

Chapter 16

BOARDS, COMMISSIONS AND COMMITTEES

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[HISTORY: Adopted by the Village Board of the Village of Albany 5-11-1992 as Title 2, Ch. 4 of the 1992 Code. Amendments noted where applicable.]

GENERAL REFERENCES

Emergency Management Commission -- See Ch. 26, § 26-2.

Village Board -- See Ch. 62.

§ 16-1. Board of Review.

A. Composition. The Board of Review of the Village of Albany shall be composed of the Village President and two Village Trustees. The two Trustees shall be appointed by the Village President, subject to confirmation by the Village Board, for one-year terms beginning May 1. The Village Clerk-Treasurer shall serve as Clerk of the Board of Review. The Assessor shall attend all meetings of the Board of Review, but shall not vote.

B. Compensation. The members of the Board of Review shall receive compensation as determined by resolution of the Village Board.

C. Duties. The duties and functions of the Board of Review shall be as prescribed in W.S.A. ss. 70.46 and 70.47.

D. Meetings. In accordance with W.S.A. s. 70.47(3)b, the Village Board does hereby exercise its right to designate hours for the annual Board of Review proceedings, other than those set forth in W.S.A. s. 70.47(3)a, and do hereby designate the hours of the annual Board of Review meeting to be 6:00 p.m. to 10:00 p.m. The Board may adjourn from day to day or from time to time, until such time as its business is completed, provided that adequate notice of each adjournment is so given.¹

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 Albany 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.

§ 16-2. Zoning Board of Appeals.

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

A. Establishment. A Zoning Board of Appeals shall be appointed and governed by the state zoning enabling law as contained in W.S.A. s. 62.23, Chapter 273, Zoning, 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 citizen members and two alternate members appointed by the Village President, subject to confirmation by the Village Board, for a three-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 Chairman.

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, decision or determination made by an administrative official in the enforcement of any village zoning code or any ordinance adopted under W.S.A. ss. 62.23, 61.35 or 62.231 (wetlands), 87.30 or 281.31 (floodplains) or W.S.A. ch. 91 (farmland preservation).²

(2) To hear and decide special exceptions to the terms of Chapter 273, Zoning, and Chapter 270, Floodplain Zoning, upon which the Board of Appeals is required to pass.

(3) To authorize, upon appeal in specific cases, such variance from the terms of Chapter 273, Zoning, 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 Chapter 273, Zoning, 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 Board'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 Chapter 273, Zoning, 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 ought to be made in the premises. The concurring vote of four 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 Chapter 273, Zoning. The grounds of every such determination shall be stated and recorded. No order of the Zoning Board of Appeals granting a variance shall be valid for a period longer than six months from the date of such order unless the land use permit is obtained within such period and the erection or alteration of a building is started or the use is commenced within such period.

C. Meeting and rules.

(1) All meetings and hearings of the Zoning Board of Appeals shall be open to the public, except that the Board may go into executive session to deliberate after a hearing or an

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

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.³

(2) Special meetings may be called by the Chairman or by the Secretary at the request of two members. Notice of a special meeting shall be mailed to each member at least 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 Chairman.

(4) A quorum for any meeting or hearing shall consist of four members, but a lesser number may meet and adjourn to a specified time.

(5) The Board 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 Board shall adopt its own rules of procedure not in conflict with this Code or with the applicable Wisconsin Statutes.

(6) No Board member shall participate in the decision of or vote upon any case in which the member is financially interested, directly or indirectly, but the Chairman 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: W.S.A. s. 62.23(7)(e).

§ 16-3. Plan Commission.

A. Composition. The Village Plan Commission shall consist of seven members, who shall be the following: the Village President, who shall be its presiding officer, two Village Board members, to be appointed annually by the Village Board, and four citizen members. [Amended 4-10-1995 by Ord. No. 02-95]

B. Appointment.

(1) Trustee member. The Trustee member or members shall be annually appointed by a two-thirds vote at the organizational meeting of the Village Board.

(2) Citizen members.

(a) The citizen members, upon the creation of the Commission, shall be appointed to hold office for a period ending one, two and three years, respectively, from the date of their appointment, and thereafter annually one such member shall be appointed by the Village President for a term of three years, subject to Village Board approval.

³Editor's Note: See W.S.A. ch. 19, subch. V.

