

## CHAPTER 2

### VILLAGE GOVERNMENT

**2.01**        **VILLAGE OFFICERS.** The following Wisconsin Statutes are hereby incorporated and made a part of this ordinance by reference thereto: Chapter 61.19 Annual elections; appointments; 61.20 Election of trustees; terms; number; 61.23 Terms; temporary vacancy; 61.24 President; 61.25 Clerk; 61.26 Treasurer; 61.27 Assessor; 61.28 Marshal; 61.31 Peace officers; and, 61.32 Village Board; meeting; salaries, except as such statutes may have been modified by Charter ordinance adopted pursuant to Section 66.01 Wisconsin Statutes (1993-1994).

(1)        **OFFICES DISPENSED WITH.** The offices of engineer, comptroller and board of public works are dispensed with, and the duties thereof shall be performed by the Village Board.

(A)        The Village of New Auburn shall have four (4) Trustees, whose term of office shall be two (2) years, two (2) of whom shall be elected each year.

(2)        **BOARD OF REVIEW.** The President, Clerk and one Trustee shall constitute the Board of Review.

(3)        **BOARD OF ZONING APPEALS.** The Board of Zoning Appeals of the Village of New Auburn shall consist of five (5) members and two (2) alternative members who shall be residents of the Village appointed by the Village President and confirmed by a majority vote of the Village Board. Members first appointed shall serve one (1) year, two (2) for two (2) years, two (2) for three (3) years and the alternate members shall serve three (3) years. Thereafter, all members shall be appointed for three (3) years. The Board shall have the powers and duties prescribed by Chapter 22 of this code and Chapter 62.23(7)(e), Wisconsin Statutes.

(4)        **ASSESSOR.** An Assessor, who may reside outside of the Village, shall be appointed by the Village Board during the month of December of each year.

(5)        **MARSHAL**

(A)        The Village Board shall appoint annually a Village Marshal, in lieu of a constable, at their first meeting after the first Tuesday in December.

(B)        **Deputy.** Pursuant to Sections 61.34(1) and (5), Wisconsin Statutes, the Village Board hereby creates the position of Deputy Marshal. The Village Board may appoint one (1) or more Deputy Marshals from time-to-time, as it see fit, to assist the Village Marshal in the performance of his duties. Such Deputy Marshals shall be employees at will, serving at the pleasure of the Village Board without definite term or promise of continued employment. The Deputy Marshal shall also possess the powers, enjoy the privileges and be subject to liabilities imposed by law upon constables and shall obey all lawful written orders of the Village Board.

**(6) SALARIES**

**(A) Board of Trustees and Village President.** Salaries of the Village President and Board of Trustees shall remain at the following levels until changed in accordance with law.

**(1)** The Village President shall be paid a base salary of Five Hundred Dollars (\$500.00) per year. In addition, the Village President shall be paid Forty Dollars (\$40.00) per meeting.

**(2)** Each Trustee shall be paid Forty Dollars (\$40.00) per meeting.

**(3)** Salaries of the Village President and Trustees shall not be increased or diminished during their term of office. (Ref. 61.32 and 66.196 Wis. Stats.)

**(4)** Nothing herein shall prevent the reimbursement of expenses to the Village President or Trustees.

**(B) Salaries/Non-Governing Board**

**(1)** Salaries of non-governing officers shall be established by Resolution and set forth on Appendix H.

**(C) Reimbursement For Lost Wages**

**(1)** Each Village Officer or employee shall also be paid at the wage rate of \$7.00 per hour for work and services performed relating to Village business other than attendance at meeting as a reimbursement for lost wages or salary from private employment.

**(7) OPENING AND CLOSING OF POLLS.** The polling place for all elections held in the Village of New Auburn shall be the Village Hall of the Village of New Auburn. The polls shall remain open continuously on any election day from 9:00 in the morning until 8:00 in the evening on such election day. Compensation for election workers shall be set by the Village Board of the Village of New Auburn by resolution from time to time. Compensation set by the Village Board shall be paid by the Village of New Auburn. The election inspectors shall keep track of hours worked and shall report the same to the Village Clerk.

**(8) BOND OF VILLAGE TREASURER.** Pursuant to Section 70.67, Wisconsin Statutes, the Village of New Auburn elects not to give the bond required by Section 70.67, Wisconsin Statutes, and in compliance with subsection 2 of said section does obligate the Village to pay, in case the Village Treasurer thereof shall fail so to do, all taxes of any kind required by law to be paid by such Treasurer to the County Treasurer. No bond will be required by the municipality of the Treasurer, other than the official bond required of all municipal treasurers. The obligation of the municipality shall extend to the County Treasurer of Chippewa and/or Barron County and a certified copy of

this ordinance shall be filed with the County Treasurer.

## **2.02 VILLAGE BOARD MEETINGS AND RULES OF PROCEDURE**

### **(1) REGULAR MEETING OF VILLAGE BOARD:**

**(A)** Regular meetings of the Village Board will be held at the Village Hall located at 148 East Elm, New Auburn, Wisconsin, at 7:00 p.m. on the second (2nd) and fourth (4) Thursdays of each month. Any regular meeting of the Village Board falling upon a legal holiday shall be held on the day designated by the Village Board, or shall not be held at the discretion of the Board. Any meeting of the Village Board including any special or adjourned meetings that are not held at the Village Hall but at any other substitute location, shall be designated by the Village President or his or her designee, in compliance with the open meeting law, by posting a proper written notice of the substituted location at the three (3) usual and customary posting locations likely to give notice. This notice shall occur at least twenty-four (24) hours prior to the meeting of the Village Board, unless in an emergency wherein the proper notice posting shall occur at least two (2) hours prior to the meeting of the Village Board. Statutory reference: Sections 19.84(3) and 61.32, Wisconsin Statutes.

**(B)** The three (3) usual and customary posting locations shall be the following unless the Village Board directs posting at other locations:

- (1)** Village Hall
- (2)** Security Bank of New Auburn
- (3)** United States Post Office

**(2) QUORUM.** Three Trustees of the Village Board, including the Village President, shall constitute a quorum but a lesser number may adjourn from time to time or compel the attendance of absent members. See Appendix Q. A quorum can be lost by conflict of interest or abstention.

### **(3) SPECIAL MEETING OF THE VILLAGE BOARD**

**(A)** Any special meeting of the Village Board may be called by any two (2) members of the Village Board (including the Village President) in writing with the written call for the special meeting of the Village Board filed with the Village Clerk at least twenty-four (24) hours prior to the proposed special meeting of the Village Board with the time specified in the written call for the special meeting.

**(B)** No special meeting of the Village Board shall be held unless the notice requirement of the state open meeting law, pursuant to Section 19.84 (1993-1994) Wisconsin Statutes and notice requirements of the Open Meeting Ordinance adopted as Section

4.01 have been complied with by the person or persons requesting the public meeting.

(C) The Village Clerk, upon notification of call by the Village President or receipt of the written call for the special meeting of the Village Board, shall immediately notify, in writing, each member of the Village Board by delivering the written notice or by having the written notice delivered personally to each member of the Village Board. If any member of the Village Board cannot be personally notified in writing, then the Village Clerk shall deliver or have delivered a copy of the written notice at the home of any such member of the Village Board in the presence of an adult member of the family of the Village Board member. If any member of the Village Board cannot be noticed in writing through an adult family member as noted above, then the Village Clerk shall post such special meeting written notice in the above noted three (3) usual and customary locations.

