

Chapter 2

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## **ARTICLE I. IN GENERAL**

### **Sec. 2-1. Posting and effective date of ordinances.**

(a) *Posting.* All general ordinances of the village and all regulations imposing a penalty shall be posted in three public places within the village and shall be immediately recorded, with the affidavit of posting, by the clerk-treasurer in a book kept for that purpose. A printed copy of such ordinance or resolution in any book, pamphlet or newspaper and posting therein by direction of the village board shall be prima facie proof of due passage and recording thereof.

(b) *Effective date.* Unless otherwise provided, all ordinances shall take effect and be in force from and after passage and posting, and posted copies thereof shall have appended the date of first posting.

### **Sec. 2-2. Charge for returned checks.**

There shall be a charge per the fee schedule on file in the clerk-treasurer's office for each check returned to the village for nonsufficient funds, or account closed.

### **Secs. 2-3 – 2-30. Reserved.**

## **ARTICLE II. PRESIDENT AND VILLAGE BOARD**

### **Sec. 2-31. Powers and duties generally.**

The powers and duties of the president and village board are as follows:

- (1) *Village president.* See Wis. Stats. 61.24.
- (2) *Village board.* The village president and trustees shall constitute the village board and shall have such duties and powers as are enumerated in Wis. Stats. Ch. 61 (Wis. Stats. 61.187 et seq.), and elsewhere in the statutes.

### **Sec. 2-32. Authority.**

The village board shall have all powers of the village not specifically given to some other body or officer. Except as otherwise provided by law, the village board shall have the management and control of village property, finances, highways, streets, utilities and public service and may 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, regulations, suppression, borrowing, taxation, special assessment, appropriation, imposition of forfeitures and other necessary or convenient means. The village board may appoint such officials from time-to-time as may be deemed necessary for the benefit of the community. In addition, the village board

shall have the powers enumerated in Wis. Stats. 61.134. The powers hereby conferred shall be in addition to all other grants and shall be limited only by express language.

**Sec. 2-33. Composition of village board.**

The village board shall consist of the village president and six trustees, who shall be elected for two-year terms.

**Sec. 2-34. Elected officials.**

- (a) *Enumerated.* The elected officials shall be a village president, six trustees and the Municipal Justice.
- (b) *Election and term.* Each official enumerated in subsection (a) of this section will be elected at the spring election in odd-numbered years for a term of two years, commencing on the third Tuesday in April of the year of their election with the Municipal Justice commencing on the 1<sup>st</sup> of May of the year of their election, as follows:
  - a. Three trustees – even years.
  - b. Three trustees – odd years.
  - c. Village president – odd years.
  - d. Municipal Justice – odd years.

**Sec. 2-35. Meetings.**

- (a) *Regular meetings.* Regular meetings of the village board shall be held on the second and fourth Mondays of each calendar month, at 7:00 p.m. Any regular meeting falling on a legal holiday shall be held on the next following secular day, at the same hour and place. All meetings of the board, including special and adjourned meetings, shall be held in the village hall.
- (b) *Special meetings.* Special meetings of the village board may be called by the village president or any two trustees in writing filed with the clerk-treasurer at least 24 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 by causing a written notice thereof to be delivered to each trustee personally, if her can be found, or, if he cannot be found, then by leaving a copy of such notice at the home of such trustee. The clerk-treasurer shall cause an affidavit showing service of such notice as herein provided to be filed in his office prior to the time fixed for such special meeting. Special meetings may be held without such notice when all members of the village board are present in person or consent in writing to the holding of such meeting, such meeting, such written consent to be filed with the clerk-treasurer prior to the beginning of the meeting. Any special meeting attended by all the trustees shall be a regular meeting for the transaction of any business that may come before such meeting.

- (c) *Closed meetings.* A closed meeting may only be convened for the reasons listed in Wis. Stats. 19.85. In addition, all the other requirements of 19.85 must be met before a closed meeting can be convened.
- (d) *Notice.* All regular and special meetings shall be announced to the public by publication in the official newspaper or, if there is not enough time, over a local radio station.
- (e) *Adjournment.* The board may, by a majority vote of those present, but not less than three affirmative votes, adjourn from time-to-time to a specific date and hour.

**Sec. 2-36. Presiding officer.**

- (a) *Designated.* The village president shall preside. In the absence of the president, the senior trustee present, based on date of original election as trustee, shall call the meeting to order and preside until the board shall be motion select an acting president for that meeting.
- (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, Newly Revised, unless otherwise provided by statute or by this article.
- (c) *Appeals from decisions.* Any member may appeal from a decision of the presiding officer. An appeal shall be sustained by a two-thirds vote of the members excluding the presiding officer.

**Sec. 2-37. Roll call; quorum.**

- (a) *Roll call; procedure when quorum not in attendance.* As soon as the board is called to order, the clerk-treasurer shall proceed to call the names of the members in alphabetical order, noting who is present and who is absent, and record the same in the proceedings of the board. If there is not a quorum present, the fact shall be entered on the journal and the board may adjourn; or the president or; in his absence, the clerk-treasurer may issue a process to any police officer commanding him forthwith to summon the absentees.
- (b) *Quorum.* A majority of the members, four, shall constitute a quorum. The president shall be counted in computing a quorum.

**Sec. 2-38. Order of business.**

The business of the board shall be conducted in the following order:

- (1) Call to order by president.
- (2) Roll call. If a quorum is not present, the meeting may thereupon adjourn, which may be to a specific date and hour pursuant to section 2-35(c), Municipal Code of the Village of Deerfield or the absentees may be summoned as provided by section 2-37(a), Municipal Code of the Village of Deerfield.