(b) The fourth citizen member shall be first appointed to hold office for a period ending one year from the succeeding first day of May, and thereafter annually during the month of April.

(c) All citizen members shall be persons of recognized experience and qualifications and shall hold office until their respective successors are selected and qualified. Whenever a vacancy shall occur in any citizen member, a successor shall be appointed for the unexpired term in the manner as set forth above.

C. Record. The Plan Commission shall keep a written record of its proceedings to include all actions taken, a copy of which shall be filed with the Village Clerk-Treasurer. Four members shall constitute a quorum, but all actions shall require the affirmative approval of a majority of all of the members of the Commission.

D. Duties.

(1) Master Plan.

(a) The Plan Commission shall make, adopt and, as necessary, amend, extend or add to the Master Plan, subject to Village Board confirmation, for the physical development of the village, including areas outside of its boundaries which, in the Plan Commission's judgment, bear relation to the development of the village. The Master Plan, with the accompanying maps, plats and descriptive and explanatory matter, shall show the Commission's recommendations for such physical development, and may include, among other things without limitation because of enumeration, the general location, character and extent of streets, highways, freeways, street grades, roadways, walks, parking areas, public places and areas, parks, parkways, playgrounds, sites for public buildings and structures and the general location and extent of sewers, water conduits and other public utilities, whether privately or publicly owned, the acceptance, widening, narrowing, extension, relocation, removal, vacation, abandonment or change of use of any of the foregoing public ways, grounds, places, spaces, buildings, properties, utilities, routes or terminals, the general location, character and extent of community centers and neighborhood units and a comprehensive zoning plan.

(b) The Commission may adopt the Master Plan as a whole by a single resolution, or, as the work of making the whole Master Plan progresses, may from time to time by resolution adopt a part or parts thereof, any such part to correspond generally with one or more of the functional subdivisions of the subject matter of the Plan. The adoption of the Plan, or any part, amendment or addition, shall be by resolution carried by the affirmative votes of not less than a majority of all the members of the Plan Commission, subject to confirmation by the Village Board. The resolution shall refer expressly to the maps, descriptive matter and other matters intended by the Commission to form the whole or any part of the Plan, and the action taken shall be recorded on the adopted Plan or part thereof by the identifying signature of the Secretary of the Commission, and a copy of the Plan or part thereof shall be certified to the Village Board. The purpose and effect of the adoption and certifying of the Master Plan or part thereof shall be solely to aid the Plan Commission and the Village Board in the performance of their duties.

(2) Matters referred to Plan Commission. The Village Board or officer of the village having final authority thereon shall refer to the Plan Commission, for its consideration and report before final action is taken by the Board, public body or officer, the following matters: public hearings and recommendations to the Village Board for requests for conditional use permits and variances; the location of any statue or other memorial; the location, acceptance, extension, alteration, vacation, abandonment, change of use, sale, acquisition of land for or lease of land for any street, alley or other public way, park, playground, airport, area for parking

vehicles or other memorial or public grounds; the location, extension, abandonment or authorization for any public utility, whether publicly or privately owned; all plats of lands in the village or within the territory over which the village is given platting jurisdiction by W.S.A. ch. 236; the location, character and extent or acquisition, leasing or sale of lands for public or semipublic housing, slum clearance, relief of congestion or vacation camps for children; and the amendment or repeal of any land use ordinance.⁴

(3) Miscellaneous powers. The Commission may make reports and recommendations related to the plan and development of the village to public officials and agencies, civic, educational, professional and other organizations and citizens. It may recommend to the Village Board programs for public improvements and the financing thereof. All public officials shall, upon request, furnish to the Commission, within a reasonable time, such available information as it may require for its work. The Commission, its members and employees, in the performance of its functions, may enter upon any land, make examinations and surveys and place and maintain necessary monuments and markers thereon. In general, the Commission shall have such powers as may be necessary to enable it to perform its functions and promote municipal planning in cooperation with the Village Board. The Commission shall oversee community development block grants. The Village Board may refer to the Commission for its consideration and recommendation any matter pertaining to planning and development of land within the village. All plats or replats of any lands within the limits of the village shall be submitted to the Commission for its recommendations to the Village Board before the same are approved by the Village Board.