(D) The Village Clerk may use notice by telephonic means, if the Village Board member to be notified consents to telephonic notice and orally waives written notice. Such waiver shall be noticed at the commencement of the meeting.

(E) The Village Clerk shall file proof of service of such special meeting notice by filing an affidavit noting the time, place and location of authorized service of the special meeting notice upon the Village Board. If personal service upon any member of the Village Board of the Village of New Auburn was not completed, then the Village Clerk shall so state in the affidavit the type of service or written notice completed.

(F) Special meetings of the Village Board may be held without such service and notice when all members of the Village Board are present in person or consent in writing to holding of any special meeting of the Village Board. Any consent by any member of the Village Board shall be filed by the Village Clerk prior to the beginning of any special meeting of the Village Board or be noted orally at the beginning of the meeting.

(G) Special meetings of the Village Board attended by a quorum of the members shall be considered a regular meeting of the Village Board for the transaction of any Village business that may come before the Village Board if such regular Village business was so noted in the written notice to the public as required by the state open meeting law, Section 19.84, (1993-1994) Wisconsin Statutes, and as required by the Open Meeting Ordinance at Section 4.01.

(4) **ADJOURNED MEETING OF THE VILLAGE BOARD.** The Village Board may, by majority vote, adjourn any regular or special meeting of the Village Board from time to time to a specific date and hour. The adjournment to the specific time and place will be in compliance with the open meeting law.

(5) **ORDER AND CONDUCT AT VILLAGE BOARD MEETING**

(A) **Business Order**

(1) The regular business order agenda for the Village of New Auburn shall be:

- (a) Call to Order
- (b) Roll Call
- (c) Any oral waivers of notice of special meetings
- (d) Reading of minutes of prior meeting and approving these minutes after errors in the minutes have been rectified to the satisfaction of the Village Board.
- (e) Procedural motions by members of the Village Board of the Village of New Auburn.
- (f) Comments and suggestions from residents of the Village of New Auburn and other persons present. Introduction of guests.
- (g) Communications and petitions.
- (h) Reports of standing committees.
- (i) Reports of special committee, special commissions, and special boards.
- (j) Reports of Village Officers
- (k) Unfinished business from prior meeting. (List and describe each individual subject.)
- (l) Resolutions/Motions and Memorials. (List and describe each individual subject.)
- (m) Ordinances. (List and describe each individual subject.)
- (n) Audit of accounts presented
- (o) New business
- (p) Future meeting agenda
- (q) Adjournment

(2) At the meeting of the Village Board any member of the Village Board may take up any business on the agenda in any other order unless there be objection by any other member of the Village Board.

(3) All written petitions, written communications and written reports to the Village Board and all written and oral requests to address the Village Board shall be presented by the Village Clerk to the Village President of the Village or to the person presiding at the meeting of the Village Board.

(B) **Quorum at Roll Call of Meeting:** If no legal quorum is present at the time of the initial roll call, the meeting of the Village Board shall be thereon adjourned by the members of the Village Board present to a specific date and hour. See Appendix Q for specific Quorum requirements.

(C) **Absence of Clerk at Meeting:** If the Village Clerk is not present at the time of the initial roll call of the meeting of the Village Board, the Village President shall appoint the Deputy Clerk or any other person present at the meeting of the Village of New Auburn to be the

Village Clerk pro tem. The Village Clerk pro tem shall prepare and maintain minutes of the meeting of the Village Board. The Village Clerk pro tem shall deliver these minutes to the Village Clerk after the end of the meeting of the Village Board or when the Village Clerk pro tem is replaced during the meeting of the Village Board by the Village Clerk.

**(D) Absence of Village President at Call to Order of Meeting:**

**(1)** The presiding officer at the meeting of the Village Board will be the Village President. If the Village President is not present at the time for the call to order, the senior member of the Village Board, known as "Trustee 1", based on date of original election as a member of the Village Board shall call the meeting of the Village Board to order, call the initial roll call and shall preside as Village President until the Village President is able to preside at the meeting of the Village Board.

**(2)** If the Village President will not be able to, at any time, preside at the meeting, the Village Board shall make this determination after the initial roll call and then by motion elect an acting Village President for the meeting of the Village Board until the Village President is able to preside at the meeting.

**(E) Vacation of Village President or Presiding Officer at Meeting:** If the Village President or any other presiding officer of the Village Board desires to speak on any question or to make any motion, the Village President or the presiding officer may speak or make a motion without vacating the chair or without designating a member of the Village Board to preside at the meeting as Village President pro tem.

**(F) Meeting in Public:** Any business of any meeting of the Village Board shall be in open session and accessible to the public, except as provided in the state open meeting law, Section 19.85(1), (1993-1994) Wisconsin Statutes, and except as provided in the Open Meeting Ordinance adopted as Section 4.01 located herein.

**(G) Receipts of Funds:** Any officer, employee or agent of the Village of New Auburn in possession of funds or receipts or earnings of the Village shall deposit any such funds, receipts or earnings with the Village Treasurer on at least a weekly basis unless approved otherwise by the Village Board. All such funds, receipts or earnings shall be deposited with the Village Treasurer on or before the seventh (7th) day of the succeeding calendar month. The Village Board shall be advised by the Village Treasurer on a monthly basis of any funds outstanding that have not been properly deposited with the Village Treasurer. All elected and non-elected Village of New Auburn officers and Village of New Auburn employees, within fourteen (14) days of taking office, hiring or rehiring, shall be informed of this provision by the Village Treasurer.

**(H) Specific Rules of Conduct at Village Board Meeting:**

**(1) Roberts Rules of Conduct:** Unless other rules of conduct are specifically adopted and codified by ordinance by the Village Board, the Village Board and the meetings of the Village Board of the Village of New Auburn shall be governed by Roberts Rules of

Order, newly revised, which are incorporated herein by reference. No motion shall be amended or withdrawn without the consent of the trustee making the same and the trustee seconding it.

**(2) Control of Meetings:** The Village President shall conduct the proceedings of each meeting and shall preserve order. A member may appeal from the decision of the presiding officer, but such appeal is not debatable and must be sustained by a majority of the members present, exclusive of the presiding official.

**(3) Speaking Before Village Board**

**(a)** At a meeting of the Village Board no person, other than the members of this Board shall address the Village Board or any member of the Village Board. This provision shall not apply to:

- (1)** The Village Clerk
- (2)** The Village Treasurer
- (3)** The Village Marshal
- (4)** Any member of the Village Board
- (5)** The Village legal counsel
- (6)** Members of the public recognized by the President

at any portion of the meeting open to public comment.

**(b)** This provision shall also not apply under the specific orders of business established to recognize residents of the Village or other persons, under specific order of business to recognize members of any Village office, Village committee, Village agency, Village commission or a special board or other Village officers or except if the person has specifically requested from a member of this Board the right to address the Village Board and then only after the approval of the presiding officer of the Village Board through an affirmative vote by the Village Board.

