

**GENERAL GOVERNMENT**

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**2.01 MEETINGS.**

**(1) Regular Meetings.** Regular meetings of the Board shall be held at least twice (2x) during each calendar month, on such day and at such hour as the Board shall designate. All meetings of the Board, including special and adjourned meetings, shall be held in the Municipal Services Center, or as otherwise designated by the Board. Any meeting which the Board designates to be held shall be a regular meeting.

**(2) Special Meetings.**

*(a)* Special meetings of the Board may be called by two (2) members of the Board, in writing, filed with the Clerk at least forty-eight (48) hours prior to the time specified for such meeting; the Clerk shall immediately notify the President and each Trustee of the time and purpose of such meeting by causing a written notice thereof to be personally delivered to each Board Member, if he or she can be found, or, if he or she cannot be found, then by leaving a copy of such notice at the home of such person in the presence of an adult member of his or her family or, if

notice cannot be given in such manner, by affixing a copy of the notice in a conspicuous place at the premises of the Board Member where it can be conveniently read and by mailing a copy by regular or other mail. If the period between the time the meeting is called and the time fixed for such meeting makes it not practicable to give forty-eight (48) hours' notice, the longest possible notice of such meeting shall be given each member by the Clerk, and the notice shall be signed by at least two (2) members of the Board. The Clerk shall cause an affidavit showing service of such notice as herein provided to the file in his or her office prior to the time fixed for such special meeting.

*(b)* Appropriate public notice of any such meeting shall be given according to Wisconsin Statutes.

*(c)* Any special meeting attended by the Quorum of the Board shall be a regular meeting for the transaction of any business that may come before such meeting.

*(d)* Notwithstanding the foregoing, if for good cause such that twenty-four (24) hours notice is impossible or impracticable due to

the calling of a special meeting for emergency purposes, notice shall be provided not less than two (2) hours in advance of the meeting in accordance with Wis. Stats. §19.84(3) (most current edition).

**(3) Adjournments.** The Board may, by a majority vote of those present but by not less than three (3) affirmative votes, adjourn from time to time to a specific date and hour.

**(4) Open Meetings.** All meetings shall comply with the notice and other requirements of the Wisconsin Open Meeting Law.

**(5) Setting the Board Agenda.**

*(a) Public Notice.* In accordance with Wisconsin Open Meeting Laws, written notice of the subject, time and place of any board meeting in the form of an agenda shall be given to the public at least twenty-four (24) hours prior to the commencement of such meeting unless for good cause such notice is impossible or impractical, in which case shorter notice may be given, but in no case shall the notice be provided less than two (2) hours in advance of the meeting.

*(b) Preparation and Approval of Board Agendas.* The Clerk shall prepare the board agenda and the board agenda shall be approved and signed by the President, or in his absence, the Administrator, prior to publication and posting.

*(c) Placement of Agenda Items/Removal.* The President or any two (2) Board Trustees may, prior to agenda approval by the President, request the Clerk to place an item or items on the agenda. In addition, the Board may, at any meeting, direct that certain items be placed on the agenda for the following meeting or a later meeting. Once placed on the agenda, neither the Clerk nor the President shall have authority to remove the item from the agenda without the Board's approval.

*(d) Consent Agenda.* The Clerk is authorized to create a section on any agenda

entitled Consent Agenda and then place matters that the Clerk deems routine and non controversial and which do not require a special vote or specific action by the Board. The President or any two (2) Board Trustees may, prior to approval by the President, remove any consent agenda items that the President or any two (2) Board Trustees deem controversial or not appropriate for the consent agenda.

**2.02 PRESIDING OFFICER.**

**(1)** The President shall preside. In the absence of the President, the Clerk shall call the meeting to order and the Trustees present shall elect one (1) of their members as the Temporary Presiding Officer. If the President appears while the meeting is in session, the Temporary Presiding Officer shall vacate the chair.

**(2) Duties.** The Presiding Officer shall preserve order and decorum, decide all questions of order and conduct the proceedings of the meeting in accordance with the parliamentary rules contained in the latest revision of Robert's Rules of Order, unless otherwise provided by statute or by these rules. For purposes of these Village Ordinances, any references to Robert's Rules of Order shall refer to the parliamentary rules contained in the latest addition, newly revised, of Robert's Rules of Order in possession of the Clerk unless otherwise provided by statute or Village Ordinance.

**(3) Decisions Challenging the Chair.** Any member may appeal from a decision of the Presiding Officer. An appeal shall be sustained by a majority vote of the members present, excluding the Presiding Officer.

**2.03 ROLL CALL: QUORUM AND PARTICIPATION VIA TELECOMMUNICATIONS.**

**(1) Taking the Roll; Procedure When Quorum Not in Attendance.** As soon as

the Board is called to order, the Clerk shall proceed to note who is present and who is absent, and record the same in the proceedings of the Board. If there is not a quorum present, the fact shall be entered on the journal and the Board may adjourn; or the President, or in his or her absence, the Clerk, when requested by three (3) or more members, may issue a process to a policeman commanding him or her to summon all of the absentees to the meeting.

**(2) Quorum.** A majority of the members of the Board shall constitute a quorum. The President shall be counted in computing a quorum. A majority vote of all members of the Board in favor of any proposed ordinance, resolution, or appointment shall be necessary for passage or approval, unless a larger number is required by statute or contract. The President, pursuant to Wis. Stats. §61.24 (2004), shall have a vote as Trustee on all matters to come before the Board.

**(3) Participation via Telecommunications.** In the event that a special meeting of the Village Board is scheduled and a Trustee cannot be physically present at the meeting due to prior out-of-town commitments (remote trustee), the Trustee may participate via telecommunications under the following conditions:

(a) There is a quorum of other Trustees physically present in the Board Room at the time that the special meeting is called. Under no circumstances shall attendance via telecommunications be used to constitute a quorum.

(b) The Trustee who desires to attend a meeting via telecommunications shall contact the President or the Administrator as soon as practically possible to advise the President that his or her presence at a meeting will be physically impossible.

(c) The Clerk will make arrangements to

have the telephone handset available for use in the Board Room.

(d) The handset or other communication device must be placed in the Board Room so that the member not physically present can hear and be heard by all who are physically present including the members of the public.

(e) Trustees attending via telecommunications shall attend the entire meeting and may not attend for certain selected items of interest and then disconnect.

(f) Trustees attending via telecommunications may participate in debate the same as any other Trustee and vote at the appropriate time via roll call. To avoid confusion, the President as chair will ask the remote Trustee, prior to any votes taken, for his or her comments on a particular issue.

(g) The Trustees attending the meeting via telecommunications shall initiate the contact with the Clerk from wherever their physical presence may be at least ten (10) minutes prior to the meeting to ensure a timely start of the special board meeting. Failure to establish the connection at that time shall result in the remote Trustee not being able to attend the meeting. Any fees associated with this contact shall be at the Trustee's expense.

**(4) Special Circumstances.** During any attack, quarantine, absence due to travel restrictions imposed by federal order, or in the event of Village declared emergencies, the Village Board shall have at its own discretion the ability to carry on a voice vote via telecommunications during a regularly scheduled or special Village Board meeting. This includes but is not limited to telephone, secured e-mail, video conference and video phone. Under this section attendance via telecommunications may be used to constitute a quorum.

**2.04 CLERK PRO TEM.** In the absence of the Clerk, a designee appointed by the Administrator shall act as the Clerk Pro Tem.

