

Chapter 2

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ARTICLE I. IN GENERAL

Sec. 2.100. Fees and charges.

All fees and charges required by the village are set by the board from time to time in the village fee schedule, and none of the provisions of this Code or the ordinance adopting this Code shall affect such fees and charges.

ARTICLE II. VILLAGE BOARD*

DIVISION 1. GENERALLY

Sec. 2.101. How constituted.

The trustees of the village shall constitute a board to be designated "Village Board of Weston," four of whom shall constitute a quorum, except when otherwise provided by law. The president may administer oaths and affidavits in all matters pertaining to the affairs of the village. Meetings of the board shall be held in the municipal center. Such board shall have the duties and powers as provided in this article.

(Code 1982, § 1.10(1))

Sec. 2.102. President.

The president shall be by virtue of the office a trustee, and shall preside at all meetings of the board, and have a vote as trustee. The president shall 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 Wis. Stats. § 66.042. The president shall maintain peace and good order, see that the ordinances are faithfully obeyed, and in case of disturbance, riot or other apparent necessity appoint as many special marshals as the president shall deem necessary, who for the time being shall possess all the powers and rights of constables. The president shall have charge of the village jail, which the president shall conduct in the manner provided in Wis. Stats. § 62.09(13)(c); but the president may delegate this duty to the constable or any police officer of the village.

State Law References--Similar provisions, Wis. Stats. § 61.24.

* **Cross References**--Elections, ch. 30.

Sec. 2.103. Powers.

(a) General grant. Except as otherwise provided by law, the board shall have the management and control of the village property, finances, highways, streets, navigable waters and the public service, and shall have 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.

(b) Cooperation with other municipalities. The board, on behalf of the village, may join with other villages or cities 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 employes.

Sec. 2.104. Acquisition and disposal of property.

The board may:

- (1) Acquire property, real or personal, within or outside the village, for parks, libraries, recreation, beautification, streets, water systems, sewage or waste disposal, harbors, improvement of watercourses, public grounds, vehicle parking areas, and for any other public purpose;
- (2) Acquire, improve and beautify real property within or contiguous to the village, by means other than condemnation, for industrial sites;
- (3) Construct, own, lease and maintain buildings on such property for instruction, recreation, amusement and other public purposes; and
- (4) May sell and convey such property.

Condemnation shall be as provided by Wis. Stats. ch. 32.

Sec. 2.105. Village finances.

The board may:

- (1) Levy and provide for the collection of taxes and special assessments;
- (2) Refund any tax or special assessment paid, or any part thereof, when satisfied that it

was unjust or illegal;

(3) Generally manage the village finances.

The 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, and the board of the district may borrow money from the village accordingly and give its note for the money. No such loan shall be made to extend beyond August 30 next following its making or in an amount exceeding half the estimated receipts for such district as certified by the department of education and the local school clerk. The rate of interest on any such loan shall be determined by the village board.

State Law References--Similar provisions, Wis. Stats. § 61.34(1--4).

Sec. 2.106. Construction of powers.

For the purpose of giving to villages the largest measure of self-government in accordance with the spirit of article XI, section 3, of the constitution, it is declared that this article shall be liberally construed in favor of the rights, powers and privileges of the village to promote the general welfare, peace, good order and prosperity of the village and its inhabitants.

DIVISION 2. MEETINGS

Sec. 2.107. Generally.

Sec. 2.107. Generally.

The board shall be vested with all the powers of the village not specifically given some other officer. A majority of the members shall constitute a quorum, but a less number may adjourn from time to time. The president shall preside at all meetings when present. In the president's absence the board may select another trustee to preside. Regular meetings shall be held at such time as may be prescribed by bylaws. Special meetings may be called by any two trustees in writing, filed with the village clerk, who shall thereupon seasonably notify all the trustees of the time and place of the meetings in the manner directed by the bylaws. All meetings shall be open to the public. The board shall keep a record of all its proceedings, and the board shall cause the proceedings to be posted in the manner under Sec. 985.02(2), Wis. Stats. The proceedings for the purpose of publication shall include the substance of every official action taken by the board. Nothing in this section shall be construed as requiring the republication of any proceeding, ordinance or other matter or thing that has already been published according

to law; nor shall anything in this section be construed to relieve the village from publishing any proceeding, ordinance or other matter or thing required by law to be published. Notwithstanding the provisions of Wis. Stats. § 985.08(4), the fee for any such publication shall not exceed the rates specified in Wis. Stats. § 985.08(1). The board has power to preserve order at its meetings, compel attendance of trustees and punish nonattendance, and it shall be judge of the election and qualification of its members. The president and board may by a three-fourths vote of all the members of the 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.