**(4) Excused Voting**

**(a)** For voting upon orders, motions, resolutions, ordinances, action items, business items or any other question, all individual members of the Village Board present at the meeting, **shall** vote when that individual Village Board member's name is called, unless for special cause a Village Board member has been excused prior to the vote by an affirmative roll call vote of the remaining members. However, no member of the Village Board shall be excused from voting after the actual voting has commenced, except for conflict of interest.

**(b)** The Village Board may establish its own rules regarding when and if members are not to be voting because of any special cause or causes or conflict of interest. See Appendix Q.

**(5) Motions Stated:** Prior to any debate on a matter, the members of the Village Board shall be entitled to a clear understanding of the motion before the

Village Board. The person making the motion shall clearly state the motion. There shall be a second to any motion prior to any debate or discussion of the motion. Motions made in writing by a member of the Village Board and provided to the Village Clerk of the Village prior to the meeting shall be provided priority in the appropriate order of business. The Village President shall restate the motion prior to any debate and discussion. Any member of the Village Board, prior to vote on the motion, may request that the motion and any amendments adopted to the motion be reduced to writing and submitted in writing to the members of the Village Board prior to the final vote on the matter.

**(6) Priority Matters:** When any action item, business item, motion or question is before the Village Board, no other action item, business item, motion or question shall be in order except a motion:

- (a)** To adjourn or recess the meeting.
- (b)** To lay on the table the question.
- (c)** To call the question.
- (d)** To postpone the question to a date certain.
- (e)** To refer the question to a standing committee or other committee.
- (f)** To amend or divide the questions.
- (g)** To postpone the question indefinitely.
- (h)** To introduce a matter related to the question.

**(7) Motions with Preference:** During any meeting of the Village Board certain motions will have preference. In order of precedence they are:

**(a) Motion to adjourn.** This motion can be made at anytime and has first precedent. This is a non-debatable motion.

**(b) Motion to lay on the table.** This motion may be made when the subject matter appropriate for tabling is to be debated or discussed. This motion is a non-debatable motion.

**(c) Motion to call previous question.** This motion may be made at anytime after the debate or discussion commences related to action item, business item, motion or question that is properly before the Village Board. This motion is a non-debatable motion. This motion, if adopted, ends the debate and discussion at the meeting on the action item, business item, motion or question. The motion, if adopted, brings the Village Board to a direct vote with the first vote on any amendments, if any, and then to the main action item, business item, motion or question.

**(d) Motion to postpone to a date certain.** This motion may be made at anytime after the debate and discussion commences on an action item, business item, motion or question that is properly before the Village Board. This motion is debatable. This motion, if adopted, ends the debate and discussion at the meeting on the action item, business



item, motion or question. This motion must establish a date and time certain when the debate and discussion before the Village Board will continue. The date and time established must be on a date and time for a regularly scheduled or special meeting of the Village Board.

(e) **Motion to a committee.** This motion may be made at anytime after the debate and discussion commences on an action item, business item, motion or question that is properly before the Village Board. The motion is debatable. This motion, if adopted, ends the debate and discussion at the meeting on the action item, business item, motion or question. This motion, if adopted, forwards the action item, business item, motion or question to a committee for further review and discussion. The committee must be a committee of the Village Board.

(f) **Motion to amend or divide the question.** This motion may be made at anytime after debate and discussion commences on the action item, business item, motion or question properly before the Village Board. The motion is debatable. This motion, if adopted, divides the main action item, main business item, main motion or main question pursuant to the method described and adopted in the motion to divide.

(g) **Motion to postpone indefinitely.** This motion may be made at anytime after debate and discussion commences on the action item, business item, motion or question properly before the Village Board. This motion is debatable. This motion, if adopted, ends the debate and discussion at the meeting on the action item, business item, motion or question.

(h) **Motion to introduce a matter related to the action item, business item, motion or question.** This motion may be made at anytime after the debate and discussion commences on the action item, business item, motion or question properly before the Village Board. This motion is debatable. This motion, if adopted, expands or adds to the debate and discussion new items related to the main action item, main business item, main motion or main question pursuant to the method described and approved in the motion to introduce a matter related.

(8) **Advisory Vote from Public.** No member of the Village Board shall request, at a meeting of the Village Board, a vote from the general public unless the proposed vote of the general public is so noted by the Village President or the presiding officer of the meeting as strictly an advisory vote to the Board. Any vote taken by the general public at a meeting of the Village Board shall be considered by this Board only as an advisory vote and shall not be considered as a directory vote.

(9) **Suspension of Rules.** These rules or any part of these rules or any other rules of the Village Board may be temporarily suspended at any meeting of the Village Board, including any special meeting of the Village Board, in connection with any matter under consideration by the Village Board. Any rule may be suspended by a recorded affirmative roll call vote of two thirds (2/3rds) or more of the members of the Village Board present at the meeting of the Village Board.

**(10) Amendment of Rules.** These rules or any part of these rules or any other rules of the Village Board may be altered or amended at any meeting of the Village board, including any special meeting of the Village board. Any rules may be altered or amended by a recorded affirmative roll call vote of two-thirds (2/3rds) or more of the members of the Village Board present at the meeting of the Village Board.

**(6) ORDINANCES AND RESOLUTIONS.** Ordinances, resolutions, by-laws, communications and other matters submitted to the Board shall be referred to the Board by the President. The Village Board may, at their discretion, refer the matter to the appropriate committee for the recommendations of the committee. Ordinances, resolutions and by-laws should be presented in writing by a Village trustee whenever practicable. Unless requested by a Trustee before the final vote is taken, no ordinance, resolution, or by-law need be read in full.

## **2.03 AUTHORITY, POWERS AND DUTIES**

**(1) GENERAL POWERS AND DUTIES OF VILLAGE PRESIDENT** (Reference Section 61.24, Wisconsin Statutes)

**(A) General Powers and Duties:**

**(1) Preside at Village Board Meetings:** The Village President shall preside over meetings of the Village Board.

**(B) Sign Documents:**

**(1)** The Village President shall sign all ordinances, resolutions, bylaws, orders, regulations, commissions, licenses and permits adopted or authorized by the Village Board, unless the Village Board, by ordinance, authorizes another Village officer to sign specific types of documents in lieu of the Village President.

**(2)** The Village Board, by ordinance, may authorize use of a facsimile signature under this paragraph.

**(3)** The Village President shall sign all drafts, order checks and transfer orders as provided under Section 66.042, (1993-1994) Wisconsin Statutes.

**(C) Assure Administration of Statutes.**

**(1)** The Village President shall supervise the administration of statutes relating to the Village and Village operations to see that they are faithfully executed.

**(2)** The Village President in his or her supervisory capacity has

specifically delegated continuing responsibilities for Village of New Auburn operations as set forth on Appendix B, Village President Delegation of Responsibilities.

**(D) Act on Behalf of Village Board:**

**(1)** The Village President shall see that Village orders and ordinances are obeyed.

**(2)** The Village President shall see that peace and order are maintained in the Village.

**(3)** The Village President shall obtain necessary assistance, if available, in case of emergency, except as provided under Chapter 166, (1993-1994) Wisconsin Statutes.

**(E) Act on Authorization of Village Board**

**(1)** The Village Board does, effective May 1, 1995, authorize the Village President to act on behalf of the Village Board to direct, as appropriate, the solicitation and quotations for the purchase of equipment, materials and services and submit bids and quotations to the Village Board for approval.

