

**CHAPTER 3**

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## GOVERNMENT AND ADMINISTRATION

### Sec. 3.01 Village Government

The Village of Whiting is a body corporate and politic with the powers of a municipality at common law and governed by the provisions of Chapters 61 and 66 of the Wisconsin Statutes, laws amending those chapters, other acts of the legislature and the constitution of the State of Wisconsin.

### Sec. 3.02 Official Newspaper

The official newspaper of the Village of Whiting shall be the Stevens Point Journal.

### Sec. 3.03 Election Poll Hours

The voting polls in the Village of Whiting, Portage County, Wisconsin shall be opened from 9:00 a.m. to 8:00 p.m. for all elections.

### Sec. 3.04 Village Board

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

### Sec. 3.05 Trustees

1. The Village of Whiting 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.
2. Three Trustees shall be elected at each annual spring election for the term of two years, commencing on the third Tuesday of April in the year of their election.
3. A Village Trustee shall be eligible for appointment as Village President to fill an unexpired term.

### Sec. 3.06 Village President

1. 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.
2. The Village President shall by virtue of his office be a Trustee and preside at all meetings of the Board 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 and 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.

### Sec. 3.07 General Powers Of The Village Board

1. 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.
2. 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.

3. **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.
4. **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 therefore. No such loan shall be made to extend beyond August 30 next following the making thereof or in an amount exceeding one-half (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.
5. **CONSTRUCTION OF POWERS.** Consistent with the purpose of giving to village 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 Municipal Code 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.

**Sec. 3.08** Cooperation With Other Municipalities

The Village 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 employees.

**Sec. 3.09** Internal Powers Of The Board

The Village Board has the power to preserve order at its meetings, compel attendance of Trustees and punish nonattendance. Members of the Village Board shall be residents of the Village at the time of their election and during their terms of office.

**Sec. 3.10** 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.

**Sec. 3.11** Meetings

1. **REGULAR MEETINGS.** Regular meetings of the Village Board shall be held on the second Tuesday of each calendar month at 7:00 p.m. local time, or at such other times as the Board may direct. Any regular meeting falling on a legal holiday shall be held on a day selected by a majority of the Board at a previous meeting. All meetings of the Board shall be held at the Village of Whiting Municipal Building, unless specified otherwise in the minutes of the preceding meeting or by written notice posted at the regular meeting place at least two hours prior to any meeting. In any event, all Board meetings shall be held within the boundaries of the Village of Whiting.
2. **ANNUAL ORGANIZATIONAL MEETING.** The Village Board shall hold an annual meeting on the third Tuesday of April for the purpose of organization
3. **SPECIAL MEETINGS.**
  - (a) Special meetings of the Board may be called by the Village President or by two Trustees by filing a written request with the Clerk-Treasurer at least twenty-four hours prior to the time specified for such meeting. The Clerk-Treasurer shall immediately notify each Trustee of the time and purpose of such meeting. The notice shall be delivered to each Trustee, personally or left at his usual place of abode.

- (b) The Clerk-Treasurer shall cause an affidavit of such notice to be filed in his office prior to the time fixed for such special meeting. Unless a quorum of Trustees are in attendance, no business shall be transacted at a special meeting. Notice to the public of special meetings shall conform to the open meeting requirements of the Wisconsin Statutes
- 4) OPEN MEETINGS. All meetings of the Board and committees thereof shall be open to the public, unless falling within a lawful exception of the Wisconsin Open Meetings Law.
- 5) QUORUM. 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.
- 6) PRESIDING OFFICERS.
  - (a) THE VILLAGE PRESIDENT SHALL PRESIDE. The Village President shall preside over meetings of the Village Board. In case of absence of the Village President, the President Pro Tem shall preside. In the case of absence of the Village President and President Pro Tem, the Village Clerk shall call the meeting to order and the Trustees present shall elect one of their number as acting President Pro Tem.
  - (b) 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.
  - (c) PARTICIPATION IN DEBATE. The presiding officer may speak upon any question or make any motion without relinquishing the chair.

