

A CHARTER ORDINANCE

(CHAPTER 100)

ORGANIZATION OF THE VILLAGE

100.01 THE VILLAGE BOARD.

A. Constituted.

The Village Board shall consist of the Village President and Six Trustees, all of whom shall be elected from the Village at large.

B. Term of Office.

- (1) The three Trustees elected at the regular Spring election commencing in 2002 shall from then on have a three (3) year term of office.
- (2) The three Trustees elected at the regular Spring election in 2003 shall from then on have a three (3) year term of office.
- (3) The Village President elected at the regular Spring election in 2002 shall be elected for a two (2) year term of office, and then commencing with the regular Spring election in 2004, shall thereafter be elected for a three (3) year term of office.

100.02 MEETINGS.

A. Regular Meetings.

Regular meetings of the Village Board shall be held at least once during each calendar month, on such day and at such hour as the Board shall designate. All meetings of the Board, including special and adjourned meetings, shall be held in the Village Hall. Any meeting which the Village Board designates to be held, shall be a regular meeting.

B. Special Meetings.

- (1) Special meetings of the Village Board may be called by the President, or by any two trustees, in writing filed with the Clerk-Treasurer at least 48 hours prior to the time specified for such meeting. The Clerk-Treasurer shall immediately notify the President and each trustee of the time and purpose of such meeting by causing a written notice thereof to be personally delivered to each Board member, if he or she can be found, or, if he or she cannot be found, then by leaving a copy of such notice at the home of such person in the presence of an adult member of his or her family. If the period between the time the meeting is called and the time fixed for such meeting makes it not practicable to give 48 hours notice, the longest possible notice of such meeting shall be given each member by the Clerk-Treasurer, and the notice shall be signed by at least five members of the Board. The Clerk-Treasurer shall cause an affidavit showing service of such

notice as herein provided to be filed in his or her office prior to the time fixed for such special meeting.

- (2) Special meetings may be held without such notice when all members in the Village Board are present in person or consent in writing to the holding of such meeting, such written consent to be filed with the Clerk-Treasurer prior to the beginning of the meeting.
- (3) Any special meeting attended by the President and all the trustees shall be a regular meeting for the transaction of any business that may come before such meeting.

C. Adjournments.

The Board may, by a majority vote of those present but by not less than three affirmative votes, adjourn from time to time to a specific date and hour.

D. Open Meetings.

All meetings shall comply with the notice and other requirements of the Wisconsin Open Meeting Law.

100.03 PRESIDING OFFICER.

A. Designated.

The Village President shall preside. In the absence of the President, the Clerk-Treasurer shall call the meeting to order and the trustees present shall elect one of their members as the temporary presiding officer. If the President appears while the meeting is in session, the temporary presiding officer shall vacate the chair.

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 the latest revision of Robert's Rules of Order, unless otherwise provided by statute or by these rules.

C. Decisions, Appeals From.

Any member may appeal from a decision of the presiding officer. An appeal shall be sustained by a 2/3 vote of the members present, excluding the presiding officer.

100.04 ROLL CALL; QUORUM.

A. Roll Call; Procedure When Quorum Not In Attendance.

As soon as the Board is called to order, the Clerk-Treasurer shall proceed to call the names of the members in alphabetical order, noting who is present and who is absent, and record the same in the proceedings of the Board. If there is not a quorum present, the

fact shall be entered on the journal and the Board may adjourn; or the President, or in his or her absence the Clerk, when requested by three or more members, may issue a process to any constable or policemen commanding him to summon all of the absentees to the meeting. Any member may leave the meeting with special permission from four members of the Board.

B. Quorum.

A majority of the members of the Village Board shall constitute a quorum. The President shall be counted in computing a quorum. A majority vote of all members of the Village Board in favor of any proposed ordinance, resolution, or appointment shall be necessary for passage or approval, unless a larger number is required by statute.

100.05 CLERK PRO TEM.

In the absence of the Clerk-Treasurer, a Deputy Clerk shall act as Clerk pro tem.

