

## **Chapter 134**

### **VILLAGE BOARD**

**[HISTORY: Adopted by the Village Board of Trustees of the Village of Hixton 10-6-1987 (Title 2, Ch. 2, of the 1987 Code of Ordinances). Amendments noted where applicable.]**

#### **§ 134-1. Village Board.**

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

#### **§ 134-2. Trustees.**

- A. Election, term, number. The Village of Hixton shall have four Trustees in addition to the President, who is a Trustee by virtue of his office as President. The four Trustees shall constitute the Village Board. Two Trustees shall be elected at each annual spring election for a term of two years, commencing on the third Tuesday of April in the year of their election.
- B. Residency. Members of the Village Board shall be residents of the Village at the time of their election and during their terms of office. [Added at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]
- C. Appointment as President. A Village Trustee shall be eligible for appointment as Village President to fill an unexpired term.

#### **§ 134-3. Village President.**

- A. Election. The Village President shall be elected at the annual spring election in odd-numbered years for a term of two years, commencing on the third Tuesday of April in the year of his election.
- B. Duties. The Village President shall by virtue of his office be a Trustee and preside at all meetings of the Board, have a vote as Trustee, and sign all ordinances, rules, bylaws, regulations and commissions adopted or authorized by the Board and all orders drawn on the treasury. He shall maintain peace and good order, see that the Village ordinances are faithfully obeyed, and in case of disturbance, riot or other apparent necessity appoint as many special marshals as he shall deem necessary, who for the time being shall possess all the powers and rights of constables.

#### **§ 134-4. Standing committees.**

- A. Committee appointments. Standing committees of the Village may be appointed by the Village President, subject to confirmation by the Village Board, and shall each consist of

three members of the Village Board. The appointments to each committee shall be made at the annual organizational meeting of the Village Board. Standing committees shall review such matters as may be referred to them by the Village Board and shall submit recommendations for Board action.

B. Committees established. The following standing committees are established:

(1) Finance and personnel committee.

- (a) Review and finalize the annual budget, for public hearing and Village Board approval.
- (b) Monitor expenditures.
- (c) Review requests for nonbudgeted or emergency expenditures and make recommendations to the full Board.
- (d) Review any proposed changes in the Village's insurance coverage and risk management program.
- (e) Review recommended personnel and labor policies and serve as negotiating unit for the Village in labor negotiations.
- (f) Coordinate Village requests for grant funding.
- (g) Advise the Village Board regarding potential and pending litigation involving the Village.
- (h) Recommend for Village Board consideration policies and procedures regarding Village operations and the delivery of services to the public.
- (i) Consider any other matters which may be referred by the Village Board.

(2) Public works committee.

- (a) Review and finalize annual capital improvement program.
- (b) Recommend policy guidelines regarding public improvements.
- (c) Mediate disputes between property owners and the Village regarding public improvements.
- (d) Review and approve any unusual requests for use of Village buildings.
- (e) Review and recommend any proposed changes, remodeling, additions, etc., to the Municipal Building or other non-park Village buildings or property.
- (f) Recommend for Village Board consideration policies and procedures regarding Village operations and the delivery of services to the public.
- (g) Recommend actions regarding use and maintenance of Village streets.
- (h) Serve as a liaison to the Water and Sewer Commission.
- (i) Coordinate the Village's refuse collection activities.

