

Title I – Chapter 3

Commissions and Committees

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Amended by Ord. No. 2015-527 on 10/26/2015

3.01 **Committees in General.**

- (1) Except as otherwise provided in this Code of Ordinances, committee appointments shall be made by the Village President from a panel of candidates selected by an appointment committee consisting of two village trustees who shall be selected by the Village Board, or from other names that have been brought to his/her attention. All such appointments are to be confirmed by the Village Board.
- (2) The Village Board may provide for such special committees as it may from time-to-time determine.
- (3) For the more efficient and thorough handling of matters before the Board, the Board shall meet as a Committee of the Whole as provided for in § Title I, 3.02.

3.02 **Committee of the Whole**

- (1) **Committee Membership.** In place of standing committees, the Village Board shall operate on a Committee of the Whole system. The Committee of the Whole shall consist of the six (6) Trustees and the Village President.
- (2) **Rotation of the Chair.**
 - (a) The responsibility for chairing the Committee of the Whole shall be rotated every two months among the six (6) Trustees. The position of Vice-Chair shall also be filled and rotated in the same manner. After two months service as Vice-Chair, that Trustee shall move into the position of Chair. The order of service shall be alphabetical by surname.

- (b) The Chair shall preside at all meetings of the Committee of the Whole. In the absence of the Chair, the Vice-Chair shall preside. In the absence of both the Chair and the Vice-Chair, the Village President will preside.
- (c) The Chair 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 League of Municipalities' "The Conduct of Village Board Meetings" unless otherwise provided by law or by these Rules or Code of Ordinances.

(3) Special Committees.

- (a) The Committee of the Whole may, from time to time, establish subcommittees, ad hoc committees, or special committees for specific purposes and/or time limits. These committees shall consist of one (1) or more Trustees not to exceed three (3) Trustees and may include staff or others as authorized by the Committee of the Whole. These committees shall report to the Committee of the Whole or to the Village Board as appropriate.
- (b) The Committee of the Whole shall appoint a subcommittee of no more than three (3) Trustees to participate in labor negotiations.
- (c) The Committee of the Whole may, from time to time, authorize a Trustee to study, research or take responsibility for a specific area of concern and report back to the Committee of the Whole.

(4) Rules of Conduct.

- (a) The Committee of the Whole shall operate under all appropriate rules and laws affecting public bodies and may reach consensus or take votes on matters to be recommended to the Village Board. All matters disposed of by the Committee of the Whole that need Village Board action shall be forwarded to the Village Board at its next meeting on a Consent Agenda. The Consent Agenda may be considered by the Village Board in its entirety, or items may be considered separately by request of any Trustee.
- (b) The Committee of the Whole is not empowered and shall not be construed to be empowered to act as the Village Board, to adopt Resolutions or Ordinances, or to finalize other actions.
- (c) The agenda for the meetings of the Committee of the Whole shall be prepared by the Village Administrator in consultation with the Chair. The agenda shall include items of concern of the Village, an administrative report, and reports of any subcommittees or special committees of the Committee of the Whole. Any Trustee may place an item on the agenda by notifying the Village Administrator or the Chair. The agenda shall not routinely contain items that are regularly on the agenda of the

Village Board, such as reports from boards, commissions, committees, or Village officials.

- (d) The Chair and Vice-Chair shall work with the Village Administrator to provide direction in Committee work, to discuss and coordinate the collection of information necessary for Committee discussion, to identify experts to assist the Committee, and to consult on other Committee of the Whole matters as necessary.
- (5) Public Input. The Committee of the Whole shall make provision for public input on items on its agenda, and may, from time to time, schedule special meetings of the Committee of the Whole or establish special subcommittees to receive public comment on special items. These procedures shall not be construed to substitute for Public Hearings, as may be required by law, nor shall the taking of public comment be constrained by the procedure of a Public Hearing.

3.03 **Board of Review.**

- (1) Members; Organization. [§§ 70.46(1)]. The Board of Review shall consist of the President, Village Clerk, and three other trustees appointed by the President and confirmed by the Village Board. Two alternate members shall also be so appointed and confirmed. Vacancies on the Board of Review with respect to the three trustee members shall be filled first by any alternates appointed, and then by appointment and confirmation of any other resident of the Village. A vacancy caused with respect to the President shall be automatically filled upon the appointment or election of another president in the manner provided by law. The Village Clerk shall serve as clerk of the Board and shall keep an accurate record of all of its proceedings. (AMD 06-390 10/23/06)
- (2) Purpose and Responsibilities. The purpose of the Board of Review is to assure that all assessments in the Village of Poynette are correct and fair. The board shall begin its deliberations with the presumption that the assessor's valuation is correct. That presumption may be rebutted by a sufficient showing by the objector that the valuation is incorrect. [WI Stat. 70.47(9)] From the evidence before it the board shall determine whether the assessor's assessment is correct. If the assessment is too high or too low, the board shall raise or lower the assessment accordingly and shall state on the record the correct assessment, and that the assessment is reasonable in light of all of the relevant evidence that the board received.
- (3) Board of Review Proceedings. (WI Stat § 70.47)
 - (a) Time and Place of Meetings. The Board of Review shall meet annually within 30 days of the 2nd Monday of May in the Village Hall. A majority shall constitute a quorum, except that two members may hold any hearing of the evidence required to be held by such Board pursuant to § 70.47(8) and (10), Wis. Stats., if the requirements of § 70.47(9), Wis. Stats., are met.