100.06 CONDUCT OF DELIBERATIONS.

The deliberations of the Village Board shall be conducted in the following manner:

- A. When a member is about to speak, he or she shall address himself or herself to the presiding officer, and the presiding officer shall recognize the member entitled to speak. When two or more members simultaneously seek recognition, the presiding officer shall name the member who is to speak first. A member shall confine his or her remarks to the question under discussion.
- B. No person other than a member shall address the Board, except by vote of a majority of the members present, or during a period when the meeting has been opened by the presiding officer for public discussion.
- C. Every motion or proposition submitted to the Village Board for consideration must be reduced to writing if the presiding officer or any member so requires. Every resolution or ordinance submitted to the Village Board must be in writing.
- D. No motion shall be discussed or acted upon until it has been seconded unless the rules permit one trustee to initiate action. No motion shall be withdrawn without the consent of the person making the same and the person seconding it.
- E. When a motion is made and seconded it shall be deemed to be before the Village Board and shall be stated by the presiding officer, or if in writing read by the Clerk-Treasurer, previous to debate. A motion may be withdrawn at any time before a vote has been taken thereon.
- F. When a question is under discussion, no action shall be in order except the following motions, which shall have precedence in the order listed:

- (1) To adjourn.
 - (2) To lay on the table.
 - (3) To move the question.
 - (4) To postpone to a certain day.
 - (5) To refer to a committee.
 - (6) To amend.
- G. Any member desiring to terminate debate may move the question, in which event the presiding officer shall announce the question substantially as, "Shall the question now be put?" If a majority of the members present vote in the affirmative, the main question shall be voted upon without further debate, its effect being to put an end to all debate and bring the Board to a direct vote, first upon any pending amendments and then upon the main question.
- H. Any trustee may demand a roll-call vote on any matter, and such vote shall be entered in the proceedings. Every member shall vote when a question is put unless the Board by a majority vote of those present excuses him or her for special cause.
- I. Any proposed ordinance, order or resolution, after reference to a committee and a report submitted thereon, may be again referred by the Village Board at any time previous to its final passage.
- J. A motion to adjourn shall always be in order; and a motion to adjourn or to lay on the table and a call for the question, shall be decided without debate.
- K. The President shall vote as a member of the Board.
- L. No member of the Board shall vote upon any proposed ordinance, order, resolution, or proposition in which he or she may be personally interested other than as a citizen of the Village.
- M. All questions shall be decided by a roll call of the members. A Board member may not change his or her vote on any question after the result has been announced.
- N. Any member voting with the majority (or any member on an evenly split vote of the board) may move for a reconsideration of the vote on any question at the same meeting the vote is had or at the next succeeding meeting. The motion for reconsideration shall not be considered unless all board members present at the initial vote are again present to pass upon the reconsideration request.

In the event that all board members present at the initial vote are not present to take up the reconsideration request, the motion for reconsideration shall automatically be tabled until such time as all such members are present. A motion to reconsider, being put and lost, shall not be renewed except as hereinafter provided.

Any member voting with the initial majority (or any member on an evenly split vote of the board) may renew the motion for

reconsideration at a subsequent meeting at which all members present at the time of the initial vote are again present, upon a showing of newly discovered facts or other information of a material nature which was not available at the time of the initial vote, which vote requires a majority plus one vote for passage.

The requirements set forth herein relative to certain members being present to pass upon a reconsideration request shall not apply if any board members voting at the initial vote are no longer on the board.

In the event that any successive renewal applications are made, the chair or a trustee may declare the renewal motion to be out of order, and no further such renewal motions will be entertained by the board unless such declaration is then and there appealed and defeated by a majority plus one.

- O. Any member of the Board shall have the right to protest against any ordinance of the Board which he or she may think injurious to the public or to any individual, and have his or her reasons for his or her protests entered upon the records.

100.07 ENFORCEMENT AUTHORITY.

The presiding officer shall maintain order and decorum, and may order any person to leave a Village meeting if the person has conducted himself or herself in a disorderly manner and persisted in such conduct after being directed by the presiding officer to cease the conduct. If the person refuses the presiding officer's order to withdraw, the presiding officer may order a law enforcement officer to take the person into custody until the meeting is adjourned.

100.08 APPOINTED OFFICIALS.

A. Clerk-Treasurer.

The officers of Clerk and Treasurer are combined into the office of Clerk-Treasurer. For the term commencing May 1, 1988, and continuing thereafter, the Clerk-Treasurer shall be appointed, and not elected, to office as hereinafter provided.

B. Other Offices.

The following offices shall be appointed:

- (1) Village Administrator.
- (2) Assessor.