- (3) Public appearances.
- (4) Reading the minutes of the preceding meeting, and approving the same if correct or rectifying mistakes if any exist.
- (5) Reports of committees.
- (6) Unfinished business from the previous meeting.
- (7) New business, including the introduction of ordinances and resolutions.
- (8) Reports of village officers.
- (9) Communications.

**Sec. 2-39. Clerk-treasurer pro tem.**

In the absence of the clerk-treasurer, the president shall appoint a clerk pro tem.

**Sec. 2-40. Conduct of deliberations.**

The deliberations of the village board shall be conducted in the following manner:

- (1) When two or more members simultaneously seek recognition the presiding officer shall name the member who is to speak first.
- (2) Except as provided in section 2-38(3), Municipal Code of the Village of Deerfield, no person other than a member shall address the board, except by vote of a majority of the members present.
- (3) No motion shall be discussed or acted upon until it has been seconded unless the rules permit one trustee to initiate action. No motion shall be withdrawn without the consent of the person making the same and the person seconding it.
- (4) When a question is under discussion, no action shall be in order except the following motions, which shall have precedence in the order listed:
  - a. To adjourn;
  - b. To lay on the table;
  - c. To move the previous question;
  - d. To postpone to a certain day;
  - e. To refer to a committee;
  - f. To amend; or
  - g. To postpone indefinitely
- (5) Any member desiring to terminate debate may move the previous question, in which event the presiding officer shall announce the question as, "Shall the main question now be put?" If a majority of the members present vote in the affirmative, the main question shall be taken without further debate, its effect being to put an end to all debate and bring the board to a direct vote, first upon any pending amendments and then upon the main question.
- (6) Any trustee may demand an aye and nay vote on any matter, and such vote shall be entered in the proceedings. Every member shall vote when a question is put unless the board by a majority vote of those present excuses him for special cause. A majority vote of all members of the board in favor of any proposed ordinance, resolution or appointment shall be necessary for passage

or approval unless a larger number is required by statute. Except as otherwise provided by this article, a majority vote of those present shall prevail in other cases.

- (7) A motion to adjourn shall always be in order, and a motion to adjourn or to lay on the table and a call for the previous question shall be decided without debate.

**Sec. 2-41. Reconsideration of question.**

Any member voting with the majority may move for a reconsideration of the vote on any question at that meeting or at the next succeeding regular meeting. A motion to reconsider being put and lost shall not be renewed. A trustee may not change his vote on any question after the result has been announced.

**Sec. 2-42. Call of the board.**

A call of the board may be requested at any time by two or more members, and absent members shall be sent for; but a call shall not be made after voting has commenced. When a call of the board has been requested and ordered, the door shall be closed until the report of the police officer has been received and acted upon, or until further proceedings under the call are dispensed with by a majority of the entire board.

**Sec. 2-43. Disturbances and disorderly conduct.**

Whenever any disturbance or disorderly conduct occurs in any meeting of the board, the presiding officer may cause the room to be cleared of all persons guilty of such disorderly conduct except the trustees. If any trustee is guilty of disorderly conduct, the presiding officer may order the police to take him into custody for the time being or until the meeting adjourns. Such member may appeal from such order to the board as in other cases.

**Sec. 2-44. Action on appropriations and accounts.**

All demands or accounts shall be acted upon at the time of presentation unless one or more member demands a reference.

**Sec. 2-45. Standing committees.**

- (a) *Appointment.* The following committees shall be appointed by the village president, subject to the approval of a majority of the members of the village board, at the first regular meeting in May each year:
  - (1) Disaster Planning Committee; five members, with one being the police chief, one fire dept. representative, and one citizen representative.
  - (2) Community Development Trust Fund Committee.

- (3) Environmental Committee (includes recycling, landfill, garbage collection, hazardous materials); five members with two citizen representatives.
  - (4) Finance Committee; three members.
  - (5) Licensing Committee; three members.
  - (6) Park Committee; seven members with five being citizen members.
  - (7) Personnel Committee (includes computer); three members.
  - (8) Public Works Committee (includes streets, sidewalks, water, sewer, public facilities); three members.
  - (9) Police Discipline Committee; five members.
  - (10) Cable Commission; five members.
- (b) *Composition.* Each committee shall consist of at least three members. At least one member shall be a member of the Village Board, unless an exception is approved by a majority of the Village Board. The chair of the committees shall be designated by the village president. Each member shall serve as appointed unless excused by a majority of the members of the board.
- (c) *Committee meetings and reports.*
- a. All matters referred to committee shall be reported to the village board in writing at its next regular session, unless a longer time is granted by the board, and such report shall be entered in the proceeding.
  - b. Such report shall recommend a definite action by the board on each item, shall be signed, and shall be filed with the clerk prior to each meeting.
  - c. Minority reports may be submitted.
  - d. Notice of all committee meetings shall be given in the manner prescribed in Wis. Stats. 19.83.
  - e. A committee may meet in closed session only for those reasons enumerated in Wis. Stats. 19.85. The other requirements of 19.85 must also be met before a closed committee meeting may be convened.
  - f. Any committee may require any village officer to confer with it and supply information needed in connection with any matter pending before the committee.

**Sec. 2-46. Amendment of rules.**

The rules set out in this article 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 two-thirds of all the members of the board.

**Sec. 2-47. Suspension of rules.**

The rules set out in this article or any part thereof may be temporarily suspended in connection with any matter under consideration by a recorded vote of two-thirds of the members present.

