

Title I – Chapter 3

Commissions and Committees

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

Amended by Ord. No. 2021-591 on 05/24/2021

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.
- (12) Confidentiality of Information About Income and Expenses Requested by the Assessor in Property Assessment Matters [Amended 5/14/2018 via Ord. No. 2018-553]
- (a) Whenever the Assessor, in the performance of the Assessor's duties, requests or obtains income and expense information that is provided to the Assessor, pursuant to Section 70.47(7)(af) of the Wisconsin Statutes, such information shall be held by the Assessor

on a confidential basis, except, however, that the information may be revealed to and used by persons: in the discharging of duties imposed by law; in the discharge of duties imposed by office (including, but not limited to, use by the Assessor in performance of official duties of the Assessor's office and use by the Board of Review in performance of its official duties); or pursuant to order of a court. Income and expense information provided to the Assessor under Section 70.47(7)(af), unless court determines that it is inaccurate, is, per Section 70.47(7)(af), not subject to the right of inspection and copying under Section 19.35(1), Wis. Stats.

- (b) SEVERABILITY. The provisions 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 direct conflict with the provisions of this ordinance are hereby repealed as to those terms that conflict.

3.04 **Board of Zoning Appeals.** [Amended by Ord. No. 21-591 – 5/24/21]

- (1) Generally. The Board of Zoning Appeals (BZA), is alternately referred to as the “Zoning Board of Appeals” or “Board of Appeals” within the Village of Poynette Municipal Code.
- (2) Members and Organization.
 - (a) Appointments. The BZA shall consist of five regular members and two alternate members. All members shall be Village of Poynette residents who do not also serve on the Board of Trustees or Plan Commission. The Village President shall appoint members, subject to confirmation by the Board of Trustees. Appointments shall be made by May of each year, with such appointments taking effect on June 1. The Village President shall designate one regular member of the BZA as its chairperson.
 - (b) Alternate Members. The Village President shall designate one alternate member as the 1st alternate and the other as the 2nd alternate. The 1st alternate shall act, with full power, only when a regular member of the BZA refuses to vote because of interest or when a member is absent. The 2nd alternate shall so act only when the 1st alternate so refuses or is absent or when more than one regular member of the BZA so refuses or is absent.

The alternates shall be given the same information as regular members, and shall be asked to attend all meetings of the BZA, regardless of whether they are empowered to act under this subsection.

- (c) Term. Each BZA member shall hold office for a period of three years from the effective date of the appointment, except upon resignation or where removed by the Village President for cause upon written charges and after public hearing. Members appointed in mid-term shall be appointed to complete the original member's term.
- (d) Clerk. The Village Clerk or designee 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.
- (e) Offices and Appropriations. The Village Board shall provide suitable offices for the BZA for holding of hearings and the presentation of records, documents, and accounts, and shall appropriate funds for the BZA to carry out its duties. The BZA shall have the authority to expend, under regular procedure, all sums appropriated to it for the purpose and activities authorized herein.

(3) Meetings and Rules.

- (a) Meeting Call. All BZA meetings shall be held at the call of the chairperson and at such other times as the Board may determine.
- (b) Quorum. Three members shall constitute a quorum of the BZA. If a quorum is present, the BZA may take action by a majority vote of the members present.
- (c) Public Meetings and Hearings. All meetings of the BZA shall be open to the public, except as otherwise required by law. The BZA shall fix a reasonable time for all of its meetings and public hearings, cause notice thereof to be published and given to the appellant or applicant and the administrative officer appealed from by regular mail or by personal service in advance of the meeting or hearing. Any party may appear in person or by agent or by attorney.
- (d) Records. The BZA shall keep minutes of its proceedings, showing the vote of each member upon each question, or, if

absent or failing to vote, indicating such fact, and shall keep records of its examination and other official actions, all of which shall be immediately filed in the office of the BZA and shall be public record.

- (e) Other Rules. The BZA may adopt its own rules of procedure not in conflict with this section or with applicable Wisconsin Statutes.

