

TITLE 2

Government and Administration

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Village Government and Elections

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Sec. 2-1-1 Village Government.

The Village of Livingston is a body corporate and politic with the powers of a municipality at common law and governed by the provisions of Chapters 61 and 66, Wis. Stats., laws amending those chapters, other acts of the legislature and the Constitution of the State of Wisconsin.

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

Sec. 2-1-2 Caucus for Nomination of Candidates.

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

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

Sec. 2-1-3 Election Hours; Voter Registration.

- (a) **Election Poll Hours.** The voting polls in the Village of Livingston, Grant and Iowa Counties, Wisconsin shall be opened from 9:00 a.m. to 8:00 p.m. for all elections.
- (b) **Voter Registration.** All electors for all elections shall be required to be registered. The Village Clerk-Treasurer shall receive applications for registration at his/her office during regular office hours throughout the year, except that registration may also be completed at Village polling places on election days upon presentation of proper identification and proof of residency.

Sec. 2-1-4 Election Officials.

- (a) Pursuant to the Wisconsin Statutes, there is hereby established one (1) set of election officials to conduct all elections of the Village which shall consist of seven (7) election inspectors. However, pursuant to Sec. 7.32, Wis. Stats., the Village Clerk-Treasurer is authorized to reduce the number of election officials, provided that no such action may reduce the number of officials at a polling place to less than three (3). The Clerk-Treasurer shall determine in advance of each election whether the number of election officials for such election should be reduced from the number prescribed by the Wisconsin Statutes, and if such a reduction is so determined, the Clerk-Treasurer shall further redistribute duties among the remaining officials. Pursuant to Sec. 7.32, Wis. Stats., the Village Clerk-Treasurer is hereby authorized to reduce the number of election officials for all elections to three (3) officials.
- (b) Because Ch. 7.30(1), Wis. Stats., allows for the creation of alternate or two (2) sets of election officials to work at different times on election day, the Village Board authorizes the selection of alternate and/or two (2) sets of election officials to staff the polls on election day. The Clerk-Treasurer is hereby authorized to schedule election officials in shifts on any said election day. The Village Clerk-Treasurer shall redistribute the duties of such election officials.

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

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

- (a) **Publication.** When publication is used instead of legal posting, the official newspaper of the Village of Livingston shall be the *Platteville Journal*.
- (b) **Legal Posting.** When legal posting is used instead of publication, the Village shall post notices in the following three (3) designated posting locations:
 - (1) United States Post office (front lobby).
 - (2) Livingston Village Hall (bulletin board inside front door).
 - (3) Village of Livingston message board.

State Law Reference: Sec. 985.06, Wis. Stats.

Title 2 ► Chapter 2

Village Board

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Sec. 2-2-1 Village Board.

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

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

Sec. 2-2-2 Trustees.

- (a) **Election, Term, Number.** The Village of Livingston shall have six (6) Trustees in addition to the President, who is a Trustee by virtue of his/her office as President. The Village President and six (6) Trustees shall constitute the Village Board. Three (3) Trustees shall be elected at each annual spring election for a term of two (2) 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: Sections 61.20 and 61.325, Wis. Stats.

Sec. 2-2-3 Village President.

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

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

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

Sec. 2-2-4 Standing Committees.

- (a) **Committee Appointments.** At the first special or the first regular Board meeting following the third (3rd) Tuesday in April, the Village President shall nominate Trustees to all committees, subject to confirmation by majority vote of the Board. Three (3) Trustees shall make up each of the following standing committees:
 - (1) Wage and Personnel Committee.
 - (2) Budget and Finance Committee.
 - (3) Water and Sewer Utilities Committee.
 - (4) Planning and Zoning Committee.
 - (5) Streets and Sidewalks Committee.
 - (6) Parks and Recreation Committee.
- (b) **Chairpersons.**
 - (1) The members of each standing committee shall select a chairperson of their committee by majority vote at the first committee meeting following appointment.
 - (2) The Village President shall be an ex officio member of each standing committee, or may be appointed to serve as a member of a specific committee.
- (c) **Committees-of-the-Whole; Special Committees.**
 - (1) 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.
 - (2) The Village President may, from time to time, appoint such special committee or committees as he/she 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.
- (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 at the next regular Board meeting a verbal or written report on all matters referred to it. Such report shall recommend a definite action on each item and shall be approved by a majority of the committee. Each committee report shall include the date, time, and place of the meeting and the members attending. Each such committee report, verbal or written, is deemed to be the product of the entire committee, whether any item therein is approved unanimously or not. Each such report should provide all necessary historical background to familiarize the Board with the issue.

- (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 (1) 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.

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

- (a) **General.** The Village Board shall be vested with all the powers of the Village not specifically given some other officer. Except as otherwise provided by law, the Village Board shall have the management and control of the Village property, finances, highways, streets, navigable waters and the public service, and shall have the power to act for the government and good order of the Village, 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 Sections 61.35 and 62.23, Wis. Stats.; and may sell and convey such easements or property rights when no longer needed for public use or protection.