- (j) Consider any other matters which may be referred by the Village Board.
- (3) Public safety committee.
  - (a) Review traffic or pedestrian safety matters and recommend needed action for Village Board approval.
  - (b) Advise proper officials on property maintenance and Village beautification efforts.
  - (c) Advise the Village Board on matters pertaining to the Police Department, Fire Department and emergency government programs.
  - (d) Review and recommend Village Board action regarding proposed state legislation impacting upon the Village and its residents.
  - (e) Recommend for Village Board consideration policies and procedures regarding Village operations and the delivery of services to the public.
  - (f) Interpret the meaning or intent of any existing ordinance and, if necessary, request formal clarification by the Village Attorney.
  - (g) Advisory to the Board regarding the operation of the Fire Department and on law enforcement matters.
  - (h) Review traffic or pedestrian safety matters and recommend needed action for Village Board approval.
  - (i) Recommend for Board adoption, resolutions expressing the policy of the Village regarding matters for which a formal declaration of official policy is required.
  - (j) Administer and recommend amendments to the Village Board regarding building and other land use codes.
  - (k) Consider any other matters which may be referred by the Village Board.
- (4) Public welfare committee.
  - (a) Exercise any and all functions, duties and powers of the Board of Health appearing in this Code of the Village of Hixton or as may be required by law.
  - (b) Coordinate and administer the use of Village sewer and water systems.
  - (c) Consider any other matters which may be referred by the Village Board.

C. President to designate chairpersons.

- (1) The President shall designate the chairperson of each standing committee. All committee appointments except designation of chairperson shall be subject to confirmation by a majority vote of the Board.
- (2) All Trustees shall serve on at least one standing committee. The Village President shall be an ex officio member of each standing committee, or may be appointed to

serve as a member of a specific committee.

- (3) The Village President may declare the entire Board a committee of the whole for informal discussion at any meeting or for any other purpose, and shall ex officio be chairperson of the same.
  - (4) The Village President may, from time to time, appoint such special committee or committees as he deems advisable or as provided for by motion or resolution by the Board stating the number of members and object thereof to perform such duties as may be assigned to them.
- D. Committee reports. Each committee shall at the next regular Board meeting submit a report on all matters referred to it. Such report shall recommend a definite action on each item and shall be approved by a majority of the committee. Any committee may require any Village officer or employee to confer with it and supply information in connection with any matter pending before it.
- E. Ambiguity of committee authority. In case of ambiguity or apparent conflict between the preceding definition of committee authority and a definition, in this Code of the Village of Hixton, of the authority of a Village officer, employee, board, or association, the latter shall prevail.

**§ 134-5. General powers of Village Board.**

- A. General. The Village Board shall be vested with all the powers of the Village not specifically given some other officer. Except as otherwise provided by law, the Village Board shall have the management and control of the Village property, finances, highways, streets, navigable waters and the public service, and shall have the power to act for the government and good order of the Village, for its commercial benefit and for the health, safety, welfare and convenience of the public, and may carry its powers into effect by license, regulation, suppression, borrowing, taxation, special assessment, appropriation, fine, imprisonment and other necessary or convenient means. The powers hereby conferred shall be in addition to all other grants and shall be limited only by express language.
- B. Acquisition and disposal of property. The Village Board may acquire property, real or personal, within or without the Village, for parks, libraries, historic places, recreation, beautification, streets, waterworks, sewage or waste disposal, harbors, improvement of watercourses, public grounds, vehicle parking areas and for any other public purpose; may acquire real property within or contiguous to the Village, by means other than condemnation, for industrial sites; may improve and beautify the same; may construct, own, lease and maintain buildings on such property for instruction, recreation, amusement and other public purposes; and may sell and convey such property. Condemnation shall be as provided by the Wisconsin Statutes.
- C. Acquisition of easements and property rights. Confirming all powers granted to the Village Board and in furtherance thereof, the Board is expressly authorized to acquire by gift, purchase or condemnation under the Wisconsin Statutes, any and all property rights in lands or waters, including rights of access and use, negative or positive easements, restrictive covenants, covenants running with land, scenic easements and any rights for use

of property of any nature whatsoever, however denominated, which may be lawfully acquired for the benefit of the public or for any public purpose, including the exercise of powers granted under §§ 61.35 and 62.23, Wis. Stats.; and may sell and convey such easements or property rights when no longer needed for public use or protection.