C. Appointments.

Appointed officials shall serve at the pleasure of the Village Board but may be appointed for a fixed term not to exceed 3 years. Appointments shall be in writing. A person may be re-appointed to the same office. Expiration of the term for which an appointment has been made, shall automatically create a vacancy in the office. No person lawfully removed from office for cause shall be eligible to fill the vacancy caused by his or her removal. No person shall

have a right to be re-appointed to an office. Appointments to office shall be made by the majority vote of the Village Board. A corporation or an independent contractor may be appointed as Village Assessor in compliance with the provisions of Sec. 61.197(1)(f), Wisconsin Statutes 1983-84, and as the same may be amended or renumbered from time to time.

D. Duties.

The duties of each office shall be those as required by the Wisconsin Statutes, rules and regulations, the Village ordinances, and as determined by the Village Board from time to time. No contract for an office shall limit the duties to be performed by the official. Reporting requirements and supervisory responsibilities shall be in accordance with a Table of Organization as shall be established by the Village Board from time to time.

E. Removal.

- (1) Removal from a term of office shall be by affirmative vote of at least two-thirds of the Village Board. A removal shall be made by order delivered to the officer, or if he or she cannot be found then mailed by certified United States mail postage prepaid to his or her last known address, and a certified copy of which shall be filed in the office of the Clerk-Treasurer. If removal is for cause, the Order shall contain a statement of the cause or causes for which removal is made.
- (2) Removals from office for cause may be made only upon written verified charges preferred by one or more persons who are either a tax payer or resident, or both, of the Village, and after a speedy public hearing whereat said officer shall have had full opportunity to be heard in his or her defense, both personally and by legal counsel. Before any action shall be taken, the verified charges shall be filed in the office of the Clerk-Treasurer, together with a bond by the person or persons preferring the same in the sum of \$1,000.00 with one or more sureties to be approved by the Village Board, conditioned for the payment of all costs and expenses actually incurred by the Village in the hearing and investigation of such charges. A copy of the charges and written notice of the time and place for the hearing thereon, shall be given the officer by the Village by personal delivery or by mailing the same by certified United States mail postage prepaid to his or her last known address, not less than 15 days prior to the hearing. Service on the officer shall be deemed to be on the date of personal delivery, or on the date of mailing, whichever is applicable. The officer may within 10 days from service of such charges file his or her verified answer thereto, with the office of the Clerk-Treasurer. The hearing shall be conducted and an investigation made by the Village Board with due dispatch. The Village Board may make and enforce such orders and rules as are necessary to properly conduct the hearing, and may appoint and fix the compensation of a stenographer or court reporter to take testimony thereat. Evidence may be presented to the Village board on videotape which is properly authenticated. Each member of the Village Board is authorized to administer oaths and to issue subpoenas for the attendance of witnesses and for the production of

evidence. Upon the issuance of an Order for removal for cause, there shall be filed in the office of the Clerk-Treasurer a complete transcript of the testimony and proceeding at the hearing. The expenses of the procedure for removal shall be paid by the Village; except that, if the Village Board finds against removal and further finds that the complaint was willful and malicious, and without probable cause, all such expenses shall be paid by the person or persons who preferred the charges and may be collected in an action against him or all of them, or on the bond furnished, or both.

F. Village Administrator.

(1) Qualifications.

The Administrator shall be appointed on the basis of merit with due regard to training, experience, administrative ability and general fitness for the office as shall be determined by the Village Board of Trustees ("Board"). If not a resident of the Village at the time of appointment, the Administrator shall become a resident of the Village of Allouez in accordance with the provisions of Resolution 78-9, as the same may have been heretofore and may hereafter be amended.

(2) Functions and Duties.

The Administrator shall be the chief administrative officer of the Village, responsible to the Board for the proper administration of the business affairs of the Village, pursuant and subject to the case and statutory law of the State of Wisconsin, the resolutions and ordinances of the Village, and the directives of the Board, with such powers and duties as are delegated.

(3) Combined Office.

The office of Administrator may be, but is not required to be, combined with the office of the Clerk-Treasurer. If such offices are combined, salary and any and all other compensation for the position shall be paid on the basis of the combined office being a single office, and shall not be paid on the basis of the individual offices so held.