Secs. 2-48 – 2-70. Reserved.

### ARTICLE III. OFFICERS AND EMPLOYEES

#### DIVISION 1. GENERALLY

##### Sec. 2-71. Appointed officials.

- (a) *Appointments.*
  - a. *How made.* All appointed officials shall be appointed by the Village president and subject to the approval of the Village Board, unless otherwise specifically provided by ordinance, resolution or contract approved by the Village Board.
  - b. *When made; length of appointment.* Unless otherwise specifically provided by ordinance, resolution or contract approved by the Village board, all appointments shall be made at the first regular meeting in April and all appointments shall run for a two year period commencing on May 1<sup>st</sup>.
  - c. *Removal from office.* Unless otherwise specifically provided by ordinance, resolution or contract approved by the Village board, all appointed officials shall be subject to removal under Wis. Stats. 17.13(1).
- (b) *Village Administrator- Clerk- Treasurer.* The offices of the Village Administrator, Village Clerk and Village Treasurer shall be consolidated into a single office. The Administrator-Clerk-Treasurer shall be appointed by the Village president, subject to confirmation by the Village board. Following his or her appointment, The Administrator-clerk-treasurer shall take office. If deemed appropriate by the Village board, the Administrator-clerk-treasurer shall serve in accordance with a written job description or contract approved by the Village board. If the Village board does not expressly approve a written job description or contract, the Administrator-clerk-treasurer's duties shall include those duties customarily associated with the positions and his or her service shall continue at the pleasure of the Village board for an indefinite term.
- (c) *Village Attorney.* The Village Attorney shall be appointed by the Village president, subject to confirmation by the Village board. Following his or her appointment, the Village attorney shall take office. If deemed appropriate by the Village board, the Village attorney shall serve in accordance with a written retainer agreement or contract approved by the Village board. If the Village board does not expressly approve a written retainer agreement or contract, the Village attorney's duties shall include those duties customarily associated with the position and his or her service shall continue at the pleasure of the Village board for an indefinite term.
- (d) *Village Engineer.* The Village Engineer shall be appointed by the Village president, subject to confirmation by the Village board. Following his or her

appointment, the Village Engineer shall take office. If deemed appropriate by the Village board, the Village engineer shall serve in accordance with a written retainer agreement or contract approved by the Village board. If the Village board does not expressly approve a written retainer agreement or contract, the Village engineer's duties shall include those duties customarily associated with the position and his or her service shall continue at the pleasure of the Village board for an indefinite term.

**Sec. 2-72. Oaths and bonds.**

Elected and appointed officials shall take and file the official oath within five days after notice of their election or appointment as provided in Wis. Stats. 61.21, and shall execute and file the official bond as required by statute and this Code.

**Sec. 2-73. Removal.**

- (a) *Elected officials.* Elected officials may be removed by the village board as provided in Wis. Stats. 17.13(2), or by the judge of the circuit court for cause pursuant to Wis. Stats. 17.13(3), or as provided by Wis. Stats. 17.16.
- (b) *Appointed officials.* Appointed officials may be removed as provided in Wis. Stats. 17.13(1), 17.13(3) and 17.16.

**Sec. 2-74. Vacancies.**

- (a) Vacancies in elective and appointive positions are caused as provided in Wis. Stats. 17.03 and 17.035.
- (b) Vacancies in elective and appointive offices shall be filled as provided in Wis. Stats. 17.24.

**Sec. 2-75. Salaries.**

The salaries of all elected and appointed officials, including members of boards and commissions, shall be as determined by the village board from time-to-time, provided the salary of the president and members of the board shall not be increased during their terms of office.

**State law reference-** Similar provisions, Wis. Stats. 66.0504.

**Sec. 2-76. Receipt of gifts and gratuities.**

- (a) *Restricted.* No village employee or official shall receive or offer to receive, either directly or indirectly, any gift, gratuity or other thing of value which he is not authorized to receive from any person who:
  - a. Has or is seeking to obtain contractual or other business or financial relationships with the village or village board;

- b. Conducts operations or activities which are regulated by the village or village board; or
  - c. Has interests which may be substantially affected by the village or village board.
- (b) *Penalty.* The receipt of any gift, gratuity or other thing of value as denoted above is contrary to the public policy of the village and is punishable as provided in Wis. Stats. 946.12. Such conduct shall also be punishable under section 1-5, Municipal Code of the Village of Deerfield.

**Secs. 2-77 – 2-100. Reserved.**

## DIVISION 2. CLERK-TREASURER

**Sec. 2-101. Appointment and term.**

The appointment and term of the clerk-treasurer shall be as provided in section 2-71, Municipal Code of the Village of Deerfield.

**Sec. 2-102. Duties.**

The clerk-treasurer shall perform those duties prescribed by Wis. Stats. 61.25 and 61.26, and by order of the village board.

**Sec. 2-103. Duplicate treasurer’s bond.**

- (a) *Eliminated.* The village elects not to give the bond on the village treasurer provided for by Wis. Stats. 70.67(1).
- (b) *Village liable for default of treasurer.* Pursuant to Wis. Stats. 70.67(2), the village shall pay, if the treasurer fails to do so, all state and county taxes required by law to be paid by such treasurer to the county treasurer.

**Sec. 2-104. Authority to determine number of election inspectors.**

The village gives authority to the clerk-treasurer to determine the number of election inspectors to adequately staff each election, and to reduce the number of election inspectors to an odd number of not less than three at any given election held in the village.