**(2)** The Village Board does authorize the Village President to act on behalf of this Board to represent or designate another Village of New Auburn officer to represent the Village at meetings of, and hearings before, governmental bodies on matters affecting the Village.

**(F) Administer Oaths.** The Village President may administer oaths and affidavits on all matters pertaining to the affairs of the Village of New Auburn.

**(2) MISCELLANEOUS, SPECIFIC, AND STATUTORY DUTIES PURSUANT TO SECTION 61.34, (1993-1994) WISCONSIN STATUTES**

**(A)** The Village President shall nominate election officials when the Village Board disapproves the nominee of a party committee under Section 7.30(4)(b)2, (1993-1994) Wisconsin Statutes.

**(B)** The Village President shall serve as caucus official under Section 8.05(1)(c), (1993-1994) Wisconsin Statutes.

**(C)** The Village President shall sue on official bonds, if any, under Section 19.015 (1993-1994) Wisconsin Statutes.

**(D)** The Village President shall execute and sign a certificate of indebtedness in connection with obtaining a state trust fund loan, if any, under Section 24.67, (1993-1994) Wisconsin Statutes.

(E) The Village President shall appoint members of the Library Board, if any, under Sections 43.54(1)(a) and 43.60(3), (1993-1994) Wisconsin Statutes.

(F) The Village President shall publish annually a notice regarding noxious weeds and appoint one or more commissioners of noxious weeds under Sections 66.96 and 66.99, (1993-1994) Wisconsin Statutes.

(G) The Village President, if authorized by the Village Board, shall represent the interests of the Village of New Auburn in connection with appearances before the State Tax Appeals Commission under Section 70.64(5), (1993-1994) Wisconsin Statutes.

(H) The Village President shall perform duties in connection with selection of jurors in actions relating to the taking of property to provide access to a cemetery, fairground or land used for industrial expositions under Sections 80.48(3) and (4), (1993-1994) Wisconsin Statutes.

(I) The Village President shall appoint members to the Airport Commission, if any, under Section 114.14(2), (1993-1994) Wisconsin Statutes.

(J) The Village President, under Section 167.10(3)(8), (1993-1994) Wisconsin Statutes, shall enforce regulation of fireworks under Section 167.10, (1993-1994) Wisconsin Statutes.

(K) The Village President shall perform the Village President's duties related to stray animals and lost goods under Chapter 170, (1993-1994) Wisconsin Statutes.

(L) The Village President shall approve bonds furnished by contractors for public works under Section 779.14(1m), (1993-1994) Wisconsin Statutes.

(M) The Village President shall execute any conveyances of real property of the Village of New Auburn.

**(3) OTHER RELEVANT STATUTORY AUTHORITY, POWERS AND DUTIES OF VILLAGE PRESIDENT:**

**(List)**

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(1) **AUTHORITY.** The Village Clerk has specific statutory authority, powers and duties, pursuant to Section 61.25, (1993-1994) Wisconsin Statutes. In addition, the Village Clerk has certain additional general and specific statutory authority, powers and duties beyond Chapter 61, (1993-1994) Wisconsin Statutes.

(2) **GENERAL POWERS AND DUTIES** (Reference Section 61.25, (1993-1994) Wisconsin Statutes)

(A) **Clerk of Village Board**

(1) The Village Clerk shall serve as clerk of the Village Board, shall attend all meetings of the Village Board and shall keep a full record of its proceedings.

(2) The Village Clerk shall file all accounts approved by the Village Board or allowed at Village meetings and enter a statement of the accounts in the record books for the Village of New Auburn.

(B) **Finance Book.** The Village Clerk shall maintain a finance book which can be computerized, which shall contain a complete record of the finances of the Village of New Auburn, showing receipts, with the date and amount and source of each receipt; the disbursements, with the date, amount and object of each disbursement; and any other information relating to the Village of New Auburn finances prescribed by the Village Board.

(C) **Elections, Appointments, and Notices.** The Village Clerk shall perform the duties required by Chapters 5, 10 and 12, (1993-1994) Wisconsin Statutes, or other laws relating to elections and notices.

(D) **Sale of Property.** The Village Clerk shall execute the conveyance of real property of the Village of New Auburn.

(E) **Notices.** The Village Clerk shall publish or post ordinances and resolutions as required by law and have proof thereof filed.

(F) **Records:**

(1) The Village Clerk shall comply with Subchapter II of Chapter 19, Public Records and Property, (1993-1994) Wisconsin Statutes, concerning any record of which the Village Clerk is legal custodian.

(G) **Licenses/Permits.** The Village Clerk shall issue any license or permit granted by the Village Board when presented with a receipt from the Village Treasurer indicating that any required fee has been paid, shall sign all licenses authorized by the Village Board, and shall countersign all licenses signed by the President.

(H) **Notice of Property Tax Revenue.** The Village Clerk shall notify the Chippewa/Barron County Treasurer by March 15th, of the proportion of property tax revenue and of the credits under Section 79.10, (1993-1994) Wisconsin Statutes, that is to be disbursed by the County Treasurer to each taxing jurisdiction located in the Village of New Auburn.

(I) **Corporate Seal.** The Village Clerk shall be the custodian of the corporate seal of the Village of New Auburn.

(J) **Power to Administer Oath:** The Village Clerk may administer oaths and affidavits on all matters pertaining to the affairs of the Village of New Auburn.

(3) **OTHER STATUTORY AUTHORITY, POWERS AND DUTIES OF VILLAGE CLERK**

(A) **Recording Orders and Certificates.** The Village Clerk shall obtain and maintain a cancellation book pursuant to Section 66.081, (1993-1994) Wisconsin Statutes.

(B) **Draw Orders on Treasury.** To draw and countersign all orders on the Village treasury ordered by the Village Board.

(C) **Notice of Cessation of Operations.** The Village Clerk shall receive the appropriate notice of business closing, pursuant to Section 109.07, (1993-1994) Wisconsin Statutes, of mergers, liquidation, disposition, relocation or cessation of operations from any employer in the Village of New Auburn. The Village Clerk shall then immediately inform the Village Board of receipt of such information.

(D) **Release and Publication of Assessment Roll.** The Village Clerk shall receive the assessment rolls and then publish a Class 1 notice, if applicable, or post notice under Chapter 985, (1993-1994) Wisconsin Statutes. The notice will provide that in the noted days the assessment roll will be open for examination by the taxable inhabitants.

(E) **Requiring Seller's Permit.** The Village Clerk shall require proof of a seller's permit or application for a seller's permit from any person that requests a license or permit from the Village of New Auburn to engage in a business involving the sale at retail of tangible personal property subject to taxes under Section 77.61, (1993-1994) Wisconsin Statutes.

(F) **Prepare General Statistics and Annual Statement of Taxes.** The Village Clerk shall make out and transmit to the County Treasurer a statement pursuant to Section 69.60, (1993-1994) Wisconsin Statutes, showing the assessed value of all property within the Village, all taxes levied, all special assessments made and purposes for special assessments. Also, a complete and detailed statement of the bonded and other indebtedness of the Village of New Auburn and of any accrued interest remaining unpaid and the purpose for which the indebtedness was incurred. In addition, on or before the third Monday of December, the Village Clerk shall file a statement of taxes levied to the Department of Revenue.