- (d) **Village Finances.** The Village board may levy and provide for the collection of taxes and special assessments; may refund any tax or special assessment paid, or any part thereof, when satisfied that the same was unjust or illegal; and generally may manage the Village finances. The Village Board may loan money to any school district located within the Village or within which the Village is wholly or partially located in such sums as are needed by such district to meet the immediate expenses of operating the schools thereof, and the Board of the district may borrow money from such Village accordingly and give its note therefor. No such loan shall be made to extend beyond August 30 next following the making thereof or in an amount exceeding one-half (1/2) of the estimated receipts for such district as certified by the State Superintendent of Public Instruction and the local School Clerk. The rate of interest on any such loan shall be determined by the Village Board.
- (e) **Construction of Powers.** Consistent with the purpose of giving to villages the largest measure of self-government in accordance with the spirit of the home rule amendment to the Constitution, the grants of power to the Village Board in this Section and throughout 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.

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

Sec. 2-2-6 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: Sections 61.34(2) and 66.0301, Wis. Stats.

Sec. 2-2-7 Internal Powers of the 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: Sec. 61.32, Wis. Stats.

Sec. 2-2-8 Salaries.

- (a) The Village President and other Trustees who make up the Village Board, whether operating under general or special law, may by majority vote of all the members of the Village Board determine that a salary be paid the President, Trustees, and other Village officials. Salaries heretofore established shall so remain until changed by ordinance and shall not be increased or diminished during their terms of office.
- (b) Present Board salaries are:
 - (1) Village President: Two Thousand Five Hundred Dollars (\$2,500.00) plus Five Hundred Dollars (\$500.00) for mileage annually.
 - (2) Village Trustees: Thirty Dollars (\$30.00) per meeting, plus Twenty Dollars (\$20.00) for mileage annually.

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

Sec. 2-2-9 Meetings.

- (c) **Regular Meetings.** Regular meetings of the Village Board shall be held on the first Monday of each calendar month at 7:00 p.m. local time. Any regular meeting falling on a legal holiday shall be held at another date designated by the Village Board at the same time and place. When the Village Board designates a date and time for the regular Board Meeting, notice thereof shall be posted at the Village Hall in the Village of Livingston prior to such rescheduled meeting date. All meetings of the Board shall be held at the Village Hall, unless specified otherwise in the minutes of the preceding meeting or by written notice posted at the regular meeting place at least three (3) hours prior to any meeting. In any event, all Board meetings shall be held within the boundaries of the Village, unless specifically otherwise noticed. All seven Board members must consent to any change in the place of any meeting of the Village Board.
- (d) **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.
- (e) **Board Minutes.** The Village Clerk-Treasurer shall keep a record of all Board proceedings and cause the proceedings to be published and/or posted.

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

Sec. 2-2-10 Special Meetings.

- (a) Special meetings of the Board may be called by the Village President, or by two (2) Trustees filing a request with the Village Clerk-Treasurer at least twenty-four (24) hours

prior to the time specified for such meeting. The Village 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/her usual place of abode a minimum of twenty-four (24) hours prior to the meeting time. However, an emergency meeting may be called with notice of a minimum of two (2) hours. The Village Clerk-Treasurer shall cause a record of such notice to be filed in his/her office prior to the time fixed for such special meeting. No business shall be transacted at a special meeting except for the purpose stated in the notice thereof. Notice to the public of special meetings shall conform to the open meeting requirements of Sec. 61.32 and Chapter 19, Subch. IV, Wis. Stats. The Village Clerk-Treasurer shall give notice immediately upon the call for such meeting being filed with him/her.

- (b) 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: Sections 61.32 and 985.02(2)(a), Wis. Stats.; Ch. 19, Subch. IV, Wis. Stats.

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

- (a) **Open Meeting Law Compliance.** All meetings of the Village Board and subunits thereof shall be open to the public as provided in Subchapter IV of Chapter 19, Secs. 19.81 through 19.89, Wis. Stats. Public notice of all such meetings shall be given as provided in Sec. 19.84, Wis. Stats.
- (b) **Adjournment of Meetings.** An adjournment to a closed session may be only for a permitted purpose as enumerated in Sec. 19.85, Wis. Stats., and must meet the other requirements of said Sec. 19.85, Wis. Stats.
- (c) **Meetings to Be Open.** During the holding of any open session in the regular meeting room or in the substituted meeting room, said room and said meeting shall at all times be open and remain open to all citizens.
- (d) **Closed Meetings.** The provisions of this Code of Ordinances 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.
- (e) **Photographs, Motion Pictures, Videotape—Permission Required for Artificial Illumination.** No photographs, motion pictures, or videotapes that require the use of flash bulbs, electronic flashes, flood lights, or similar artificial illumination shall be made at Village Board meetings without the consent of the Presiding Officer.

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

Sec. 2-2-12 Quorum.

- (a) A majority of the Trustees shall constitute a quorum, but a lesser number may adjourn or compel attendance of absent members if a majority is not present. The Village President shall be counted in computing a quorum.
- (b) When the presiding officer shall have called the members to order, the Village Clerk-Treasurer shall record the attendance, noting who are present, and who are absent, and if, after having gone through with the call, it shall appear that a quorum is not present, the fact shall be entered in the minutes, and the members present may adjourn to a later date in the month; if they do not establish the next meeting date, the Village Board shall stand adjourned to the time appointed for the next regular meeting unless a special meeting is called sooner.

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

Sec. 2-2-13 Presiding Officers.