- D. Village finances. The Village Board may levy and provide for the collection of taxes and special assessments; may refund any tax or special assessment paid, or any part thereof, when satisfied that the same was unjust or illegal; and generally may manage the Village finances. The Village Board may loan money to any school district located within the Village or within which the Village is wholly or partially located in such sums as are needed by such district to meet the immediate expenses of operating the schools thereof, and the Board of the district may borrow money from such Village accordingly and give its note therefor. No such loan shall be made to extend beyond August 30 next following the making thereof or in an amount exceeding 1/2 of the estimated receipts for such district as certified by the State Superintendent of Public Instruction and the local School Clerk. The rate of interest on any such loan shall be determined by the Village Board.
- E. Construction of powers. Consistent with the purpose of giving to villages the largest measure of self-government in accordance with the spirit of the home rule amendment to the Constitution, the grants of power to the Village Board in this section and throughout this Code of the Village of Hixton shall be liberally construed in favor of the rights, powers and privileges of villages to promote the general welfare, peace, good order and prosperity of the Village and its inhabitants.

#### **§ 134-6. Cooperation with other municipalities.**

The Village Board, on behalf of the Village, may join with other counties, villages, cities, towns or, other governmental entities in a cooperative arrangement for executing any power or duty in order to attain greater economy or efficiency, including joint employment of appointive officers and employees.<sup>1</sup>

#### **§ 134-7. Salaries.** [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]

The President and other Trustees who make up the Village Board, whether operating under general or special law, may by a three-fourths vote of all the members of the Village Board determine that an annual salary be paid the President and Trustees. Salaries heretofore established shall so remain until changed by ordinance and shall not be increased or diminished during their terms of office.

#### **§ 134-8. Meetings.**

- A. Regular meetings. Regular meetings of the Village Board shall be held on the third Monday of each calendar month at 6:00 p.m. local time, except when the day so designated falls on a legal holiday, in which case the regular meeting shall be held the following day, or at such other date and time as the Village Board shall designate. When the Village Board

---

1. Editor's Note: Original Sec. 2-2-7 of the 1987 Code of Ordinances, Internal Powers of the Board, which immediately followed this section, was repealed at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

designates a date and time for the regular Board Meeting, notice thereof shall be posted in three places at the Village Hall in the Village of Hixton or in the official Village newspaper prior to such rescheduled meeting date. All meetings of the Board shall be held at the Village Hall, unless specified otherwise in the minutes of the preceding meeting or by written notice posted at the regular meeting place at least three hours prior to any meeting. In any event, all Board meetings shall be held within the boundaries of the Village. [Amended 4-19-2016]

- B. Annual organizational meeting. The Village Board shall hold an annual organizational meeting on the first regular meeting following the spring election. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]
- C. Board minutes. The Village Clerk-Treasurer shall keep a record of all Board proceedings and cause the proceedings to be published.

**§ 134-9. Special meetings.**

- A. Special meetings of the Board may be called by the Village President, or by two Trustees filing a request with the Village Clerk-Treasurer at least 48 hours prior to the time specified for such meeting. The Village Clerk-Treasurer shall select the day for the special meeting and immediately notify each Trustee of the time and purpose of such meeting. The notice shall be delivered or mailed to each Trustee personally or left at his usual place of abode a minimum of 24 hours prior to the meeting time. The Village Clerk-Treasurer shall cause an affidavit of such notice to be filed in his office prior to the time fixed for such special meeting. No business shall be transacted at a special meeting except for the purpose stated in the notice thereof. Notice to the public of special meetings shall conform to the open meeting requirements of § 61.32 and Chapter 19, Subch. V, Wis. Stats. The Village Clerk-Treasurer shall give notice immediately upon the call for such meeting being filed with him. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]
- B. In the event all of the Trustees file a written consent or waiver of notice, any special meeting shall be held forthwith, but not less than two hours after the required notice is provided under § 19.84(3), Wis. Stats.
- C. The request for any special meeting shall state the purpose for which the meeting is to be called, and no business shall be transacted but that for which the meeting has been called.