(Ord. 09/04/207)

State Law References--Similar provisions, Wis. Stats. § 61.32.

Sec. 2.108. Regular meetings.

Unless otherwise set by resolution of the board, the regular meetings of the board shall be held at the municipal center on the first and third Monday, at 7:00 p.m.; except that when the day for holding any regular meeting shall be a legal holiday or election day, the regular meeting shall be held at the same time and place on the next following secular day, or on a date and time as set by the board at a regular meeting in advance of the holiday.

(Code 1982, § 1.18(1))

Sec. 2.109. Special meetings.

Special meetings of the board may be called by the president at such times as he may appoint by oral or written notice of the purpose and time thereof to each member, which notice shall be given within a reasonable time prior to the meeting.

(Code 1982, § 1.18(2))

Sec. 2.110. Adjournments.

Any regular or special meeting of the board may be adjourned by a majority of the members present at a board meeting.

(Code 1982, § 1.18(3))

Sec. 2.111. Meetings shall be public.

Except as provided in Wis. Stats. § 19.85, all regular meetings of the board shall be open and public, and all its procedures shall be recorded by the village clerk/treasurer or under their authorization in record books kept for that purpose.

(Code 1982, § 1.18(4))

Sec. 2.112. Call to order.

The president shall promptly call each meeting of the board to order at the hour fixed for the holding of such meeting. In case of the absence of the president, the senior supervisor shall call the meeting to order, and the supervisors present shall elect one of their number president pro tem.

(Code 1982, § 1.18(5))

Sec. 2.113. Attendance; leave of absence.

No member of the board, the village clerk/treasurer, the chief of police or a police officer whose duty it shall be to attend a board meeting shall absent themselves from the meetings of the board unless for illness or other good cause without first having obtained an authorized absence.

(Code 1982, § 1.18(6))

Sec. 2.114. Disturbance, how suppressed.

Whenever any disturbance or disorderly conduct shall occur in board meetings or rooms or halls adjacent to such meetings, the president or other presiding officer of the board shall have power and authority by and with the aid of chief of police or other police officer in attendance upon the meeting of the board to cause the meeting to be cleared of all persons except members and officers of the board.

(Code 1982, § 1.18(7))

Sec. 2.115. Standing committees.

(a) *Appointments.* The president appoints standing committees of the village, subject to confirmation by the board. The appointments to each committee will be made at the annual organizational meeting of the board. Standing committees shall review such matters as may be referred to them by the board and shall submit recommendations for board action. The administrator and president, except where the president is designated a member of a committee, shall serve on each committee as ex officio members.

(b) *Conflicting provisions.* While this section represents guidelines detailing committee roles and responsibilities, the provisions regarding the administrator shall prevail in any area in which a conflict arises. In any instance where statutes may conflict with these provisions, the statutes shall apply.

(c) *Membership.* Each committee shall consist of five members, two of which shall be village trustees. The president shall not serve as the chairperson of any committee, unless expressly designated by law.

(d) *Established.* The following standing committees are established:

(1) Finance committee.

- a. Present the annual budget to the board first in temporary form for a public hearing,
and in final form for board approval. To enable the committee to prepare the budget,
all budget requests shall be filed with the administrator in a timely fashion to allow the
administrator to prepare a recommended budget for consideration by the committee.
- b. Monitor expenditures, supervise collection of accounts and coordinate and investigate
village borrowing.
- c. Review requests for nonbudgeted or emergency expenditures and make
recommendations to the full board.
- d. Review any proposed changes in village insurance coverage and risk
management
programs.
- e. Recommend establishment of user and license fees.
- f. Coordinate village requests for grant funding.