### **Sec. 3.12** 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 absences of the Village 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 the President Pro Tem shall not have power to approve an act of the Board which the Village President has disapproved, by filing objections with the Clerk-Treasurer. He shall when so officiating, be styled "Acting President."

### **Sec. 3.13** Order Of Business

1. ORDER OF BUSINESS. At all meetings, at the discretion of the presiding officer, the following order may be observed in conducting the business of the Village Board:
  - (a) Call to Order by presiding officer;
  - (b) Roll Call. (If a quorum is not present, the meeting shall thereupon adjourn, which may be to a specified date);
  - (c) Reading, correcting, and approval of the minutes of the last preceding meeting or meetings;
  - (d) Reports from interested persons;
  - (e) Reports of committees;
  - (f) Unfinished business from previous meetings;
  - (g) New business, including the introduction of ordinances and resolutions;
  - (h) Reports of Village officers;
  - (i) Communications and miscellaneous business;
  - (j) Adjournment
2. 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.

### **Sec. 3.14** Roll Call Procedure When Quorum Not In Attendance

As soon as the Board shall be called to order, the Clerk-Treasurer shall proceed to call the names of the members in alphabetical order, noting who are present and who are absent and record the same in the proceedings of the Board. If it shall appear that there is not a quorum present the fact shall be entered on the journal and the Board may adjourn, or the presiding officer or, in case of his absence, the Clerk-Treasurer may issue a process to any policeman commanding him forthwith to summon the absentees.

**Sec. 3.15** Introduction Of Business, Resolutions And Ordinances

1. DISPOSITION OF COMMUNICATIONS.
  - (a) Procedure for Introduction and Adoption of Ordinances.
    1. Requests or proposals for new ordinances or ordinance revisions shall be introduced at a regular Village Board meeting.
    2. After discussion, the request shall be referred to the appropriate committee by Board motion for research and possible ordinance preparation.
    3. After due study, the committee shall make its recommendations at the next regular meeting unless the Board has granted a longer time.
    4. The chairman of the pertinent committee shall notify the Clerk-Treasurer of the committee's proposals so that they can be placed on the meeting agenda.
    5. All ordinances shall be in writing. Every ordinance shall have two (2) readings before its passage; and such ordinance shall not have its first and second readings upon the same day, except under suspension of the rules for compelling circumstances requiring prompt action.
  - (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.
2. NOTICE.
  - (a) The Village Board may take action on an ordinance or resolution only if it appears on the written agenda for meeting at which action is requested.
  - (b) Resolutions or ordinances will be placed on the agenda for Board action only if they are submitted to the Clerk-Treasurer in written form a minimum of four days prior to the meeting at which action is requested.
3. DISPOSITION OF PETITIONS, COMMUNICATION, ETC. Every petition or other writing of any kind, addressed to the Village Board or to the Clerk-Treasurer or other Village officer for reference to the Village Board, shall be delivered by the Clerk-Treasurer or 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.
4. PUBLICATION AND EFFECT OF ORDINANCES. All general ordinances of the Village imposing a forfeiture penalty shall be published in the official paper of the Village once, and shall be immediately recorded, with the affidavit of publication, by the Village Clerk-Treasurer in a book kept for that purpose. 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.

**Sec. 3.16** Conduct Of Deliberations

1. A roll call shall not be necessary on any questions or motions except as follows:
  - (a) When the ayes and nays are requested by any member.
  - (b) 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.
  - (c) When required by the state statutes of Wisconsin.
  - (d) All aye and nay votes shall be recorded in the official minutes.
2. 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 Municipal Code:
3. No Trustee shall address the Board until he has been recognized by the presiding officer. He shall thereupon address himself to the Board, confine his remarks to the question under discussion, and avoid all personalities.
4. When two or more members simultaneously seek recognition, the presiding officer shall name the member who is to speak first.
5. No person other than a member shall address the Board except under order of Business, except the citizens may address the Board with the permission of the presiding officer as to matters which are being considered by the Board at the time.

**Sec. 3.17** 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.

**Sec. 3.18** 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 guilty of such disorderly conduct except the Trustees.