**Secs. 2-105 – 2-120. Reserved.**

## DIVISION 3. DIRECTOR OF PUBLIC WORKS

**Sec. 2-121. Appointment and term.**

The appointment and term of the director of public works shall be as provided in section 2-71, Municipal Code of the Village of Deerfield.

**Sec. 2-122. Powers and duties.**

The director of public works shall have the following duties and powers:

- (1) He shall have general charge and supervision of all public works in the village.
- (2) He shall be responsible for the maintenance, repair and construction of streets, alleys, curbs and gutters, sidewalks, bridges, street signs, storm sewers, culverts and drainage facilities, sanitary sewers, village buildings and structures and all machinery, equipment and property used in any activity under his control.
- (3) He shall have charge of all public services, including garbage and refuse collection and disposal, snow and ice removal, street cleaning and flushing, and mosquito and rodent control.
- (4) He shall perform such other activities and duties as are imposed upon him from time-to-time by the village board.
- (5) He shall have full power to employ and discharge all employees under his direction.

**Secs. 2-123 – 2-140. Reserved.**

DIVISION 4. BUILDING INSPECTOR

**Sec. 2-141. Appointment and term.**

The appointment and term of the building inspector shall be as provided in section 2-71, Municipal Code of the Village of Deerfield.

**Sec. 2-142. Duties.**

The duties of the building inspector shall be as provided in Chapters 6, 18 and 70.

**Secs. 2-143 – 2-160. Reserved.**

DIVISION 5. CHIEF OF POLICE

**Sec. 2-161. Appointment and term.**

The appointment and term of the chief of police shall be as provided in section 2-71, Municipal Code of the Village of Deerfield.

**Sec. 2-162. Powers and Duties.**

The chief of police shall have the powers and duties prescribed in chapter 26.

**Secs. 2-163 – 2-180. Reserved.**

DIVISION 6. ATTORNEY

**Secs. 2-181 – 2-200. Reserved.**

DIVISION 7. FIRE CHIEF

**Sec. 2-201. Appointment and term.**

The appointment and term of the fire chief shall be as provided in section 2-71, Municipal Code of the Village of Deerfield.

**Sec. 2-202. Duties.**

The fire chief shall have the duties prescribed in chapter 22.

**Secs. 2-203 – 2-220. Reserved.**

DIVISION 8. WEED COMMISSIONER

**Sec. 2-221. Appointment and term.**

The appointment and term of the weed commissioner shall be as provided in section 2-71, Municipal Code of the Village of Deerfield.

**Sec. 2-222. Duties.**

The duties of the weed commissioner shall be as provided in Wis. Stats. 66.0517.

**Secs. 2-223 – 2-250. Reserved.**

**ARTICLE IV. BOARDS, COMMISSIONS AND COMMITTEES**

DIVISION 1. GENERALLY

**Secs. 2-251 – 2-270. Reserved.**

## DIVISION 2. BOARD OF REVIEW

### **Sec. 2-271. Membership.**

The board of review shall be composed of eight members, including the village president, clerk-treasurer, and all members of the village board.

### **Sec. 2-272. Powers and duties.**

The board of review shall have the duties and powers prescribed by Wis. Stats. 70.47.

### **Secs. 2-273 – 2-290. Reserved.**

## DIVISION 3. BOARD OF ZONING APPEALS

### **Sec. 2-291. Appointment; rules of procedure.**

A board of zoning appeals shall be appointed as specified in Wis. Stats. 62.23. The board shall make and file in the office of the clerk-treasurer its own rules of procedure consistent with the statutes.

### **Sec. 2-292. Powers and duties.**

The board of zoning appeals shall have the powers and duties prescribed by Wis. Stats. 62.23.

### **Secs. 2-293 – 2-300. Reserved.**

## DIVISION 4. PLAN COMMISSION

### **Sec. 2-301. Composition.**

The village plan commission shall consist of the following seven members: the village president, two trustees and four citizens.

### **Sec. 2-302. Powers and duties.**

The plan commission shall have the powers and duties prescribed in Wis. Stats. 62.23.

### **Secs. 2-303 – 2-320. Reserved.**

## DIVISION 5. SPECIAL RULES TO STANDING COMMITTEES

**Sec. 2-321. Special rules applicable to the Community Development Trust Fund Committee.**

- (a) *Applicability.* All rules contained in 2-45 of the Village Code apply to the Community Development Trust Fund Committee except where inconsistent with the rules enumerated in this subsection.
- (b) *Appointment and term.* This Committee shall consist of seven members. Three Village Trustees and four community members, each of whom shall be nominated, approved, and appointed by a majority of the board, shall serve on the Committee.
  - a. Initially, two trustees and two community members shall be appointed for a one year term and one Trustee and two community members shall be appointed for a two year term. As each term expires, new members shall be appointed for two year terms. If any member resigns, the board shall nominate, approve, and appoint a new member to complete the resigning member's term. If a Trustee member is not re-elected to office during his or her term on the Committee, her or she shall resign from the Committee. Continuous terms for members shall be limited to two consecutive terms of two years each.
- (c) *Committee Meetings and Reports.*
  - a. The Committee shall be responsible for developing the application materials and the process whereby Community Development Trust Fund monies shall be distributed. The application form, application instructions, and information sheet shall clearly describe the purpose of the Community Development Trust Fund, the basis on which the Committee shall make its recommendations, the effect on which the Committee recommendations (i.e., the fact that the ultimate decision on distribution of the Fund's monies rests with the board), the deadlines that shall be observed by each applicant, and other information that the Committee believes is relevant. The Committee shall review the application materials on an annual basis. The application materials shall be submitted to the board for approval prior to distribution. The application materials shall be available in the Village Hall during regular business hours and shall be distributed by the Village Clerk. Questions regarding the application materials and the application process may be directed to the Village Clerk and/or Committee members.
  - b. All applications for Community Development Trust Fund monies shall be submitted to the Committee for review and consideration prior to consideration by the board.
  - c. The committee shall make written recommendations to the board regarding approval or rejection of each application. A summary of these recommendations shall be presented to the board by the chair of the Committee no less than 10 days before the board initially considers the recommendations.

