whom shall be elected or appointed officers or employees of the Village of Fall River, appointed by the Village President, subject to confirmation by the Village Board, for staggered three (3) year terms, with one (1) member appointed annually.
- (b) **Powers and Duties.** The Law Enforcement Disciplinary Committee shall have the power and duty to discipline the Police Chief and Village police officers who are not probationary in accordance with Sec. 62.13(5), Wis. Stats.

Sec. 2-4-5 Municipal Court Committee.

The Municipal Court Committee shall have such duties and composition as prescribed in Section 2-3-12 for administering the Eastern Columbia County Joint Municipal Court.

Cross-Reference: Section 2-3-12

Sec. 2-4-6 General Provisions Regarding Meetings and Public Notice.

- (a) **Regular Meetings; Public Notice.** 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) Post, or when necessary publish, notice in or notify the official Village newspaper in advance of each such regular meeting of the date, time, and place thereof, in compliance with state law, thereof; and/or
 - (3) Post an agenda of the matters to be taken up at such meeting.
- (b) **Form of Notice.** Such notice shall set forth the time, date, place and subject matter of the meeting, including that intended for consideration at any contemplated closed session which may be authorized by law, and may be in the following form:

NOTICE OF MEETING**VILLAGE OF FALL RIVER, WISCONSIN**

(commission)

Please take notice that a meeting of the (commission) of the Village of Fall River will be held on (date), 20__, at (time) p.m., at the Fall River Municipal Building meeting room to consider the following:

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

Dated: _____

_____ (Commission) _____

By _____

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

- (c) **Notice to Members.** Every member of any board, commission or committee of the Village of Fall River shall be notified by the secretary thereof that a meeting is to be held, and the time and place of such meeting and the subject to be considered thereat. No member shall be intentionally excluded from any meeting by a failure to give proper notice or a reasonable attempt to give proper notice to such member.
- (d) **Minutes to Be Kept.** Every board, commission and committee shall keep a record of the minutes of its proceedings and shall cause a signed copy thereof to be filed by its secretary with the Village Clerk-Treasurer within one (1) week of the meeting date. The Village Clerk-Treasurer shall furnish a copy of all minutes filed with him to each member of the Village Board. All such minutes shall be public records.
- (e) **Special Meetings.** Nothing in Subsection (a) shall preclude the calling of a special meeting or dispensing with the publication of notice or such posting of the agenda, for good cause, but such special meetings shall nonetheless comply in all respects with the provisions of Sections 19.81 and 19.89, Wis. Stats.

Sec. 2-4-7 Residency Required for Service on Citizen Boards or Commissions; Attendance Standards.

- (a) **Residency.** No person not a resident of and not residing in the Village of Fall River shall be appointed in a voting capacity to any citizen Village board, committee or commission listed in this Chapter. 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.
- (b) **Attendance Standard.** Members of board, committees and commissions are required to attend a minimum of two-thirds (2/3) of the meetings in each six (6) month period of their respective bodies, unless excused by majority vote of the membership of their body.

Failure to comply with this Subsection may result in the removal and replacement of the official found to be in noncompliance by majority vote of the Village Board.

Sec. 2-4-8 Committee and Commission Rules.

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

Title 2 ► Chapter 5

Ethics Code and Employment

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

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

public trust, and any intentional effort to realize substantial personal gain through official conduct is a violation of that trust. The provisions and purpose of this Ethics Code and such rules and regulations as may be established are hereby declared to be in the best interests of the Village of Fall River.

Sec. 2-5-2 Definitions.

The following definitions shall be applicable in this Chapter:

- (a) **Public Official.** Those persons serving in statutory elected or appointed offices provided for in Chapter 61, Wis. Stats., and all members appointed to boards, committees and commissions established or appointed by the Village President and/or Village Board pursuant to this Code of Ordinances, whether paid or unpaid.
- (b) **Public Employee.** Any person excluded from the definition of a public official who is employed by the Village of Fall River.
- (c) **Anything of Value.** Any money or property, favor, service, payment, advance, forbearance, loan, or promise of future employment, but does not include compensation or expense reimbursement paid by the Village, honorariums, fees and expenses under the standards and reporting requirements set forth in Sec. 19.56, Wis. Stats., campaign contributions as regulated by Section 2-5-7(k) of this Chapter, or hospitality extended for a purpose unrelated to Village business by a person other than a firm, corporation, partnership, or joint venture.
- (d) **Business.** Any corporation, partnership, proprietorship, firm, enterprise, franchise, association, organization, self-employed individual or any other legal entity which engages in profit-making activities.
- (e) **Personal Interest.** Any interest arising from blood or marriage relationships or from close business or political associations, whether or not any financial interest is involved.
- (f) **Significant Interest.** Owning or controlling, directly or indirectly, at least ten percent (10%) or Five Thousand Dollars (\$5,000.00) of the outstanding stock of at least ten percent (10%) or Five Thousand Dollars (\$5,000.00) of any business.
- (g) **Financial Interest.** Any interest which shall yield, directly or indirectly, a monetary or other material benefit to the officer or employee or to any person employing or retaining the services of the officer or employee.

