

## Chapter 62

### VILLAGE BOARD

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[HISTORY: Adopted by the Village Board of the Village of Albany 5-11-1992 as Title 2, Ch. 2 of the 1992 Code. Amendments noted where applicable.]

#### § 62-1. Members; vested powers.

The Trustees of the Village of Albany 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.

State Law Reference: W.S.A. ss. 61.32 and 61.34.

#### § 62-2. Trustees.

A. Election; term; number. The Village of Albany shall have six Trustees in addition to the President, who is a Trustee by virtue of his office as President. The six Trustees shall constitute the Village Board. Three Trustees shall be elected at each annual spring election for a term of two years, commencing on the third Tuesday of April in the year of their election.

B. Appointment as President. A Village Trustee shall be eligible for appointment as Village President to fill an unexpired term.

State Law Reference: W.S.A. s. 61.20 and 61.325.

#### § 62-3. Village President.

A. Election. The Village President shall be elected at the annual spring election in odd-numbered years for a term of two years, commencing on the third Tuesday of April in the year of his election.

B. Duties. The Village President shall by virtue of his office be a Trustee and preside at all meetings of the Board, have a vote as Trustee and sign all ordinances, rules, bylaws, regulations and commissions adopted or authorized by the Board and all orders drawn on the Treasury. 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.

State Law Reference: W.S.A. s. 61.24.

#### **§ 62-4. Standing committees.**

A. Committee appointments. Standing committees of the village are appointed by the Village President, subject to confirmation by the Village Board. The committees listed in Subsection B shall consist of not less than three members. The appointments to each committee shall be made at the annual organizational meeting of the Village Board. Standing committees shall review such matters as may be referred to them by the Village Board and shall submit recommendations for Board action.

B.<sup>1</sup> Committees established. The following standing committees are established:

- (1) Finance, Insurance Committee.
- (2) Streets, Sidewalks, Utilities and Dam Committee.
- (3) Police, Fire, License and Civil Defense Committee.
- (4) Park, Recreation and River Committee.
- (5) Plans and Community Development Commission.
- (6) Personnel Committee.
- (7) Building and Grounds, Cemetery Committee.
- (8) Recycling Committee -- Joint with Albany Township.

C. President to designate Chairpersons; committees-of-the-whole; special committees.

(1) The Village President shall designate the Chairperson of standing committees. All committee appointments except designation of the Chairperson 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 or may be appointed to serve as a member of a specific committee.

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<sup>1</sup> Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

(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 President may, from time to time, appoint such special committee or committees as he deems advisable or as provided for by motion or resolution by the Board, stating the number of members and object thereof, to perform such duties as may be assigned to them. All special committees shall cease to exist after the April Board meeting unless reappointed by the Village President or extended by the Village Board.

D. Committee reports.

(1) All committees are subunits of the Village Board and perform no executive or administrative village function other than as specifically authorized by ordinance or policy adopted by the Village Board.

(2) Each committee shall give the full Board 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. Each committee report shall include the date, time and place of the meeting and the members attending. Each such written committee report is deemed to be the product of the entire committee, whether any item therein is approved unanimously or not. Each such report should provide all necessary historical background to familiarize the Board with the issue. A copy shall be submitted to the Village Clerk-Treasurer's office to be filed.<sup>2</sup>

(3) If a committee member in a particular committee disagrees with the position taken by the committee on an issue, such member may address the Board with the minority position. The Board shall permit one committee member supporting the majority position equal time to address the Board on such issue.

E. Ambiguity of committee authority. In case of ambiguity or apparent conflict between the preceding definition of committee authority and a definition, in these ordinances, of the authority of a village officer, employee, board or association, the latter shall prevail.

F. Cooperation of village officers. All village officers shall, upon request of the Chairperson of any committee, confer with the committee and supply such information as the committee may request upon any pending matter. A committee shall not assume responsibility for the administration of any Village Department.

**§ 62-5. Powers and duties.**

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.

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<sup>2</sup>Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

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 W.S.A. s. 61.35 and 62.23; 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 shall be liberally construed in favor of the rights, powers and privileges of villages to promote the general welfare, peace, good order and prosperity of the village and its inhabitants.

State Law Reference: Art. XI, Sec. 3, Wis. Const.; W.S.A. s. 61.34.