- (b) Notice. Notice of the time and place of meeting shall be posted by the Clerk in at least three public places in the Village and on the door of the Village Hall, if the place of meeting has been otherwise designated.
 - (c) 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. However, evidence as to the amount of income produced by properties whose valuation is based upon income may be heard in closed session.
 - (d) Sessions. At its first meeting, the Board of Review shall receive the assessment roll and sworn statements from the Clerk and prior to adjournment shall be in session a minimum of two hours. If the assessment roll is not completed, the Board shall adjourn for such time as is necessary to complete the roll, and shall post a written notice on the outer door of the place of meeting stating to what time the meeting is adjourned.
 - (e) Adjournment. The Board may adjourn from time to time until its business is completed. If an adjournment be had for more than one day, a written notice shall be posted on the outer door of the place of meeting, stating to what time said meeting is adjourned.
 - (f) Removal of a Member. Members shall be removed for the following reasons:
 - (1) If an objector asks for the removal of a member at least 48 hours prior to the Board hearing the objection. Only one member may be removed for this reason.
 - (2) If a member has a conflict of interest with regard to an objection
 - (3) If a member has a bias with regard to an objection
 - (4) If a member would violate the Village or State Code of Ethics by acting on an objection
- (4) Objections to Valuations.
- (a) The board of review may not hear an objection to the amount or valuation of property unless, at least 48 hours before the board's first scheduled meeting, the objector provides to the board's clerk written or oral notice of an intent to file an objection, except that, upon a showing of good cause and the submission of a written objection, the board shall waive that requirement during the first 2 hours of the board's first scheduled meeting, and the board may waive that requirement up to the end of the 5th day of the session or up to the end of the final day of the session if the session is less than 5 days with proof of extraordinary circumstances for failure to meet the 48-hour notice requirement and failure to appear before the board of review during the first 2 hours of the first scheduled meeting.
 - (b) Objections to the amount or valuation of property shall first be made in writing and filed with the clerk of the board of review within the first 2 hours of the board's first scheduled meeting, except that, upon evidence of extraordinary circumstances, the board may waive that requirement up to the end of the 5th day of the session or up

to the end of the final day of the session if the session is less than 5 days. Such objections shall be submitted on forms approved by the department of revenue, and the board shall require that any forms include stated valuations of the property in question.

- (c) Persons who own land and improvements to that land may object to the aggregate valuation of that land and improvements to that land, but no person who owns land and improvements to that land may object only to the valuation of that land or only to the valuation of improvements to that land.
 - (d) No person shall be allowed in any action or proceedings to question the amount or valuation of property unless such written objection has been filed and such person in good faith presented evidence to such board in support of such objections and made full disclosure before said board, under oath of all of that person's property liable to assessment in such district and the value thereof. The requirement that it be in writing may be waived by express action of the board (WI Stat. § 70.47(7)).
 - (e) No person shall be allowed to appear before the Board of Review, or to contest the amount of any assessment of real or personal property, if he shall have refused a reasonable written request by certified mail of the assessor to view such property.
 - (f) Upon receipt of an objection, the Board shall establish a time for hearing the objection. At least 48 hours notice of the time of hearing must be given to the objector or his attorney, and to the Village Attorney and Assessor. Where all parties are present and waive such notice in the minutes, the hearing may be held forthwith.
- (5) Hearing. The Board shall hear, upon oath, all persons who appear before it in relation to the assessment, and on such hearing shall proceed as follows:
- (a) The Clerk shall swear all persons testifying before it in relation to the assessment.
 - (b) The owner or his representatives and his witnesses shall first be heard.
 - (c) The Board may examine, under oath, such persons as it believes have knowledge of the value of such property.
 - (d) It may, and upon request of the assessor shall, compel the attendance of witnesses and the production of all books, inventories, appraisals, documents, and other data, which may throw light upon the value of the property.
 - (e) All proceedings shall be taken in full by a stenographer or by a recording device, the expense thereof to be paid by the Village. The Board may order that the notes are transcribed, and in case of an appeal or other court proceedings they shall be transcribed. If a recording device takes the proceedings, the Clerk shall keep a list of persons speaking in the order in which they speak.

- (f) The Clerk's notes, written objections, and all other material submitted to the Board of Review, tape recordings of the proceedings, and any other transcript of proceedings, shall be retained for at least seven years, shall be available for public inspection, and copies of these items shall be supplied promptly at a reasonable time and place to anyone requesting them at the requester's expense.
- (6) Correction of Assessments. From the evidence before it, the Board shall determine whether the assessor's valuation is correct. If too high or too low, it shall raise or lower the same accordingly. A majority of the members of the Board present at the meeting to make the determination shall constitute a quorum for purposes of making such determination, and a majority vote of the quorum shall constitute the determination. In the event there is a tie vote, the assessor's valuation shall be sustained. A Board member may not be counted in determining a quorum and may not vote concerning any determination unless, concerning such determination, such member:
- (a) Attended the hearing of the evidence; or
 - (b) Received the transcript of the hearing no less than five days prior to the meeting and read such transcript; or
 - (c) Received a mechanical recording of the evidence no less than five days prior to the meeting and listened to such recording; or
 - (d) Received a copy of a summary and all exceptions thereto no less than five days prior to the meeting and read such summary and exceptions. In this subdivision, "summary" means a written summary of the evidence prepared by one or more Board members attending the hearing of evidence, which summary shall be distributed to all Board members and all parties to the contested assessment, and "exceptions" means written exceptions to the summary of evidence filed by parties to the contested assessment.
- (7) Assessment by Board. If the Board has reason to believe, upon examination of the roll and other pertinent information, that other property, the assessment of which is not complained of, is assessed above or below the general average of the assessment of the Village, or is omitted, the Board shall:
- (a) Notify the owner, agent or possessor of such property, of its intention to review such assessment or place it on the assessment roll and of the time and place fixed for such hearing in time to be heard before the Board in relation thereto, provided the residence of such owner, agent or possessor be known to any member of the Board or the Assessor.
 - (b) Fix the day, hour and place at which such matter will be heard.

