

Chapter 89

VILLAGE BOARD

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[HISTORY: Adopted by the Village Board of the Village of Black Creek as Title 2, Ch. 1, §§ 2-1-1 and 2-1-3, and Title 2, Ch. 2, of the 1987 Village Code. Amendments noted where applicable.]

§ 89-1. Village government.

The Village of Black Creek 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 of the Wisconsin Statutes, laws amending those chapters, other acts of the legislature and the Constitution of the State of Wisconsin.

§ 89-2. Official newspaper.

The official newspaper of the Village of Black Creek shall be the Seymour Times-Press.

§ 89-3. Composition and powers.

The Trustees of the Village of Black Creek 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.

§ 89-4. Trustees.

- A. Election, term, number. The Village of Black Creek shall have six Trustees in addition to the President, who is a Trustee by virtue of his or her office as President. The six Trustees shall constitute the Village Board. Three Trustees shall be elected at each annual spring election for a term of two years, commencing on the third Tuesday of April in the year of their election.
- B. Appointment as President. A Village Trustee shall be eligible for appointment as Village President to fill an unexpired term.

§ 89-5. Village President.

- A. Election. The Village President shall be elected at the annual spring election in odd-numbered years for a term of two years, commencing on the third Tuesday of April in the year of his or her election.
- B. Duties. The Village President shall, by virtue of his office, be a Trustee and preside at all meetings of the Board, be an ex officio but nonvoting member of each committee, and sign all ordinances, rules, bylaws, regulations and commissions adopted or authorized by the Board and all orders drawn on the treasury. He shall maintain peace and good order, see that the Village ordinances are faithfully obeyed, and in case of disturbance, riot or other apparent necessity appoint as many special marshals as he shall deem necessary, who for the time being shall possess all the powers and rights of constables. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]**

§ 89-6. Standing committees.

- A. Committee appointments. At the organizational meeting of the Village Board, the Village President shall appoint Trustees to each of the following standing committees:
 - (1) Finance Committee (three Trustees).
 - (a) Review and finalize the annual budget for public hearing and Village Board approval.
 - (b) Monitor expenditures.
 - (c) Review requests for nonbudgeted or emergency expenditures.
 - (d) Consider any other matters which may be referred by the Board.
 - (e) Chairman to review bank statements monthly.
 - (2) Building, Grounds and Equipment Committee (three Trustees).
 - (a) Review and approve any unusual requests for use of Village-owned facilities and equipment. **[Amended 4-9-2012]**
 - (b) Review and recommend any proposed changes, remodeling, additions, etc., to Village facilities.

- (c) Recommend, for Board adoption, policy guidelines for use of Village parks.
 - (d) Consider any other matters which may be referred by the Village Board.
- (3) Ordinance Committee (three Trustees).
- (a) Review and recommend Village Board action regarding proposed legislation impacting upon the Village and its residents.
 - (b) Review existing ordinances or proposed amendments to the Code of Ordinances for recommendation to the Board.
 - (c) Interpret the meaning or intent of any existing ordinance and, if necessary, request formal clarification by the Village Attorney.
 - (d) Recommend, for Village Board consideration, policies and procedures for more efficient municipal operations.
 - (e) Recommend, for Board adoption, resolutions expressing the policy of the Village regarding matters for which a formal declaration of official policy is required.
 - (f) Consider any other matters which may be referred by the Village Board.
- (4) Insurance and Personnel Committee (three Trustees).
- (a) Review and recommend Village Board action regarding the Village's insurance coverage and risk management program.
 - (b) Work to resolve differences between an employee and his supervisor.
 - (c) Recommend safety programs designed to minimize the Village's liability exposure.
 - (d) Review questions regarding personnel policies and administration.
 - (e) Consider any other matters which may be referred by the Village Board.
- (5) Fire and Police Committee (three Trustees).
- (a) Advisory to the Village Board regarding the operation of the Police Department and the Fire Department.
 - (b) Consider any other matters which may be referred by the Village Board.
- (6) Streets Committee (three Trustees).
- (a) Review and recommend an annual capital improvement program.
 - (b) Recommend policy guidelines regarding public improvements.
 - (c) Mediate disputes between property owners and the Village regarding public improvements.
 - (d) Consider any other matters which may be referred by the Village Board.
- (7) Water and Sewer Utilities Committee (three Trustees).

- (a) Provide overall general supervision of the Village sewer and water utilities.
 - (b) Consider any other matters which may be referred by the Village Board.
- B. President to designate chairmen.
- (1) The President shall designate the chairmen of each standing committee. All committee appointments except designation of chairmen shall be subject to confirmation by a majority vote of the Board.
 - (2) All Trustees shall serve on at least one standing committee. The Village President shall be an ex officio member of each standing committee.
 - (3) The Village President may declare the entire Board a committee of the whole for informal discussion at any meeting or for any other purpose, and shall ex officio be chairperson of the same.
 - (4) The Village Board may, from time to time, appoint such special committee or committees as it may deem advisable or as provided for by motion or resolution, stating the number of members and object thereof to perform such duties as may be assigned to them.
- C. Committee reports. Each committee shall, at the next regular Board meeting, submit a report on all matters referred to it. Such report shall recommend a definite action on each item and shall be approved by a majority of the committee. Any committee may require any Village officer or employee to confer with it and supply information in connection with any matter pending before it.