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

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

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

Sec. 2-5-4 Responsibility of Public Office.

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

Sec. 2-5-5 Dedicated Service.

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

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

- (a) **Use of Public Property.** No official or employee shall use or permit the unauthorized use of Village-owned vehicles, equipment, materials or property for personal convenience or profit, except when such services are available to the public generally or are provided as Village policy for the use of such official or employee in the conduct of official business, as authorized by the Village Board or authorized board, commission or committee.
- (b) **Obligations to Citizens.** No official or employee shall grant any special consideration, treatment or advantage to any citizen beyond that which is available to every other citizen. No official or employee shall use or attempt to use his or her position with the Village to

secure any advantage, preference or gain, over and above his/her rightful remuneration and benefits, for himself/herself or for a member of his or her immediate family.

- (c) **Political Contributions.** No official shall personally solicit from any Village employee, other than an elected official, a contribution to a political campaign committee for which the person subject to this Chapter is a candidate or treasurer.

Sec. 2-5-7 Conflict of Interest.

(a) Financial and Personal Interest Prohibited.

- (1) No official or employee of the Village of Fall River, whether paid or unpaid, shall engage in any business or transaction or shall act in regard to financial or other personal interest, direct or indirect, which is incompatible with the proper discharge of official duties in the public interest contrary to the provisions of this Chapter or which would tend to impair independence of judgment or action in the performance of official duties.
- (2) Any member of the Village Board who has a financial interest or personal interest in any proposed legislation before the Village Board shall disclose on the records of the Village Board the nature and extent of such interest; such official shall not participate in debate or vote for adoption or defeat of such legislation. If the matter before the Village Board involves a member's personal interest with persons involved, the member may participate in debate or discussion and vote on the matter following disclosure, unless an ordinance or contract is involved; if an ordinance or contract is involved, such official shall not participate in debate or discussion and vote on the matter.
- (3) Any non-elected official, other than a Village employee, who has a financial interest or personal interest in any proposed legislative action of the Village Board or any board, commission or committee upon which the official has any influence or input or of which the official is a member that is to make a recommendation or decision upon any item which is the subject of the proposed legislative action shall disclose on the records of the Village Board or the appropriate board, commission or committee the nature and extent of such interest. Such official shall not participate in debate or discussion or vote for adoption or defeat of such legislation.
- (4) Any Village employee who has a financial interest or personal interest in any proposed legislative action of the Village Board or any board, commission or committee upon which the employee has any influence or input, or of which the employee is a member, that is to make a recommendation or decision upon any item which is the subject of the proposed legislative action shall disclose on the records of the Village Board or the appropriate board, commission or committee the nature and extent of such interest.

- (b) **Disclosure of Confidential Information.** No official or employee shall, without proper legal authorization, disclose confidential information concerning the property, government

or affairs of the Village, nor shall such information be used to advance the financial or other private interests of the official or employee or others.

- (c) **Incompatible Employment.** No official or employee shall engage in or accept private employment or render service, for private interest, when such employment or service is incompatible with the proper discharge of his or her official duties or would tend to impair such official or employee's independence of judgment or action in the performance of his or her official duties, unless otherwise permitted by law and unless disclosure is made as hereinafter provided.
- (d) **Gifts and Favors.**
- (1) No official or employee shall accept or offer to accept anything of value from any person who, to his or her knowledge, is interested directly or indirectly, or is seeking an interest, directly or indirectly, in any manner whatsoever in business dealings with the Village, or from any person who conducts activities which are regulated by the Village, or from any person who has interests which may be substantially affected by actions of the Village of Fall River.
 - (2) No official or employee shall accept or offer to accept anything of value that may tend to influence such official or employee in the discharge of his or her duties, or grant in the discharge of his or her duties any improper favor, service, or thing of value.
 - (3) Gifts received under unusual circumstances should be referred to the Village Board within ten (10) days for recommended disposition.
 - (4) An official or employee is not to accept hospitality if, after consideration of the surrounding circumstances, it could reasonably be concluded that such hospitality would not be extended were it not for the fact that the guest, or a member of the guest's immediate family, was a Village official or employee. Participation in celebrations, grand openings, open houses, informational meetings and similar events are excluded from this prohibition. This paragraph further shall not be construed to prevent candidates for elective office from accepting hospitality from citizens for the purpose of supporting the candidate's campaign.
- (e) **Representing Private Interests Before Village Agencies or Courts.**
- (1) Non-elected Village officials and employees shall not appear on behalf of any private person (other than himself or herself, his or her spouse or minor children) before any Village agency, board, commission or the Village Board if the official or employee or any board, commission or committee of which the official or employee is a member has any jurisdiction, discretion or control over the matter which is the subject of such representation.
 - (2) Elected Village officials may appear before Village agencies on behalf of constituents in the course of their duties as representatives of the electorate or in the performance of public or civic obligations. However, the disclosure requirements of Subsection (a) above shall be applicable to such appearances.