- (a) **The Village President Shall Preside.** Village President shall preside over meetings of the Village Board. In the absence of the Village President, the President Pro Tem shall preside over meetings of the Village Board. In case of absence of the Village President, and President Pro Tem, the Village Clerk-Treasurer shall call the meeting to order and the Trustees present shall elect one of their number acting President.
- (b) **President Pro Tem.** At the annual organization meeting, the Village Board shall elect one of its members to serve as the President Pro Tem, who shall preside over meetings of the Village Board in the absence of the Village President.
- (c) **Duties.** The presiding officer shall preserve order and decorum, decide all questions of order, and conduct the proceedings of the meeting. In the event of a dispute regarding Board procedures, the matter shall be decided in accordance with the parliamentary rules contained in *Robert's Rules of Order*, unless otherwise provided by statute or by these rules. Any member shall have the right to appeal from a decision of the presiding officer. Such appeal is not debatable and must be sustained by a majority vote of the members present excluding the presiding officer.

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

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

- (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 the Clerk-Treasurer, or his/her deputy, 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 Village President may waive the filing deadline for emergency cause shown.

- (2) A submitting department shall include copies of all material necessary to consider the agenda item.
 - (3) The Village President shall advise the 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 shall be observed in the conduct of all regular Board meetings:
- (1) Call to order by presiding officer.
 - (2) Roll call; pledge of allegiance.
 - (3) Discussion, correction and approval of the minutes of the previous meetings.
 - (4) Audit bills and discuss finances.
 - (5) Reports of Village officers/employees.
 - (6) Unfinished business from previous meetings.
 - (7) New business, including introduction of ordinances and resolutions.
 - (8) Committee reports.
 - (9) Reports of Village officers and employees.
 - (10) Adjournment.
- (c) **Order to Be Followed.** No business shall be taken up out of order unless authorized by the Village President or by majority consent of all Trustees and in the absence of any debate whatsoever.
- (d) **Recognition of Visitors.** In order to maintain and hold meetings in an orderly fashion the following procedure will be followed regarding visitors unless having previously made a request to be placed on the agenda for a specific item:
- (1) No discussion allowed from visitors during the course of the meeting unless requested by the Board.
 - (2) At the appropriate time, each visitor can be recognized and allowed to speak for no more than five (5) minutes.
- (e) **Procedure at Public Hearings.**
- (1) After opening the public hearing, the presiding officer shall then call on those persons who wish to speak for the proposition. Each person wishing to speak for the proposition shall give his or her name and address.
 - (2) Each person speaking on behalf of the proposition shall be limited in time to not more than five (5) minutes. The presiding officer may allow for additional time.

- (3) The presiding officer shall then call on those persons who wish to oppose the proposition.
- (4) Each such person wishing to speak in opposition to the proposition shall give his or her name and address and shall also be limited to five (5) minutes.
- (5) Any person wishing to speak in rebuttal to any statements made may, with the permission of the presiding officer, do so, provided, however, such rebuttal statement shall be limited to three (3) minutes by any one (1) individual.
- (6) When the presiding officer in his/her discretion is satisfied that the proposition has been heard, he/she shall announce the fact that the hearing is concluded.

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

(a) Definitions—Ordinances, Resolutions and Motions.

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

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

- (1) Each ordinance or resolution shall include a note stating the purpose thereof. All ordinances submitted to the Board shall be in writing and shall include at the outset a descriptive or brief statement of the subject matter and a title.
- (2) The sponsor of an ordinance or resolution may be the President, one (1) or more Trustees, a department head or a committee, board, or commission.
- (3) No ordinance, resolution or by-law shall be considered unless presented in writing by a Trustee or by a committee. Unless requested by a Trustee before final vote is taken, no ordinance, resolution or by-law need be read in full.
- (4) On ordinances or resolutions that require special 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. Resolutions may be referred to an appropriate standing committee for an advisory recommendation.
- (c) **Subject and Numbering of Ordinances.** Each ordinance shall be related to no more than one (1) subject. Amendment or repeal of ordinances shall only be accomplished if the amending or repealing ordinance contains the number and title of the ordinance to be amended or repealed, and title of amending and repealing ordinances shall reflect their purpose to amend or repeal.
- (d) **Notice.** The Village Board may take action on an ordinance only if it appears on the written agenda for the meeting at which action is requested.
- (e) **Effective Date.** Unless otherwise provided, all ordinances shall take effect and be in force from and after passage and publication and/or legal posting; and published copies thereof shall have appended the date of first publication and/or legal posting.
- (f) **Disposition of Petitions, Communication, Etc.** Every petition or other correspondence from citizens addressed to the Village Board or to the Village Clerk-Treasurer or other Village officer for reference to the Village Board, shall be delivered by such other Village officer to the Village President or to the presiding officer of the Board as soon as convenient after receipt of same, and in any event, prior to or at the opening of the next meeting of the Village Board following the receipt of same. Every such petition, or other writing, and every paper, communication or other proceeding which shall come before the Board for action, may be referred by the Village President or presiding officer to the appropriate committee or commission, unless objected to by some member of the Board.
- (g) **Reference and Reports.** The presiding officer may refer new business coming to the Board to an appropriate Board committee unless otherwise referred or acted upon by the Village Board. All referrals, unless otherwise provided for in the referral, shall be reported on at the next regular Board meeting. Village Board motions based upon committee or commission action is permissible only on items specifically on the agenda.

