

**Chapter 62**  
**VILLAGE BOARD**

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(HISTORY: Adopted by the Village Board of the Village of Iola 2-12-1996 as Title 2, Ch. 2, of the 1996 Code. Amendments noted where applicable).

**GENERAL REFERENCES**

Administrative determinations - See Ch. 7.  
Boards, commissions and committees - See Ch. 15.

Government and elections - See Ch. 34  
Officers and employees - See Ch. 45

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**§ 62-1. Establishment and general authority of Village Board.**

The Trustees of the Village of Iola 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.

**§ 62-2. Election, term and number of Trustees; appointment of President.**

- A. Election; term; number. The Village of Iola shall have six Trustees in addition to the President, who is a Trustee by virtue of his or her office as President. The six Trustees shall constitute the Village Board. Three 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.

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B. Appointment as President. A Village Trustee shall be eligible for appointment as Village President to fill an unexpired term.

**§ 62-3 Election and Duties of 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 or her election.

B. Duties. The Village President shall by virtue of his/her office be a Trustee and preside at all meetings of the Board, have a vote as Trustee, and sign all ordinances, rules, bylaws, regulations, commissions, licenses and permits adopted or authorized by the Board and all orders drawn on the treasury, except as provided by Sec. 66.042, Wis. Stats. The Village President 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 or she shall deem necessary, who for the time being shall possess all the powers and rights of constables.<sup>1</sup>

**§ 62-4. Standing Committees.**

A. Committee Appointments. Standing committees of the village are 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 Committee.
  - (a) Review and finalize the annual budget, for public hearing and Village Board approval.
  - (b) Monitor expenditures.
  - (c) Review requests for non-budgeted 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.

<sup>1</sup> Editor's Note: Amended at time of adoption of Code (see Ch.1, Gen. Provisions, Art. I).

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- (e) Coordinate Village requests for grant funding.
- (f) Advise the Village Board regarding potential and pending litigation involving the Village.
- (g) Recommend for Village Board consideration policies and procedures regarding Village operations and the delivery of services to the public.
- (h) Consider any other matters which may be referred by the Village Board.

(2) Public Property and Streets 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) Consider any other matters which may be referred by the Village Board.

(3) Public Protection Committee.

- (a) Review traffic or pedestrian safety matters and recommend needed action for Village Board approval.
- (b) Advise the Village Board on matters pertaining to the Police Department, Fire Department and emergency government programs.

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- (c) Review and recommend Village Board action regarding proposed state legislation impacting upon the village and its residents.
  - (d) Recommend for Village Board consideration policies and procedures regarding village operations and the deliver of services to the public.
  - (e) Consider any other matters which may be referred by the Village Board.
- (4) Parks and Recreation Committee.
- (a) Manage and administer village parks, ball fields, swimming beaches and recreational facilities.
  - (b) Recommend for Village Board consideration rules and policies regarding the use of village recreational facilities, including user fees.
  - (c) Schedule events using village recreational facilities.
  - (d) Coordinate village recreational programs.
  - (e) Recommend steps for equipping, developing and maintaining the physical facilities of the village park system.
  - (f) Consider any other matters which may be referred by the Village Board.
- (5) Personnel and Health Committee.
- (a) Review recommended personnel and labor policies and serve as negotiating unit for the Village in labor negotiations.
  - (b) Recommend actions regarding the hiring of Village employees.
  - (c) Recommend actions regarding compensation and employee benefits for Village employees.
  - (d) Review the performance of Village employees.
  - (e) Exercise any and all functions, duties and powers of the Board of Health appearing in the Code of Ordinances.
  - (f) Advise the Board on property maintenance and Village beautification efforts.
  - (g) Consider any other matters which may be referred by the Village Board.

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- (6) Sewer and Water Committee.
- (a) Generally oversee the management and operation of the village sewer and water utilities.
  - (b) Handle all customer complaints and problems that cannot be satisfactorily resolved by the staff of the utilities and make recommendations to the Village Board for resolution of such problems.
  - (c) Review and make recommendations to the Village Board for changes and amendments to the village's ordinances regarding water and sewer utility regulations and rates, sewer use and miscellaneous utilities regulations and policies.
  - (d) Review and adopt an annual budget for the operation of the sewer and water utilities.
  - (e) 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 or she 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.

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- E. Ambiguity of committee authority. In case of ambiguity or apparent conflict between the preceding definition of committee authority and a definition, in these ordinances, of the authority of a village officer, employee, board, or association, the latter shall prevail.

**§ 62-5. 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 Sections 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  $\frac{1}{2}$  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 Ordinances shall be liberally construed in favor of the rights, powers and privileges of villages to promote the general welfare, peace, good order and prosperity or the village and its inhabitants.

**§ 62-6. 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.

**§ 62-7. Internal powers of Board.**

The Village Board has the power to preserve order at its meetings. Members of the Village Board shall be residents of the village at the time of their election and during their terms of office.

**§ 62-8. Salaries.**

The President and other Trustees who make up the Village Board, whether operating under general or special law, may by majority 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.

**§ 62-9. Meetings.**

- A. Regular meetings. Regular meetings of the Village Board shall be held on the second Monday of each calendar month at 6:30 p.m. local time, with the Finance Committee meeting at 6:00 p.m., except when the day so designated falls on a legal holiday, in which case the regular meeting shall be held the following Monday, or at such other date and time as the Village Board shall designate. When the Village Board designates a date and time for the regular Board meeting, notice thereof shall be posted at the Village Hall in the Village of Iola and 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.
- B. Annual organizational meeting. The Village Board shall hold an annual organizational meeting on the second Monday of April for the purpose of organization.

- C. Board minutes. The Village Clerk-Treasurer shall keep a record of all Board proceedings and cause the proceedings to be published.

**§ 62-10. 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 of 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 or her 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 or her 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 Section 61.32 and Chapter 19, Subch. IV, Wis. Stats. The Village Clerk-Treasurer shall give notice immediately upon the call for such meeting being filed with him or her.
- 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 Sec. 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.

**§ 62-11. 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 Meetings Law.
- 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 Sec. 19.85, Wis. Stats., and must meet the other requirements of said Sec. 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.

**§ 62-12. Quorum.**

- A. Four 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 is present, and who is 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.

**§ 62-13. Presiding officers.**

- A. The Village President shall preside. The 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 or she 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.

**§ 62-14. 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) Appearances;
  - (5) Old or unfinished business;
  - (6) New business;
  - (7) Committee reports;
  - (8) 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.

**§ 62-15. 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 nondebateable. 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.

**§ 62-16. Publication and effect of ordinances.**

- A. All general ordinances of the village and all regulations imposing any penalty shall be published 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.
- B. All ordinances shall take effect and be in force from and after passage and publications thereof, unless otherwise provided.

**§ 62-17. 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 in alphabetical order, 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.
- 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 Ordinances:
  - (1) No Trustee shall address the Board until he or she has been recognized by the presiding officer. He or she shall thereupon address himself or herself to Board and confine his or her 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 as follows, and these several motions shall have precedence in the order in which they stand:
    - (a) To adjourn;
    - (b) To lay on the table;



- (c) The previous question;
- (d) To postpone to a certain date;
- (e) To refer to a standing, select or special committee;
- (f) To amend;
- (g) To postpone indefinitely.

**§ 62-18. 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.

**§ 62-19. Disturbances and disorderly conduct.**

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.

**§ 62-20. 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  $\frac{2}{3}$  of all the members of the Board.

**§ 62-21. Suspension of rules**

These rules shall not be suspended except by a two-thirds vote of all the members of the Board.

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