- (c) Subpoena such witnesses as it deems necessary to testify concerning the value of such property and the expense incurred shall be a charge against the Village.
- (d) At the time appointed, proceed to review the matter as provided in subsection (7).
- (8) Parties. In all proceedings before the Board, the Village shall be a party in interest to secure or sustain an equitable assessment of all the property in the Village.
- (9) Notice of decision (WI Stat. 70.47(12)). Prior to final adjournment, the board of review shall provide the objector, or the appropriate party under sub. (7), notice by personal delivery or by mail, return receipt required, of the amount of the assessment as finalized by the board and an explanation of appeal rights and procedures under sub. (10) and WI Stats. § 70.85, 74.35 and 74.37. Upon delivering or mailing the notice under this subsection, the clerk of the board of review shall prepare an affidavit specifying the date when that notice was delivered or mailed.
- (10) Certiorari (WI Stat. 70.47(13)). Except as provided in WI Stat. 70.85, appeal from the determination of the board of review shall be by an action for certiorari commenced within 90 days after the taxpayer receives the notice under sub.(9). The action shall be given preference. If the court on the appeal finds any error in the proceedings of the board which renders the assessment or the proceedings void, it shall remand the assessment to the board for further proceedings in accordance with the court's determination and retain jurisdiction of the matter until the board has determined an assessment in accordance with the court's order. For this purpose, if final adjournment of the board occurs prior to the court's decision on the appeal, the court may order the governing body of the assessing authority to reconvene the board.
- (11) Tax payments (WI Stat. 70.47(14)). In the event the board of review has not completed its review or heard an objection to an assessment on real or personal property prior to the date the taxes predicated upon such assessment are due, or in the event there is an appeal as provided in sub. (10) and WI Stat. 74.37 from the correction of the board of review to the court, the time for payment of such taxes as levied is the same as provided in ch. 74 of the WI Stats., and if not paid in the time prescribed, such taxes are delinquent and subject to the same provisions as other delinquent taxes.

3.04 **Board of Zoning Appeals.**

- (1) Members; Organization. The Board of Zoning Appeals (BZA) shall consist of five members and two alternate members. All members shall be citizen members. Members shall be persons of recognized experience and qualifications, and shall be appointed by the Village President. Appointments shall be made in May of each year, with appointments taking effect on June 1. Members shall hold office for a period of three years from effective date of appointment, except that members first appointed shall be for terms that ensure that no more than three members or alternates shall be appointed or reappointed in any one year. Members appointed in mid-term shall be appointed to complete the original term.

- (2) Quorum, Records. Although three members shall constitute a quorum, the alternates will be given the same information as regular members, and shall be asked to attend all meetings of the BZA. The Village Clerk shall act as Clerk of the BZA. In the absence of the Village Clerk, the BZA shall designate one of its members as secretary and (s)he shall keep a written record of its proceedings, a copy of which shall be filed with the Village Clerk.
- (3) Powers of Board of Zoning Appeals. In addition to these powers enumerated elsewhere in this Code of Ordinances, the Board of Zoning Appeals shall have the following powers:
- (a) Errors. To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by the Village Administrator or Building Inspector in the enforcement of Title III, Chapter 2, Zoning, of Village Ordinances.
 - (b) Special Exceptions. To hear and decide special exceptions to the terms of Title III, Chapter 2 which the Board is required to pass under this Title III, Chapter 2.
 - (c) Variances. To authorize in specific cases such variance from the terms of Title III, Chapter 2 as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of Title III, Chapter 2 will result in unnecessary hardship, so that the spirit of Title III, Chapter 2 shall be observed, public safety and welfare secured, and substantial justice done.
 - (d) Interpretations. To hear and decide application for interpretations of the zoning regulations and the boundaries of the zoning districts after the Plan Commission has made a review and recommendation.
 - (e) Substitutions. To hear and grant applications for substitution of more restrictive nonconforming uses for existing nonconforming uses, provided no structural alterations are to be made and the Plan Commission has made a review and recommendation. Whenever the Board permits such a substitution, the use may not thereafter be changed without approval from the Board.
 - (f) Unclassified Uses. To hear and grant applications for unclassified and unspecified uses, provided that such uses are similar in character to the principal uses permitted in the district and the Plan Commission has made a review and recommendation.
 - (g) The Board may, in conformity with the provisions of this Section, reverse or affirm, in whole or in part, or may modify the order, requirement, decision or determination appealed from, and may make such order, requirements, decision or determination as ought to be made, and to that end shall have all the powers of the official from whom the appeal is taken, and may issue or direct the issuance of a permit.
 - (h) The concurring vote of four members of the Board shall be necessary to reverse any order, requirement, decision or determination of any such administrative official, or to

decide in favor of the applicant on any matter upon which it is required to pass under Title III, Chapter 2, or to effect any variation in Title III, Chapter 2. The grounds of every such determination shall be stated.