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

- (a) All ordinances adopted by the Village Board shall, at the discretion and direction of the Village Board, be published in the official newspaper for the Village of Livingston as a Class 1 Notice under Chapter 985, Wis. Stats., or posted in three (3) public places within the Village.
- (b) Notwithstanding any provision herein, if any ordinance adopted by the Village Board for the Village of Livingston contains any penalty or forfeiture said ordinance shall be published as a Class 1 Notice under Chapter 985, Wis. Stats.
- (c) If an ordinance resolution, motion or other action is legally posted under this Section, the Clerk-Treasurer shall sign an affidavit attesting that the item was posted as required by this

Section and stating the date and place of posting. The affidavit shall be filed with other records under the jurisdiction of the Clerk-Treasurer.

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

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

Sec. 2-2-17 Conduct of Deliberations.

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

- (g) **Motions With Preference.** During any meeting of the Village Board certain motions will have preference. In order of precedence they are;
- (1) ***Motion to Adjourn.*** This motion can be made at any time and has first precedence. This is a non-debatable motion.
 - (2) ***Motion to Lay on the Table.*** This motion may be made when the subject matter appropriate for tabling is to be debated or discussed. This motion is a non-debatable motion.
 - (3) ***Motion to Call Previous Question.*** This motion may be made at any time after the debate or discussion commences related to an action item, business item, motion or question that is properly before the Village Board. This motion is a non-debatable motion. This motion, if adopted, ends the debate and discussion at the meeting on the action item, business item, motion or question. The motion, if adopted, brings the Village Board to a direct vote with the first vote on any amendments, if any, and then to the main action item, business item, motion or question.
 - (4) ***Motion to Postpone to a Date Certain.*** This motion may be made at any time after the debate and discussion commences on an action item, business item, motion or question that is properly before the Village Board. This motion is debatable. This motion, if adopted, ends the debate and discussion at the meeting on the action item, business item, motion or question. This motion must establish a date and time certain when the debate and discussion before the Village Board will continue. The date and time established must be on a date and time for a regularly scheduled or special meeting of the Village Board.
 - (5) ***Motion to a Committee.*** This motion may be made at any time after the debate and discussion commences on an action item, business item, motion or question that is properly before the Village Board. The motion is debatable. This motion, if adopted, ends the debate and discussion at the meeting on the action item, business item, motion or question. This motion, if adopted, forwards the action item, business item, motion or question to a committee for further review and discussion. The committee must be a committee of the Village Board.
 - (6) ***Motion to Amend or Divide the Question.*** This motion may be made at any time after debate and discussion commences on the action item, business item, motion or question properly before the Village Board. The motion is debatable. This motion, if adopted, divides the main action item, main business item, main motion or main question pursuant to the method described and adopted in the motion to divide.
 - (7) ***Motion to Postpone Indefinitely.*** This motion may be made at any time after debate and discussion commences on the action item, business item, motion or question properly before the Village Board. This motion is debatable. This motion, if adopted, ends the debate and discussion at the meeting on the action item, business item, motion or question.
 - (8) ***Motion to Introduce a Matter Related to the Action Item, Business Item, Motion or Question.*** This motion may be made at any time after the debate and discussion properly before the Village Board. This motion is debatable. This motion, if adopted,

expands or adds to the debate and discussion new items related to the main action item, main business item, main motion or main question pursuant to the method described and approved in the motion to introduce a matter related.

- (h) **Public Directory Votes.** No member of the Village Board shall request, at a meeting of the Village Board, a vote from the general public unless the proposed vote of the general public is so noted by the presiding officer of the meeting as strictly an advisory vote to the Board. Any vote taken by the general public at a meeting of the Village Board shall be considered by the Board only as an advisory vote and shall not be considered as a directory vote.
- (i) **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 "naye." In case of a vote requiring approval by more than a simple majority, an abstaining vote is considered an "aye." (See also Section 2-5-7).
- (j) **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.

Sec. 2-2-18 Reconsideration of Questions.

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

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

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

Sec. 2-2-20 Amendment of Rules.

The rules of Sections 2-2-17 through 2-2-19 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 two-thirds (2/3) of all the members of the Board.

Sec. 2-2-21 Suspension of Rules.

These rules shall not be suspended except by a two-thirds (2/3) vote of all the members of the Board.

Title 2 ► Chapter 3

Municipal Officers and Employees

2-3-1	General Provisions
2-3-2	Appointed Officials
2-3-3	Village Clerk-Treasurer
2-3-4	Deputy Clerk-Treasurer
2-3-5	Village Attorney
2-3-6	Chief of Police
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2-3-8	Weed Commissioner
2-3-9	Director of Public Works
2-3-10	Assessor
2-3-11	Building Inspector; Plumbing Inspector; Heating, Ventilating and Air Conditioning Inspector; Electrical Inspector
2-3-12	Eligibility for Office
2-3-13	Oaths of Office
2-3-14	Vacancies
2-3-15	Removal from Office
2-3-16	Custody of Official Property

Sec. 2-3-1 General Provisions.

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

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

Sec. 2-3-2 Appointed Officials.