#### **§ 62-6. Cooperation with other municipalities.**

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

State Law Reference: W.S.A. ss. 61.34(2) and 66.30.

#### **§ 62-7. Internal powers of Board.**

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

State Law Reference: W.S.A. s. 61.32.

### **§ 62-8. Salaries and compensation.**

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 and employees. The salaries and compensation to be paid to village officers and employees shall be annually determined by resolution of the Village Board. Salaries heretofore established shall so remain until changed by ordinance and shall not be increased or diminished during their terms of office.

State Law Reference: W.S.A. s. 61.32.

### **§ 62-9. Meetings.**

A. Regular meetings. Regular meetings of the Village Board shall be held at such times designated by the Village Board, except when the day so designated falls on a legal holiday, in which case the regular meeting shall be held the following day or at such other date and time as the Village Board shall designate. When the Village Board designates a date and time for the regular Board meeting, notice thereof shall be posted at the Municipal Building in the Village of Albany and in the official village newspaper prior to such rescheduled meeting date. All meetings of the Board shall be held at the Municipal Building, 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 or on the first regular meeting in May following the spring election for the purpose of organization.

C. Board minutes. The Village Clerk-Treasurer shall keep a record of all Board proceedings and cause the proceedings to be published or posted.<sup>3</sup>

State Law Reference: W.S.A. s. 61.32.

### **§ 62-10. Special meetings.**

A. Special meetings of the Board may be called by the Village President or by two Trustees filing a request with the Village Clerk-Treasurer at least 48 hours prior to the time specified for such meeting. The Village Clerk-Treasurer shall select the day for the special meeting and immediately notify each Trustee of the time and purpose of such meeting. The notice shall be delivered or mailed to each Trustee personally or left at his usual place of abode a minimum of 24 hours prior to the meeting time. The Village Clerk-Treasurer shall cause a record 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 W.S.A. s.

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<sup>3</sup>Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

61.32 and W.S.A. ch. 19, subch. IV.<sup>4</sup> The Village Clerk-Treasurer shall give notice immediately upon the call for such meeting being filed with him.

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

State Law Reference: W.S.A. s. 985.02(2)(a).

### **§ 62-11. Open meetings; adjournment of meetings.**

A. Open meeting law compliance. All meetings shall be open to the public, unless falling within a lawful exception of the Wisconsin Open Meetings Law.<sup>5</sup>

B. Adjournment of meetings. An adjournment to a closed session may be only for a permitted purpose, as enumerated in W.S.A. s. 19.85, and must meet the other requirements of said W.S.A. s. 19.85.

C. Meetings to be open. During the holding of any open session in the regular meeting room or in the substituted meeting room, said room and said meeting shall at all times be open and remain open to all citizens.

D. Closed meetings. The provisions of this Code do not prohibit the Board or any committee thereof from having a closed meeting which is legally convened and legally held in a room in said building other than the official meeting room or in some other building in the village.

State Law Reference: W.S.A. s. 61.32 and W.S.A. ch. 19, subch. IV.

### **§ 62-12. 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 Village President shall be counted in computing a quorum.

B. When the presiding officer shall have called the members to order, the Village Clerk-Treasurer shall 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 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: W.S.A. s. 61.32.

### **§ 62-13. Presiding officers.**

A. Village President shall preside. The Village President shall preside over meetings of the Village Board. In case of absence of the Village President, the Village Clerk-Treasurer shall

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<sup>4</sup>Editor's Note: See W.S.A. ss. 19.62 through 19.80.

<sup>5</sup>Editor's Note: See W.S.A. ch. 19, subch. V, ss. 19.81 through 19.88.

call the meeting to order, and the Trustees present shall elect one of their number Acting President.

B. 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.

State Law Reference: W.S.A. s. 61.32.

#### **§ 62-14. Meeting agendas; order of business.**

A. Agenda.

(1) The order of business at all regular or special meetings shall be according to the agenda prepared by the Clerk-Treasurer. All matters to be presented at a Board meeting shall be filed with a Clerk-Treasurer no later than 12:00 noon on the Friday preceding the scheduled regular Board meeting to enable the Clerk-Treasurer to prepare the agenda and all attachments and distribute the same to the Village Board. Matters filed after 12:00 noon on the Friday preceding the Board meeting will not be placed upon the agenda. The 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 Clerk-Treasurer whether to include an item on the agenda, except that the Trustees calling a special meeting shall decide which items shall be first considered at such special meeting.