**2.05 ENFORCEMENT AUTHORITY.** The Presiding Officer shall maintain order and decorum, and may order any person, other than a Trustee, to leave a Village meeting if the person has conducted himself or herself in a disorderly manner and persisted in such conduct after being directed by the Presiding Officer to cease the conduct. If the person refuses the Presiding Officer's order to withdraw, the Presiding Officer may order a Law Enforcement Officer to take the person into custody until the meeting is adjourned.

**2.06 APPOINTED OFFICIALS.**  
**(1) Appointed Officials Generally.** Appointed officials of the Village shall be those listed below. All appointive officials shall be appointed by the Board with due regard to training, experience, and abilities and general fitness for the office as shall be determined by the Board. Each such officer shall serve at the pleasure of the Board unless otherwise provided by an employment contract.

- (a) Village Clerk
- (b) Finance Director/Treasurer
- (c) Village Administrator
- (d) Village Attorney
- (e) Village Zoning Administrator/  
Assessor
- (f) Chief Building Inspector
- (g) Director of Public Works
- (h) Village Engineer
- (i) Community Development Director
- (j) Recreation Director

**(2) Employment Contracts.** The Board may, at its sole discretion, enter into employment contracts with appointed officials which modify the provisions of this ordinance.

**(3) Protective Service Employees.** The Fire Chief and any other employee who is subject to Wis. Stats. §62.13 shall be subject to appointment or removal as provided therein.

**(4) Duties.** Appointed officials shall perform the duties of their appointed offices as provided by state statute, rule or these ordinances and the job descriptions created in accordance with such statutes, rules and ordinances. The duties of the appointed officials may be modified by the Board at any time by adopting modifications of the applicable job description, by employment contract or by adoption of an ordinance or resolution providing for such change or by modifying the job description pertaining to that position.

**(5) Procedure for Removal from Office.** If the Board determines to discontinue the employment of an appointed official, it may do so by a two-thirds (2/3<sup>rd</sup>) vote in open or closed session subject to the provisions of the Wisconsin Open Meetings law. There shall be no requirement for hearing or any other process or procedure unless specifically provided for in an employment agreement or other written agreement that has been specifically authorized by action of the Board.

**(6) Terms of Office Abolished.** Unless otherwise specifically provided in an employment agreement or other written agreement that has been specifically authorized by action of the Board, all terms of office for appointed officials shall be indefinite.

**(7) Village Administrator.** The Village Administrator shall be the chief administrative officer of the Village, responsible to the Board for the proper administration of the business affairs of the Village, pursuant and subject to the case and statutory law of the State of Wisconsin and the resolutions and ordinances of the Village,

and the directives of the Board with such powers and duties as are delegated.

## **2.07 BOARDS AND COMMITTEES.**

### **(1) Definitions.**

(a) *Board/Commission:* a permanent body of the Village whose members are officially appointed and empowered to exercise designated governmental functions. When used in this Section 2.07, the term Board shall not include the Board.

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

(2) **Creation.** The following boards, commissions and committees are created to perform such duties as required by the Wisconsin statutes, rules and regulations, the Village codes, and as determined by the Board from time to time.

- (a) Ethics Board
- (b) Planning & Zoning Commission
- (c) Public Works & Utility Commission
- (d) Commercial Development Commission
- (e) Historic Preservation Commission
- (f) Recreation, Park, Forestry & Trails Committee
- (g) Public Health & Safety Committee
- (h) Design Review Committee
- (i) Municipal Board of Absentee

Canvassers

- (j) Cemetery Committee

(3) **Appointments.** Members of such boards, commissions and committees shall be appointed to regular terms by the President subject to confirmation by the Board at the first meeting in May in which the term is to begin.

(a) Regular terms shall commence on the day following the approval of the appointments and shall be for terms as hereinafter provided.

(b) In the event of a vacancy during a term, an appointment for the remainder of the term shall be made by the President subject to confirmation by the Board.

(c) Members may be reappointed, except that no person shall serve or be appointed to a term for which he would become ineligible to serve.

(d) All appointments shall take into consideration the qualification for members of the specific board, commission or committee as established by the Village Board from time to time.

(e) All members of boards, commissions and committees shall serve on boards, commissions and committees at the pleasure of the Board. Trustee members shall serve for one (1) year terms while in office and be subject to annual reappointment by the President and confirmed by the Board.

### **(4) Boards and Commissions.**

(a) *Ethics Board.* The Ethics Board shall consist of five (5) regular members all of which shall be residents of the Village and none of which shall hold any public office in the Village or in any other municipality. Each member shall be appointed for three (3) year staggered terms except that the initial appointment shall be for two (2) three (3) year terms, two (2) two (2) year terms, and one (1) one (1) year term. The Ethics Board shall have those powers as set forth at Section 2.09 as amended and shall further have the powers as set forth in Wis. Stats. §19.59(3)(d).

(b) *Planning & Zoning Commission.* The Planning & Zoning Commission shall be constituted in accordance with Wisconsin Statutes including Wis. Stats. §62.23. The Planning & Zoning Commission shall consist of seven (7) members, one (1) of which shall

be a Trustee and at least five (5) of which are citizen members who are not Village officials. Members shall be appointed for three (3) year terms in accordance with Section 2.07(3) except for Trustee members whose appointment shall be made annually and whose term shall coincide with their term of office. In all other respects, the Village adopts the provisions of Wis. Stats. §62.23 with respect to said Commission.

*(c) Public Works & Utility Commission.*

The Public Works & Utility Commission shall be constituted in accordance with Wis. Stats. §66.0805, but its jurisdiction and authority shall be limited to providing recommendations and advice to the Board in determining what acts and functions the Board should perform with respect to management, supervision and operation of the Village utilities and public works. The Public Works & Utility Commission shall consist of seven (7) members, one (1) of which shall be a Trustee and five (5) of which shall be residents of the Village. The term for the appointments shall be three (3) years except that the initial appointments shall be for two (2) three (3) year terms, two (2) two (2) year terms and one (1) one (1) year term.

*(d) Economic Development Committee.*

The Economic Development Committee, will be constituted. The Committee shall consist of seven (7) members, one (1) of which shall be a Trustee. Appointments of members shall be three (3) year terms except that initial appointments shall be for two (2) three (3) year terms, three (3) two (2) year terms, and two (2) one (1) year term.

*(e) Historic Preservation Commission.*

The Historic Preservation Commission shall consist of seven (7) members. Of the membership, if available in the community, one (1) shall be a registered architect; one (1) shall be a historian; one (1) shall be a licensed real estate broker; one (1) shall be a

Board member, and three (3) shall be citizen members. Each member shall have, to the highest extent practicable, a known interest in historic preservation. The President shall appoint the Commissioners subject to confirmation by the Board. Of the initial members so appointed, two (2) shall serve a term of one (1) year, two (2) shall serve a term of two (2) years, and three (3) shall serve a term of three (3) years. Thereafter, the term for each member shall be three (3) years.

*(f) Municipal Board of Absentee Canvassers.* Boards and Commissions. Municipal Board of Absentee Ballot Canvassers shall be composed of the Municipal Clerk, or a qualified elector of the municipality designated by the Clerk, and 2 other qualified electors of the municipality appointed by the Clerk for a term of 2 years commencing on January 1 of each odd-numbered year. The municipality may appoint additional inspectors under §7.30(2)(a) to assist the absentee ballot board of canvassers in canvassing absentee ballots under this section.