- (d) *Administrative and Maintenance Costs Attribute to Committee and Trust Fund.* As much as one percent of the annual amount that is transferred to the Community Development Trust Fund may be used to pay administrative and maintenance costs attributable to the Committee or the Trust Fund. The Committee shall prepare a summary of said administrative and maintenance costs and shall submit the summary to the Village Board for its review and approval. Because Community Development Trust Fund monies shall be maintained in a separate expendable fiduciary fund, approved administrative costs shall be charged directly against the Community Development Trust Fund.

**Sec. 2-322. Special rules applicable to the Special Assessment Review Committee.**

Notwithstanding any provision to the contrary, the Special Assessment Review Committee shall be established in accordance with Ord. 5.01(6), as may be amended.

**Sec. 2-323. Special rules applicable to the Police Discipline Committee.**

- (a) *Applicability.* All rules contained in 2-45 of the Village Code apply to the Police Discipline Committee (PDC) except where inconsistent with the rules enumerated in this subsection.
- (b) *Purpose of Police Discipline Committee.* The PDC shall serve as a committee that meets the requirements set forth in Wis. Stats. 61.65(1)(am). The PDC shall review all matters that may result in the suspension, reduction, suspension and reduction, or removal of the police chief or other law enforcement officer that is not probationary. Such matters may be direct referred to the PDC by the Village President and/or may be referred to the PDC by other Village Committees.
- (c) *Appointment and term.* The PDC shall consist of five members, none of whom may be a Village Trustee, appointed Village official or Village employee.
  - a. To provide for continuity on the PDC, two committee members shall be appointed for two year terms, and three committee members will be appointed for two year terms on staggering years. As each term expires, new members shall be appointed for two year terms. If any member resigns or a vacancy is otherwise created, the Village President shall nominate and appoint a new member to complete the resigning member's term.
- (d) *Committee Meetings and Reports.*
  - a. *Election and duties of chairperson.* At its initial meeting, and annually thereafter as provided herein, the PDC shall elect a Chairperson. The Chairperson shall call and preside at all meetings of the PDC and shall see that all actions of the PDC are carried into effect.
  - b. *Annual Meeting.* There shall be an annual meeting of the PDC to be held on the first Monday of May, of each year, or if deemed necessary by the Chairperson of the PDC, as soon thereafter as practicable. The Chairperson shall call the meeting and specify the date, time and

location for the meeting. The Chairperson shall be elected, and other relevant general business transacted, at the annual meeting.

- c. *Special meetings.* A special meeting of the PDC may be held whenever called by the Chairperson, the Village President, or upon the written direction of at least two members of the PDC.
- d. *Notice of Meetings.* The person calling the meeting of the PDC shall advise the Village Clerk of the nature of the meeting, the agenda, and the time and location for the meeting. The Village Clerk shall provide notice of the meeting in accordance with Wisconsin's Open Meeting Laws and Village Ordinances.
- e. *General Rules and Procedures.* The PDC shall develop a review process that is both consistent with Wisconsin Statutes and designed to meet the needs of the particular matter referred to the PDC. General rules and procedures governing the review process may be set forth in writing. Any rules set forth in writing shall be referred to the Village Board for review and shall be effective when adopted by resolution of the Village Board.
- f. *Communications with Village Board.* The PDC shall keep the Village Board adequately and appropriately apprised of the status of any matters before the PDC.

**Secs. 2-324 – 2-340. Reserved.**

## **ARTICLE V. FINANCE**

**Sec. 2-341. Printing of rates on tax receipts.**

Pursuant to Wis. Stats. 74.08(1), in lieu of entering on each tax receipt the several amounts paid respectively for state, county, school, local and other taxes, the aggregate amount of such taxes shall be combined in a single column on the tax receipt issued by the clerk-treasurer. The clerk-treasurer shall cause to be printed or stamped on the tax receipt the separate proportion or rate of taxes levied for state, county, school, local or other purposes.

**Sec. 2-342. Fiscal year.**

The calendar year shall be the fiscal year.

**Sec. 2-343. Budget estimates; preparation and adoption of budget.**

- (a) *Departmental estimates.* Annually, at a time specified by the village president, each officer, department and committee shall file with the clerk-treasurer an itemized statement of disbursements made to carry out the powers and duties of such officer, department or committee during the preceding fiscal year; a detailed statement of the receipts and disbursements on account of any special fund under the supervision of such officer, department or committee during

such year and of the conditions and management of such fund; and detailed estimates of the same matters for the current and ensuing fiscal years. Such statements, which shall be designated as “departmental estimates,” shall be presented in the form prescribed by the clerk-treasurer, such form to be as nearly uniform as possible for the main division of all departments.