E. Compensation oath. Compensation for service on the Commission shall be as established by the Village Board. Citizen members shall take the official oath required by W.S.A. s. 19.01, which shall be filed with the Village Clerk-Treasurer.

F. Organization. As soon as all members of the first Commission shall have been appointed, the Village Clerk-Treasurer shall give each member a written notice of the appointment and thereon shall fix the time and place of the first meeting, which shall be not less than five nor more than 10 days thereafter. Such Commission shall elect a Vice Chairman, and the Clerk-Treasurer shall act as Secretary, and shall keep a written record of its proceedings, to include all actions taken, a copy of which shall be filed with the Village Clerk-Treasurer.⁵

G. Employees; budget. The Plan Commission shall have the power to employ experts and such staff as may be necessary, and to pay for their services and such other expenses as may be necessary and proper, within the limits of the budget established by the Village Board, or placed at its disposal through gift, and subject to any ordinance or resolution enacted by the Village Board. As far as possible, the Commission shall utilize the services of existing village officials and employees.

H. Rules of procedure; report. The Plan Commission is hereby authorized to adopt rules governing its own proceedings. The Commission shall make a monthly report, in writing, to the Village Board of its transactions and expenditures, if any, for the preceding month, with such general recommendations as to matters covered by its prescribed duties and authority as seem proper.

State Law Reference: W.S.A. ss. 61.35 and 62.23 and ch. 236.

§ 16-4. Election Board.

⁴Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

⁵ Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

The Election Board shall be appointed pursuant to the provisions of Chapter 38, Government and Elections, § 38-4.

§ 16-5. Park Commission.

A. Composition.

(1) The Park Commission shall consist of the Village Board's Park Committee and four citizens.

(2) The citizen members shall be appointed by the Village President upon creation of the Commission, to hold office for a period ending one, two and three years, respectively, from the succeeding May 1. Thereafter, annually during April, one such member shall be appointed for a term of three years.

(3) The fourth citizen member shall be first appointed to hold office for a period ending one year from the succeeding first day of May and thereafter annually during the month of April.

B. Vacancies. Vacancies other than ex officio shall be filled by appointment for the residue of the unexpired term in the same manner as appointment for the full term.

C. Compensation; oath. Compensation for service on the Commission shall be established by the Village Board. Citizen members shall take the official oath required by W.S.A. s. 19.01, which shall be filed with the Village Clerk.⁶

D. Powers and duties. The Park Commission shall have the powers and duties prescribed in W.S.A. s. 27.08 and such other powers or duties as shall be vested in them from time to time by law or the Village Board.

E. Organization. As soon as all members of the first Commission shall have been appointed, the Village Clerk-Treasurer shall give each member a written notice of the appointment and thereon shall fix the time and place of the first meeting, which shall be not less than five nor more than 10 days thereafter. Each year such Commission shall elect a Chairman, Vice Chairman and Secretary and shall keep a written record of its proceedings, to include all actions taken, a copy of which shall be filed with the Village Clerk-Treasurer. Four members shall constitute a quorum, but all actions shall require the affirmative approval of a majority of the members present.

F. Employees; budget. The Park Commission shall employ experts and such staff as may be necessary and pay for their services and such other expenses as may be necessary and proper, within the limits of the budget established by the Village Board, or placed at its disposal through gift, subject to any ordinance or resolution enacted by the Village Board. As far as possible, the Commission shall utilize the services of existing village officials and employees.

G. Rules of procedure; report. The Park Commission is hereby authorized to adopt rules governing its own proceedings. The Commission shall meet once every three months or at such other times as the Commission may direct. The Commission shall make a report, in writing, to the Village Board of its transactions and expenditures, if any, with such general recommendations as to matters covered by its prescribed duties and authority.

⁶Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

§ 16-6. 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, 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. 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 W.S.A. ss. 19.81 and 19.89.

C. Minutes. The Secretary of each board, committee and commission shall file a copy of the meeting minutes of such board or commission with the Village Clerk-Treasurer.

§ 16-7. Residency and attendance standards.

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

B. Attendance standard. Members of boards, committees and commissions are required to attend a minimum of 2/3 of the meetings in each six-month period of their respective bodies, unless excused by 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.

C. Appointments. Appointments to boards, commissions and committees under this chapter shall be subject to the appointment standards of Chapter 44, Officers and Employees, § 44-14B.