- g. Make recommendations on the issuance and conditions of issuance of licenses and franchises.
- h. Supervise the cable television franchise and conduct negotiations relating to such franchise.
- i. In cooperation with the administrator, recommend board consideration of policies and procedures regarding the financial operations of the village and the delivery of services to the public.
- j. Consider any other matter the board may refer.

(2) Personnel committee.

- a. Advise the board regarding potential and pending litigation involving the village.
- b. In cooperation with the administrator, recommend for board consideration policies and procedures regarding personnel issues of the village.
- c. Negotiate contracts for labor negotiation services.
- d. Monitor, in cooperation with the administrator, the general personnel policies for the village, including such things as sick leave, vacations, holidays and leaves of absence.
- e. In cooperation with the administrator, review and make recommendations for additions and deletions of positions to the board and make recommendations regarding disciplinary actions involving village employes.
- f. Consider and recommend departmental organization, reorganization and staffing levels and make appropriate recommendations to the board.
- g. Consider any other matter the board may refer.

(3) Public works and utilities committee.

- a. Review and recommend a public works budget to the administrator and finance committee.
- b. In cooperation with the administrator, recommend board consideration of appropriate policies and procedures regarding public works and utility operations and the delivery of such services to the public.
- c. Coordinate the village's refuse collection activities.
- d. Recommend actions regarding use and maintenance of village streets.
- e. Along with the property and buildings committee, review and finalize the annual capital improvements program.
- f. Review bidding documents and requests for proposals for capital projects for public works projects. Review contractor proposals and bids for all authorized public works construction, and recommend contract awards to the board for appropriate action.
- g. Be responsible for the construction and maintenance of all village streets and sidewalks, the operation and maintenance of all sewer and water systems, and make appropriate recommendations to the board regarding the operation, maintenance and improvements to such systems.
- h. Develop and recommend policies and guidelines for public works projects and activities such as special assessments.
- i. Consider any other matter the board may refer.

(4) Property and buildings committee.

- a. Review and approve any unusual requests for use of village buildings.
- b. Review and recommend any proposed changes, improvements, remodeling, additions, etc., to the municipal building, other village buildings or other property.

- c. Recommend policy guidelines regarding public improvements.
 - d. Mediate disputes between property owners and the village regarding public improvements.
 - e. In cooperation with the administrator, recommend to the board appropriate policies and procedures regarding property and buildings operations and the delivery of services to the public.
 - f. Along with the public works and utilities committee, review and finalize the annual capital improvement's program.
 - g. Consider any other matter the board may refer.
 - h. Review bidding documents and requests for proposals (RFPs) for municipal building projects. Review contractor proposals and bids for all authorized municipal building construction and recommend contracts to the board for appropriate action.
- (5) Public safety committee.
- a. Review traffic and pedestrian safety matters and recommend needed action for board approval.
 - b. Review and recommend a public safety budget to the administrator and finance committee. The public safety committee will review the Everest Metro Police Department budget, but may not recommend approval of it without prior review by the finance committee and administrator.
 - c. Advise the board on policies for police and fire protection and on revisions in the village's building, health and safety codes.
 - d. Supervise village inspection services.
 - e. Advise the board on matters concerning the police department, fire department and

emergency services programs.

f. Review and recommend board action regarding proposed state legislation impacting upon the village and its residents.

g. In cooperation with the administrator, recommend to the board appropriate policies and procedures regarding public safety operations and the delivery of such services to the public.

h. Make recommendations to the board for establishment of a village safety program and, after such a program is in place, supervise such program.

i. Ensure cooperation between the Everest Metro Police Department and the village fire department for the efficient provision of emergency services.

j. Consider any other matter the board may refer.