(b) *Preparation of proposed budget.*

- a. *Village president to prepare.* The village president shall annually prepare and submit to the board a proposed budget presenting a financial plan for conducting the affairs of the village for the ensuing fiscal year.
- b. *Information required.* The budget shall include the following information:
  - i. The expense of conducting each department and activity of the village for the ensuing fiscal year and corresponding items for the current year and last preceding fiscal year, with reasons for any increase and decrease recommended as compared with appropriations for the current year.
  - ii. An itemization of all anticipated income of the village from sources other than general property taxes and bonds issued, with a statement comparing the amounts received by the village from each of the same or similar sources from the last preceding and current fiscal year.
  - iii. An itemization of the amount of money to be raised from general property taxes which, with income from other sources, will be necessary to meet the proposed expenditures.
  - iv. All existing indebtedness of the village, including the amount of interest payable and principal to be redeemed on any outstanding general obligation bonds of the village and any estimated deficiency in the sinking fund of any such bonds during the ensuing fiscal year.
  - v. Such other information as may be required by the board and by law.
- c. *Copies required.* The village shall provide a reasonable number of copies of the budget thus prepared for distribution to citizens.

(c) *Hearing.* The board shall hold a public hearing on the budget as required by law.

(d) *Action by board.* Following the public hearing, the proposed budget may be changed or amended and shall take the same course in the board as ordinances.

**Sec. 2-344. Changes in budget.**

The amount of the tax to be levied or certified and the amounts of the various appropriations, and the purposes thereof, shall not be changed after approval of the budget except by a two-thirds vote of all the members of the village board. Notice of such

change shall be given by publication within 15 days thereafter in a newspaper in general circulation in the village.

**Sec. 2-345. Village funds to be spent in accordance with appropriations.**

No money shall be drawn from the treasury of the village, nor shall any obligation for the expenditure of money be incurred, except in pursuance of the annual appropriation in the adopted budget or when changed as authorized by section 2-344, Municipal Code of the Village of Deerfield. At the close of each fiscal year, any unencumbered balance of an appropriation shall revert to the general fund and shall be subject to reappropriation; but appropriations may be made by the board, to be paid out of the income of the current year, in furtherance of improvements or other objects or works which will not be completed within such year, and any such appropriation shall continue in force until the purpose for which it was made has been accomplished or abandoned.

**Sec. 2-346. Claims procedure.**

- (a) *Village board to audit accounts.* Except as provided in subsection (c) of this section, no account or demand against the village shall be paid until it has been audited by the village board and an order drawn on the clerk-treasurer therefore. Every such account shall be itemized. After auditing, the village board shall cause to be endorsed by the clerk-treasurer, over his hand on each account, the words “allowed” or “disallowed,” as the fact is, adding the amount allowed, if any, and specifying the items or parts of items disallowed, if disallowed in parts only. The minutes of the proceedings of the board shall show to whom and for what purpose every such account was allowed and the amount thereof. Every such account or demand allowed in whole or in part shall be filed by the clerk-treasurer; and those of each year shall be consecutively numbered and have endorsed thereon the number of the order on the clerk-treasurer issued in payment; and the clerk-treasurer shall take a receipt thereon for such order.
- (b) *Claims to be verified.* All accounts, demands or claims against the village shall be verified by the claimant or proper official.
- (c) *Payment of regular wages or salaries.* Regular wages or salaries of village officers and employees shall be paid by payroll, verified by the proper village official and filed with the clerk-treasurer in time for payment on the regular pay day.
- (d) *Method of incurring claims.* All actions of the village board appropriating money or creating a charge against the village, other than claims for purchases or work previously authorized by the board, shall only be acted upon at the next regular meeting after introduction, provided that this rule may be suspended by affirmative vote of three-fourths of all members of the board. A roll call vote shall be taken and recorded on all appropriations.

**Sec. 2-347. Letting of contracts.**

As a complete alternative to the requirements established by Wis. Stats. 61.54, Wis. Stats. 62.15 shall apply to village contracts. The authority vested in the board of public works by Wis. Stats. 62.15 shall be exercised by the village board, or as delegated by the village board.

**Sec. 2-348. Temporary investment of funds not immediately needed.**

The clerk-treasurer may invest any village funds not immediately needed, pursuant to Wis. Stats. 66.0603(2).

**Secs. 2-349 – 2-370. Reserved.**

**ARTICLE VI. PUBLIC RECORDS**

**Sec. 2-371. Fees for retrieval and duplication of records.**

The village board does hereby establish the following charges which the board finds to be necessary and reasonable, and in accordance with Wis. Stats. 19.35:

- (1) *Copying expense.* Copy expense shall be charged at the rate per copy per the fee schedule on file in the clerk-treasurer's office.
- (2) *Special assessments search.* For each special assessment search, including sewer and water charges, there shall be charge per the fee schedule in the clerk-treasurer's office for each such search.

**Sec. 2-372. Destruction of obsolete records.**

- (a) *Financial records.* Village officers may destroy the following nonutility records of which they are the legal custodians and which are considered obsolete, after completion of an audit by state auditors or an auditor licensed under Wis. Stats. Ch. 442, but not less than seven years after payment or receipt of any sum involved in the particular transaction unless a shorter period has been fixed or will in the future be fixed by the state public records board pursuant to Wis. Stats. 16.61(3)(e), and then after such shorter period:
  1. Bank statements, deposit books, slips and stubs.
  2. Bonds and coupons after maturity.
  3. Cancelled checks, duplicates and check stubs.
  4. License and permit applications, stubs and duplicates.
  5. Official bonds.
  6. Payrolls and other time and employment records of personnel included under the Wisconsin Retirement Plan.
  7. Receipt forms.
  8. Special assessment records.
  9. Vouchers, requisitions, purchase orders and all supporting documents pertaining thereto.