- (4) Hearing on Appeals. The Board of Zoning Appeals shall fix a reasonable time for the hearing, cause notice thereof to be published not less than seven days prior thereto, cause notice to be given to the appellant or applicant and the administrative officer appealed from by regular mail or by personal service not less than five days prior to the date of hearing. In every case involving a variance, notice shall also be mailed not less than five days prior to the hearing to the owners of records of all land within 100 feet of any part of the building or premises involved in the appeal.
- (5) Decisions of Board of Zoning Appeals.
 - (a) The Board of Zoning Appeals shall decide all appeals and applications within 30 days after the public hearing and shall transmit a signed copy of its decision to the applicant and the Village Administrator.
 - (b) Conditions may be placed upon any zoning permit ordered or authorized by the Board of Zoning Appeals.
 - (c) Variances, substitutions or use permits granted by the Board shall expire within six months unless substantial work has commenced pursuant to such grant.

3.05 **Ethics Committee.** (see Title I, Chapter 5, ETHICS, of Village Code of Ordinances)

3.06 ***Reserved for Library Board***

3.07 **Village Park and Recreation Commission.**

- (1) Members; Organization.
 - (a) The Village Park and Recreation Commission shall consist of six citizen members and one Village Trustee. The term of office of each citizen member shall be three years. Members appointed in mid-term shall be appointed to complete the original term. Citizen members shall be appointed during May of each year, with appointments taking effect on June 1. A majority of said Commission shall constitute a quorum for the transaction of business.
 - (b) The Commission shall designate one of its members as a chairperson. The Village Clerk shall serve as Secretary.
- (2) Powers and Duties.
 - (a) The Village Park and Recreation Commission shall oversee and be responsible for the management, control, improvement, and care of all public parks and Village

owned athletic fields and recreational facilities within the Village of Poynette, to include its parks, trails, shelters, and other associated facilities. The Park and Recreation Commission shall also be responsible for the establishment and oversight of recreational programs offered by the Village.

(b) Recognizing the Village Board's authority pursuant to Wisconsin Statutes, including Wis. Stat., Section 61.34. The following constitute the management, control, improvement, and care activities which may be exercised by the Parks and Recreation Commission independently of the Village Board. The Park and Recreation Commission may:

(i) Authorize establishment of recreation programs based on assessment of community needs.

(ii) Establish rules and regulations governing park use and recreational programs.

(iii) Accept cash and personal property donations made for purposes of contributing towards park projects, programs and memorials. The Commission shall deposit all cash donations with the Village Clerk-Treasurer or his/her designee who will deposit them into a segregated account designed for such donations.

(iv) Apply for and accept any grant which does not require the commitment of public funds.

(v) Create advisory subcommittees comprised of Park and Recreation Commissioners, Village residents, or any combination of person deemed qualified by the Park and Recreation Commission to conduct studies or perform specific tasks under the authority and direction of the Commission.

(vi) Consider and report or recommend on all matters referred to it by the Village Board.

(vii) Report to the Village Board on the Commission's activities as requested by the Village Board.

(viii) Administer the provisions of Title II, Chapter 3, Section 3.07; subject, however, to the supervision and control specifically reserved to the Village Board under that Section.

(c) The following additional powers may be exercised by the Park and Recreation Commission with the approval of the Village Board. With Village Board approval, the Park and Recreation Commission may:

(i) Establish a schedule of fees and charges for recreational programs and use of park shelters and other recreational facilities.

(ii) Lay out and improve Village parks, to include determination of types of facilities required, specific design and location, and removal and/or relocation of existing facilities. Such improvements shall be limited to those for which funds have been appropriated in the annual budget.

(iii) Acquire land for park and conservancy use in the name of the Village by purchase, land contract, lease, condemnation, or otherwise.

(iv) Accept donations of land for park and conservancy use in the name of the Village.

(v) Accept donations of cash or land made in return for naming rights, unless authorized in a previously Village Board approved project plan.

- (vi) Name any park or park facility.
- (vii) Apply for and accept any grant requiring commitment of public funds.
- (viii) Establish a master plan for park development, which includes projections of major maintenance needs, development of existing and future park plans and park programs.
- (ix) To appoint such agents and employees as may be necessary to carry out its function, subject to approval and appropriation made by the Village Board.
- (x) Any other management, control, improvement, and care activities that have not been specifically identified as exercised by the Parks and Recreation Commission independently of the Village Board.

(3) Finances. All expenditures shall be made by orders authorized and approved by Park and Recreation Commission and Village Board; and presented to the Village Clerk for payment. Regardless of any expenditures included in the budget for the Park and Recreation Commission, expenditures for projects exceeding a total cost of \$5,000 require Village Board approval. The Commission shall not contract any liability in excess of the budget and such other income as shall be received by the Commission.

(4) Budgets and Reports.

- (a) The Commission shall prepare an annual budget for the ensuing year on or before the 15th day of September of each year and file the same with the Village Administrator. The amount stated in the budget or as altered by the Village Board shall be included in the Village budget for the ensuing year.
- (b) The Park and Recreation Commission shall submit to the Village Board, at its first meeting in February of each year, a complete report of its activities during the preceding year.