(6) Parks and recreation committee.

a. Prepare and maintain long-range plans for parks and recreational facilities.

b. Recommend the acquisition, purchase, acceptance by gift, sale or such other disposition of property and/or equipment to the board for appropriate action.

c. Prepare and submit grant applications to the appropriate agencies for the acquisition and development of parks and recreational facilities.

d. Operate and maintain the village park and recreational trail system.

e. Review and recommend a parks and recreation budget to the administrator and finance committee.

f. In cooperation with the administrator, recommend board consideration of policies and procedures regarding parks and parkway operations and the delivery of such services to the public.

g. In cooperation with the director of public works govern, manage, improve and care for
all public parks and parkways located within the village.

h. Consider any other matter the board may refer.

(7) Economic development committee.

a. Provide oversight and development of the village's business and industrial parks which
would include business recruitment, land sales, grant development, and park design;

b. Provide technical support and counsel in the administration of revolving loans fund
for business development;

c. Recommend policy to the village board on the enhancement of village infrastructure
and zoning policy to spur economic growth.

(e) *President to designate chairpersons; other appointments.* 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.

(f) *Term of office.* Unless otherwise noted, the term of office for each committee shall be
for three years, and shall become effective on May 1. Terms of office for village trustees shall coincide with their elected term.

(g) *Meetings.* Each standing committee shall meet as necessary to accomplish the responsibilities of each committee. All committee meetings shall convene at the municipal building unless otherwise noticed.

(Ord. of 9-18-2000, § 1; Ord. of 5-21-2001(1), § 1)

Sec. 2.116. Committee of the whole.

The 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.

Sec. 2.117. Revolving loan fund committee.

A revolving loan fund committee is established composed of seven citizen members who shall be responsible for the management of the village's revolving loan program, consistent with state requirements.

Sec. 2.118. Special committees.

The president may, from time to time, appoint such special 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.

ARTICLE III. OFFICERS AND EMPLOYES*

DIVISION 1. GENERALLY

* **Cross References**--Any ordinance setting salaries of village officers and employees or any personnel regulations saved from repeal, § 1.110(13).

Sec. 2.119. Appointive officials.

(a) *Term.* All appointive officials, except as otherwise provided, shall hold their office for the term of two years and until their successors are lawfully appointed and qualified.

(b) *Filling of vacancies.* Vacancies in appointive offices shall be filled by appointment for the residue of the unexpired term by the appointing power and in the manner prescribed in this division for making regular full-term appointments.

(c) *Certificate of appointment.* When an appointive official has filed the oath and bond as required, the village clerk/treasurer shall issue to him a certificate of appointment. If the appointment is to a commission, the appointee shall file the certificate with the secretary of the commission.

(Code 1982, §§ 1.03(2), 1.05(3), 1.06(2))

Sec. 2.120. Filling of vacancies.

A vacancy shall occur in case of the dismissal or death of any official or in case of the removal of any officer from the village, or when any officer elected or appointed in, for or from any part of the village shall remove his residence without the limits of such village, or when any official shall refuse or neglect for 20 days after notice of his election or appointment to qualify and enter upon the discharge of his duties.

(Code 1982, § 1.06(3))

DIVISION 2. ADMINISTRATOR

Sec. 2.121. Appointment, term of office and removal.

The village administrator shall be appointed by a majority vote of the board on the basis of merit with due regard to training, experience, administrative ability and general fitness for the office. The village administrator shall hold office for an indefinite term subject to removal at any time by a majority vote of the board. This section, however, shall not preclude the board from establishing other employment terms and conditions not inconsistent with the provisions of this Code or statute.

(Ord. of 7-29-1991, § 1(2, 5))

Sec. 2.122. Functions and duties.

The village administrator, subject to the limitations defined in resolutions and ordinances of the village, statutes and administrative rules, shall be the chief administrative officer of the village, responsible only to the president and the board for the proper and efficient administration of the business and affairs of the village with powers and duties as follows:

(1) General duties.