(4) Authority. The BZA shall have the following powers:

- (a) Appeals. To hear and decide appeals where it is alleged there is error in any order, requirement, decision, determination, or interpretation made by an administrative official, or failure to act, in the application or enforcement of the following chapters of the Municipal Code: Title III, Chapter 2, Zoning; Title III, Chapter 3, Floodplain Zoning; Title III, Chapter 4, Shoreland-Wetland Zoning; Title III, Chapter 5 Construction Site Erosion and Sediment Control; Title III, Chapter 8, Post-Construction Storm Water Management. Appeals may be subject to additional procedures and criteria under the associated chapter and Wisconsin Statutes.
- (b) Variances. To authorize upon appeal in specific cases such variance from one of the provisions of Title III, Chapters 2, 3, 4, 5, and 8 of the Municipal Code, as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of such provisions will result in practical difficulty or unnecessary hardship, so that the spirit of the associated chapter shall be observed, public safety and welfare secured, and substantial justice done. Variances may be subject to additional procedures and criteria under the associated chapter and Wisconsin Statutes.
- (c) Expansion of Nonconforming Structures. To authorize the expansion of a structure that is designated as a nonconforming structure under Title III, Chapter 2, Zoning, per its Section 2.12.04.
- (d) Floodplain Boundaries. To hear and decide disputes concerning the district boundaries shown on the official floodplain zoning map under Title III, Chapter 3, Floodplain Zoning.

In exercising the above powers, the BZA may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from, and may make such order,

requirement, decision or determination as ought to be made, and to that end shall have all the powers of the officer from whom the appeal is taken, and may issue or direct the issue of a building or zoning permit.

- (5) Appeals of BZA Decisions. Any person or persons, jointly or severally aggrieved by any decision of the BZA, or any taxpayer, or any officer, department, board or committee/commission of the Village, may, within 30 days after the filing of the decision in the office of the BZA, commence an action seeking the remedy available by certiorari. The court shall not stay proceedings upon the decision appealed from, but may, on application, on notice to the BZA and on due cause shown, grant a restraining order. The BZA shall not be required to return the original papers acted upon by it, but it shall be sufficient to return certified or sworn copies thereof. If necessary for the proper disposition of the matter, the court may take evidence, or appoint a referee to take evidence and report findings of fact and conclusions of law as it directs, which shall constitute a part of the proceedings upon which the determination of the court shall be made. The court may reverse or affirm, wholly or partly, or may modify, the decision brought up for review. Costs shall not be allowed against the BZA unless it shall appear to the court that the BZA acted with gross negligence or in bad faith, or with malice, in making the decision appealed from. All issues in any proceedings under this subsection shall have preference over all other civil actions and proceedings.

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.
 - (ii) 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.

(b) The Commission may adopt the Master Plan as a whole by a single resolution, or, as the work of making the whole Master Plan progresses, may from time-to-time by resolution adopt a part or parts thereof, any such part to correspond generally with one or more of the functional subdivisions of the subject matter of the Plan. The 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. [Amended by Ord. No. 2019-574 on 12/9/2019]

This Section 3.09 creates a Police Disciplinary Committee (PDC) and governs the suspension, reduction, suspension and reduction, or removal (hereinafter, "disciplinary actions") of the Police Chief or other law enforcement officers who are not probationary and for whom there is no valid and enforceable contract of employment or collective bargaining agreement which provides for a fair review

process prior to such disciplinary action (hereinafter “covered officer”). All rules contained in the Village Code of Ordinances apply to the PDC except where inconsistent with the rules enumerated in this Section 3.09.

- (1) Purpose and Duties of Police Discipline Committee. The PDC shall serve as a committee that meets the requirements of Wis. Stat. § 61.65(1)(am). As such, the PDC hears charges seeking disciplinary actions against covered officers as provided in this Section 3.09. Except as provided in Section 3.09(4)(b), no disciplinary action may be taken against a covered officer unless, after the filing of charges with the PDC seeking such disciplinary action, the PDC determines after a hearing that there is just cause for the disciplinary action.

The Village Board shall take disciplinary actions with respect to a probationary Police Chief. The Police Chief and Village Administrator shall take disciplinary actions against probationary police officers other than the Chief.

- (2) 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. The Village President, with approval by the Village Board, shall appoint PDC members. 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.
- (3) Committee Meetings and Reports.
 - (a) Election and Duties of Chairperson. At its initial meeting, and annually thereafter as provided herein, the PDC shall elect a Chairperson and a Secretary. The Chairperson shall call and preside at all meetings of the PDC.
 - (b) 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 then-current Chairperson shall call the meeting and specify the date, time and location for the meeting. A Chairperson for the upcoming year shall be elected, and other relevant general business transacted, at the annual meeting.
 - (c) 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.