Amended by Ord. No. 2015-526 on 11/09/2015

3.08 **Village Plan Commission.**

(1) Members; Organization. The Village Plan Commission shall consist of seven members, they being the President of the Village Board, who shall be its presiding officer, a Village Trustee, and five citizens. Citizen members shall be persons of recognized experience and qualifications. The trustee member shall be elected by a two-thirds vote of the Village Board in May of each year. Citizen appointments shall be made in May of each year, with appointments taking effect on June 1. Citizen members shall hold office for a period of three years from effective date of appointment. Members appointed in mid-term shall be appointed to complete the original term. At such time as the Village appoints an official full-time Village Engineer, such engineer shall succeed to a place on the Commission at the expiration of the next citizen term. The Commission shall have power and authority to employ experts and a staff, and to pay for their services and such other expenses as may be necessary and proper, not exceeding, in all, the appropriation that may be made for such Commission by the Village Board, or placed at its disposal through gift, and subject to any ordinance or resolution enacted by the Village Board.

- (2) Quorum, Records. Four members of the Commission shall constitute a quorum, providing that at least one of the four is a Village Trustee. No quorum shall be achieved without the presence of one trustee member. The Commission shall designate one of its members as secretary and (s)he shall keep a written record of its proceedings, a copy of which shall be filed with the Village Clerk.
- (3) Functions and Duties. It shall be the function and duty of the Commission to make and adopt a master plan for the physical development of the Village, including any areas outside of its boundaries, which, in the Commission's judgment bear relation to the development of the Village. The master plan, with the accompanying maps, plats, charts, and descriptive and explanatory matter, shall show the Commission's recommendations for such physical development, and may include, among other things, without limitation because of enumeration, the general location, character and extent of streets, highways, freeways, street grades, roadways, walks, bridges, viaducts, parking areas, tunnels, public places and areas, parks, parkways, playgrounds, sites for public buildings and structures, airports, pierhead and bulkhead lines, waterways, routes for railroads, street railways, and buses, and the general location and extent of sewers, water conduits, and other public utilities, whether privately or publicly owned, the acceptance, widening, narrowing, extension, relocation, removal, vacation, abandonment or change of use of any of the foregoing public ways, grounds, places, spaces, buildings, properties, utilities, routes or terminals, the general location, character, and extent of community centers and neighborhood units, the general character, extent and layout of the replanning of blighted districts and slum areas, and a comprehensive zoning plan. The Commission may, from time-to-time, amend, extend, or add to the master plan or carry any part or subject matter into greater detail.
- (4) The Master (Comprehensive) Plan.
- (a) The Master Plan shall be made with the general purpose of guiding and accomplishing a coordinated, adjusted and harmonious development of the Village which will, in accordance with existing and future needs, best promote public health, safety, morals, order, convenience, prosperity, or the general welfare, as well as efficiency and economy, in the process of development.
- (a) The Commission may adopt the Master Plan as a whole by a single resolution, or, as the work of making the whole Master Plan progresses, may from time-to-time by resolution adopt a part or parts thereof, any such part to correspond generally with one or more of the functional subdivisions of the subject matter of the Plan. The resolutions shall refer expressly to the maps, descriptive matter, and other matters intended by the Commission to form the whole or any part of the Plan, and the action taken shall be recorded on the adopted Plan or part thereof by the identifying signature of the secretary of the Commission and a copy of the Plan or part thereof shall be certified to the Village Board. The purpose and effect of the adoption and certifying of the Master Plan or part thereof shall be solely to aid the Plan Commission and the Village Board in the performance of their duties.

- (5) Miscellaneous Powers of the Commission. The Commission may make reports and recommendations relating to the Plan and development of the Village to public officials and agencies, public utility companies, civic, educational, professional and other organizations, and citizens. It may recommend to the President or Village Board programs for public improvements and the financing thereof. All public officials shall, upon request, furnish to the Commission, within a reasonable time, such available information as it may require for its work. The Commission, its members and employees, in the performance of its functions, may enter upon any land, make examination and surveys, and place and maintain necessary monuments and marks thereof. In general, the Commission shall have such powers as may be necessary to enable it to perform its functions and promote planning.
- (6) Matters Referred to the Village Plan Commission. The Village Board or other public body or officer of the Village having final authority thereon, shall refer to the Plan Commission, for its consideration, and report before final action is taken by the Board, public body or officer, the following matters: the location and architectural design of any public building, the location of any statue or other memorial; the location, acceptance, extension, alteration, vacation, abandonment, change of use, sale, acquisition of land for, or lease of land for, any street, alley, or other public way, park, playground, airport, area for parking vehicles, or other memorial or public grounds; the location, extension, abandonment or authorization for any public utility, whether publicly or privately owned; all plats of lands in the Village or within the territory over which the Village is given platting jurisdiction by Wis. Stats. Chapter 236; the location, character, and extent or acquisition, leasing or sale of lands for public or semi-public housing, slum clearance, relief of congestion, or vacation camps for children; and the amendment or repeal of any ordinance adopted pursuant to this section. Unless such report is made within 30 days, or such longer period as may be stipulated by the Village Board, the Board, or other public body or officer, may take final action without it.

3.09 **Police Discipline Committee.**

- (1) Applicability. All rules contained in the Village Code of Ordinances apply to the Police Discipline Committee (PDC) except where inconsistent with the rules enumerated in this subsection.
 - (a) Purpose of Police Discipline Committee. The PDC shall serve as a committee that meets the requirements set forth in WI State Statute 61.65(1)(am). The PDC shall review all matters that may result in the suspension, reduction, suspension and reduction, or removal of the police chief or other law enforcement officer that is not probationary.
 - (b) Appointment and Term. The PDC shall consist of three members, none of whom may be a Village Trustee or other elected or appointed official of the Village, or a Village employee. Initially, one member shall be appointed for a one-year term, one for a two-year term and one for a three-year term. Thereafter, appointments or

reappointments shall be for three-year terms. Appointments shall be made in May of each year.