**§ 134-10. Open meetings; adjournment of meetings.**

- A. Open meeting law compliance. All meetings shall be open to the public, unless falling within a lawful exception of the Wisconsin Open Meeting Law, § 19.81 et seq., Wis. Stats.
- B. Adjournment of meetings. Regular sessions of the Village Board may be adjourned from time to time for later reconvening. Any regular session of the Board may be adjourned for later reconvening as many times as the Board may determine to be necessary, advisable or convenient. Said adjournment may be made for a new reconvening time later in the same day or in a subsequent day. Any such adjournment may provide for reconvening at the same place or another place. An adjournment to a closed session may be only for a permitted purpose as enumerated in § 19.85, Wis. Stats., and must meet the other

requirements of said § 19.85, Wis. Stats.

- C. Meetings to be open. During the holding of any open session in the regular meeting room or in the substituted meeting room, said room and said meeting shall at all times be open and remain open to all citizens.
- D. Closed meetings. The provisions of this Code do not prohibit the Board or any committee thereof from having a closed meeting which is legally convened and legally held in a room in said building other than the official meeting room or in some other building in the Village.

**§ 134-11. Quorum.**

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

**§ 134-12. Presiding officers.**

- A. The Village President shall preside. Village President shall preside over meetings of the Village Board. In the absence of the Village President, the President Pro Tem shall preside. In case of absence of the Village President and President Pro Tem, the Village Clerk-Treasurer shall call the meeting to order and the Trustees present shall elect one of their number acting President Pro Tem.
- B. President Pro Tem. The Village Board at its first meeting subsequent to the regular election and qualification of new members shall, after organization, choose from its members a President Pro Tem, who, in the absence of the President, shall preside at meetings of the Board and during the absence or inability of the Village President, shall have the powers and duties of the Village President, except that he shall not have power to approve an act of the Board which the Village President has disapproved, by filing objections with the Village Clerk-Treasurer.
- C. Duties. The presiding officer shall preserve order and decorum, decide all questions of order, and conduct the proceedings of the meeting in accordance with the parliamentary rules contained in Robert's Rules of Order, unless otherwise provided by statute or by these rules. Any member shall have the right to appeal from a decision of the presiding officer. Such appeal is not debatable and must be sustained by a majority vote of the members present, excluding the presiding officer. In the absence of the Village Clerk-Treasurer, the presiding officer shall appoint a Village Clerk Pro Tem.

**§ 134-13. Order of business.**

- A. Order of business. At all meetings, the following order shall be observed in conducting the business of the Village Board:
- (1) Call to order by presiding officer;
  - (2) Roll call. (If a quorum is not present, the meeting shall thereupon adjourn, which may be to a specified date);
  - (3) Reading, correcting and approval of the minutes of the last preceding meeting or meetings and approval of agenda;
  - (4) Presentation of petitions; communications;
  - (5) Committee reports;
  - (6) Ordinances and resolutions;
  - (7) Unfinished business;
  - (8) New and miscellaneous business;
  - (9) Presentation of bills;
  - (10) Adjourn.
- B. Order to be followed. No business shall be taken up out of order unless authorized by the Village President or by majority consent of all Trustees and in the absence of any debate whatsoever.

**§ 134-14. Introduction of business, resolutions and ordinances; disposition of communications.**

- A. Ordinances to be in writing. All ordinances, or bylaws submitted to the Board shall be in writing and shall include at the outset a brief statement of the subject matter and a title and shall be referred to the appropriate committee by the President. The committee shall report back to the Board on the matter at the next Board meeting. Resolutions shall be in writing at the request of one Trustee; such request shall be nondebatable. Unless requested by a Trustee before a final vote is taken, no ordinance, resolution or bylaw need be read in full. Resolutions may be referred to an appropriate standing committee for an advisory recommendation.
- B. Subject and numbering of ordinances. Each ordinance shall be related to no more than one subject. Amendment or repeal of ordinances shall only be accomplished if the amending or repealing ordinance contains the number and title of the ordinance to be amended or repealed, and title of amending and repealing ordinances shall reflect their purpose to amend or repeal.
- C. Notice.
- (1) The Village Board may take action on an ordinance only if it appears on the written agenda for meeting at which action is requested.
  - (2) Ordinances will be placed on the agenda for Board action only if they are submitted

to the Village Clerk-Treasurer in written form a minimum of five days prior to the meeting at which action is requested.