10. Vouchers and supporting documents pertaining to charges not included in plant accounts of municipal utilities and the sewer department.
  11. Other municipal utility and sewer department records, with the written approval of the state public service commission.
- (b) *Utility records.* Village officers may destroy the following records of any municipal utility, subject to the regulations by the state public service commission, and of the sewer department of the village, of which they are the legal custodians and which are considered obsolete, after completion of an audit by state auditors or by an auditor licensed under Wis. Stats. Ch. 442, but not less than two years after payment or receipt of the sum involved in the applicable transaction:
1. Water stubs.
  2. Sewer rental charge stubs.
  3. Receipts of current billings.
  4. Customers' ledgers.
- (c) *Other records.* Village officers may destroy the following records of which they are the legal custodians and which are considered obsolete, but not less than seven years after the record was effective:
1. Assessment rolls and related records, including board of review minutes.
  2. Contracts and papers relating thereto.
  3. Correspondence and communications.
  4. Financial reports other than annual financial reports.
  5. Insurance policies.
  6. Oaths of office.
  7. Reports of boards, commissions, committees and officials duplicated in the village board minutes.
  8. Resolutions and petitions.
  9. Voter cards.
  10. Justice dockets.
- (d) *Interpretation.* This article shall not be construed to authorize the destruction of any public record after a lesser period than that prescribed by statute or state administrative regulation.
- (e) *Notice required.* Prior to the destruction of any public record described above, at least 60 days' notice shall be given the Wisconsin Historical Society pursuant to Wis. Stats. 19.21(4)(a).

**Secs. 2-373 – 2-400. Reserved.**

## **ARTICLE VII. ADMINISTRATIVE REVIEW**

**Sec. 2-401. Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Municipal authority* includes the village board, commission, committee, agency, official, employee or agent of the village making a determination under section 2-402, Municipal Code of the Village of Deerfield, and every person, committee or agency of the village authorized to make an independent review under section 2-407(b), Municipal Code of the Village of Deerfield.

*Person aggrieved* includes any individual, partnership, corporation, association, public or private organization, and any official, department, board, commission or agency of the village, whose rights, duties or privileges are adversely affected by a determination of a municipal authority. No department, board, commission, agency, official or employee of the village who is aggrieved may initiate review under this article of a determination of any other department, board, commission, agency, official or employee of the village, but may respond or intervene in a review proceeding under this article initiated by another.

#### **Sec. 2-402. Right to administrative review.**

Any person aggrieved by an administrative determination of the village board or a board, commission, committee, agency, official or employee of the village or an agent acting on its behalf may have such determination reviewed as provided in this article. The remedies under this article shall not be exclusive, but an election to proceed hereunder shall be an election of remedies.

#### **Sec. 2-403. Determination subject to review:**

The following determinations are reviewable under this article:

- (1) The grant or denial in whole or in part, after application, of an initial permit, license, right, privilege or authority, except a fermented malt beverage or intoxicating liquor license.
- (2) The suspension, revocation or nonrenewal of an existing permit, license, right, privilege or authority, except as provided in section 2-404(4), Municipal Code of the Village of Deerfield.
- (3) The denial of a grant of money or other thing of value under a statute or ordinance prescribing conditions of eligibility for such grant.
- (4) The imposition of a penalty or sanction upon any person except a municipal employee or officer, other than by a court.
- (5) The suspension or removal of a village official or employee except as provided in section 2-404(2) and (7), Municipal Code of the Village of Deerfield.

#### **Sec. 2-404. Determinations not subject to review.**

The following determinations are not reviewable under this article:

- (1) A legislative enactment. A legislative enactment is an ordinance, resolution or adopted motion of the village board.
- (2) Any action subject to administrative or judicial review procedures under statute or other provisions of this Code.
- (3) The denial of a tort or contract claim for money required to be filed with the village under Wis. Stats. 62.25.
- (4) The grant, denial, suspension or revocation of a fermented malt beverage license under Wis. Stats. 125.12, or intoxicating liquor license under Wis. Stats. 125.12.
- (5) Judgments and orders of a court.
- (6) Determinations made during municipal labor negotiations.
- (7) Determinations subject to grievance, arbitration or other procedures provided in collective bargaining agreements.

**Sec. 2-405. Right to have determination put in writing.**

If a determination subject to this article is made orally or, if in writing, does not state the reasons therefore, the municipal authority making such determination shall, upon written request of any person aggrieved by such determination made within ten days of notice of such determination, reduce the determination and the reasons therefore to writing and mail or deliver such determination and reasons to the person making the request. The determination shall be dated and shall advise such person of his right to have such determination reviewed, shall advise that such review may be taken within 30 days and shall name the office or person to whom a request for review shall be addressed.

**Sec. 2-406. Request for review of determination.**

Any person aggrieved may have a written or oral determination reviewed by written request mailed or delivered to the municipal authority which made such determination within 30 days of notice to such person of such determination. The request for review shall state the grounds upon which the person aggrieved contends that the determination should be modified or reversed. A request for review shall be made to the official, employee, agent, agency, committee, board, commission or body who made the determination; but failure to make such request to the proper party shall not preclude the person aggrieved from review unless such failure has caused prejudice to the municipal authority.

**Sec. 2-407. Procedure for review of determination.**

- (a) *Initial determination.* If a request for review is made under section 2-406, Municipal Code of the Village of Deerfield, the determination to be reviewed shall be termed an initial determination.