(c) Committee Meetings and Reports.

1. Election and Duties of Chairperson. At its initial meeting, and annually thereafter as provided herein, the PDC shall elect a Chairperson. The Chairperson shall call and preside at all meetings of the PDC.
2. Annual Meeting. There shall be an annual meeting of the PDC to be held after the Village Board has made annual appointments or reappointments, but before the last day of July. The Chairperson shall call the meeting and specify the date, time and location for the meeting. The Chairperson shall be elected, and other relevant general business transacted, at the annual meeting.
3. Special Meetings. A special meeting of the PDC may be called by the Chairperson, the Village President, or upon the written direction of at least two members of the PDC.
4. Notice of Meetings. The person calling the meeting of the PDC shall advise the Village Clerk of the nature of the meeting, the agenda, and the time and location for the meeting. The Village Clerk shall provide notice of the meeting in accordance with Wisconsin's Open Meeting Laws and Village Ordinances.

(d) General Rules and Procedures. The PDC shall develop a review process that is both consistent with Wisconsin Statutes and designed to meet the need of the particular matter referred to the PDC. General rules and procedures governing the review process may be set forth in writing. Any rules set forth in writing shall be referred to the Village Board for review and shall be effective when adopted by resolution of the Village Board.

(e) Communications with Village Board. The PDC shall keep the Village Board adequately and appropriately apprised of the status of any matters before the PDC.

(2) PDC Rules and Procedures.

- (a) Duties and Responsibilities: The Police Discipline Committee (PDC) shall have the following duties and responsibilities:
- (b) Disciplinary Action: The PDC shall have the right to suspend, reduce, suspend and reduce, or remove the Police Chief and/or any other police officer who is not probationary. Disciplinary actions regarding a probationary Police Chief shall be made by the Public Safety Committee. Disciplinary actions regarding probationary police officers shall be made by the Police Chief and Village Administrator. For the purposes of these Procedures, the terms "discipline" or "disciplinary action" shall be limited to suspension, reduction, suspension and reduction, or removal.

- (c) Ultimate Review of Charges Filed. The PDC shall have the ultimate right to review charges filed against the Police Chief and/or any police officer, and to take disciplinary action.
- (d) Review by the PDC: shall be initiated as follows:
1. Charges regarding the police chief and/or any police officer may be initiated by, or filed by The Chief of Police, a member of the PDC, the PDC as a body or any aggrieved person, with the Chairperson of the PDC.
 2. All such charges shall then be directed to the Village Administrator. The Village Administrator shall forward the charge for action to the Chief of Police, who shall act as Investigating Official (IO).
 3. If the Chief is implicated in the charge, or it seems likely to the Administrator that the Chief might become involved during the investigation that will follow, the Administrator shall serve as IO.
 4. The IO shall notify the officer against whom the complaint was filed (“the charged party”) of the complaint and request that an explanation be provided within a reasonable period of time.
 5. The IO can request participation of other agencies (e.g., the Sheriff; another police force) to assist in an investigation as required.
 6. All charges will receive, at minimum, an investigation by the IO and a review at the next higher level. That is:
 - a. If the Chief acts as IO, the Village Administrator shall review the findings.
 - b. If the Administrator acts as IO, the PDC shall review the findings.
 7. The IO shall complete his/her preliminary review of the complaint by considering the charged party’s response, if such response is timely provided.
- (e) Following the review by the IO, the charges shall be directed to the PDC (if not already acting as reviewer). Actions passed to the PDC shall include, at minimum, the following:
1. The initial complaint, including identification of the complainant;
 2. Findings of the IO; and
 3. Preliminary conclusions reached by the IO/reviewer
- (f) Although, in most cases, preliminary investigation and review by the Chief of Police/Administrator is preferred, the Chief of Police/Administrator may also refer

charges directly to the PDC if the President deems such referral to be necessary and in the Village's best interest.

- (g) Although the Village prefers to have the PDC complete its review prior to taking any disciplinary action, the PDC may suspend the Police Chief or a police officer, or the Police Chief may suspend an officer, pending review for just cause. Neither the Police Chief nor any police officer shall be deprived of compensation during suspension pending disposition of the charges.
- (h) Review of Actions Taken by Police Chief.
 - 1. Notwithstanding the PDC's exclusive right to discipline a police officer, the Police Chief shall retain the right to suspend police officers for just cause. In all such cases, the police Chief shall immediately file a report with the Chairperson of the PDC. The report shall detail the charges and the just cause rationale for the suspension.
 - 2. At the request of the charged police officer, and if such request is made in writing to the Chairperson of the PDC, the PDC shall conduct a hearing regarding the suspension. In such cases, the Police Chief shall be required to file charges with the PDC upon which the suspension was based and shall act as the complainant.