- (f) **Ad Hoc Committee Exceptions.** No violation of the conflict of interest restrictions of this Section shall exist, however, where an individual serves on a special ad hoc committee charged with the narrow responsibility of addressing a specific issue or topic in which that individual, or the employer or a client of that individual, has an interest so long as the individual discloses to the Village Board that such interest exists.
- (g) **Contracts with the Village.** No official or employee who, in his or her capacity as such officer or employee, participates in the making of a contract in which such officer or employee has a private pecuniary interest, direct or indirect, or performs in regard to that contract some function requiring the exercise of discretion on the part of such official or employee, shall enter into any contract with the Village unless:
 - (1) The contract is awarded through a process of public notice and competitive bidding;
 - (2) The contract or activity is exempt from or otherwise deemed appropriate by Sec. 946.13, Wis. Stats.;
 - (3) The Village Board waives this requirement after determining that it is in the best interest of the Village to do so.
- (h) **Disclosure of Interest in Legislation.**
 - (1) To the extent known, any member of the Village Board who has a financial or personal interest in any proposed legislation before the Board shall disclose on the record of the Village Board the nature of and extent of such interest.
 - (2) Any other official or employee who has a financial interest or personal interest in any proposed legislative action of the Village Board or any board, commission or committee upon which the official or employee has any influence or input or of which the official or employee is a member that is to make a recommendation or decision upon any item which is the subject of the proposed legislative action, shall disclose on the records of the Village Board or the appropriate board, commission or committee the nature and extent of such interest.

Sec. 2-5-8 Sexual and Other Unlawful Harassment.

- (a) **Harassment Prohibited.**
 - (1) Village of Fall River officials and employees are responsible for maintaining high standards of honesty, integrity, impartiality, and professional and courteous conduct to assure proper performance of Village business and to maintain the confidence of the public. The Village of Fall River is committed to providing a positive and respectful work environment that is free of discrimination and unlawful or inappropriate harassment. Actions, words, jokes, comments or other harassment or discrimination based on gender, color, ancestry, physical or mental disability, marital or family status, race, ethnicity, national origin, creed, religion, age, use or non-use of lawful products off-duty or off-premises, arrest or conviction record, honesty

testing, pregnancy or childbirth, sexual preference or orientation, genetic testing, military service membership or veteran status, or political preferences or beliefs or any other legally protected characteristic are a form of official employee misconduct and shall not be tolerated. Prohibited harassment includes gender-based harassment by a person of the same sex. This Section is applicable to officials when acting in their official capacity or as otherwise engaged in Village-related work or activities as an official.

- (2) It is also expressly prohibited for an official or employee to retaliate against another employee(s) or citizen who files a harassment complaint or who assists in investigating allegations. Retaliation is a violation of this Section and may result in discipline up to and including termination in the case of an employee or other sanctions or actions under this Section in the case of an official. No employee will be discriminated against, or discharged, because of bringing or assisting in the investigation of a complaint of harassment, including, but not limited to, sexual harassment.
- (b) **Sexual Harassment.** Sexual harassment, both overt and/or subtle, is demeaning to another person, undermines the integrity of the workplace and employment relationship, and is strictly prohibited. Sexual harassment is a specific form of official or employee misconduct which undermines the integrity of the workplace and employment relationship. All Village of Fall River officials and employees must be able to work in an environment free from unsolicited and unwelcome sexual overtones or threats.
- (c) **Definitions.**
- (1) **Harassment.** Under Title VII of the Civil Rights Act of 1964, harassment generally is:
 - a. Unwelcome verbal or physical conduct or other acts;
 - b. Engaged in because of the recipient's protected class status when:
 1. Submission to the conduct is a condition of employment or benefits ("quid pro quo"), or
 2. The conduct unreasonably interferes with the recipient's work or can reasonably be seen to create a hostile, intimidating, or offensive environment ("hostile environment").
 - c. Harassment can include, regardless of whether the recipient is part of a protected class:
 1. Verbal or physical abuse.
 2. Epithets, name-calling, slurs.
 3. Threats.
 4. Demands that an official or employee engage in actions or practices contrary to state law or local ordinances, or which are contrary to proper decisions of the governing body.
 5. Vulgar, obscene or derogatory language.