The Village officials hereinafter set forth shall be appointed;

Official	How Appointed	Term
Building Inspector	Village President subject to confirmation by the Village Board	One Year or by Contract
Attorney	Village President subject to confirmation by the Village Board	Pleasure of Board
Engineer (Consulting)	Village President subject to confirmation by the Village Board	Pleasure of Board
Weed Commissioner	Village President subject to confirmation by the Village Board	One Year
Chief of Police	Village President subject to confirmation by the Village Board	Indefinite
Assessor	Village President subject to confirmation by the Village Board	By Contract

Director of Public Works	Village President subject to confirmation by the Village Board	Indefinite
Clerk-Treasurer	Village President subject to confirmation by the Village Board	Indefinite

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

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

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

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

The Clerk-Treasurer may appoint a Deputy Clerk-Treasurer(s), subject to confirmation by a majority of all the members of the Village Board. The Deputy Clerk-Treasurer(s) shall have an indefinite term of office. The Deputy Clerk-Treasurers shall act under the Village Clerk-

Treasurer's direction and, during the temporary absence or disability of the Village Clerk-Treasurer or during a vacancy in such office, shall perform the duties of Village Clerk-Treasurer. The acts of the Deputy(s) shall be covered by official bond as the Village Board shall direct.

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

Sec. 2-3-5 Village Attorney.

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

Sec. 2-3-6 Chief of Police.

- (a) **Appointment.** The Chief of Police shall be appointed pursuant to Section 2-3-2. The Chief shall exercise the powers and duties of the Village marshals and Village constables and any other powers and duties as provided from time to time by the Village Board.
- (b) **General Duties.**
 - (1) The Chief of Police shall have command of the Police Department, subject to the policies and directives established by the Village Board. The Chief of Police shall have general administration and control of the Department and shall be responsible for the Department's government, efficiency and general good conduct. The Chief of Police shall perform all duties prescribed to him/her by the laws of the State and the Ordinances of the Village and shall obey all lawful orders of the Village Board or appropriate Committee thereof.

- (2) The Chief of Police shall cause the public peace to be preserved and may arrest and with reasonable diligence take before the proper court every person found in the Village engaged in any disturbance of the peace or violating any law of the State or Ordinance of the Village. The Chief shall cooperate with other law enforcement officers in the arrest or apprehension of person charged with crime. The Chief of Police shall see that all laws and ordinances of the Village and State are enforced. Whenever any violation thereof shall come to his/her knowledge, he/she shall cause the requisite complaint to be made and see that the evidence is procured for the successful prosecution of the offender or offenders. The Chief of Police shall exercise supervisory control over all the personnel of his/her department and may adopt, subject to the approval of the Village Board, rules and regulations for the government, discipline, equipment and uniforms of the police officers. The Chief of Police shall be solely responsible for the care and condition of the equipment used by his/her Department. The Chief of Police shall keep an accurate and complete record of all complaints, arrests, traffic violations, convictions and dispositions of the Department.

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

Sec. 2-3-7 Fire Chief; Fire Department Officers.

Fire Department officers shall be selected pursuant to Section 5-2-1.

Sec. 2-3-8 Weed Commissioner.

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

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

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

- (a) **Appointment.** The Director of Public Works shall be appointed pursuant to Section 2-3-2. Generally, the Village Board shall maintain, service, inspect and/or repair all Village public

works equipment, and property including street equipment, streets and street right-of-way, Village parks, Village buildings and other items as determined by the Village Board.

- (b) **Duties and Powers.** The Director of Public Works shall have the following duties and powers:

(1) **General Duties.**

- a. He/she shall have general charge and supervision of public works and public utilities in the Village.
- b. He/she shall be responsible for the maintenance, repair and construction of parks, streets, alleys, curbs and gutters, sidewalks, bridges, street signs, Village buildings and structures and all related machinery, equipment and property used in such activity.
- c. He/she shall have charge of certain public services, including snow and ice removal, street cleaning, flushing, and street maintenance.
- d. He/she shall perform such other activities and duties, as are imposed upon him/her from time to time by the Village Board, his/her job description or employment contract.

(2) **Maintain, Clean and Repair Streets and Roads.** The Director of Public Works shall:

- a. Plow and remove snow as needed.
- b. Clean and sweep streets.
- c. Repair streets and roads with proper materials as needed.
- d. Mow grass as needed.
- e. Assess street repair and replacement needs as directed by the Board.

(3) **Maintain Village Buildings and Equipment.** The Director of Public Works shall:

- a. Clean, maintain, paint and service Village buildings as needed and as directed by the Board.
- b. Keep buildings in safe condition to meet all state and local building and safety code requirements.
- c. Maintain and service all Village vehicles and machinery as needed and as directed by the Board.

Sec. 2-3-10 Assessor.

- (a) Pursuant to Sections 61.195, 61.197 and 66.0101, Wis. Stats., the Village hereby elects not to be governed by those portions of Sections 61.19 and 61.23, Wis. Stats., which relate to the selection and tenure of the Village Assessor, and which are in conflict with this Section.
- (b) Instead of being elected, the Assessor or assessing firm, shall be appointed by the Village President, subject to confirmation by a majority vote of the members-elect of the Village Board. Said person so appointed to perform the duties of such office shall have a one (1)

year term and shall serve as determined by contract. A corporation or an independent contractor may be appointed as the Village Assessor. The corporation or independent contractor so appointed shall designate the person responsible for the assessment. The designee shall file the official oath under Sec. 19.01, Wis. Stats., and sign the affidavit of the Assessor attached to the assessment roll under Sec. 70.49, Wis. Stats. No person may be designated by any corporation or independent contractor unless he/she has been granted the appropriate certification under Sec. 73.09, Wis. Stats. For purposes of this Subsection, "independent contractor" means a person who either is under contract to furnish appraisal and assessment services or is customarily engaged in an independently established trade, business or profession in which the services are offered to the general public.