- (d) 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.
 - (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.
- (4) PDC Rules and Procedures.
- (a) Charges. All charges shall be in writing and filed with the Chairperson of the PDC.
 - (1) Charges against police officers. The PDC, the Chief, a member of the PDC or an aggrieved person may file charges against a police officer covered by this Section 3.09.
 - (2) Charges against Police Chief. The PDC, a member of the PDC or an aggrieved person may file charges against a Police Chief covered by this Section 3.09.
 - (b) Suspensions Pending Disposition of Charges.
 - (1) The PDC or the Police Chief may suspend a police officer pending the disposition of the charges filed against the officer.
 - (2) The PDC or the Village Administrator may suspend the Chief pending disposition of charges filed against the Chief.
 - (3) No person shall be deprived of compensation while suspended pending disposition of charges.
 - (c) Suspension by Police Chief as a Penalty. A police officer may be suspended by the Police Chief as a penalty for just cause. If the Chief does so, the Chief must file a report of the suspension with the PDC immediately upon issuing the suspension. No hearing is required unless requested by the police officer. If a hearing is requested, the Chief must file charges with the PDC upon which suspension was based.
 - (d) Notice and Timing of Hearing. Following the filing of any charges, a copy shall be served upon the person charged. The PDC shall schedule a hearing on the charges not less than 10 days nor more

than 30 days following service of charges. The Village, the charged party, the PDC and the complainant will be notified in writing of the hearing and may attend the hearing as provided by law.

The notice of hearing shall include a copy of the PDC Hearing Policies and Procedures set forth in Section 3.09(4)(e) and any other PDC policies and procedures adopted by the Village Board.

- (e) PDC Hearing Policies and Procedures. The charged party and the complainant may be represented by counsel during any part of the proceedings outlined in this Section 3.09(4)(e).
 - (1) Pre-Hearing Conference. The PDC 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. The following matters shall occur at the pre-hearing conference:
 - (a) Determination of whether the matter, or any portion thereof, can be resolved without a full evidentiary hearing.
 - (b) An exchange of:
 - (i) Complete witness lists; Witnesses not on the witness list shall not be permitted to testify at the hearing, unless: both the charged party and the complainant agree that the witness may testify; the PDC determines that the party seeking to permit a person not on the witness list to testify has demonstrated a satisfactory reason for failing to include that person on the witness list; or the charged party, the complainant and the PDC agree to reschedule the hearing.
 - (ii) Any prior written or recorded statements or reports of witnesses sought to be admitted; and
 - (iii) Exhibits and exhibit lists. Exhibits not on the exhibit list shall not be admitted as evidence, unless: both the charged party and the complainant agree that the exhibit may be used; the PDC determines that the party

presenting the exhibit has demonstrated a satisfactory reason for failing to present same at the pre-hearing conference; or the charged party, the complainant and the PDC agree to reschedule the hearing.

- (2) Subpoenas. The charged party and the complainant may compel the attendance of witnesses by subpoenas, which shall be issued by the Chairperson of the PDC upon request. Subpoenas must be served as provided in Wis. Stat. ch. 885.
- (3) Hearing.
 - (a) The Chairperson of the PDC shall conduct the hearing.
 - (b) The order at the hearing shall be as follows:
 - (i) Opening statements, if any, by both the complainant and the charged party.
 - (ii) Presentation of testimony and introduction of evidence by complainant to substantiate the complaint.
 - (iii) Cross examination of complainant's witnesses by the charged party.
 - (iv) One additional opportunity for redirect questioning by the complainant.
 - (v) One additional opportunity for recross questioning by the charged party.
 - (vi) Presentation of testimony and introduction of evidence by charged party to refute the complaint.
 - (vii) Cross examination of charged party's witnesses by the complainant.
 - (viii) One additional opportunity for redirect questioning by the charged party.