100.09 BOARDS AND COMMITTEES.

A. Definitions.

(1) **Board:** a permanent body of the Village whose members are officially appointed and empowered to perform certain acts of a public nature and to exercise designated governmental functions. When used in this Section 100.09, the term **Board** shall not include the Village Board.

(2) **Commission:** a board.

(3) **Committee:** an official body of the Village to which has been delegated particular duties which are to be performed in the expectation that such acts will be confirmed by the Village Board, or that its recommendations and advice will be of aid

and assistance to the Village Board in determining what acts and functions the Village should perform.

B. Creation.

The following Boards, Commissions and Committees are created to perform such duties as required by the Wisconsin Statutes, rules and regulations, the Village Ordinances, and as determined by the Village Board from time to time:

- (1) Village Plan Commission is established under the provisions of Wis. Stats. 62.23(1) and hereby vested with such authority as specified in State Statutes.
- (2) Park, Recreation & Forestry Committee.
- (3) Public Works Committee.
- (4) Economic Development Committee.
- (5) (deleted on 5/6/14)
- (6) Board of Appeals.
- (7) Board of Review.
- (8) Board of Ethics.
- (9) (deleted on 3/15/11)
- (10) (deleted on 12/4/12)
- (11) Historical Preservation Committee.

C. Appointments.

Members of such Committees, Boards and Commissions shall be appointed to regular terms by the Village President subject to confirmation by the Village Board at a meeting held after the Spring election and prior to May 1st of the calendar year in which the term is to begin. Regular terms shall commence on May 1st and end April 30th, and be of such length as hereinafter provided. In the event of a vacancy during a term, an appointment for the remainder of the term shall be made by the Village President subject to confirmation by the Village Board. Members may be reappointed, except that no person shall serve, or be appointed to a term for which he would become eligible to serve, for a period which exceed ten consecutive years unless the person holds such membership by reason of his or her elected public office or his or her employment by the Village or is otherwise reappointed by the Village Board. Reappointments which exceed the ten year maximum shall be made only when qualified replacements are not available and shall be for one-year terms. One-year reappointments shall not be made for more than five consecutive years. Qualified applicants who have not served for ten consecutive years should be appointed before extensions are granted. All appointments shall take into consideration the qualifications for members of the specific Committee, Board or Commission, as established by the Village Board from time to time. All members of Committees, Boards and Commissions shall serve at the pleasure of the Village Board.

D. Committees and Commission.

(1) Village Plan Commission.

- (a) The VILLAGE PLAN COMMISSION shall consist of six regular members and three alternate members, none of whom shall hold any other public office in the Village and one

Village of Allouez Trustee. Regular and alternate members shall be appointed for three-year terms; except that initial appointments of the alternate members shall be for one 3-year term, one 2-year term, and one 1-year term.

- (b) Each year, the Village President shall designate one of the alternate members as "first alternate", one as "second alternate", and the other as "third alternate". The first alternate shall act with full power only when a member of the Village Plan Commission refuses to vote because of interest or when a member is absent. The second alternate shall so act only when the first alternate so refuses or is absent or when more than one regular member of the commission so refuses or is absent. The third alternate shall so act only when the first and second alternates refuse to vote or are absent or when more than two regular members of the commission refuse to vote or are absent.
 - (c) Four members of the Village Plan Commission shall constitute a quorum. If there is not a quorum present, the fact shall be entered on the journal, and the commission may adjourn. At least four members of the commission must vote on all matters, exclusive of abstentions; a majority vote of all members electing to vote shall be necessary for passage or approval of any matter before the commission.
- (2) The PARKS, RECREATION & FORESTRY COMMITTEE, shall consist of six regular members, none of whom shall hold any other public office in the Village and one Village of Allouez Trustee. Appointments for the six regular members shall be for three-year terms. The appointment for the Village of Allouez Trustee shall be made annually along with the appointments of the other village trustees who serve on committees/boards/commissions.
 - (3) The PUBLIC WORKS COMMITTEE shall consist of three board members, and two citizen members, with the Village Administrator and Public Works Director serving as staff liaisons to the committee. The board members shall be appointed annually for a 1-year term. Citizen members can be appointed for three-year terms; except that, initial appointments shall be for one 3-year term and one 2-year term.
 - (4) The ECONOMIC DEVELOPMENT COMMITTEE shall consist of six regular members, none of whom shall hold any other public office in the Village and one Village of Allouez Trustee. Appointments for the six regular members shall be for three-year terms; except that, initial appointments shall be for two 3-year terms, two 2-year terms, and two 1-year terms. The appointment for the Village of Allouez Trustee shall be made annually along with the appointments of the other village trustees who serve on committees / boards / commissions.