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

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

(a) Appointment.

- (1) Inspectors shall be appointed pursuant to Section 2-3-2, and may be secured by a contract, by a private inspection firm, or may be inspectors through the Wisconsin Department of Commerce.
- (2) Each inspector shall:
 - a. Possess such executive ability as is requisite for the performance of his/her duties and shall have a thorough knowledge of the standard materials and methods used in the installation of equipment in his/her area of responsibility;
 - b. Be well versed in approved methods of construction for safety to persons and property, the Statutes of the State of Wisconsin relating to work in his/her area of responsibility, and any orders, rules and regulations issued by authority thereof;
 - c. Have sufficient experience in the installation of equipment to enable him/her to understand and apply the appropriate codes adopted by the Village of Livingston.
 - d. Be certified in his/her area of inspection responsibilities.

(b) Authority to Enter Premises; Appeals.

- (1) In the discharge of their respective duties, each Inspector under this Section or his/her authorized agent may enter any building, upon presentation of the proper credentials, during reasonable hours for the purpose of inspection and may require the production of any permit or license required hereunder. No person shall interfere with the Inspector or his/her authorized agent while in the performance of his duties; and any person so interfering shall be in violation of this Section and subject to a penalty as provided by Section 1-1-6.

- (2) If consent to entry to personal or real properties which are not public buildings or to portions of public buildings which are not open to the public for inspection purposes has been denied, the Inspector shall obtain a special inspection warrant under Sec. 66.0119, Wis. Stats.
- (3) Any person feeling himself/herself aggrieved by any order or ruling of an Inspector may, within twenty (20) days thereafter, appeal from such order or ruling to the Board of Appeals, as established in the Zoning Code, such an appeal to be in writing.
- (c) **Duties and Authority.** The Building Inspector shall have such responsibilities as are prescribed in this Section and Title 15 of this Code of Ordinances.
- (d) **Stop Work Orders and Revocations.** The Building Inspector may order construction, installation, alteration or repair work stopped when such work is being done in violation of this Code of Ordinances. Work so stopped shall not be resumed, except with written permission of the Inspector, provided if the stop work order is an oral one it shall be followed by a written order within a reasonable period of time.
- (e) **Conflict of Interest.** No Inspector shall inspect any construction work in the Village in which the Inspector has a personal or financial interest either direct or indirect.

Sec. 2-3-12 Eligibility for Office.

- (a) No person shall be elected by the people to a Village office, who is not at the time of his/her election, a citizen of the United States and of this State, and an elector of the Village, and in case of a ward office, of the ward, and actually residing therein.
- (b) An appointee by the Village President, requiring to be confirmed by the Village Board, who shall be rejected by the Board, shall be ineligible for appointment to the same office for one (1) year thereafter.

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

Sec. 2-3-13 Oaths of Office.

- (a) **Oath of Office.** Every officer of the Village, including members of Village boards and commissions, shall, before entering upon his/her duties and within five (5) days of his/her election or appointment or notice thereof, take the oath of office prescribed by law and file such oath in the office of the Village Clerk-Treasurer. Any person reelected or reappointed to the same office shall take and file an official oath for each term of service.
- (b) **Form, Procedure.** The form, filing and general procedure for the taking of oaths shall be governed by Chapter 19, Subchapter I, Wis. Stats.

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

Sec. 2-3-14 Vacancies.

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

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

Sec. 2-3-15 Removal from Office.

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

Annotation: 62 Atty. Gen. Op. 97.

Sec. 2-3-16 Custody of Official Property.

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

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

Title 2 ► Chapter 4

Boards, Commissions and Committees

2-4-1	Board of Review
2-4-2	Zoning Board of Appeals
2-4-3	Library Board
2-4-4	General Provisions Regarding Meetings and Public Notice
2-4-5	Residency Required for Service on Citizen Boards and Commissions; Attendance Standards
2-4-6	Committee and Commission Rules

Sec. 2-4-1 Board of Review.

(a) **Composition.**

- (1) The Board of Review shall be composed of the Village President, the Village Clerk-Treasurer, and three (3) members of the Village Board, who shall be annually appointed at the annual organizational meeting by the Village President, subject to Village Board confirmation. 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.
- (2) No Board of Review may be constituted unless it includes at least one (1) voting member who, within two (2) years of the Board's first meeting, has attended a training session under Sec. 73.03(55), Wis. Stats., and unless that member is the municipality's chief executive officer or that officer's designee. The Village Clerk-Treasurer shall provide an affidavit to the Department of Revenue stating whether the requirement under this Section has been fulfilled.

(b) **Compensation.** The members of the Board of Review shall receive compensation as determined by resolution of the Village Board.

(c) **Duties.** The duties and functions of the Board of Review shall be as prescribed in Sections 70.46 and 70.47, Wis. Stats.

(d) **Meetings.** In accordance with Sec. 70.47(3)b, Wis. Stats., the Village Board do hereby exercise their right to designate hours for the annual Board of Review proceedings other than those set forth in Sec. 70.47(3)a, and shall designate the hours of the annual Board of Review. The Board may adjourn from day to day or from time to time, until such time as its business is completed, providing that adequate notice of each adjournment is so given.