§ 89-7. General powers.

- A. General. The Village Board shall be vested with all the powers of the Village not specifically given some other officer. Except as otherwise provided by law, the Village Board shall have the management and control of the Village property, finances, highways, streets, navigable waters and the public service, and shall have the power to act for the government and good order of the Village, for its commercial benefit and for the health, safety, welfare and convenience of the public, and may carry its powers into effect by license, regulation, suppression, borrowing, taxation, special assessment, appropriation, fine, imprisonment and other necessary or convenient means. The powers hereby conferred shall be in addition to all other grants and shall be limited only by express language.
- B. Acquisition and disposal of property. The Village Board may acquire property, real or personal, within or without the Village, for parks, libraries, historic places, recreation, beautification, streets, waterworks, sewage or waste disposal, harbors, improvement of watercourses, public grounds, vehicle parking areas and for any other public purpose; may acquire real property within or contiguous to the Village, by means other than condemnation, for industrial sites; may improve and beautify the same; may construct, own, lease and maintain buildings on such property for instruction, recreation, amusement and other public purposes; and may sell and convey such property. Condemnation shall be as provided by the Wisconsin Statutes.

- C. Acquisition of easements and property rights. Confirming all powers granted to the Village Board and in furtherance thereof, the Board is expressly authorized to acquire by gift, purchase or condemnation, under the Wisconsin Statutes, any and all property rights in lands or waters, including rights of access and use, negative or positive easements, restrictive covenants, covenants running with land, scenic easements and any rights for use of property of any nature whatsoever, however denominated, which may be lawfully acquired for the benefit of the public or for any public purpose, including the exercise of powers granted under §§ 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 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 this Code of Ordinances shall be liberally construed in favor of the rights, powers and privileges of villages to promote the general welfare, peace, good order and prosperity of the Village and its inhabitants.

§ 89-8. Cooperation with other municipalities.

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

§ 89-9. Internal powers.

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

§ 89-10. Salaries.

The 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 an annual salary be paid the President and Trustees. Salaries heretofore established shall so remain until changed by ordinance and shall not be increased or diminished during their terms of office.

§ 89-11. Meetings. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]

- A. Regular meetings. Regular meetings of the Village Board shall be held on the second Monday of each calendar month at 6:30 p.m. local time, or at such other times as the Board may direct. Any regular meeting falling on a legal holiday shall be held on the next following secular day. All meetings of the Board shall be held at the Community Center, unless specified otherwise in the minutes of the preceding meeting or by written notice posted at the regular meeting place at least three hours prior to any meeting. In any event, all Board meetings shall be held within the boundaries of the Village.
- B. Annual organizational meeting. The Village Board shall hold an annual organizational meeting on the third Tuesday in April for the purpose of organization.

§ 89-12. Special meetings. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]

Special meetings of the Board may be called by the Village President, or by two Trustees, by filing a written request with the Village Clerk-Treasurer at least 24 hours prior to the time specified for such meeting. The Clerk-Treasurer shall immediately notify each Trustee of the time and purpose of such meeting. The notice shall be delivered or e-mailed or mailed to each Trustee personally or left at his usual place of abode. The Clerk-Treasurer shall cause an affidavit of such notice to be filed in his office prior to the time fixed for such special meeting. No business shall be transacted at a special meeting except for the purpose stated in the notice thereof. Notice to the public of special meetings shall conform to the open meeting requirements of § 61.32 and Ch. 19, Subch. V, Wis. Stats.

§ 89-13. Open meetings.

All meetings shall be open to the public unless falling within a lawful exception of the Wisconsin Open Meetings Law.¹

§ 89-14. Quorum.

- A. Four members of the Village Board shall constitute a quorum, but a lesser number may adjourn or compel attendance of absent members if a majority is not present. The President shall be counted in computing a quorum.
- B. When the presiding officer shall have called the members to order, the Village Clerk-Treasurer shall proceed to call the roll in alphabetical order, 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

1. Editor's Note: See § 19.81 et seq., Wis. Stats.

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.

§ 89-15. 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. 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 Pro Tem.
- B. President Pro Tem. The Village Board, at its first meeting subsequent to the regular election and qualification of new members, shall after organization, choose from its members a President Pro Tem who, in the absence of the President, shall preside at meetings of the Board and, during the absence or inability of the Village President, shall have the powers and duties of the Village President, except that he shall not have power to approve an act of the Board which the Village President has disapproved by filing objections with the Clerk.
- C. Duties. The presiding officer shall preserve order and decorum, decide all questions of order, and conduct the proceedings of the meeting 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. In the absence of the Clerk, the presiding officer shall appoint a Clerk-Treasurer Pro Tem.