1. The Village of Suamico declares in lieu of canvassing absentee ballots at polling places under §6.88, the Municipal Board of Absentee Ballot Canvassers shall canvass all absentee ballots at all elections held in the municipality pursuant to procedures established by the State division governing elections.

2. The Municipal Clerk shall give at least 48 hours' notice of any meeting under this subsection.

3. The Municipal Clerk, no later than the closing hour of the polls, shall post at his or her office and on the Internet at a site announced by the Municipal Clerk before the poll opens, and shall make available to any person upon request, a statement of the number of absentee ballots that the Clerk has mailed or transmitted to electors and that

have been returned by the closing hour on election day.

**(5) Committees.**

*(a) Recreation, Parks, Forestry & Trails Committee.* The Recreation Parks, Forestry & Trails Committee shall consist of seven (7) members, one of which shall be a Trustee. Appointments shall be for three (3) year terms, except that the initial appointment shall be for two (2) three (3) years terms, three (3) two (2) year terms, and two (2) one (1) year terms.

*(b) Public Health & Safety Committee.* The Public Health & Safety Committee shall consist of five (5) regular members, one (1) of which shall be a Trustee. Appointments shall be for three (3) year staggered terms, except that the initial appointment shall be for two (2) three (3) years terms, two (2) two (2) year terms, and one (1) one (1) year term.

*(c) Design Review Committee.* The Design Review Committee shall consist of three regular members, one of which shall be a Trustee, one of which shall be the Village Zoning Administrator and one of which shall be an appointed Village citizen. Appointments shall be for 3-year terms. The Committee is to meet on an as needed basis. All decisions shall be by unanimous (3-0) approval. Any 2-1 vote in favor of, shall go to the Village Board for final approval. Anything less will be considered denied.

*(d) Other Committees.* The Board may create such other advisory or ad hoc committees for such period of time, for such purposes, and of such size as it shall determine from time to time. Any appointments to such committees shall be made by the President subject to confirmation of the Board in accordance with Section 2.07(3).

*(e) The Cemetery Committee* shall consist of five (5) members. One member shall be a Trustee. Three members shall be

appointed by the Village President, subject to confirmation by the Village Board for terms of three (3) years. The Cemetery Sexton shall be the fifth member. The terms shall be staggered, so one member is appointed each year. The term of each member shall commence February 1, following appointment. All members must be Village residents (see 2.07(6)(e) of the Village Code) with the exception of the appointment of the Sexton and, at the commencement of the Committee, non-resident Robert Vickery shall be an initial member of the Committee due to his immediate prior service as Suamico Cemetery Association President. The Cemetery Committee, subject to approval of the Village Board, will adopt rules and regulations for the operation and maintenance of any municipal cemetery, including the cemetery grounds previously maintained by the now dissolved Suamico Cemetery Association.

**(6) Miscellaneous.** Each committee, board and commission shall elect its President annually at its first regular meeting held after May 1. No person shall be elected or act as President for more than two (2) consecutive years, but such person may act as President for more than two (2) years during his or her tenure of all terms he or she may serve on such committee, board or commission.

*(a) Compensation.*

1. Trustees attending meetings under Section 2.07 shall not count said meetings toward their attendance compensation package of attending thirty (30) meetings for pay.

2. Compensation for citizen and Trustee members of boards, commissions and committees shall be as set from time to time by resolution of the Board.

*(b) Notice.* Notice of all meetings shall comply with the notice and other requirements of the Wisconsin Open

Meetings Law.

(c) *Information Request.* Any board, commission or committee may request any Village officer to confer with it and supply information needed in connection with any matter pending before it. Every such request shall be in writing furnished to the appropriate officer with a copy to the Clerk, at least seventy-two (72) hours before the expected return or meeting date.

(d) *Quorum.* A majority of the members of any board, commission or committee shall constitute a quorum. If there is not a quorum present at a meeting, the fact shall be entered in the minutes and the board, commission or committee may adjourn. However, there shall be no adjournment until such time as fifteen (15) minutes has elapsed after the scheduled commencement of a meeting. If a quorum is present, a majority vote of all members present shall be necessary for passage or approval of any matter coming before the board, commission or committee unless otherwise set forth in state statute or Village ordinance.

(e) *Residency.* With respect to any appointment herein, unless required otherwise by state statute or Village ordinance, all appointed members of any Village board, commission or committee shall be residents of the Village.

(f) *Brown County Plan Commission.* The Village shall make its appointment in accordance with Section 2.07(c) to the Brown County Plan Commission.

(g) *Advance Green Bay.* The Village shall make its appointment in accordance with Section 2.07(3) to the Advance Board of Directors.

(h) *Compensation for the Zoning Board of Appeals and the Board of Review.* As required to be set by ordinance in section 1.03(2)(a.1) and 1.03(2)(b.1) respectively, shall be as set from time to time by resolution of the Board.

(i) *Absence from Meetings.* Board, commission and committee members who miss more than three (3) consecutive meetings shall be considered by the President for recommendation for removal from office. This removal shall be subject to confirmation by the Board.

(j) *Compensation for Village Board Members.* The compensation for all Trustees and the President shall be as determined by the Board in accordance with Village Code Section 1.01 (3). Effective with the April 2008 Election, the salary of the President shall be eight thousand five hundred dollars (\$8,500) per year beginning with the next term of office at which the President is elected.

## **2.08 PUBLIC RECORDS.**

(1) **Declaration of Policy.** In recognition of the fact that a representative government is dependent upon an informed electorate, it is declared to be the public policy of this Village that all persons are entitled to the greatest possible information regarding the affairs of government and the official acts of those officers and employees who represent them. Further, providing persons with such information is declared to be an essential function of a representative government and an integral part of the routine duties of officers and employees whose responsibility it is to provide such information.

### **(2) Definitions.**

(a) *Authority.* Any of the following Village entities having custody of a Village record: an office, elected or appointed official, agency, board, commission, committee, council, department or public body corporate and politic created by constitution, law, ordinance, rule or order; or a formally constituted subunit of the forgoing.

(b) *Custodian.* That officer, department



head, division head or employee of the Village designated under Section 2.08 (4) or otherwise responsible by law to keep such records in his or her office, who is lawfully in possession or entitled to possession of such public records and is required by this section to respond to requests for access to such records.

*(c) Record.* Any material on which written, drawn, printed, spoken, visual or electromagnetic information is recorded or preserved, regardless of physical form or characteristics, which has been created or is being kept by an authority. Record includes, but is not limited to, handwritten, typed or printed pages, maps, charts, photographs, films, recordings, tapes (including computer tapes), and computer printouts. Record does not include drafts, notes, preliminary computations and like materials prepared for the originator's personal use or prepared by the originator in the name of a person for whom the originator is working; materials which are purely the personal property of the custodian and have no relation to his or her office; materials to which access is limited by copyright, patent or bequest; and published materials in the possession of an authority other than a public library which are available for sale, or which are available for inspection at a public library.

**(3) Duty to Maintain Records.**

*(a)* Except as provided under Section 2.08 (3), each officer and employee of the Village shall safely keep and preserve all records received from his or her predecessor or other persons and required by law to be filed, deposited or kept in his or her office or which are in the lawful possession or control of the officer or employee or his or her deputies, or to the possession or control of which he or she may be lawfully entitled as such officer or employee.