- (e) **Objections to Valuations to be Written.** No person shall be permitted to appear and make objection before the Board of Review of the Village of Livingston to the amount of valuation of any property unless objection thereto shall first have been made in writing and filed with the Clerk of the Board of Review.
- (f) **Open Meetings.** All meetings of the Board of Review shall be publicly held and open to all citizens at all times. No formal action of any kind shall be introduced, deliberated upon or adopted at any closed session or meeting of a Board of Review.

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

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

- (a) **Establishment.** A Zoning Board of Appeals shall be appointed and governed by the State zoning enabling law as contained in Sec. 62.23, Wis. Stats., the Village Zoning Code and ordinances and this Section. The laws of the State or Village and local ordinances shall prevail in that order. The Zoning Board of Appeals shall consist of five (5) members and two (2) alternate members, appointed by the Village President subject to confirmation by the Village Board, for a three (3) year term of office. The members shall be removable by the Village Board for cause upon written charges and upon public hearing. The Village President shall designate one of the members 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, requirement, decision or determination made by an administrative official in the enforcement of any Village Zoning Code or any ordinance adopted under Sections 62.23, 61.35 or 62.231 (wetlands), 87.30 or 144.26 (flood plains) or Chapter 91 (farmland preservation), Wis. Stats.
 - (2) To hear and decide special exceptions to the terms of the Village zoning and floodplain zoning regulations upon which the Board of Appeals is required to pass.
 - (3) To authorize, upon appeal in specific cases, such variance from the terms of the Village zoning regulations as will not be contrary to the public interest, where owing to special conditions, a literal enforcement will result in practical difficulty or unnecessary hardship, so that the spirit of the Zoning Code shall be observed, public safety and welfare secured and substantial justice done; provided, however, that no such action shall have the effect of establishing in any district a use or uses not permitted in such district. The Zoning Board of Appeals shall not grant use variances in floodplain or wetland and conservancy districts. In all other districts, no use variance shall be granted unless the applicant has first petitioned for a zoning amendment or a conditional use permit, if applicable, and upon a showing that no lawful and feasible use of the subject property can be made in the absence of such

variance. Any use variance granted shall be limited to the specific use described in the 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 the Zoning Code, for such purposes which are reasonably necessary for public convenience and welfare.
- (5) The Zoning Board of Appeals may reverse or affirm wholly or in part or may modify any order, requirement, decision or determination as in its opinion ought to be made in the premises. The concurring vote of four (4) members of the Zoning Board of Appeals shall be necessary to reverse any order, requirement, decision or determination appealed from or to decide in favor of the applicant on any matter on which it is required to pass, or to effect any variation in the requirements of the Zoning Code. 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 (6) months from the date of such order unless the building/zoning 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 appeal. The final vote on an appeal shall be taken in open session by roll call vote, recorded and open for public inspection in the Board's office. Public notice of all regular and special meetings shall be given to the public and news media as required by the Wisconsin Open Meeting Law.
- (2) Special meetings may be called by the Chairman or by the Secretary at the request of two (2) members. Notice of a special meeting shall be mailed to each member at least forty-eight (48) hours prior to the time set for the meeting, or announcement of the meeting shall be made at any meeting at which all members are present.
- (3) Hearings may be held at any regular or special meeting at the time set by the Chairman.
- (4) A quorum for any meeting or hearing shall consist of four (4) members, but a lesser number may meet and adjourn to a specified time.
- (5) The 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 Clerk-Treasurer shall serve as secretary to the Board of Appeals. The Board shall adopt its own rules of procedure not in conflict with this Code of Ordinances 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: Sec. 62.23(7)(e), Wis. Stats.

Sec. 2-4-3 Library Board.

(a) **Organization; Terms.**

- (1) There is hereby created, pursuant to Chapter 43 of the Wisconsin Statutes, a municipal Library Board for the Village consisting of five (5) members. Membership shall consist of one (1) Village Trustee and four (4) citizens appointed by the Village President, subject to confirmation by the Village Board.
- (2) Terms of such members shall be from May 1st in the year of their appointment and thereafter each regular appointment shall be for a term of three (3) years. Not more than one (1) member of the Village Board shall at any one time be a member of the Library Board. Citizen members shall be appointed by the Village President, subject to confirmation by the Village Board. The Trustee member shall be appointed annually by the Village President, subject to confirmation by the Village Board. The Village President shall appoint as one of the Library Board members the school district administrator, or his/her representative, to represent the public school district or districts in which the library is located.
- (3) A majority of the membership of the Board shall constitute a quorum.
- (4) As soon as practicable after the first appointments, at a date and place fixed by the appointing officer, and annually thereafter, within thirty (30) days after the time designated in this Section for the beginning of terms, the members of the Library Board shall organize by election from among their number a President and such other offices that they deem necessary to prescribe and adopt rules and regulations for the operation of the library.

- (b) **Duties and Powers.** The Library Board shall have the duties and powers as prescribed by Chapter 43, and more particularly set forth in Sec. 43.58 of the Wisconsin Statutes.

State Law Reference: Secs. 43.54 and 43.58, Wis. Stats.