6. Mimicry.
 7. Lewd or offensive gestures or pranks.
 8. Offensive jokes.
 9. Offensive, threatening or hostile comments directed at an employee or official, and also including emails, telephone messages, and other electronic communications, including through the use of social media.
- (2) **Sexual Harassment.** A situation where an official or employee experiences unwelcome sexual advances, requests for sexual favors or other verbal or physical conduct of a sexual nature under any of these conditions:
- a. Submission by the employee to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; or
 - b. Submission to or rejection of such conduct by an employee is used as the basis for employment decisions affecting the employee; or
 - c. Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.
- (3) **Sexual Harassment Examples.** Such prohibited behavior can be verbal, nonverbal or physical in nature. Examples of sexual harassment could include, but not be limited to, the following:
- a. Sexual advances.
 - b. Requests for sexual favors.
 - c. Sexual comments of a provocative or suggestive nature;
 - d. Jokes or innuendos intended for and directed to another employee;
 - e. Suggestive or demeaning looks or leering;
 - f. Creating an intimidating, hostile or offensive working environment;
 - g. Making acceptance of unwelcome sexual conduct or advances or requests for sexual favors of any nature a condition of employment or continued employment;
 - h. Unsolicited gestures of a sexual nature and verbal or written comments;
 - i. Unwelcome verbal or physical conduct of a sexual nature (e.g., touching, rubbing, or intentional brushing against another);
 - j. Conduct by a supervisor who uses implicit coercive sexual behavior to control, influence or affect the career, salary, job or working conditions of a fellow employee.
 - k. Display of offensive or graphic pictures, cartoons, jokes, photos.
 - l. Unwelcome social invitations.
 - m. Sexually charged emails or texts.
 - n. Implicitly or explicitly making or permitting acquiescence in or submission to sexual harassment a term or condition of employment.
 - o. Making or permitting acquiescence in, submission to or rejection of sexual harassment the basis or any part of the basis for any employment decision

affecting an employee, other than an employment decision that is disciplinary action against an employee for engaging in sexual harassment in violation of this paragraph; or

- p. Permitting sexual harassment to have the purpose or effect of substantially interfering with an official's or employee's work performance or of creating an intimidating, hostile or offense work environment. Substantial interference with an official's or employee's work performance or creation of an intimidating, hostile or offensive work environment is established when the conduct is such that a reasonable person under the same circumstances as the official or employee would consider the conduct sufficiently severe or pervasive to interfere substantially with the person's work performance or to create an intimidating, hostile or offensive work environment.

(d) **Reporting of Harassment or Discrimination.**

- (1) Any employee or official who believes he or she has been subjected to, or witnesses an incident of prohibited harassment or discrimination, must report the incident to the Village Clerk-Treasurer. If the Village Clerk-Treasurer is unavailable or the employee or official believes it would be inappropriate to contact that person, the employee or official shall immediately contact the Village President or the chairperson of the Finance Committee, as appropriate. Supervisors that become aware of prohibited harassment or discrimination shall promptly bring the matter to the attention of the Village President or the chairperson of the Finance, Planning and Personnel Committee, as appropriate. Village employees and officials can raise concerns and make reports without fear of reprisal, as any form of retaliation shall not be tolerated by the Village of Fall River.
- (2) After appropriate investigation, any official or employee found to have engaged in prohibited harassment or discrimination shall be subject to appropriate discipline and sanctions. Depending upon all the circumstances, such sanctions could include termination of employment in the case of an employee. In the case of an official, penalties may include an official censure by the governing body and/or removal or reassignment from serving on Village committees or commissions.
- (3) The Village recognizes that the question of whether a particular action or incident is purely a personal, social matter without discriminatory effect requires a factual determination based on the facts. The Village also recognizes that false accusations of prohibited harassment or discrimination can have serious adverse effects. The Village expects all employees to act honestly and responsibly in complying with and enforcing this policy. It is a primary goal of the Village to maintain a pleasant working environment free of harassment or discrimination for all employees and officials.
- (4) Any employee with questions or concerns regarding this policy or any suspected harassment or discrimination in the workplace to contact the Village President and/or Village Clerk-Treasurer.

- (5) In the event of any conflict between this Section and Section 2-5-10, this Section shall control.

Sec. 2-5-9 Advisory Opinions.

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

Sec. 2-5-10 Employees Covered by Collective Bargaining Agreements.

In the event an employee, covered under a collective bargaining agreement, is allegedly involved in an Ethics Code violation, the terms and conditions set forth in the applicable collective bargaining agreement shall prevail in the administration and interpretation of Sections 2-5-1 through 2-5-10.

Sec. 2-5-11 Sanctions.

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