*(b)* Upon the expiration of an officer's term of office or an employee's term of

employment, or whenever the office or position of employment becomes vacant, each such officer or employee shall deliver to his successor all records then in his or her custody and the successor shall receipt to the officer or employee who shall file such receipt with the Clerk. If a vacancy occurs before a successor is selected or qualifies, such records shall be delivered to and receipted for by the Clerk, on behalf of the successor, to be delivered to such successor upon the latter's receipt.

**(4) Legal Custodians.**

*(a)* Each elected or appointed official is the legal custodian of his or her records and the records of his or her office, but the official may designate an employee of his or her staff to act as the legal custodian.

*(b)* Unless otherwise prohibited by law, the Clerk or his or her designee shall act as legal custodian for the Board and for any committees, commissions, boards or other authorities created by ordinance or resolution of the Board.

*(c)* For every authority not specified in Section 2.08 (4) *(a)* and *(b)*, the authority's chief administrative officer is the legal custodian for the authority, but the officer may designate an employee of his or her staff to act as the legal custodian.

*(d)* Each legal custodian shall name a person to act as legal custodian in his or her absence or the absence of his or her designee.

*(e)* The legal custodian shall have full legal power to render decisions and to carry out the duties of an authority under Wis. Stats. Ch. 19, Sub. Ch. II and this section. The designation of a legal custodian does not affect the powers and duties of an authority under this section.

**(5) Public Access to Records.**

*(a)* Except as provided in Section 2.08 (2) of this chapter, any person has a right to inspect a record and to make or receive a

copy of the record in the presence of the custodian or receive a copy of any record as provided in Wis. Stats. §19.35(1).

(b) Records will be available for inspection and copying during all regular business hours.

(c) If regular office hours are not maintained at the location where records are kept, the records will be available for inspection and copying upon at least forty-eight (48) hours' advance notice of intent to inspect or copy.

(d) A requester shall be permitted to use facilities comparable to those available to Village employees to inspect, copy or abstract a record.

(e) The legal custodian may require supervision during inspection or may impose other reasonable restrictions on the manner of access to an original record if the record is irreplaceable or easily damaged.

(f) A requester shall be charged a fee to defray the cost of locating and copying records as follows:

1. The cost of photocopying shall be calculated not to exceed the actual, necessary and direct cost of reproduction.

2. If the form of a written record does not permit copying, the actual and necessary cost of photographing and photographic processing shall be charged.

3. The actual full cost of providing a copy of other records not in printed form on paper, such as films, computer printouts and audiotapes or videotapes, shall be charged.

4. If mailing or shipping is necessary, the actual cost thereof shall also be charged.

5. There shall be no charge for locating a record unless the actual cost therefor exceeds fifty dollars (\$50), in which case the actual cost shall be determined by the legal custodian and billed to the requester.

6. The legal custodian shall estimate the cost of all applicable fees and may require a cash deposit adequate to assure payment, if

such estimate exceeds five dollars (\$5).

7. Elected and appointed officials of the Village shall not be required to pay for public records they may reasonably require for the proper performance of their official duties.

8. The legal custodian may provide copies of a record without charge or at a reduced charge where he or she determines that waiver or reduction of the fee is in the public interest.

(g) Pursuant to Wis. Stats. §19.34 and the guidelines therein listed, each authority shall adopt, prominently display and make available for inspection and copying at its offices, for the guidance of the public, a notice containing a description of its organization and the established times and places which, the legal custodian from whom, and the methods whereby, the public may obtain information and access to records in its custody, make requests for records, or obtain copies of records, and the costs thereof. Each authority shall also prominently display at its offices, for the guidance of the public, a copy of Sections 2.08 (5), (6), and (7). This section does not apply to members of the Board.

#### **(6) Access Procedures.**

(a) A request to inspect or copy a record shall be made to the legal custodian. A request shall be deemed sufficient if it reasonably describes the requested record or the information requested. However, a request for a record without a reasonable limitation as to subject matter or length of time represented by the record does not constitute a sufficient request. A request may be made orally, but a request must be in writing before an action to enforce the request is commenced under Wis. Stats. §19.37. Except as provided below, no request may be refused because the person making the request is unwilling to be identified or to state the purpose of the request. No request may be refused because

the request is received by mail, unless prepayment of a fee is required under Section 2.08 (5) (f) 5. A requester may be required to show acceptable identification whenever the requested record is kept at a private residence or whenever security reasons or federal law or regulations so require.

(b) Each custodian, upon request for any record, shall, as soon as practicable and without delay, either fill the request or notify the requester of the authority's determination to deny the request in whole or in part and the reasons therefore. If the legal custodian, after conferring with the Village Attorney, determines that a written request is so general as to be unduly time consuming, the party making the request may first be required to itemize his or her request in a manner which would permit reasonable compliance.

(c) A request for a record may be denied as provided in Section 2.08 (7). If a request is made orally, the request may be denied orally unless a demand for a written statement of the reasons denying the request is made by the requester within five (5) business days of the oral denial. If a written request is denied in whole or in part, the requester shall receive a written statement of the reasons for denying the request. Every written denial of a request shall inform the requester that if the request for the record was made in writing, then the determination is subject to review upon petition for a writ of mandamus under Wis. Stats. §19.37(1), or upon application to the Attorney General or a district attorney.

**(7) Limitations on Right to Access.**

(a) The Village hereby adopts Wis. Stats. §19.36. The following records are exempt from inspection under this section:

1. Records specifically exempted from disclosure by state or federal law or authorized to be exempted from disclosure

by state law.

2. Any record relating to investigative information for law enforcement purposes if federal law or regulations require exemption from disclosure or if exemption from disclosure is a condition to receipt of aids by the state.

3. Computer programs, although the material used as input for a computer program or the material produced as a product of the computer program is subject to inspection.

4. A record or any portion of a record containing information qualifying as a common law trade secret.

(b) As provided by Wis. Stats. §43.30, public library circulation records are exempt from inspection under this section.

(c) In responding to a request for inspection or copying of a record which is not specifically exempt from disclosure, the legal custodian, after conferring with the Village Attorney, may deny the request, in whole or in part, only if he or she determines that the harm to the public interest resulting from disclosure would outweigh the public interest in full access to the requested record. Examples of matters for which disclosure may be refused include, but are not limited to, the following:

1. Records obtained under official pledges of confidentiality which were necessary and given in order to obtain the information contained in them.

2. Records of current deliberations after a quasi-judicial hearing.

3. Records of current deliberations regarding any Village officer or employee concerning employment, dismissal, demotion, compensation, performance or discipline, or the investigation of charges against a Village officer or employee, unless such officer or employee consents to such disclosure.

4. Records concerning current strategy

for crime detection or prevention.

5. Records of current deliberations or negotiations on the purchase of Village property, investing of Village funds or other Village business whenever competitive or bargaining reasons require nondisclosure.

6. Financial, medical, social or personal histories or disciplinary data of specific persons which, if disclosed, would be likely to have a substantial adverse effect upon the reputation of any person referred to in such history or data.

7. Communications between legal counsel for the Village and any officer, agent or employee of the Village, when advice is being rendered concerning strategy with respect to current litigation in which the Village or any of its officers, agents or employees is or is likely to become involved, or communications which are privileged under Wis. Stats. §905.03.

(d) If a record contains information that may be made public and information that may not be made public, the custodian of the record shall provide the information that may be made public and delete the information that may not be made public from the record before release. The custodian shall confer with the Village Attorney prior to releasing any such record and shall follow guidance of the Village Attorney when separating out the exempt material. If, in the judgment of the custodian and the Village Attorney, there is no feasible way to separate the exempt material from the nonexempt material without unreasonably jeopardizing nondisclosure of exempt material, the entire record shall be withheld from disclosure.