- D. Disposition of petitions, communication, etc. Every petition or other writing of any kind, addressed to the Village Board or to the Village Clerk-Treasurer or other Village officer for reference to the Village Board shall be delivered by such other Village officer to the Village President or to the presiding officer of the Board as soon as convenient after receipt of same, and in any event, prior to or at the opening of the next meeting of the Village Board following the receipt of same. Every such petition, or other writing, and every paper, communication or other proceeding which shall come before the Board for action, may be referred by the Village President or presiding officer to the appropriate committee or commission, unless objected to by some member of the Board.

**§ 134-15. Publication and effect of ordinances.**

- A. All general ordinances of the Village and all regulations imposing any penalty shall be published, either in its entirety or by notice as provided in § 61.50(1), Wis. Stats., in the official paper of the Village once or posted according to state law, and shall be immediately recorded, with the affidavit of publication, by the Village Clerk-Treasurer in a book kept for that purpose and/or the Village Code of Ordinances. A printed copy of such ordinance or regulation in any book, pamphlet or newspaper and published or purporting to be published therein by direction of the Village Board shall be prima facie proof of due passage, publication and recording thereof. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]
- B. All ordinances shall take effect and be in force from and after passage and publications thereof, unless otherwise provided.

**§ 134-16. Conduct of deliberations.**

- A. A roll call shall not be necessary on any questions or motions except as follows:
  - (1) When the ayes and noes are requested by any member.
  - (2) On confirmation and on the adoption of any measure assessing or levying taxes, appropriations or disbursing money or creating any liability or charge against the Village or any fund thereof in excess of \$5,000.
  - (3) When required by the state statutes of Wisconsin.
- B. All aye and nay votes shall be recorded in the official minutes. The ayes and nays shall be ordered upon any question at the request of any member of the Village Board or the President, and the Village Clerk-Treasurer shall call the roll, starting with "A" and then in alphabetical order one time and then starting with "Z" and in reverse alphabetical order the next time. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]
- C. Except as provided below, the Village Board shall in all other respects determine the rules of its procedure, which shall be governed by Robert's Rules of Order, which is hereby incorporated by reference, unless otherwise provided by ordinance or statute, except when otherwise limited or modified by this Code of the Village of Hixton:

- (1) No Trustee shall address the Board until he has been recognized by the presiding officer. He shall thereupon address himself to the Board and confine his remarks to the question under discussion and avoid all personalities.
- (2) When two or more members simultaneously seek recognition, the presiding officer shall name the member who is to speak first.
- (3) No person other than a member shall address the Board except under order of business, except the citizens may address the Board with permission of the presiding officer as to matters which are being considered by the Board at the time.
- (4) When a question is in debate, no action shall be in order except: to adjourn; to lay on the table; the previous question; to postpone to a certain date; to refer to a standing, select or special committee; to amend; to postpone indefinitely; and these several motions shall have precedence in the order in which they stand.

**§ 134-17. Reconsideration of questions.**

When a question has been once decided, any member of the majority, or in case of a tie, any member voting in the affirmative, may move a reconsideration thereof; but if a motion to reconsider be made on a day subsequent to that on which the ordinance question was decided, a vote of the majority of the entire Board shall be required to sustain it.

**§ 134-18. Disturbances and disorderly conduct.** [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]

The Village Board has the power to preserve order at its meetings. Whenever any disturbance or disorderly conduct shall occur in any of the meetings of the Board, the President may cause the room to be cleared of all persons causing such disorderly conduct.

**§ 134-19. Amendment of rules.**

The rules of this chapter shall not be rescinded or amended unless the proposed amendment or motion to rescind has laid over from a regular meeting, and then it shall require a vote of 2/3 of all the members of the Board.

**§ 134-20. Suspension of rules.**

These rules shall not be suspended except by a 2/3 vote of all the members of the Board.