(3) PDC Review Procedures

- (a) If the PDC determines that charges do not reasonably inform the accused of the general charge against him and the facts supporting the charge, the PDC shall dismiss the charges against the accused and serve a copy of the dismissal on the charged party and the complainant. No further action need be taken by the PDC.
- (b) Pre-Hearing Conference. If the PDC does not dismiss the charge pursuant to the preceding paragraph, the Village Clerk shall schedule a pre-hearing conference at least five (5) working days before the hearing. The Village, the charged party and the complainant shall be notified in writing of the pre-hearing conference and may attend and be represented at the pre-hearing conference. The following matters shall occur at the pre-hearing conference:
 - (c) Determination of whether the matter, or any portion thereof, can be resolved without the necessity of a full evidentiary hearing.
- (d) If an evidentiary hearing is necessary, the parties shall exchange the following:
 - 1. Complete witness lists;
 - 2. Any prior written or recorded statements or reports of witnesses; and,

3. Exhibits and exhibit lists.
 4. Witnesses not on the witness list shall not be permitted to testify at the hearing, unless both parties agree to the witness and/or the parties and the PDC agree to reschedule the hearing. Exhibits not on the exhibit list shall not be admitted as evidence, unless both parties agree to its admission or the PDC determines that the party presenting the exhibit has demonstrated a satisfactory reason for failing to present same at the pre-hearing conference.
- (e) Hearing: The Village Clerk shall schedule the hearing. The Village, the charged party and the complainant shall be notified in writing of the hearing, may attend the hearing as provided by law and may be represented by counsel.
1. The charged party and the complainant may compel the attendance of witnesses by subpoenas which shall be issued by the Chairperson of the PDC.
 2. The Chairperson of the PDC shall conduct the hearing. The hearing shall be conducted in accordance with Wis. Stats. 19.85(1)(b), as appropriate.
 3. The order at the hearing shall be as follows:
 - a. Statement of the initial determination by the Chairperson of the PDC.
Complete witness lists;
 - b. Opening statements, if any, by both the complainant and the charged party.
 - c. Presentation of testimony and introduction of evidence by complainant to substantiate the complaint.
 - d. Cross examination of complainant's witnesses by the charged party.
 - e. One additional opportunity for redirect questioning by the complainant.
 - f. One additional opportunity for redirect questioning by the charged party.
 - g. Presentation of testimony and introduction of evidence by charged party to refute the complaint.
 - h. Cross examination of charged party's witnesses by the complainant.
 - i. One additional opportunity for redirect questioning by the charged party.
 - j. One additional opportunity for redirect questioning by the complainant.
 - k. One opportunity for each side to present rebuttal evidence to rebut any evidence presented by the opposing side.
 - l. Closing arguments by complainant and charged party.

- m. At the request of the parties or the PDC, and in the discretion of the PDC, written briefs shall be filed prior to disciplinary action.
- (f) Disciplinary Action Following Hearing. The PDC may take disciplinary action if there is just cause to sustain the complaint under the standards set forth in Wis. Stats. 62.13(5)(em), as may be amended, or as otherwise permitted by law. The current statutes indicate that just cause for discipline exists if:
1. The Police Chief or police officer could reasonably be expected to have had knowledge of the probable consequences of the alleged conduct.
 2. The rule or order that the Police Chief or police officer allegedly violated is reasonable.
 3. The Police Chief, before filing the charge against the police officer, made a reasonable effort to discover whether the subordinate did in fact violate a rule or order (where applicable).
 4. The effect described under subparagraph 3 above was fair and objective (where applicable).
 5. The Police Chief discovered substantial evidence that the police officer violated the rule or order as described in charges filed in the report made against the police officer (where applicable).
 6. The Police Chief is applying the rule or order fairly and without discrimination against the police officer (where applicable).
 7. The proposed discipline reasonably relates to the seriousness of the alleged violation(s) and to the Police Chief's/police officer's record of service with the police department.
- (g) Following consideration of the evidence presented at the hearing, the standards set forth above and briefs, if any, the PDC shall prepare written findings of fact and conclusions and shall order, in writing, disciplinary action as appropriate. As determined by the PDC, such disciplinary action may be taken immediately following the close of the hearing, following deliberation in closed or open session (with appropriate notice), or following consideration of any briefs to be provided.
- (h) If the PDC determines that a suspension imposed prior to the hearing is not sustained by evidence presented by the hearing, the charged party shall be immediately reinstated.
- (4) Appeals. Any person disciplined by the PDC may appeal from the written order of the PDC to the Circuit Court by submitting written notice of appeal within ten (10) calendar days after the order is filed with the Village and served on the charged party.

(5) Notices. A copy of the charges shall be served upon the person charged in the manner prescribed for service of a summons (see Wis. Stats. 801.10, 801.11 and 801.13). Thereafter, notices shall be given in accordance with the standards for service and filing of pleading and other papers, as provided in Wis Stats. 801.14. Time shall be calculated as provided in Wis. Stats. 801.15.

(a) All required notices to the Public Safety Committee, PDC and/or the Village shall be made to both the Village Clerk and the Village Attorney, presently at the following addresses:

Poynette Village Clerk
106 S. Main Street
P.O. Box 95
Poynette, WI 53955

Christopher Hughes
Stafford Rosenbaum Attorneys, LLP
3 South Pinckney Street
P.O. Box 1784
Madison, WI 53701-1784

(b) All required notices to the Police Chief and/or police officers shall be made to the last known address in the employee's personal records, or to the counsel of record.

(c) All required notices to the complainant shall be made to the complainant's last known address, or to counsel of record.

(6) Costs Associated with the PDC.