(e) Confidentiality of income and expenses provided to assessor for assessment purposes.

1. Adoption. This ordinance adopts by reference Wis. Statutes §70.47 (7)(af). Income and expense information provided by a property owner to an assessor for the

purposes of establishing the valuation for assessment purposes by the income method of valuation shall be confidential and not a public record open to inspection or copying under §19.35 (1) of Wis. Statutes.

2. Exceptions. An officer may make disclosure of such information under the following circumstances:

a. The assessor has access to such information in the performance of his/her duties;

b. The board of review may review such information when needed, in its' opinion, to decide upon a contested assessment;

c. Another person or body has the right to review such information due to the intimate relationship to the duties of an office or as set by law;

d. The officer is complying with a court order;

e. The person providing the income and expense information has contested the assessment level at either the board of review or by filing a claim for excessive assessment under §74.37, in which case the base records are open and public.

3. Severability. The several sections of this ordinance are declared to be severable. If any section or portion thereof shall be declared by a court of competent jurisdiction to be invalid, unlawful or unenforceable, such decision shall apply only to the specific section or portion thereof directly specified in the decision, and shall not affect the validity of any other provisions, sections, or portions thereof of the ordinance. The remainder of the ordinance shall remain in full force and effect. Any other ordinances whose terms are in conflict with the provisions of this ordinance are hereby repealed as to those terms that conflict.

**(8) Destruction of Records.**

(a) Village officers may destroy the following non-utility financial records of which they are the legal custodians and

which are considered obsolete, after completion of any required audit by the Bureau of Municipal Audit or an auditor licensed under Wis. Stats. Ch. 442, but not less than seven (7) years after payment or receipt of any sum involved in the particular transaction, unless a shorter period has been fixed by the State Public Records Board pursuant to Wis. Stats. §16.61(3)(e), and then after such shorter period.

1. Bank statements, deposit books, slips and stubs.
2. Bonds and coupons after maturity.
3. Cancelled checks, duplicates and check stubs.
4. License and permit applications, stubs and duplicates.
5. Official bonds.
6. Payrolls and other time and employment records of personnel included under the Wisconsin Retirement Plan.
7. Receipt forms.
8. Special assessment records.
9. Vouchers, requisitions, purchase orders and all other supporting documents pertaining thereto.

(b) Village officers may destroy the following records of which they are the legal custodian and which are considered obsolete, but not less than seven (7) years after the record was effective unless another period has been set by statute, and then after such period, or unless a shorter period has been fixed by the State Public Records Board pursuant to Wis. Stats. §16.61(3)(e), and then after such a shorter period:

1. Assessment rolls and related records, including Board of Review minutes.
2. Contracts and papers relating thereto.
3. Correspondence and communications.
4. Financial reports other than annual financial reports.
5. Insurance policies.
6. Oaths of office.
7. Reports of boards, commissions,

committees and officials duplicated in council minutes.

8. Petitions.
9. Election notices.
10. Cancelled registration cards.

(c) Unless notice is waived by the State Historical Society, at least sixty (60) days' notice shall be given the State Historical Society prior to the destruction of any record as provided by Wis. Stats. §19.21(4)(a).

(d) Any tape recording of a governmental meeting of the Village may be destroyed, erased or reused no sooner than ninety (90) days after the minutes of the meeting have been approved and published, if the purpose of the recording was to make minutes of the meeting. (Note: Only Board minutes are required to be published or posted.)

**(9) Preservation through Microfilm.**

Any Village officer or the director of any department or division of Village government may, subject to the approval of the Board, keep and preserve public records in his or her possession by means of microfilm or other photographic reproduction method. Such records shall meet the standards for photographic reproduction set forth in Wis. Stats. §16.61(7)(a) and (b), and shall be considered original records for all purposes. Such records shall be preserved along with the other files of the department or division and shall be open to public inspection and copying according to the provisions of state law and of this chapter.

**2.09 CODE OF ETHICS.** The Village adopts and incorporates Wis. Stats. §19.59. The Village reserves its right to adopt further ordinances including the following policies in accordance with Wis. Stats. §19.59 and, further, amends the prior Village ethic ordinance as follows:

**(1) Declaration of Policy.**

(a) *High moral and ethical standards are essential to the operation of free government.* A code of ethics is established for all Village officials, whether elected or appointed, paid or unpaid, all Village employees and agents of the Village, all members of Village boards and committees and persons furnishing contracted services to the Village and its boards and committees. This code establishes guidelines for ethical standards of conduct for all such officials, employees, agents, committee and board members and persons furnishing contracted services. It directs disclosure by officials, board and committee members, employees, agents and candidates for Village office of private financial or other interests in matters affecting the Village.

(b) This code of ethics does not prohibit Village officials from having other employment and financial interests. Village officials, however, need to distinguish between inconsequential conflicts which are unavoidable and those conflicts which are substantial. The purpose of this code is to help Village officials in avoiding serious conflicts of interest and promote confidence in our local government.

**(2) Responsibility of Public Officials and Standards of Conduct.**

(a) Elected and appointed officials, committee and board members and employees of the Village should work for the benefit of the public and are bound to uphold the Constitution of the United States and the Constitution of the State of Wisconsin and to carry out independently and impartially the laws of the Nation, State and Village; observe in their official acts the highest standards of morality; and to discharge faithfully the duties of their office/position regardless of personal consideration, recognizing that public interests must be their prime concern. The conduct of Village officials, board and committee members,

employees, agents and those furnishing contracted services to the Village should foster respect for government.

(b) The provisions of the following sections of the Wisconsin Statutes are made part of this section and shall apply to elected and appointed officials whenever applicable, namely: Wis. Stats. §19.81-§19.98 Open Meetings of Government Bodies; Wis. Stats. §946.10 Bribery of Public Officers and Employees; Wis. Stats. §946.11 Special Privileges from Public Utilities; Wis. Stats. §946.12 Misconduct in Public Office; Wis. Stats. §946.13 Private Interest in Public Contract Prohibited;

**(3) Dedicated Service.**

(a) A Village official, board or committee member or employee should not use his or her position or office to obtain financial gain or anything of substantial value for his or her own personal benefit other than salary and benefits which he or she is due. These individuals should avoid promoting the special interests of any persons or group other than the best interests of the Village.

(b) A Village official, board or committee member, employee, agent or person furnishing contracted services should not exceed his or her authority and should work in full cooperation with public officials, board and committee members and Village employees. Employees, agents and those furnishing contracted services should adhere to the rules of work and performance established as the standard for their positions by the appropriate authority.

**(4) Definitions.**

(a) *Agent.* Any representative, including only those Village employees specifically designated by the Board, whose function is to bring about, modify, affect, accept performance of or terminate contractual obligations between the Village and third

persons. All other non-designated full or part-time Village employees are specifically excluded from this definition.

*(b) Confidential Information:*

Confidential information means written material or oral information related to city government, which is not otherwise subject to release under the public records law and which is expressly designated or marked as confidential.

*(c) Financial Interest.* Any interest which shall yield directly a monetary or other material benefit to the official, employee or agent or to any person employing or retaining the services of the official, employee or agent.

*(d) Immediate Family.* The official's or employee's spouse and any relative by marriage, lineal descent or adoption who receives, directly or indirectly, more than one half (½) of his support from the official or employee.