(4) The Clerk-Treasurer shall afford the Trustees maximum reasonable notice of agenda items as each situation allows.

B. Order of business. Generally, the following order may be observed in the conduct of all regular Board meetings:

- (1) Call to order.
- (2) Roll call.
- (3) Approval of minutes, and any corrections, of preceding regular and special meetings.
- (4) Public appearances.
- (5) Committee reports.
- (6) Communications and miscellaneous business as permitted by law.
- (7) 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.

**§ 62-15. Introduction of business; resolutions and ordinances; disposition of communications.**

A. Ordinances. All ordinances and resolutions shall be prepared as follows:

(1) Each ordinance or resolution shall include a note stating the purpose thereof prepared by the sponsor. All ordinances submitted to the Board shall be in writing and shall include at the outset a brief statement of the subject matter and a title.

(2) The sponsor of an ordinance or resolution may be the President, one or more Trustees, a department head or a committee, board or commission. The Clerk-Treasurer or the Village Attorney may sponsor ordinances or resolutions when changes in state law make it necessary or desirable for the village to act rapidly.

(3) Each ordinance or resolution may contain both a recommended referral to appropriate subunits of the Board and a fiscal note showing the contemplated fiscal impact, if any, of the proposal.

(4) On ordinances or resolutions that require special handling, the Clerk-Treasurer shall assure that an editorial note is prepared showing compliance with such special handling.

(5) The Clerk-Treasurer may reject any ordinance or resolution from placement on the agenda which fails to comply with this section.

(6) Resolutions shall be in writing at the request of one Trustee; such request shall be nondebtable.

(7) Unless requested by a Trustee before a final vote is taken, no ordinance, resolution or bylaw need be read in full.

(8) Resolutions may be referred to an appropriate standing committee for an advisory recommendation.

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

C. 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.

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 such other village officer to the Village President or to the presiding officer of the Board as soon as convenient after receipt of the same and, in any event, prior to or at the opening of the next meeting by the Village Board following the receipt of the 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.

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

#### **§ 62-16. Publication and effect of ordinances.**

A. All general ordinances of the village and all regulations imposing any penalty shall be published in the official paper of the village once or posted according to state law and shall be immediately recorded by the Village Clerk-Treasurer in a book kept for that purpose and/or the Village Code. 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.

B. All ordinances shall take effect and be in force from and after passage and publication/posting thereof, unless otherwise provided.

State Law Reference: W.S.A. ss. 61.32 and 61.50.

#### **§ 62-17. Conduct of deliberations.**

A. Roll call votes. A roll call shall not be necessary on any questions or motions except as follows:

- (1) When the "ayes" and "nays" 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 in excess of \$10,000.
- (3) When required by the state statutes of Wisconsin.

B. Record of votes. All aye and nay votes shall be recorded in the official minutes. The 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.

C. Parliamentary procedure. 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, Revised (1984), which is hereby incorporated by reference, unless otherwise provided by ordinance or statute, except when otherwise limited or modified by this Code:

- (1) No Trustee shall address the 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 permission of the presiding officer as to matters which are being considered by the Board at the time.

(4) Question in debate.

(a) When a question is in debate, no action shall be in order, except:

[1] To adjourn.

[2] To lay on the table.

[3] The previous question.

[4] To postpone a certain date.

[5] To refer to a standing, select or special committee.

[6] To amend.

[7] To postpone indefinitely.

(b) These several motions shall have precedence in the order in which they stand.

(5) The movant may request leave to withdraw a motion at any time prior to voting on the question. Such a request requires no second. If any member objects, the presiding officer shall put the question of granting the request to vote.

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

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

### **§ 62-18. Reconsideration of questions.**

Any member voting on the prevailing side may move for reconsideration of any question except those which cannot be reconsidered pursuant to Robert's Rules of Order, Revised.

### **§ 62-19. 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 causing such disorderly conduct.

**§ 62-20. Amendment of rules.**

The rules of §§ 62-17 through 62-19 shall not be rescinded or amended unless the proposed amendment or motion to rescind has laid over from a regular meeting, and then it shall require a vote of 2/3 of all the members of the Board.

**§ 62-21. Suspension of rules.**

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