**Sec. 3.19** Amendment Of Rules

The rules of this Chapter shall not be rescinded or amended unless the proposed amendment or motion to rescind was laid over from a regular meeting, and then it shall require a vote of two-thirds of all the members of the Board.

**Sec. 3.20** Suspension Of Rules

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

**Sec. 3.21** Disposal Of Surplus Village Property

## 1. DEFINITIONS.

(a) "Surplus Village Property" is that property which is owned by the Village of Whiting, Wisconsin, and which has no further usefulness to the Village of Whiting. An item or property shall be considered to have no further usefulness when:

- 1) The item or its function has been totally replaced by other Village property and no probable future function exists for it; or
- 2) The Village no longer performs the service for which the item was purchased and no other service can reasonably be provided by the item; or
- 3) The item is no longer able to reliably or economically perform the work required of it.

(b) Surplus property as defined in this Chapter shall not include land or buildings but shall include fixtures and such salvages as may be taken from a building without structural damage when such fixtures and salvage are not part of a demolition contract. Surplus Village property shall not include items of property which are traded in for newer items. Surplus Village property shall not include library materials used by the public library for lending purposes.

## 2. DETERMINATION OF SURPLUS VILLAGE PROPERTY.

(c) Whenever an item of Village property is determined to be surplus Village property on the basis that the Village no longer performs the service for which the item was purchased, the Village Board shall determine whether the item is surplus Village property.

(d) Whenever the fair market value of the item is Five Hundred Dollars (\$500.00) or less, the Village President and Department Head shall determine whether or not the item(s) is surplus Village Property.

(e) Whenever the fair market value of the item is more than Five Hundred Dollars (\$500.00), the Village Board shall determine whether the items are surplus Village property.

## 3. DISPOSITION OF SURPLUS VILLAGE PROPERTY.

(a) When the Village President and Department Head determines that the Village owns surplus property, which is no longer necessary or useful to or for the best interests of the Village, he/she is, subject to the limitations hereinafter set forth, authorized and directed to proceed without further authorization by the Village Board to dispose of such Village Property by sale or any other manner he/she considers most advantageous to the Village. The Authority granted to the Village President shall be limited to the disposition of any single item or any group of items designated by the Village President to be disposed of as a unit with a value estimated by the Village President to not be in excess of Five Hundred (\$500.00) Dollars.

(b) When the Village President is obligated to advertise items of surplus property for disposition to the highest bidder, the following procedures shall be employed:

- 1) Public notice of the disposition, including the time, place, terms of disposition, and the schedule of disposition shall be posted in a public place in the Village Hall and on the Village Website. Such notice of intended sale of surplus property shall constitute notice to the general public and anyone who may have interest in purchasing the items of surplus property. When the Village President

- determines that it is not practicable to advertise the disposition, he/she may dispose of the surplus Village Property in whatever manner he/she considers most advantageous to the Village.
- 2) No sale of surplus property by the Village shall take place until public notice required under this Section shall have been posted for seven days, and thereafter, the Village President is authorized to proceed to deliver a bill of sale for any or all of such items.
  - (c) Whenever the Village Board determines that an item of property is surplus Village property, it shall dispose of such property as it determines.
  - (d) If the Village is unable to sell its surplus property after solicitation to the public as referred to herein, the Village may donate the property to any not-for-profit corporation, organization, or entity as determined by Section 501 (c) (3) of the Internal Revenue Code, having its principal place of business or doing a substantial amount of business in the Village, or if none can be within the Village, then within Portage County.
  - (e) In all cases no sale of surplus Village Property shall be made to a person, who is, at the time of such sale, an officer, agent, or employee of the Village or an immediate family member of the officer, agent or employee. Immediate family member shall include spouses and dependent minor children living with the officer, agent, or employee.
4. DETERMINATION OF FAIR MARKET VALUES. Whenever this Chapter requires a determination of the fair market value of an item of property, that determination shall be made by the Village President and Department Head responsible for the property.
  5. AUTHORITY TO DISPOSE OF PROPERTY.
    - (a) Except for library materials used by the public library for lending purposes only the Village Board may dispose of Village property which is not surplus village property.