- a. Carry out all directives of the president and board that require administrative implementation and make prompt and complete reports to the president and board of any difficulties or problems encountered.
- b. Be responsible for the administration of all day-to-day operations of the village

government, including the monitoring of all ordinances, resolutions, board meeting minutes, statute and administrative rules.

c. Maintain a plan of administration, including an organization chart, which defines the authority and responsibility for all nonstatutory positions of the village; and submit it to the board for adoption as the official organization and administrative procedure plan for the village and make suggestions for amendments and/or changes when needed.

d. Establish when necessary administrative procedures to increase the effectiveness and efficiency of the village government consistent with current practices in local government and not inconsistent with subsection (1)c. of this section or the directives of the president and board.

e. Serve as ex officio nonvoting member of all boards, commissions and committees of the village, except as specified by the village board or statute.

f. Keep informed concerning current federal, state and county legislation and administrative rules affecting the village, and submit appropriate reports and recommendations to the board.

g. Keep informed concerning the availability of federal, state and county funds for local programs. Assist department heads and the board in obtaining these funds under the direction of the president and the board.

h. Represent the village in matters involving legislative and intergovernmental affairs as authorized and directed as to that representation by the president and board.

i. Act as public information officer for the village, with the responsibility of assuring that the news media are kept informed about the operations of the village and that all open meeting rules and regulations are followed.

- j. Establish and maintain procedures to facilitate communications between citizens and village government to assure that complaints, grievances, recommendations and other matters receive prompt attention by the responsible official, and to assure that all such matters are expeditiously resolved.
- k. Promote the economic well-being and growth of the village through public and private sector cooperation.

(2) Responsibilities to the board.

- a. Attend all meetings of the board, assisting the president and the board as required in the performance of their duties.
- b. In coordination with the president, the board, and the village clerk/treasurer, ensure that appropriate agendas are prepared to all meetings of the board, all board committees, and all other appropriate committees and commissions of the village, together with such supporting material as may be required, with nothing in this subsection being construed as to give the village administrator authority to limit or in any way prevent matters from being considered by the board, or any of its committees and commissions.
- c. Assist in the preparation of ordinances and resolutions as requested by the president or the board, or as needed.
- d. Keep the president and board regularly informed about the activities of the village administrator's office by oral or written report at regular and special meetings of the board.
- e. If action normally requiring board approval is necessary at a time when the board cannot meet, receive directives from a poll of a majority of the board.

(3) Personnel.

- a. Be responsible for the administrative direction and coordination of all employees of the village according to established organization procedures.
- b. Recommend to the board the appointment, promotion, and when necessary for the good of the village, the suspension or termination of department heads.
- c. In consultation with the appropriate department head, be responsible for the appointment, promotion, and when necessary for the good of the village, the suspension or termination of employees below the department head level.
- d. Serve as personnel officer for the village with responsibilities to see that complete and current personnel records, including specific job descriptions, for all village employees are kept; evaluate in conjunction with department heads the performance of all employees on a regular basis; recommend salary and wage scales for village employees not covered by collective bargaining agreements; develop and enforce high standards of performance by village employees; assure that village employees have proper working conditions; work closely with department heads to promptly resolve personnel problems or grievances.
- e. Assist in labor contract negotiations and collective bargaining issues.
- f. Work closely with department heads to assure that employees receive adequate opportunities for training to maintain and improve their job-related knowledge and skills and act as the approving authority for requests by employees to attend conferences, meetings, training schools, etc., provided that funds have been budgeted for these activities.

(4) Budgeting and purchasing.

- a. Be responsible for preparation of the annual village budget in accordance with guidelines as may be provided by the board, and in coordination with department heads

and pursuant to statute, for review and approval by the president and the board prior to submission to the annual budget hearing.

b. Administer the budget as adopted by the village at its annual budget hearing.

c. Report regularly to the board on the current fiscal position of the village.

d. Supervise the accounting system of the village and ensure that the system employs methods in accordance with current professional accounting practices.

e. In consultation with the appropriate department heads, serve as the purchasing agent for the village, supervising all purchasing and contracting for supplies and services, subject to the purchasing procedures established by the board and any limitation contained in statute.

(Ord. of 7-29-1991, § 1(4))

Sec. 2.123. Cooperation.

All officials and employees of the village shall cooperate with and assist the village administrator so that the village government shall function effectively and efficiently.

(Ord. of 7-29-1991, § 1(5))

Sec. 2.124. Compensation.

The village administrator shall receive such compensation as the board shall prescribe.