(G) **Make Tax Roll.** The Village Clerk shall make out the complete list of all

taxable real property to be called the Tax Roll as required in Section 70.65, (1993-1994) Wisconsin Statutes.

(H) **Correct Tax Roll.** The Village Clerk, before delivering the Tax Roll to the Village Treasurer and after delivering the Tax Roll to the Village Treasurer, shall correct the errors in the Tax Roll to the extent required in Section 70.73, (1993-1994) Wisconsin Statutes.

(I) **Receive Assessment Roll.** The Village Clerk shall receive from the assessor on or before the first Monday in May the completed Assessment Roll as required by Section 70.50, (1993-1994) Wisconsin Statutes, and preserve the same.

(J) **Local Transportation Report.** Submit the Local Transportation Area Annual Financial Report (Form C) required in Section 86.303(5)(c), Wisconsin Statutes, by March 31st of each year, unless extended.

(4) **OTHER AUTHORITY, POWERS AND DUTIES OF VILLAGE CLERK BY ORDINANCE.** The Village Clerk has the additional powers and duties, beyond those noted above, established by the Village Board ordinances or by order of the Village Board, namely:

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(5) **DEPUTY CLERK/TREASURER**

(A) **Appointment.** The Village Board may, pursuant to Wis. Stats. §61.197 appoint a Deputy Clerk/Treasurer. The Deputy Clerk/Treasurer shall file the oath and bond, to the extent required by Law, for the offices of Village Clerk and Village Treasurer.

(B) **Compensation.** The compensation for the Deputy Clerk shall be as set by the Village Board.

2.05 **VILLAGE TREASURER ORDINANCE**

(1) **AUTHORITY.** The Village Treasurer has specific statutory authority, powers and duties, pursuant to Section 61.26 (1993-1994) Wis. Stats.

(2) **GENERAL POWERS AND DUTIES OF VILLAGE TREASURER** (Reference Section 61.26, (1993-1994) Wisconsin Statutes)

(A) **Receive and Disburse Village Money:**

(1) The Village Treasurer shall receive and take charge of all money

belonging to the Village, or that money which is required by law to be paid into the Village Treasury and shall disburse the money pursuant to Section 66.042, (1993-1994) Wisconsin Statutes, and Section 5.01 of these ordinances.

(2) The Village Treasurer shall keep an itemized account of all moneys received and disbursed, specifying the source from which it was received, the person to whom it was paid and the object for which it was paid. The Village Treasurer shall issue numbered receipts for all funds received. At the request of the Village Board, the Village Treasurer shall present the account books, and any supporting documents requested to the Village Board.

(3) The Village Treasurer shall submit the account book and all other supporting documents requested by the Village Board to the Village Finance Committee.

**(B) Deposit of Village Money:**

(1) The Village Treasurer shall deposit, as soon as practicable, the funds of this Village in the name of the Village in a proper public depository or in the public depository or public depositories designated by the Village Board. Failure to comply with this paragraph is grounds for removal from office.

(2) When money is deposited under paragraph (1), the Village Treasurer and Treasurer's sureties are not liable for any loss as defined in Section 34.01(2), (1993-1994) Wisconsin Statutes. The interest arising from the money deposited shall be paid into the treasury of the Village.

(C) **Records.** The Village Treasurer shall comply with Subchapter II of Chapter 19, Public Records and Property, (1993-1994) Wisconsin Statutes, concerning records of which the Village Treasurer is legal custodian.

(D) **Taxes.** The Village Treasurer shall perform all of the duties relating to taxation required of the Village Treasurer under Chapters 70 through 79 and Section 61.26(11), (1993-1994) Wisconsin Statutes.

(E) **Disbursements on Order of President Countersigned by Clerk.** The Village Treasurer shall pay money only on the written order of the Village President, countersigned by the Village Clerk, in accordance with Section 61.26(4), (1993-1994) Wisconsin Statutes.

(F) **Accounting and Reports.** The Village Treasurer shall render an account and settlement to the Village Board at its last meeting prior to election and make a monthly Treasurer's report at each meeting, or as otherwise directed by the Board.

(3) **OTHER AUTHORITY, POWERS AND DUTIES OF VILLAGE TREASURER BY ORDINANCE.** The Village Treasurer has the additional authority, powers and duties, beyond those noted in 1.04, established by the Village Board by ordinances or by order of the Village Board,



namely:

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**(4) RESERVED FOR FUTURE USE**

**2.06 VILLAGE ASSESSOR ORDINANCE**

**(1) POWERS AND DUTIES OF VILLAGE ASSESSOR.** The Village has no civil service system. The Village Board has appointed an independent contractor assessor pursuant to Section 61.197(1)(f) (1993-1994) Wisconsin Statutes. The assessor shall be appointed on the basis of merit, experience and general qualifications. The term of the appointment for the assessor and the contract made with the assessor will be for one (1) year commencing January 1 of each year. All persons responsible for the assessment shall be certified assessors under Section 73.09, (1993-1994) Wisconsin Statutes. Their designees shall file an oath under Section 19.01 (1993-1994) Wisconsin Statutes, and shall sign the affidavit attached to the assessment roll under Section 70.49 (1993-1994) Wisconsin Statutes.

**(2) GENERAL STATUTORY AUTHORITY, POWERS AND DUTIES OF VILLAGE ASSESSOR.** The Village Assessor shall have all the statutory authority, powers and duties for property tax assessment required of the Village Assessor pursuant to Chapter 61, (1993-1994) Wisconsin Statutes.

**(3) OTHER AUTHORITY, POWERS AND DUTIES OF VILLAGE ASSESSOR BY ORDINANCE.** The Village Assessor has the following additional powers and duties:

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**2.07 VILLAGE MARSHAL ORDINANCE**

**(1) JURISDICTION, POWERS AND DUTIES OF VILLAGE POLICE DEPARTMENT**

**(A)** The Village Marshal shall possess the powers, enjoy the privileges, and be subject to the liability conferred upon Marshals and Constables pursuant to Section 61.31(2), (1993-1994) Wisconsin Statutes.

(B) The Village Marshal shall keep and preserve the peace within the Village, and shall have full peace powers to arrest and apprehend any person for felony or breach of peace pursuant to Sec. 59.24, (1993-1994) Wis. Stats., and for purposes of carrying out such duties shall be considered a peace officer as defined in Section 939.22(22), (1993-1994) Wisconsin Statutes.

(C) The Village Marshal shall direct and regulate traffic and make arrests for violation of traffic crimes and regulations of Chapters 194 and 341 to 349, (1993-1994) Wisconsin Statutes, any Village Ordinances in conformity with these chapters and for purposes of carrying out such duties shall be considered a traffic officer as defined in Section 340.01(70), (1993-1994) Wisconsin Statutes.

(D) The Village Marshal shall attend upon sessions of the Circuit Court in the County of Chippewa or the County of Barron when required by the Sheriff of such county.

(E) The Village Marshal shall inform the District Attorney of the County of Chippewa or the County of Barron of all trespasses on public lands on which he or she has knowledge or information.

(F) The Village Marshal shall cause to be prosecuted all violations of law of which he or she has knowledge or information.

(G) The Village Marshal shall perform all other duties required by any law.

(H) The Village Marshal shall cause to be enforced and prosecuted all violations of the Village ordinances of which he or she has knowledge or information.