*(e) Improper Conduct.* Any violations of this section.

*(f) Official.* Any elected or appointed office holder of the Village. These include, but are not limited to, President, Trustees, Clerk, and Assessor.

*(g) Person.* Any natural person, corporation, partnership or joint venture.

*(h) Relative.* A person related by blood as a first cousin or closer in kinship; a person related by blood to one's spouse as a first cousin or closer in kinship; or a person who through adoption is related to one's self or one's spouse as a first cousin or closer in kinship.

**(5) Fair and Equal Treatment.**

*Obligation to Citizens.* No official, employee or agent shall grant any special consideration, treatment or advantage to any citizen beyond that which is available to every other citizen.

**(6) Conflict Of Interest.**

*(a) Financial or Personal Interests*

*Prohibited.* No official, employee or agent, 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 his or her official duties in the public interest contrary to the provisions of this section or would be reasonably expected to impair his independence of judgment or action in the performance of his official duties.

*(b) Specific Conflicts Enumerated.*

1. **Incompatible Employment.** No official, employee or agent 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's, employee's or agent's independence, judgment or action in the performance of his or her official duties, unless otherwise permitted by law and unless disclosure is made herein provided.

2. **Disclosure of Confidential Information.** No official, employee, board or committee member or agent shall, without proper legal authorization, disclose confidential information concerning the property, government or affairs of the Village, nor shall such official, employee or agent use such information to advance the financial or other private interest of their self or others.

3. **Gifts and Favors.**

a. No elected or appointed official, employee or agent of the Village shall accept anything of value, whether in the form of a gift, service, loan, thing or promise, from any person which may be reasonably expected to impair his or her independence of judgment or action in the performance of his or her duties. No elected or appointed official or agent shall grant in the discharge of his or

her duties any improper favor, service or thing of value. Any elected or appointed official or agent who receives, directly or indirectly, any gift or gifts having an aggregate value of more than fifty dollars (\$50) within any calendar year from any person who is known by such official to be interested directly or indirectly in any manner whatever in business dealings with the Village upon which the official or agent has any influence or input or over which the official or agent has any jurisdiction, discretion or control, shall disclose the nature and value of such gifts to the Ethics Board by January 20 of the next year in which the gift or gifts are received. A gift or favor made or granted to a member of any official's or agent's immediate family shall be deemed made or granted to the official.

b. No elected or appointed official, employee or agent of the Village may solicit or accept, either directly or indirectly, from any person or organization money or anything of value if it could reasonably be expected to influence the official's actions or judgments or be considered a reward for any action or inaction on the part of the official. Campaign contributions are an exception and should be carefully documented and handled in accordance with the provisions of the Wisconsin Statutes.

c. An elected or appointed official, employee or agent 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. 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.

d. Gifts received by an elected or appointed official, employee or agent under unusual circumstances may be referred to the Ethics Board within ten (10) days of receipt for recommended disposition.

4. Contracts with the Village. Except to the extent allowed by Wis. Stat. 946.13, no official, employee or agent of the Village who, in his or her capacity as such official, in which such official, employee or agent 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, employee or agent shall enter into any contract with the Village.

5. Employment of Relatives. No official, employee or agent, except as designated by the Board, shall participate in a discussion or proceeding which is held for the purpose of interviewing and/or hiring a job applicant; setting the salary, duties and/or conditions of employment of a job applicant or any employee; or firing of an employee, who is a relative of such official. No official shall head a department which employs a relative. No employee shall work in a department which is headed by a relative.

**(7) Disclosure of Interest in Matters before the Village Board.** To the extent known, all elected and appointed officials of the Village, members of its boards and committees or employees of the Village who have a financial interest in any proposed action shall disclose on the records of the Village promptly the nature and extent of such interest. To the extent known, all persons furnishing contracted services to the Village, its boards or committees who have a financial interest in any proposed action shall, to the extent the proposed action relates to the contracted services provided or to be provided, disclose on the records of the



Village promptly the nature and extent of such interest.

Any other official, employee or agent who has a financial interest in any proposed action and who participates in discussion with or gives an official opinion or recommendation to the Board or any board or committee shall disclose on the records of the Village promptly the nature and extent of such interest.

**(8) Campaign Contributions.**

Campaign contributions shall be reported by all candidates for official and employee positions in the Village in strict conformity with the provisions of the Wisconsin Statutes.

**(9) Ethics Board.** There is hereby created an Ethics Board for the Village.

*(a) Structure and Method of Appointment.* The Ethics Board shall be appointed according to Section 2.07(4)(a). Upon prior request of the Board, the Village Attorney shall furnish the Board whatever legal assistance is necessary to carry out its functions.

*(b) Membership.* The members of the Ethics Board shall be appointed by the President and confirmed by the Board. Terms of office shall be three (3) years, except that when initial appointments are made, one shall be appointed for one (1) year, two (2) for two (2) years and two (2) for three (3) years. If any member of the Ethics Board petitions the Board for an advisory opinion regarding his or her conduct, such member shall be mandatorily excluded from sitting in his or her own case.

*(c) Leadership and Procedures.* The Ethics Board shall elect its own chairperson and vice-chairperson and shall develop written rules of procedure which shall be submitted to the Board for approval.

*(d) Amendment to Code of Ethics.* The Ethics Board may make recommendations to

the Board with respect to amendments to this section.

**(11) Filing of a Verified Complaint.**

*(a)* Any person may initiate a review before the Ethics Board of the conduct of any Village officer or employee alleged to be in violation of the Village ethics code by filing a verified complaint, with the Village Clerk together with a processing fee in the amount of two hundred dollars (\$200). Such verified complaint shall specify the activities of such officer or employee which are alleged to be in violation of the code of ethics. The Clerk shall provide a form, created by the Ethics Board that may be used for such complaint.

*(b) Determination of Probable Cause.* The Village Attorney or in the event of conflict special counsel appointed by the Ethics Board, shall act as counsel to the Ethics Board. Upon receipt the Clerk shall forward such complaint to the Chair of the Ethics Board who will see to it that the officer or employee accused in the complaint is notified of fact that a complaint has been filed and served (in person or by certified mail) a copy of the complaint within ten (10) days of its filing. The Chair also shall convene the Ethics Board within thirty (30) days of the date of filing of the complaint with the clerk for the purposes of determining whether, when viewing the complaint in the light most favorable to the complaining party there is probable cause to believe the employee or officer has acted in violation of the Ethics Code. Such review shall be in closed session. The Ethics Board shall give the complaining party and the officer or employee named in the complaint notice of the meeting and may request clarification of the complaint from either party.

1. If the Ethics Board determines that no probable cause exists, it shall dismiss the complaint and notify the accused officer or

employee, the complainant and such other persons as the board determines to have an interest.

2. If the Ethics Board finds probable cause to believe a violation exists, it shall then proceed to hold a hearing as provided by this code.

3. The Ethics Board may also, upon agreement of the complaining party and the officer or employee named in the complaint proceed to issue an advisory opinion on the facts alleged in the complaint in lieu of a hearing.

4. The Ethics Board may direct the Village Attorney or special counsel to further investigate the facts stated in the verified complaint and report back to the board.

5. The complaining party may withdraw the complaint prior to a finding of probable cause. If probable cause is found by the Ethics Board, the complaint may not be withdrawn without the consent of the Ethics Board which may, at its complete discretion, require the matter to continue to hearing with or without the complaining parties consent and voluntary participation.