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

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

NOTICE OF MEETING

VILLAGE OF LIVINGSTON, WISCONSIN

(commission)

Please take notice that a meeting of the (commission) of the Village of Livingston will be held on (date), 20__, at (time) p.m., at the Livingston Village Hall, in Room _____ to consider the following:

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

Dated: _____

(Commission)

By _____

The Livingston Village Hall is accessible to the physically disadvantaged. If special accommodations for visually or hearing impaired individuals are need, please contact

the Livingston Village Clerk-Treasurer at (telephone). Members of the Livingston Village Board may be in attendance.

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

Sec. 2-4-5 Residency Required for Service on Citizen Boards or Commissions; Attendance Standards.

- (a) **Residency.** No person not a resident of and not residing in the Village of Livingston shall be appointed in a voting capacity to any citizen Village board, committee or commission listed in this Chapter. Any board or commission member who moves from the Village shall be removed from such board or commission, but may be appointed to serve in an ex officio capacity.
- (b) **Attendance Standard.** Members of board, committees and commissions are required to attend a minimum of two-thirds (2/3) of the meetings in each six (6) month period of their respective bodies, unless excused by majority vote of the membership of their body. Failure to comply with this Subsection may result in the removal and replacement of the official found to be in noncompliance by majority vote of the Village Board.

Sec. 2-4-6 Committee and Commission Rules.

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

Title 2 ► Chapter 5

Ethics Code and Employment

2-5-1	Statement of Purpose
2-5-2	Definitions
2-5-3	Statutory Standards of Conduct
2-5-4	Responsibility of Public Office
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Sec. 2-5-1 Statement of Purpose.

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

elected and appointed officials and employees. The Village Board hereby reaffirms that each elected and appointed Village official and employee holds his or her position as a public trust, and any intentional effort to realize substantial personal gain through official conduct is a violation of that trust. The provisions and purpose of this Ethics Code and such rules and regulations as may be established are hereby declared to be in the best interests of the Village of Livingston.

Sec. 2-5-2 Definitions.

The following definitions shall be applicable in this Chapter:

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

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

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

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

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

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

Sec. 2-5-5 Dedicated Service.

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

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

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

No official or employee shall use or attempt to use his or her position with the Village to secure any advantage, preference or gain, over and above his/her rightful remuneration and benefits, for himself/herself or for a member of his or her immediate family.

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

Sec. 2-5-7 Conflict of Interest.

(a) **Financial and Personal Interest Prohibited.**

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

- (b) **Disclosure of Confidential Information.** No official or employee shall, without proper legal authorization, disclose confidential information concerning the property, government or affairs of the Village, nor shall such information be used to advance the financial or other private interests of the official or employee or others.
- (c) **Incompatible Employment.** No official or employee shall engage in or accept private employment or render service, for private interest, when such employment or service is incompatible with the proper discharge of his or her official duties or would tend to impair such official or employee's independence of judgment or action in the performance of his or her official duties, unless otherwise permitted by law and unless disclosure is made as hereinafter provided.
- (d) **Gifts and Favors.**
 - (1) No official or employee shall accept or offer to accept anything of value from any person who, to his or her knowledge, is interested directly or indirectly, or is seeking an interest, directly or indirectly, in any manner whatsoever in business dealings with the Village, or from any person who conducts activities which are regulated by the Village, or from any person who has interests which may be substantially affected by actions of the Village.
 - (2) No official or employee shall accept or offer to accept anything of value that may tend to influence such official or employee in the discharge of his or her duties, or grant in the discharge of his or her duties any improper favor, service, or thing of value.
 - (3) Gifts received under unusual circumstances should be referred to the Village Board within ten (10) days for recommended disposition.
 - (4) An official or employee is not to accept hospitality if, after consideration of the surrounding circumstances, it could reasonably be concluded that such hospitality would not be extended were it not for the fact that the guest, or a member of the guest's immediate family, was a Village official or employee. Participation in celebrations, grand openings, open houses, informational meetings and similar events are excluded from this prohibition. This paragraph further shall not be construed to prevent candidates for elective office from accepting hospitality from citizens for the purpose of supporting the candidate's campaign.
- (e) **Representing Private Interests Before Village Agencies or Courts.**
 - (1) Non-elected Village officials and employees shall not appear on behalf of any private person (other than him or herself, his or her spouse or minor children) before any Village agency, board, commission or the Village Board if the official or employee or any board, commission or committee of which the official or employee is a member has any jurisdiction, discretion or control over the matter which is the subject of such representation.
 - (2) Elected Village officials may appear before Village agencies on behalf of constituents in the course of their duties as representatives of the electorate or in the performance

of public or civic obligations. However, the disclosure requirements of Subsection (a) above shall be applicable to such appearances.

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

Sec. 2-5-8 Advisory Opinions.

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

Sec. 2-5-9 Employees Covered by Collective Bargaining Agreements.

In the event an employee, covered under a collective bargaining agreement, is allegedly involved in an Ethics Code violation, the terms and conditions set forth in the applicable collective

bargaining agreement shall prevail in the administration and interpretation of Sections 2-5-1 through 2-5-11.

Sec. 2-5-10 Outside Employment.

No full-time officer or full-time employee of the Village shall engage in any other remunerative employment within or without the Village; provided the Village Board may approve such outside employment or activity if it finds that it does not interfere or conflict with such officer's ability to perform his/her duties in an efficient and unbiased manner. Violation of this provision shall be grounds for removal from office of any such officer.

Sec. 2-5-11 Sanctions.

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