(I) The Village Marshal shall act on behalf of the Village Board as directed to:

(1) See that orders of the Village Board and ordinances of the Village are obeyed.

(2) See that peace and order are maintained in the Village.

(3) Obtain necessary assistance, if available, in case of emergency, except as provided under Chapter 166, (1993-1994) Wisconsin Statutes, for emergency government.

(2) **NON-EXCLUSIVITY**

(A) **Other Ordinance.** Adoption of this ordinance does not preclude the Village Board from adopting any other ordinance or providing for the enforcement of any other law or ordinance relating to the same or other matter.

(B) **Other Remedies.** The jurisdiction powers and duties of the Village Marshal as stated herein shall not preclude the Village Board or any other Village officer from proceeding under any ordinance or law or by any other enforcement method to enforce any ordinance, regulation or order.

(3) **NUMBER OF VILLAGE MARSHALS.** The Village Board does hereby determine that the number of Village Marshals shall be one (1) for the Village.

(4) **DEPUTY MARSHALS.** The Village Board may provide for Deputy Marshal from time-to-time who shall have powers of a Marshal, unless specifically restricted by the Village Board and be subject to the control of the Marshal and the Village Board.

## **2.08 SPECIAL OFFICE ORDINANCE**

(1) **CREATION OF SPECIAL OFFICES.** The Village Board has, by adoption of this ordinance, established the following Special Offices and retains the power to retain or appoint these Special Offices, the power to remove the members in these Special Offices, the power to establish the powers and duties of these Special Offices, and the power to terminate these Special Offices.

### **(2) SPECIAL OFFICES**

#### **(A) Weed Commissioner**

(1) **Appointment/Termination.** The Village President may, pursuant to Section 66.97, (1993-1994) Wisconsin Statutes, appoint, on or before May 15th of each year, a Weed Commissioner or Weed Commissioners. The person(s) appointed will hold the office for one (1) year and until a successor has been qualified. If more than one (1) person is appointed, the Village President shall divide the Village into districts and each Weed Commissioner shall be assigned a district. The Village President may remove any Weed Commissioner of the Village without cause.

#### **(2) Compensation**

(a) The Village Board may establish the compensation for the Weed Commissioner(s). In addition, the Village Board may establish a method for reimbursement of costs and expenses.

(b) The Village Board shall establish a method for reimbursement of costs and expenses. That method for reimbursement is to be as follows:

1. Limited expenses as are actual and necessary.

2. All costs and expenses of the Weed Commissioner(s) shall be approved by the Village Board prior to being incurred by the Weed Commissioner(s).

**(3) Duties**

**(a)** The Village Weed Commissioner(s) shall have the powers and duties established in Sections 66.96 through 66.99, (1993-1994) Wisconsin Statutes, plus any other powers and duties established by the Village Board.

**(b)** The Village Board has established for the Village Weed Commissioner(s) the following additional powers and duties.

**(B) Village Housing Authority Commissioners**

**(1) Appointment/Termination**

**(a)** The Village President, pursuant to Sections 61.73 and 66.40 (1993-1994) Wisconsin Statutes, with confirmation by the Village Board, shall appoint five (5) persons as commissioners of the Village House Authority. No Commissioners may be committed in any official capacity with a political party nor shall more than two (2) be officers of the Village. The Commissioners, who are initially appointed, shall be individually designated by the Village President to serve one (1), two (2), three (3), four (4) and five (5) years respectively from the date of appointment. Thereafter, the term shall be five (5) years. A Commissioner shall hold office until a successor has been appointed and qualified.

**(b)** The Village President, based on inefficiency, neglect of duty or misconduct in office, may, pursuant to Section 66.40(8) (1993-1994) Wisconsin Statutes, remove any Commissioner. The procedure for removal is established in Section 66.40, (1993-1994) Wisconsin Statutes, and to the extent applicable in Section 17.16, (1993-1994) Wisconsin Statutes.

**(c)** The form of organization of the Housing Authority shall be as set forth in Section 66.40(5), Wisconsin Statutes.

**(2) Compensation**

**(a)** The Village Board shall, pursuant to Section 66.40(5), (1993-1994) Wisconsin Statutes, establish the compensation for the Village of New Auburn Housing Authority. The compensation may pay a per diem allowance, mileage and other necessary expenses included in the discharge of their duties at rates established by the Village Board.

**(b)** The Village Board has established the per diem amounts and mileage reimbursement as set forth in Schedule D.

**(3) Duties.** The Village of New Auburn Housing Authority Commissioners shall have the powers and duties established in Sections 66.40 to 66.404, (1993-1994) Wisconsin Statutes, and in these ordinances.

**(C) Village Attorney**

**(1) Retention.** The Village Board may designate, retain or employ one (1) or more attorneys on a temporary or continuing basis for legal matters or to represent the Village of New Auburn in legal proceedings.

**(2) Compensation.** The Village Board shall negotiate and establish the compensation for the designation, retention, or employment of an attorney based on a regular salary, per diem rate, retainer, hourly rate, or other methods agreed to by the attorney and the Village Board.

**(3) Duties.** The attorney has the duties and powers established pursuant to the retention or contract between the Village Board and the attorney.

**(D) Village Auditor/Accountant**

**(1) Retention.** The Village Board may designate, retain or employ one (1) or more accountants, including certified public accountants, on a temporary or continuing basis for financial matters or to represent the Village of New Auburn in financial matters.

**(2) Compensation.** The Village Board shall negotiate and establish the compensation for the designation, retention or employment of an accountant based on a regular salary, per diem rate, retainer, hourly rate or other methods agreed to by the accountant and the Village Board.

**(E) Fire Department Commissioners**

**(1) Retention.** The Village Board may designate/appoint New Auburn Area Fire Department, Inc. Commissioners in accordance with Section 23.01(3) of this Ordinance. Such Special Office holders shall serve at the pleasure of the Village Board.

**(2) Compensation.** Compensation shall be such as is established by the New Auburn Area Fire Department, Inc. No other compensation or expenses are paid to Commissioners by the Village.

**(F) Parks Commissioners**

**(1)** The Parks Commission shall consist of one Village Board member and four (4) community members. At least two (2) of the community members shall reside in the Village of New Auburn; two (2) community members shall reside in, or represent businesses located within the New Auburn area. After a full Parks Commission is appointed, and at their first meeting, the members of the Parks Commission shall elect to serve a one-year term the following officers: chair, treasurer, secretary, and may elect other officers as the Parks Commission deems necessary from among their membership. Each officer shall have a term of one year. Elections for officers shall be held yearly at the May Parks Committee meeting.

**(2)** Responsibilities and duties of the Park Commission shall be such as are established by the Village Board from time-to-time and shall include:

**(a)** Initiate and coordinate fund raising and special events to support and publicize improvements that affect the parks.

**(b)** Review and comment on matters pertaining to the development of the Village parks.

**(c)** Annually, in the month of October, the committee shall present to the Village Board for its consideration a work plan for the ensuing calendar year together with a detailed budget. The work plan and budget adopted by the Village Board shall serve as a directive to the committee and shall establish the limits as well as purpose for which expenditures may be made.

**(d)** Items costing more than \$500.00 will not be purchased until competitive bids for the item have been received by the committee; excluded from this are artistic performers such as musicians, bands, circuses, etc. Purchases of any kind not provided for in the budget must receive specific approval of the Village Board.