*(c) Hearing Process.*

1. Notice of the finding of probable cause and notice of hearing and a copy of the complaint shall be sent to the accused officer or employee by certified mail at his last known post office address within 5 days of the determination of probable cause.

2. Such hearing shall be scheduled more than twenty (20) days but less than thirty (30) days from the postmarked date of the notice of hearing. The hearing may however be adjourned at the request of either party for good cause shown or the Ethics Board.

3. Prior to the hearing date, the Chair or the designated representative shall contact the parties for the purpose of a pre-hearing conference. At the pre-hearing conference, the parties shall disclose the witnesses they intend to call request any subpoenas and

discuss any other evidentiary or procedural issues related to the hearing.

4. The hearing shall be held before a quorum of the Ethics Board, presided over by the Chair or designated representative. At the hearing each party may be represented by counsel at their own expense, the parties may present evidence, call and examine witnesses and cross-examine witnesses of the other party. Such witnesses shall be sworn by the person presiding over the hearing. The chairman of the board is empowered to issue subpoenas to compel attendance of witnesses at such hearing. Statutory due process procedures and admissibility of evidence will be subject to the guidelines of Wis. Stats. §227-45(1).

5. The hearing shall be conducted in accordance with the Wisconsin Rules of Criminal Evidence, and the Secretary of the Ethics Board or designee shall take notes of testimony and shall mark and preserve all exhibits. The burden shall be on the complaining party to show to by clear, satisfactory and convincing evidence that an ethics code violation has occurred by the officer or employee accused.

6. The hearing shall be noticed to be and conducted in closed session unless the accused officer or employee requests, in writing, that it be open to the public.

7. Within twenty (20) days of the completion of the hearing and the filing of briefs, if any, the board shall make a written determination as to the existence of a violation of the code of ethics by the accused officer or employee. Such determination shall be mailed by certified mail to such officer or employee within the twenty (20) day period. Copies shall also be delivered to the Village Board in the same manner as a report of a standing committee for such action as the Village Board may deem proper.

8. The Ethics Board may compromise or settle any potential action or violation of this chapter. Whenever the board enters into a settlement agreement with an individual who is accused of a violation of this chapter, the board shall reduce the agreement to writing, together with a statement of the board's findings and reasons for entering into the agreement and shall retain the statement and agreement in its records for inspection.

**(10) Advisory Opinions.**

(a) *Request for Advisory Opinion.* Any individual, either personally or on behalf of an organization or governmental body, may, in writing, request the ethics board, to issue an advisory opinion regarding the propriety of any matter to which the person is or may become a party. It is prima facie evidence of intent to comply with the Ethics Code when a person requests an advisory opinion abides by the advisory opinion, if the material facts are as stated in the opinion request. The Ethics Board may authorize the Village Attorney to act in its stead in instances where delay is of substantial inconvenience or detriment to the requesting party.

(b) *Confidentiality.* Except as provided in par. (c), neither the Village Attorney, a member of the Ethics Board, nor anyone else who becomes privy to the request or opinion may make public the identity of an individual requesting an advisory opinion or of individuals or organizations mentioned in the opinion.

(c) *Exception to Confidentiality.* The Ethics Board or Village Attorney replying to a request for an advisory opinion may make the opinion public with the consent of the individual requesting the advisory opinion or the organization or governmental body on whose behalf it is requested and may make public a summary of an advisory opinion issued under this subsection after making sufficient alterations in the summary to prevent disclosing the identities of

individuals involved in the opinion. A person who makes or purports to make public the substance of or any portion of an advisory opinion requested by or on behalf of the person waives the confidentiality of the request for an advisory opinion and of any records obtained or prepared by the Ethics Board or the Village Attorney for the local governmental unit in connection with the request for an advisory opinion.

(11) **Distribution of Code.** The Clerk shall provide copies of this section annually to elected and appointed officials, candidates for political office and the designated employees of the Village who are required to file disclosure statements annually and shall keep at least one copy permanently on file for the use of the public. All employees shall receive a copy when they are hired.

**2.10 MUNICIPAL COURT.**

**(1) Municipal Judge.**

(a) *Office Created.* Pursuant to Wis. Stats. §755.01, there is created the office of Municipal Judge for the Village.

(b) *Election Term.* The Municipal Judge shall be elected at large at the spring election in odd-numbered years for a term of four years, or until a successor is elected and qualifies, commencing on May 1 next succeeding his/her election. Mid-term vacancies in the office of Municipal Judge shall be filled by appointment by the Board.

(c) *Inception.* The Municipal Judge shall be appointed by the Village and shall take office September 18, 1996. Thereafter, the position of Municipal Judge shall be filled pursuant to Wis. Stats. §8.50(4)(fm) and this Code.

(d) *Salary.* The Municipal Judge shall receive a salary as determined from time to time by the Board, which shall be in lieu of fees and costs. No salary shall be paid to the Judge for any time during his term for which he/she has not executed and filed his/her

official bond and oath as required by paragraph (e) of this section.

(e) *Bond; Oath.* The Municipal Judge shall execute and file with the Clerk of Courts for Brown County the oath prescribed by Wis. Stats. §757.02 and a bond in the penal sum of two thousand dollars (\$2,000). The Municipal Judge shall not be qualified to act until a certified copy of the bond is filed with the Clerk and a certified copy of the oath is filed with the office of the State Administrator of Courts as required by Wis. Stats. §755.03.

(f) *Residency.* The Municipal Judge shall be a resident of the Village.

(g) *Qualifications.* The Municipal Judge shall be licensed to practice law in the State of Wisconsin. He shall also be a member in good standing with the State Bar of the State of Wisconsin.

**(2) Municipal Court Established.** The Municipal Court for the Village is established pursuant to Wis. Stats. §55.02 and Ch. 755. The first court session held is on November 20, 1996.

(a) *Hours.* The Municipal Court shall be open as determined by order of the Municipal Judge.

(b) *Location.* The Municipal Judge shall keep his or her office and hold court in the Municipal Services Center.

(c) *Procedure.* The procedure in Municipal Court for the Village shall be as provided by this section and state law including, without limitation because of enumeration, Wis. Stats. Chs. 755, 778 and 800.

(d) *Collection and Return of Forfeitures.* The Municipal Judge shall collect all forfeitures, penalty assessments, fees and taxable costs in any action or proceeding before him or her and shall pay over such monies to the Treasurer within seven (7) days of collection. At such time the Municipal Judge shall also report to the

Treasurer the title, nature of offenses and total amount of judgments imposed in actions and proceedings in which such monies were collected.

(e) *Contempt of Court.* The Municipal Judge, after affording an opportunity to the person accused to be heard in defense, may punish for contempt of Municipal Court persons guilty of either of the following acts and no other:

1. Disorderly, contemptuous and insolent behavior toward the Judge while engaged in any judicial proceedings or to impair the respect due the judge's authority.
2. Resistance of or disobedience to any lawful order or process made or issued by the Judge.

(f) *Penalty for Contempt of Court.* The Municipal Judge may, upon finding any person guilty of contempt, order such person to forfeit not more than fifty dollars (\$50) plus the penalty assessment under Wis. Stats. §165.87. Upon nonpayment of the forfeiture and penalty, the person found guilty of contempt may be sentenced to the County Jail not to exceed seven (7) days.