§ 89-16. Order of business.

- A. Order of business. At all meetings, the following order may be observed in conducting the business of the Village Board:
 - (1) Call to order by presiding officer;
 - (2) Roll call (if a quorum is not present, the meeting shall thereupon adjourn, which may be to a specified date);
 - (3) Reading, correcting and approval of the minutes of the last preceding meeting or meetings;
 - (4) Presentation of claims;
 - (5) Presentation of petitions; business from the floor; communications;
 - (6) Committee reports; Special Committee reports;
 - (7) Ordinances and resolutions;
 - (8) Unfinished business;
 - (9) New and miscellaneous business;

(10) Adjourn.

- B. 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.

§ 89-17. Introduction of business, resolutions and ordinances; disposition of communications.

- A. Ordinances to be in writing. All ordinances and bylaws submitted to the Board shall be in writing and shall include, at the outset, a brief statement of the subject matter, a title and the name of the Trustee introducing same and shall be referred to the appropriate committee by the President. The committee shall report back to the Board on the matter at the next Board meeting. Unless requested by a Trustee before a final vote is taken, no ordinance, resolution or bylaw need be read in full.
- B. Subject and numbering of ordinances. Each ordinance shall be related to no more than one subject. Amendment or repeal of ordinances shall only be accomplished if the amending or repealing ordinance contains the number and title of the ordinance to be amended or repealed, and titles of amending and repealing ordinances shall reflect their purpose to amend or repeal.
- C. Notice.
- (1) The Village Board may take action on an ordinance only if it appears on the written agenda for the meeting at which action is requested.
- (2) Ordinances will be placed on the agenda for Board action only if they are submitted to the Village Clerk-Treasurer in written form a minimum of four days prior to the meeting at which action is requested.
- D. Disposition of petitions, communication, etc. Every petition, or other writing of any kind, 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 the Clerk-Treasurer or such other Village officer to the Village President or to the presiding officer of the Board as soon as convenient after receipt of same and, in any event, prior to or at the opening of the next meeting of the Village Board following the receipt of same. Every such petition, or other writing, and every paper, communication or other proceeding which shall come before the Board for action may be referred by the Village President or presiding officer to the appropriate committee or commission unless objected to by some member of the Board.

§ 89-18. Publication and effect of ordinances.

- A. All general ordinances of the Village and all regulations imposing any penalty shall be published either in their entirety or as a notice as provided in § 61.50(1), Wis. Stats., in the official paper of the Village once or posted according to state law and shall be immediately recorded, with the affidavit of publication, by the Village Clerk-Treasurer in a book kept for that purpose. A printed copy of such ordinance or regulation in any book, pamphlet or newspaper and published or purporting to be published therein by

direction of the Village Board shall be prima facie proof of due passage, publication and recording thereof. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]

- B. All ordinances shall take effect and be in force from and after passage and publications thereof, unless otherwise provided.

§ 89-19. Conduct of deliberations.

- A. 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) On confirmation and on the adoption of any measure assessing or levying taxes, appropriations or disbursing money, or creating any liability or charge against the Village or any fund thereof.
 - (3) When required by the State Statutes of Wisconsin.
- B. 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, or the President, and the Village Clerk-Treasurer shall call the roll in alphabetical order, and the Village Clerk-Treasurer shall call the roll starting with "A" and then in alphabetical order one time and then starting with "Z" and in reverse alphabetical order the next time.
- C. Except as provided below, the Village Board shall in all other respects determine the rules of its procedure, which shall be governed by Robert's Rules of Order, which is hereby incorporated by reference, unless otherwise provided by ordinance or statute, except when otherwise limited or modified by this Code of Ordinances:
- (1) No Trustee shall address the Board until he has been recognized by the presiding officer. He shall thereupon address himself to the Board and confine his remarks to the question under discussion and avoid all personalities.
 - (2) When two or more members simultaneously seek recognition, the presiding officer shall name the member who is to speak first.
 - (3) No person other than a member shall address the Board except under order of business, except the citizens may address the Board with the permission of the presiding officer as to matters which are being considered by the Board at the time.

§ 89-20. Reconsideration of questions.

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

§ 89-21. Disturbances and disorderly conduct.

Whenever any disturbance or disorderly conduct shall occur in any of the meetings of the Board, the President may cause the room to be cleared of all persons guilty of such disorderly conduct except the Trustees.

§ 89-22. Amendment of rules.

The rules of this chapter 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 2/3 of all the members of the Board.

§ 89-23. Suspension of rules.

These rules shall not be suspended except by a two-thirds vote of all the members of the Board.