**(e)** The committee shall prepare and present to the Village Board for its consideration a long range plan for the parks.

**(f)** The committee shall prepare and present an annual report of its activities to the Village Board.

(g) The committee shall do all things necessary for the protection of the parks whether from fire, insects, disease, and trespass or from damage by animals or from other causes in cooperation with the Department of Natural Resources in all such related matters.

(3) The Parks Commission is empowered to establish its own treasury and make purchases and pay bills subject to the limitations of this Parks Commission Ordinance. Two signatures are required for check signing; of which one check signer shall be the Village Board member on the Parks Commission.

(4) Community members, as set forth in 2.08(2)(F)(1), on the Parks Commission shall serve a term of three (3) years. Appointments to the Park Commission shall be made by the Village President during the month of April for terms

that expire in April or at any other time if a v  
Commissioners, who are initially appointed, shall be individually designated by the Village President to serve one (1), two (2) or three (3) years respectively from the date of appointment. Thereafter, the term shall be three (3) years. A Commissioner shall hold office until a successor has been appointed.

(3) **RESPONSIBILITIES FOR SPECIAL OFFICES.** The Village Board or the Village President has appointed or has retained persons to the Special Offices noted in Section 2.08.

(A) The below noted special office holders shall not be considered regular officers, employees, or agents of the Village, namely:

- (1) Village Attorney
- (2) Village Auditor
- (3) Village Engineer
- (4) New Auburn Area Fire Department, Inc. Commissioner

(B) The following special office positions need not be Village residents to hold these positions:

- (1) Village Attorney
- (2) Village Auditor/Accountant
- (3) Village Engineer
- (4) Village Marshal
- (5) Deputy\Marshal

**(6)** New Auburn Area Fire Department, Inc., Commissioner

**(C)** Every person appointed to a special office must be at least eighteen (18) years of age at the time of appointment.

**(D)** The special office holders, other than the specific compensation and reimbursement for costs and expenses established, shall not be entitled to any Village financial benefits, vacation benefits, health benefits, training programs, educational programs, insurance benefits, paid leave benefits or other benefits except:

(List Exceptions, if any)

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**(E)** All special office holders shall be considered public officers under Section 895.46, (1993-1994) Wisconsin Statutes, and shall be entitled to the appropriate legal defense reimbursement or retainer or indemnification established in Sections 895.35 and 895.46, (1993-1994) Wisconsin Statutes, while acting within his or her scope of employment or official capacity. Special officers shall notify immediately the Village Clerk of any claim or action brought against the special officer in any way related to his or her scope of employment or official capacity.

**2.09** **ELIGIBILITY FOR OFFICE ORDINANCE**

**(1)** **ELIGIBILITY FOR OFFICE/INCOMPATIBILITY OF OFFICE**

**(A)** Any person who is a qualified elector in the Village may hold any elected Village office in the Village. No member of the Village Board may, during his or her term, be eligible for any Village office or Village position which, during such term, the office or position has been created by or the selection to which is vested in the Village Board. Any member of the Village Board will be eligible for such Village office or Village position if he or she resigns from the Village Board before being appointed to the Village office or Village position and if the office or position was not created during his or her term in office. Ref. 66.11.

**(B)** Certain Village offices are incompatible, by common law and statutory law, with other Village offices and also with other county, state or federal offices. No Village officer, by this ordinance and the below noted cited authority, shall serve in both offices at the same time, namely:

(List Office and Cited Authority)

The office of Village Treasurer and the offices of County Treasurer or School District Treasurer.

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**(NOTE TO USERS:** This list is not inclusive. The common law doctrine of incompatibility extends to both officers and an office and position. OTRADOVEC vs. CITY OF GREEN BAY, 118 Wis.2d 393, 347 N.W.2nd 614 (1984). Consult the Village Attorney for additional advice.)

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**(C)** If any question or concern by any person is raised to the Village Board regarding incompatibility of any office in the Village, the Village Attorney of the Village shall review the matter and shall provide his or her written comments to the Village Board.

**2.10 OFFICE OATH AND BOND ORDINANCE**

**(1) OATH**

**(A) General Provisions.** All elected officers and appointed officers of the Village, except elected assessors and attorneys shall take and file the below noted oath within five (5) days after notification of election or appointment by the Village Clerk. The written oath of office and the oral oath of office, pursuant to Section 19.01, (1993-1994) Wisconsin Statutes, shall be substantially in the following form:

**WRITTEN OATH**

STATE OF WISCONSIN  
County of Chippewa/Barron

I, the undersigned, who have been elected ( or appointed) to the office of \_\_\_\_\_, but have not yet entered upon the duties thereof, swear (or affirm) that I will support the Constitution of the United States and the Constitution of the State of Wisconsin, and will faithfully discharge the duties of said office to the best of my ability. So help me God.

Subscribed and sworn to before me this \_\_\_ day of \_\_\_ Month  
, 20\_\_\_\_.

Signature

**ORAL OATH**

I, \_\_\_\_\_ swear (or affirm) that I will support the Constitution of the United States and the Constitution of the State of Wisconsin, and will faithfully and impartially discharge the duties of the office of \_\_\_\_\_ to the best of my ability. So help me God.

Note: For municipal judge, see Sec. 757.02 Wis. Stats. (1993-1994).

**(B) Filing Locations.** The official oath of all elected officers and appointed officers of the Village shall be filed with the Village Clerk except that the Village Clerk shall file his or her oath with the Village Treasurer.

**(C) Failure to File Oath.** If any elected officer or appointed officer of the Village fails to file the proper oath within the time prescribed by statute, the failure to file constitutes refusal to serve in the office.

**(2) BONDS**

**(A) General Provisions.** The following officers of the Village shall be required to execute and file an appropriate bond in the amount noted below:

<u>Office</u>	<u>Amount</u>
Village Clerk	\$ 8,000.00
Village Treasurer	\$15,000.00
Village Marshal	\$ 4,000.00
Municipal Judge	\$ 4,000.00

**(B) Bond Costs - Sureties.** The bond costs shall be provided by the Village. No natural person may be a surety on a bond. The bond may be furnished by a surety company under Section 632.17(2), (1993-1994) Wisconsin Statutes. The Village Board has, by this ordinance, established the amounts of the bonds. The Village Board may at any time determine that any bond amount noted above is insufficient or in excess and may therefore require any officer noted above to file a new bond within ten (10) days, in an amount fixed by the Village Board.

**(C) Filing Location.** The official bond shall be filed with the Village Clerk except that the Village Clerk shall file his or her bond with the Village Treasurer.

**2.11 COMMITTEE (COMMISSION) ORDINANCE**

**(1) COMMITTEE APPOINTMENTS**

**(A)** The President shall be authorized to appoint all special committees and to

designate the chairman of each. All committee appointments except the designation of the chairperson shall be subject to confirmation by a majority vote of the Village Board.

**(B)** The Planning Commission, pursuant to Sections 61.35 and 62.23, Wisconsin Statutes, shall consist of the Village President, one (1) Trustee, and five (5) citizen members.