- (b) *Person who shall make review.* A review under this section may be made by the official, employee, agent, agency, committee, board, commission or body who made the initial determination. However, an independent review of such determination by another person, committee or agency of the village, appointed by the village president, without confirmation, shall be provided if practicable.
- (c) *Time limit for making review.* The municipal authority shall review the initial determination within 15 days of receipt of a request for review. The time for review may be extended by agreement with the person aggrieved.
- (d) *Right to present evidence and argument.* The person aggrieved may file with the request for review or within the time agreed with the municipal authority written evidence and argument in support of his position with respect to the initial determination.
- (e) *Decision on review.* The municipal authority may affirm, reverse or modify the initial determination and shall mail or deliver to the person aggrieved a copy of the municipal authority's decision on review, which shall state the reasons for such decision. The decision shall advise the person aggrieved of his right to appeal the decision, shall advise that the appeal may be taken within 30 days and shall name the office or person with whom notice of appeal shall be filed.

**Sec. 2-408. Procedure for administrative appeal.**

- (a) *Appeal from initial determination or decision on review.*
  - a. If the person aggrieved had a hearing substantially in compliance with section 2-409, Municipal Code of the Village of Deerfield when the initial determination was made, he may elect to follow sections 2-405 through 2-407, Municipal Code of the Village of Deerfield but is not entitled to a further hearing under section 2-409, Municipal Code of the Village of Deerfield unless granted by the municipal authority. He may, however, seek judicial review under section 2-411, Municipal Code of the Village of Deerfield.
  - b. If the person aggrieved did not have a hearing substantially in compliance with section 2-409, Municipal Code of the Village of Deerfield when the initial determination was made, he shall follow sections 2-405 through 2-407, Municipal Code of the Village of Deerfield and may appeal under this section from the decision made under section 2-407, Municipal Code of the Village of Deerfield.
- (b) *Time within which appeal may be taken.* Appeal from a decision on review under section 2-407, Municipal Code of the Village of Deerfield may be taken within 30 days of notice of such decision.
- (c) *Notice of appeal.* An appeal under this section may be taken by filing with or mailing to the office or person designated in the municipal authority's decision on review written notice of appeal.

**Sec. 2-409. Hearing on administrative appeal.**

- (a) *Time of hearing.* The village shall provide the appellant a hearing on an appeal under section 2-408, Municipal Code of the Village of Deerfield within 15 days of receipt of the notice of appeal and shall serve the appellant with notice of such hearing by mail or personal service at least 10 days before such hearing. The office or person with whom a notice of appeal is filed shall immediately notify the village attorney, who shall forthwith advise the village president of such appeal.
- (b) *Conduct of hearing.* At the hearing, the appellant and the municipal authority may be represented by counsel and may present evidence and call and examine witnesses and cross-examine witnesses of the other party. Such witnesses shall be sworn by the person conducting the hearing. The village president shall appoint, without confirmation, an impartial decision-maker, who may be an official, committee, board or commission of the village or the village board who did not participate in making or reviewing the initial determination, who shall make the decision on administrative appeal and who may issue subpoenas. The hearing may, however, be conducted by an impartial person, committee, board or commission designated by the village president to conduct the hearing and report to the decision-maker.
- (c) *Record of hearing.* The person conducting the hearing or a person employed for the purpose of making a record of the hearing shall take notes of the testimony and shall mark and preserve all exhibits. The person conducting the hearing may, and upon request of the appellant shall, cause the proceedings to be taken by a stenographer or by a recording device, the expense thereof to be paid by the village.
- (d) *Hearing on initial determination.* Where substantial existing rights are affected by an initial determination, the municipal authority making such determination shall, when practicable, give any person directly affected an opportunity to be heard in accordance with this section before making such determination.

**Sec. 2-410. Final determination.**

- (a) Within 20 days of completion of the hearing conducted under section 2-409, Municipal Code of the Village of Deerfield and the filing of briefs, if any, the decision-maker shall mail or deliver to the appellant its written determination, stating the reasons therefore. Such determination shall be a final determination.
- (b) A determination following a hearing substantially meeting the requirements of section 2-409, Municipal Code of the Village of Deerfield, or a decision on review under section 2-407, Municipal Code of the Village of Deerfield following such hearing, shall be a final determination, judicial review of which may be obtained under section 2-411, Municipal Code of the Village of Deerfield.

**Sec. 2-411. Judicial review.**

- (a) Any party to a proceeding resulting in a final determination may seek review thereof by writ of certiorari within 30 days of receipt of the final determination.
- (b) The record of the proceedings shall be transcribed at the expense of the person seeking review. A transcript shall be supplied to anyone requesting the same at his expense. If the person seeking review establishes impecuniousness to the satisfaction of the reviewing court, the court may order the proceedings transcribed at the expense of the village; and the person seeking review shall be furnished a free copy of the transcript. By stipulation, the court may order a synopsis of the proceedings in lieu of a transcript. The court may otherwise limit the requirement for a transcript.

**Sec. 2-412. Legislative review.**

- (a) Seeking review pursuant to this article does not preclude a person aggrieved from seeking relief from the village board or any of its boards, commissions, committees or agencies which may have jurisdiction.
- (b) If, in the course of legislative review under this section, a determination is modified, such modification and any evidence adduced before the village board, board, commission, committee or agency shall be made part of the record on review under section 2-411, Municipal Code of the Village of Deerfield.
- (c) The village board, board, commission, committee or agency conducting a legislative review under this section need not conduct the type of hearing required under section 2-409, Municipal Code of the Village of Deerfield.