- (5) The Historical Preservation Committee shall consist of six regular members, none of whom shall hold any other public office in the Village and one Village of Allouez Trustee. Of the membership, if available in the community, one shall be a registered architect, and one shall be a licensed real estate broker. Each member shall have, to the highest extent possible, a known interest in historical preservation. Appointments for the six regular members shall be for three year terms, except that initial appointments shall be for two - 3 year terms, three - 2 year terms and two - 1 year terms. The appointment for the Village of Allouez Trustee shall be made annually along with the appointments of the other village trustees who serve on committees/boards/commissions.
- (6) The Village Board may create such other advisory or ad hoc committees, for such period of time, for such purposes, and of such size, as it shall determine from time to time. Any appointments to such committees shall be made by the Village President subject to confirmation of the Board.

E. Boards.

- (1) The BOARD OF APPEALS shall consist of five regular members and three alternate members. Regular members shall be appointed to three-year terms; except that, initial appointments shall be for two 3-year terms, one 2-year term and two 1-year terms. Alternate members shall be appointed to three-year terms; except that, initial appointments shall be for one 3-year term, one 2-year term and one 1-year term.
- (2) The BOARD OF REVIEW shall consist of five regular members, none of whom shall hold any other public office in the Village, and the Clerk-Treasurer who shall be a non-voting member and act as Secretary to the Board. Regular members shall be appointed to two-year terms; except that, initial appointments shall be for two 2-year terms, and three 1-year terms.
- (4) (deleted on 3/15/11)
- (5) (deleted on 12/4/12)
- (6) The Board of Ethics shall consist of five (5) regular members, a first alternate member, and a second alternate member, none of whom shall hold any other public office in the Village. Regular members shall be appointed to 3-year terms; except that initial appointments shall be for two 3-year terms, one 2-year term, and two 1-year terms. Alternate members shall be appointed to 2-year terms, with the first alternate being appointed in odd-numbered years and the second alternate being appointed in even-numbered year, except that the initial appointment of the second alternate shall be for a 1-year term in an odd-numbered year. If a regular member cannot sit or act on a matter, the first alternate member shall take the regular member's place for that matter. If a

second regular member or the first alternate member cannot sit or act on a matter, the second alternate member shall take the place of the regular or first alternate member for that matter. The Board of Ethics is authorized to hold hearings and to act on matters if a quorum of three members, either regular or alternate, are present.

F. Miscellaneous.

- (1) Each committee, board and commission shall elect its chairman annually at its first regular meeting held after April 30th. No person shall be elected or act as chairman for more than two consecutive years, but such person may act as chairman for more than two years during his tenure of all terms he or she may serve on such committee, board or commission.
- (2) (repealed on 07/05/2016)
- (3) Written notice of the time, place and purpose of a meeting of a committee, board or commission shall be filed with the Clerk-Treasurer at least 72 hours before it is held. All meetings shall comply with the notice and other requirements of the Wisconsin Open Meeting Law.
- (4) Any committee, board or commission may request any Village officer to confer with it and supply information needed in connection with any matter pending before it. Every such request shall be in writing furnished to the appropriate officer, with a copy to the Clerk-Treasurer, at least 72 hours before the expected return or meeting date.

100.10 INTERPRETATION.

The wording of this ordinance has been chosen because of brevity and to promote clarity. As to all references in this Chapter, and as may be applicable:

- A. The masculine gender shall be deemed to include the feminine gender, and vice-versa;
- B. The singular shall be deemed to include the plural, and vice-versa;
- C. The term "Village", used either as a noun or as an adjective, means the Village of Allouez;
- D. Designation by title of any elected or appointed official, or employee, means such official or employee of the Village of Allouez;
- E. The terms "State" and "Wisconsin" mean the State of Wisconsin; and
- F. The term "County" means Brown County, Wisconsin.

100.11 PAID COMPENSATION OF VILLAGE BOARD MEMBERS.

Except for their salary as provided by ordinance, Village Board Members shall receive no Village of Allouez paid compensation whatsoever, whether from insurance benefits or otherwise, except as required by law.