**(C)** The duties of the Commission shall be such as are established by the Village Board from time-to-time. The Planning Commission shall have those powers conferred upon city planning commissions by Section 62.23, Wisconsin Statutes, as authorized by Section 61.35, Wisconsin Statutes. The functions of the Planning Commission are to make and adopt a master plan for the physical development of the municipality. The master plan, with accompanying maps, plats, charts, and descriptions and explanatory matter, shall show the commission's recommendations for such physical development and may include, among other things without limitations because of enumeration, the general location, character, and extent of streets, highways, freeways, street grades, roadways, walks, bridges, viaducts, parking areas, public places and areas, parks, playgrounds, sites for public buildings and structures, waterways, the general location and extent of sewers, water conduits and other public utilities, 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, utility routes or terminals, the general location, character and extent of community centers and neighborhood units and other duties as set forth in Sections 62.23(2), (3), (4), and (5), Wisconsin Statutes.

**(D)** Pursuant to Wis. Stats. §62.23(1)(d), the term of citizen members on the Planning Commission shall be a term of 3 years. Appointments shall be made by the Village President during the month of April for terms that expire in April or at any other time if a vacancy occurs during the middle of the term.

**(2) COMMITTEE REPORTS.** Each committee shall submit a written report of all matters considered by or referred to it. Such reports shall, whenever feasible, recommend definite action on each item included in the report. Any committee shall require any Village officer to confer with it and supply information in connection with any matter pending before it.

## **2.12 MUNICIPAL COURT ORDINANCE**

### **2.12 MUNICIPAL COURT ORDINANCE**

**(1)** The Municipal Court for the Village of New Auburn, created by Chapter 755, Wisconsin Statutes, is hereby established and shall become operative and function upon the effective date of this ordinance in accordance with the provisions of said chapter.

**(2)** The Municipal Court shall have the jurisdiction granted to it by the Wisconsin Statutes and shall have exclusive jurisdiction over offenses against

ordinances of the Village of New Auburn to the extent provided in Section 755.045, Wisconsin Statutes.

(3) The Municipal Court shall be presided over by a Municipal Judge who shall serve for a term of four (4) years commencing on May 1, in the year of his election.

(4) The Municipal Judge shall receive such compensation for his services as is set by the Village Board. Such compensation shall be set forth on Appendix D.

(5) The days and hours during which the Municipal Court shall be in session shall be determined by the Municipal Judge, as authorized in Section 755.06, Wisconsin Statutes.

## **2.13 BOARD OF REVIEW ORDINANCE**

(1) **MEMBERSHIP OF BOARD OF REVIEW.** Pursuant to Section 70.46, Wisconsin Statutes, the Board of Review shall consist of the Village President and the Village Clerk and one Trustee. The Village Clerk shall be the Clerk of the Board of Review. No assessor for the Village may serve on the Board of Review.

(2) **COMPENSATION FOR BOARD OF REVIEW.** The members of the Board of Review shall receive salary compensation as established by the Village Board. The compensation shall be set by the Village Board and set forth on Appendix H.

(3) **Time and Place.** The members of the Board of Review shall meet annually at the Village Hall of the Village of New Auburn. The time of the meeting shall be set by the Village Board (and as required by Section 70.47, Wisconsin Statutes).

(4) **Procedure.** The Board of Review shall proceed in compliance with Chapter 70, (1993-1994) Wisconsin Statutes. The Board of Review process shall be as follows:

(A) The Board of Review of the Village of New Auburn will meet annually at any time during the thirty (30) day period beginning on the second (2nd) Monday of May. The meeting shall be at the Village Hall unless otherwise designated by the Village Board. A majority of the members will be a quorum.

(B) All meetings of the Board of Review of the Village of New Auburn are to be open to all citizens at all times. No formal action of any kind shall be introduced, deliberated upon or adopted in any closed session or closed meeting of the Board of Review.

(C) Whenever the Assessor, in the performance of the Assessors duties,

requests or obtains income and expense information pursuant to Section 70.47(7)(af), Wis. Stats., or any successor statute thereto, then, such income and expense information that is provided to the Assessor 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 Assessors 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 a 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.

**(D)** The hours of the first meeting of the Board of Review of the Village shall be a minimum of two (2) hours. The meeting shall be between 9:00 a.m. and 12:00 a.m. (midnight). The meeting hours will be 6:00 p.m. to 8:00 p.m. unless otherwise set by Village Board action. Reference: Section 70.47(3)(a), Wisconsin Statutes.

**(E)** Any change in the time of the first meeting will not be effective until notice is posted in not less than three (3) public places in the Village of New

**(F)** Pursuant to Section 70.47(6m)(c) and Section 70.46(1) Of Wis. Stats. the Village Board hereby provides for the appointment of alternates to served on the Village Board of Review in the event a standing Board member of the Board of Review is removed or unable to serve for any reason. The Village Board shall have the duty to appoint alternates.

The following electors of the Village of New Auburn are hereby named as alternates in the order indicated to serve as alternate Board of Review members for the year 2000:

Alternate 1: James Sarauer

Alternate 2: Rhea Robey

Alternate 3: Gary Pitts

Alternate 4: James Lotts

Alternate 5: Marvin Passow

(The Village Board may name as many alternates as they deem necessary to meet the statutory requirement that no less than three Board of Review members are needed to make a final determination of an objection to the property assessment.)

For years after the year 2000, the alternate members of the Board of Review may be

changed from time to time by simple resolution adopted by the Village Board of the Village of New Auburn. The resolution for any individual year shall be placed in the Code of Ordinance as Appendix U.

## **2.14 COOPERATION IN TRANSFER OF VILLAGE OFFICE ORDINANCE**

**(1) DUTY TO COOPERATE ON TRANSFER OF OFFICE.** This section shall be interpreted liberally to accomplish its purpose which is to provide for and promote an orderly and efficient transfer of office to a successor. All officers shall use all reasonable efforts to facilitate transfer of office and to cooperate with their successor.

### **(2) STATUS SUMMARY AND RESPONSIBILITIES AT END OF TERM**

**(A)** It shall be the duty of all Village officers to provide all documents, files and information they may have regarding Village of New Auburn business activities, property, or finances to their respective successor in office and to cooperate with successors in office and all successor Village officials and successor Village Boards. It shall further be the duty of the following officers to provide a written, **end of term status summary** to the successor containing therein such information as the Village Board shall require:

- (1)** Village President
- (2)** Village Clerk
- (3)** Village Treasurer
- (4)** Village Assessor
- (5)** Village Attorney

**(B)** Status summaries at the end of each term shall be delivered to the Village Clerk for filing in the Village records with a copy provided to the Village President.

**(C)** The Village Board may further detail the contents of a Status Summary for each office by Resolution to be set forth as Appendix C.

**(3) BRIEF OF VILLAGE BOARD AND SUCCESSOR IN OFFICE.** When requested by the Village Board, any officer shall orally brief the Village Board and/or at the Village Board's discretion his or her successor in office and answer questions pertaining to the status summary, duties of the office, procedures of the office, and/or general Village business pertaining to that office.

## **2.15 COMPENSATION OF ELECTIVE VILLAGE OFFICES**

**(1)** Compensation of elective Village officers shall be set forth in Appendix D.

**(2)** Changes in compensation during the term of office shall be subject to Section 66.196, Wisconsin Statutes, and shall not be increased during the term of office for elective officers who are entitled to participate in setting their salary.