- (ix) One additional opportunity for recross questioning by the complainant.
 - (x) One opportunity for each side to present rebuttal evidence to rebut any evidence presented by the opposing side.
 - (xi) Closing arguments by complainant and charged party.
 - (xii) At the request of the parties or the PDC, and in the discretion of the PDC, written briefs shall be filed in lieu of or in addition to closing arguments.
- (4) Disciplinary Action Following Hearing. The PDC may take disciplinary action if it determines there is just cause to sustain the complaint under the standards set forth in Wis. Stat. § 62.13(5)(em), as may be amended, or as otherwise permitted by law. The following standards guide the PDC's just cause analysis:
- (a) The Police Chief or police officer could reasonably be expected to have had knowledge of the probable consequences of the alleged conduct.
 - (b) The rule or order that the Police Chief or police officer allegedly violated is reasonable.
 - (c) The Police Chief, before filing the charge against the police officer, made a reasonable effort to discover whether the police officer did in fact violate a rule or order (where applicable).
 - (d) The effort described under sub (c) above was fair and objective (where applicable).
 - (e) The Police Chief discovered substantial evidence that the police officer violated the rule or order as described in charges filed against the police officer (where applicable).
 - (f) The Police Chief is applying the rule or order fairly and without discrimination against the police officer (where applicable).

- (g) The proposed discipline reasonably relates to the seriousness of the alleged violation(s) and to the Police Chief's or police officer's record of service with the police department.
- (5) PDC Order. 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 shall order, in writing, disciplinary action as appropriate.
- (a) If the PDC determines that the charges are not sustained, the charged party shall be immediately reinstated, and all lost pay restored.
 - (b) If the PDC determines that the charges are sustained, the charged party may be suspended or reduced in rank, or suspended and reduced in rank, or removed, as the good of the service may require.
 - (c) The PDC's written order shall be filed with the Secretary of the PDC and served upon the charged party within 3 days after the hearing.
- (6) Costs Associated with the PDC.
- (a) The costs 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 assessed on a case-by-case basis. For example, special counsel may be necessary where the complainant is the Public Safety Committee, the Village Administrator or the Police Chief, but may not be necessary where there is a third-party complainant.

- (7) Appeals. Any person disciplined by the PDC may appeal from the written order of the PDC to the circuit court by serving written notice of appeal on the Secretary of the PDC within ten (10) days after the order is filed, as described in Wis. Stat. § 62.13(5)(i). Within five (5) days after the Secretary receives written notice of the appeal, the PDC shall certify to the clerk of the circuit court the record of the proceedings, including all documents, testimony and minutes.
- (8) Notices.
- (a) A copy of all charges filed under this Section 3.09 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. Stat. § 801.14. Time shall be calculated as provided in Wis. Stat. § 801.15.
- (b) All required notices to the Public Safety Committee, PDC, the Village Administrator 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, LLP
222 W. Washington Ave.
Suite 900
Madison, WI 53703
- (c) 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.
- (d) All required notices to the complainant shall be made to the complainant's last known address, or to the counsel of record.

- (5) Additional Policies and Procedures. If the PDC determines that policies and procedures in addition to those outlined above are necessary for the fair and just determination of charges, the PDC may draft additional policies and procedures, which must be consistent with applicable statutes. Such additional policies and procedures shall be submitted to the Village Board for review and approval. No additional policies or procedures shall be used absent approval by the Board.

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

3.11 ***Reserved for Utility Commission***

3.12 **Joint Municipal Court** (Amended by Ord. No. 2015-527 on 10/26/2015; Amended by Ord No. 2019-563 on 1/14/2019)

- (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, the Town of Lodi, the Village of Arlington, the Village of Friesland, and the Village of Wyocena," (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 that chooses to appoint a voting representative to the committee who shall be appointed by the Mayor, President or Chairman of the Member Municipality, subject to confirmation by the respective governing body. The Chairman of the Committee will be a representative from a member municipality and will rotate on an annual basis, alphabetically, starting with the representative from Rio for 2019. If a representative cannot fulfill or chooses not to fulfill the obligation of committee chairperson for any reason, then the position of Chairperson goes to the next municipality, alphabetically.
- (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 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 Town of Columbus, the

Town of Dekorra, the Town of Lodi, the Village of Arlington, or the Village of Friesland.

- (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, and the City of Columbus, and 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 Town of Columbus, and the Village of Dane, and the Town of Dekorra and the Town of Lodi, and the Village of Arlington, and the Village of Friesland, and the Village of Wyocena 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 Wis. Stats., with the City Clerk of the City of Columbus and at the same time, shall execute and file an official bond. The Columbus City 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, Wis. Stats.

- (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) Wis. Stats., for Contempt of Court as defined in Section 785.01(1), Wis. Stats., in accordance with the procedures under Section 785.03, Wis. Stats.