**(3) Stipulation and Deposits in Municipal Court.**

(a) *Deposit Schedule to be Established.* The Municipal Judge shall establish and submit to the Board for approval in accordance with Wis. Stats. §800.03(3), a schedule of deposits for violation of Village ordinances, resolutions, and by-laws except traffic violations governed by Wis. Stats. §23.67.

(b) *Stipulation and Deposit in Lieu of Court Appearance.* Persons cited for violations of Village ordinances, resolutions or by-laws for which a deposit has been established under this section shall be permitted to make a stipulation of no contest and a deposit in lieu of court appearance as provided in Wis. Stats. §800.03, §800.04, and §800.09.

(c) *Traffic and Boating Deposits.* The deposit schedule established by the Wisconsin Judicial Conference and the procedures set forth in Wis. Stats. Ch. 23 and 345 shall apply to stipulation and deposits for violations of traffic regulations enacted in accordance with Wis. Stat. §345.27 and boating regulations enacted in accordance with Wis. Stat. §30.77.

(d) *When Not Permitted.* Stipulations and deposits shall not be permitted after initial appearance or in cases of contempt.

**(4) Dispositions and Sanctions for Juveniles.**

(a) For a juvenile adjudged to have violated an ordinance, a court is authorized to impose any of the dispositions listed in Wis. Stat. §938.343 and §938.44 in accordance with the provisions of those statutes.

(b) For a juvenile adjudged to have violated an ordinance who violates a condition of a dispositional order of the court under Wis. Stat. §938.343 or §938.44, the Municipal Court is authorized to impose any of the sanctions listed in Wis. Stat. §938.355(6)(d) in accordance with the provisions of those statutes.

(c) This section is enacted under the authority of Wis. Stat. §938.17(2)(cm).

**2.10.5 JOINT MUNICIPAL COURT.**

**(1) Municipal Court Created.**

Pursuant to Wis. Stats. Ch. 755 there is hereby created and established a municipal court designated “municipal court for the Village of Suamico, the Town of Chase, and the Town on Little Suamico” and identified as “Suamico Area Joint Municipal Court” and will be presided over by a municipal judge. This court shall become an operating court on January 1, 2020.

**(2) Municipal Judge.** Pursuant to Wis. Stats. Ch. 755 the office of municipal judge is hereby created. The eligibility for office of

municipal judge shall be as follows “to be eligible for the office of municipal judge a person must be a qualified elector in one of the municipalities.” The judge must be a licensed attorney, and in good standing, with the Wisconsin State Bar Association. The current municipal judge for the Village of Suamico Municipal Court will remain as judge through the end of his current term which expires on April 30, 2023 or unless he resigns his position prior to the end of his term.

**(3) Election and Term of Judge.** The judge appointed must run for election at large in the spring election in odd numbered years for a term of four years commencing on May 1. Electors of the municipalities shall be eligible to vote for the municipal judge. All candidates for the position of municipal judge shall be nominated by nomination papers as provided in Wis. Stats. §8.10, and selection in a primary election if such is held is provided in Wis. Stats. §8.11. The clerk of Brown County shall serve as filing officer for the candidates. The municipal judge shall receive a fixed salary and municipal judges training pursuant to Wis. Stats. §755.18. The salary shall be determined by the Village of Suamico Board.

**(4) Bond and Oath of Municipal Judge.** The municipal judge shall, after election or appointment to fill a vacancy, take and file the official oath as prescribed in Wis. Stats. §757.02(1) pursuant to Wis. Stats. §755.03 and at the same time shall execute and file an official bond. The municipal judge shall have jurisdiction as provided by the statutes and laws of the State of Wisconsin and pursuant to Wis. Stats. §755.045. Additionally, the municipal judge shall have exclusive jurisdiction over actions in the municipalities seeking to impose forfeitures for violations of municipal ordinances, resolutions, and bylaws. The municipal judge may issue civil warrants to

enforce matters under the jurisdiction of the municipal court under Wis. Stats. §755.045(2) and §66.0119. The municipal judge also has jurisdiction over juvenile defenders pursuant to Wis. Stats. §938.17(2)(cm).

**(5) Procedures of Joint Municipal Court.**

(a) The joint municipal court shall be open as determined by order of the municipal judge.

(b) The joint municipal court shall be held in the courtroom which is located in the Village of Suamico municipal building.

(c) The procedure in joint municipal court shall be as provided in the statutes and laws of Wisconsin.

**(6) Municipal Clerk.** Pursuant to Wis. Stats. Ch. 755, the office of clerk of the municipal court is hereby created. Said clerk shall take the position upon appointment of the municipal judge. Training and compensation of said clerk shall be as determined by the municipal court and/or the Village of Suamico.

**(7) Collection of Forfeitures and Costs.** The municipal judge may impose punishment and sentences as provided by Wis. Stats. Ch. 800 and 938 as provided in the ordinances of the municipalities. All forfeitures, fees, assessments, surcharges, and costs shall be paid to the treasurer of the municipality within which the case arose within thirty (30) of receipt of the money by the municipal court. At the time of the payment, the municipal court shall report to the treasurer the title of the action, the nature of the offenses, and the total amount of judgments imposed in actions and proceedings in which such monies were collected.

**(8) Contempt of Court.** The municipal judge may impose a sanction as authorized under Wis. Stats. §800.12(2)., for contempt of court as defined in Wis. Stats. §785.01(1).

In accordance with the procedures under Wis. Stats. §785.03.

**(9) Termination.** Any municipality may withdraw from this agreement by giving notice in writing to the judge no later than August 31, of any year. Upon giving such notice, that municipality's participation in the municipal court shall terminate at the end of the said year. No member, pursuant to Wis. Stats. §755.01(2), may abolish municipal court while this agreement is in effect.

**2.11 ELECTIONS.**

**(1) Pollworkers.**

(a) *Appointment of alternative election officials.* The Village Clerk shall have the discretion to hire election officials to work less than a full day on the day of the election.

Village of Suamico

Chapter 2

*Ordinance 2008-05 Repealing and Recreating Section 2.06*

*Adopted 4-7-08*

*Ordinance 2008-24 Creating Section 2.07(4)(e) Historic Preservation Commission*

*Adopted 8-4-08*

*Ordinance 2011-08 Amending Chapter 2 Board and Committees of the Village Code*

*Adopted 8-1-11*

*Ordinance 2012-08 Amending Chapter 2, General Government*

*Adopted 6-18-12*

*Ordinance 2015-04 Amending Chapter 2 Board and Committees of the Village Code*

*Adopted 4-20-15*

*Ordinance 2015-08 Amending Chapter 2 Board and Committees of the Village Code*

*Adopted 5-3-15*

*Ordinance 2016-05 Allowing the Village Clerk Discretion in Election Official Work Hours*

*Adopted 4-4-16*

*Ordinance 2016-07 Confidentiality of Income and Expenses Provided to Assessor for Assessment Purposes*

*Adopted 5-2-16*

*Ordinance 2016-09 Creating Section 2.07 Creating a Municipal Board of Absentee Ballot Canvassers and Providing for the Canvassing of all Absentee Ballots at a Place Other than the Polling Location*

*Adopted 6-6-16*

*Ordinance 2018-01 Amending Chapter 2: General Government*

*Adopted 2-5-18*

*Ordinance 2019-10 Creating a Joint Municipal Court*

*Adopted 11-4-19*

*Ordinance 2020-08 Amending Chapter 2, Creating Section 2.03(4) Special Circumstances*

*Adopted 4-20-20*