(Ord. of 7-1-1991, § 1(5)(c))

Sec. 2.125. Residency.

The village administrator shall become a resident of the village within one year following the date of appointment.

(Ord. of 7-29-1991, § 1(3))

DIVISION 3. CLERK/TREASURER

Sec. 2.126. Appointment.

Pursuant to Wis. Stats. § 61.197(1), the combined position of village clerk and treasurer shall be through the appointment of a person by a majority of the members of the board and for the term specified in Wis. Stats. § 61.23.

(Ord. of 9-17-1996, § 1(a))

Sec. 2.127. Duties.

The village clerk/treasurer shall have those duties as provided by statute and this Code.

(Ord. of 9-17-1996, § 1(b))

Sec. 2.128. Compensation.

The village clerk/treasurer shall receive such compensation as the board shall prescribe and pursuant to the provisions of this Code.

(Ord. of 9-17-1996, § 1(c))

Sec. 2.129. Receipts and earnings.

Whenever any village officer or employe is required to turn over any receipts or earnings to the village clerk/treasurer monthly, such funds received by him during the month shall be turned over on or before the tenth day of the succeeding calendar month.

(Code 1982, § 1.25)

DIVISION 4. ASSESSOR

Sec. 2.130. Appointment.

The village assessor shall be appointed by the board.

(Code 1982, § 1.02(2)(a))

State Law References--Selection of officers, Wis. Stats. § 61.197.

Sec. 2.131. Compensation.

The village assessor shall receive such compensation as the board shall prescribe.

(Code 1982, § 1.02(2)(b))

DIVISION 5. ATTORNEY

Sec. 2.132. Appointment.

The village attorney shall be appointed by the board. The attorney need not be a resident of the village.

(Code 1982, § 1.02(1)(a))

Sec. 2.133. Compensation.

The village attorney shall receive such compensation as the board shall prescribe.

(Code 1982, § 1.02(1)(b))

DIVISION 6. DIRECTOR OF PUBLIC WORKS AND UTILITIES

Sec. 2.134. Appointment.

The village director of public works and utilities shall be appointed by the board.

(Code 1982, § 1.02(3)(a))

Sec. 2.135. Qualifications/Duties

- (1) **Qualifications.** The Village Director of Public Works and Utilities shall be a registered professional civil engineer licensed to practice in the state at the time of his employment or within six months thereafter. He shall also have had practical engineering experience aggregating at least five years, not less than two of which shall have been in the field of municipal engineering or public works management.
- (2) **Duties.** In addition to other duties as shall from time to time be determined by the Village Board, the Director of Pubic Works shall supervise the operation and maintenance of the stormwater facilities and all appurtenant structures connected to the system.

(Code 1982, § 1.02(3)(b) Ord. of 3-15-04)

Sec. 2.136. Compensation.

The village director of public works and utilities shall receive such compensation and expense allowance as the board shall prescribe.

(Code 1982, § 1.02(3)(c))

ARTICLE IV. BOARD OF REVIEW*

Sec. 2.137. Adoption of statutes.

The duties and functions of the village board of review shall be as prescribed by statute, particularly as set forth in Wis. Stats. §§ 70.46 and 70.47.

(Code 1982, § 1.13(5))

* **Cross References**--Taxation and special assessments, ch. 78.

State Law References--Boards of review generally, Wis. Stats. § 70.46.

Sec. 2.138. How constituted.

The trustees of the village shall comprise the village board of review.

(Code 1982, § 1.13(1))

Sec. 2.139. Clerk.

The village clerk/treasurer shall be the village clerk of the board of review and keep an accurate record of all proceedings.

(Code 1982, § 1.13(2))

Sec. 2.140. Compensation.

The members of the board of review, except members who are full-time employees or officers of the village, shall receive such compensation as shall be established by the board. It shall be the duty of the village assessor to attend the sessions of the board of review.

(Code 1982, § 1.13(3))

Sec. 2.141. Time and place of meetings.

The board of review shall meet annually on the second Monday of May at the municipal center. The board shall proceed as outlined in Wis. Stats. § 70.47.

(Code 1982, § 1.13(4))