(a) The cost associated with the PDC shall be allocated to and paid from the Police Department budget. These costs shall include the costs of convening the PDC (per diems to members, if any, expenses of PDC secretary, and publication/service of notices) and legal costs (costs associated with preparing and revising the PDC Procedures, advising and representing the Village on a matter that has been referred to the PDC, and retaining special counsel for the PDC, where the PDC deems such counsel desirable or necessary)

(b) Special counsel may be necessary where the Village Attorney would have a conflict of interest representing the Village and the PDC. The existence of a conflict of interest must be made on a case-by-case basis. For example, special counsel may be necessary where the complainant is the Public Safety Committee, the Village President or the Police Chief, but may not be necessary where there is a third-party complainant.

3.10 ***Reserved for Poynette Dekorra Joint Fire District***

3.11 ***Reserved for Utility Commission***

3.12 **Joint Municipal Court**

- (1) Joint Municipal Court Created. Pursuant to Chapter 755 Wisconsin Statutes, there is hereby created and established a Municipal Court designated “Joint Municipal Court for the Village of Cambria, the City of Columbus, the Village of Fall River, the City of Lodi, the Village of Pardeeville, the Village of Poynette, the Village of Randolph, the Village of Rio, the Town of Columbus, the Village of Dane, the Town of Dekorra, and the Town of Lodi”, (hereinafter a.k.a “Joint Municipal Court” or “Eastern Columbia County Joint Municipal Court”) presided over by a Municipal Judge.
- (2) Municipal Court Committee. Composition. The Municipal Court Committee shall be comprised of one representative of each Member Municipality who shall be appointed by the Mayor, President or Chairman of the Member Municipality, subject to confirmation by the respective governing body, and in addition, one member who shall be a police chief of a Member Municipality, the initial member of this class shall be the Chief of Police of Fall River, replaced on a yearly basis by means of rotation among the Chiefs. Chiefs will rotate as follows: Fall River, Pardeeville, Randolph, Rio, Cambria, Poynette, Lodi, and Columbus. In order to assure participation and continuity of representation, each Member Municipality may appoint an alternate representative who shall act on committee matters in the absence of the representative.
- (3) Creation and Qualification of the Position of Municipal Judge. Pursuant to Chapter 755, Wisconsin Statutes, the office of Municipal Judge is hereby created. Eligibility for the 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 either the Village of Cambria, or the City of Columbus, or the Village of Fall River, or the City of Lodi, or the Village of Pardeeville, or the Village of Poynette, or the Village of Randolph, or the Village of Rio, or the Township of Columbus, the Village of Dane, the Township of Dekorra, or the Township of Lodi.
- (4) Election and Term of Municipal Judge. The appointed Judge must run for the election at large the following spring election, for a four (4) year term, commencing on May 1st succeeding his or her election. Electors of the Village of Cambria, the City of Columbus, the Village of Fall River, and the City of Lodi, and the Village of Pardeeville, and the Village of Poynette, and the Village of Randolph, and the Village of Rio, and the Township of Columbus, and the Village of Dane, and the Township of Dekorra and the Township of Lodi shall be eligible to vote for the Municipal Judge of the Joint Municipal Court.
- (5) Creation of the Position of Clerk of the Municipal Court. Pursuant to Chapter 755, Wisconsin Statutes, the office of the Clerk of the Municipal Court is hereby created. Said Clerk shall take the position upon Hire by the Municipal Court Committee and written Appointment by the Judge. Training and compensation of

said Clerk shall be as determined by the governing bodies of member municipalities.

- (6) Salary of Municipal Judge. The Municipal Judge shall receive a fixed salary and Municipal Judge's training pursuant to Section 755.18 Wisconsin Statutes, the salary to be determined by the governing bodies of member municipalities, subject to Section 755.04, Wisconsin Statutes, which shall be in lieu of fees and costs. The salary shall be paid quarterly. No salary shall be paid to the Municipal Judge for any time during his or her term for which he or she has not executed and filed the official bond and oath as required by subsection (7) of this section.
- (7) 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 Section 757.02(1), Wisconsin Statutes, pursuant to Section 755.03 Wisconsin Statutes, with the Clerk of Circuit Court for Columbia County, and at the same time shall execute and file an official bond.
- (8) Bond and Oath of Municipal Court Clerk. The Municipal Court Clerk shall before entering upon the duties of the office, take and file the official oath as prescribed in Section 19.01 Wisconsin Statutes, with the City Clerk of the City of Columbus and at the same time, shall execute and file an official bond. The Columbus Clerk will provide file copies to the other seven communities.
- (9) Jurisdiction of Municipal Judge. The Municipal Judge shall have jurisdiction as provided by the Statutes and Laws of the State of Wisconsin and pursuant to Section 755.045, Wisconsin Statutes.
- (10) Procedures of Joint Municipal Court.
 - (a) The Joint Municipal Court's location and time be determined by order of the Municipal Judge.
 - (b) The procedure in Joint Municipal Court shall be provided by the Statutes and Laws of Wisconsin.
 - (c) The Court Clerk or his/her designee shall make daily deposits of all forfeitures, fees, penalties, assessments and costs collected in any action or proceeding before the Joint Municipal Court. These deposits will be made to a designated bank account as determined by the Joint Municipal Court Committee.
- (11) Contempt in Joint Municipal Court. The Municipal Judge may impose a sanction as authorized under Section 800.12(2) Wisconsin Statutes, for Contempt of Court as defined in Section 785.01(1), Wisconsin Statutes, in accordance with the procedures under Section 785.03 Wisconsin Statutes.

Amended by Ord. No. 2015-527 on 10/26/2015