

TITLE 2

BOARDS, COMMISSIONS and COMMITTEES

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Sec. 2-4-1 BOARD OF REVIEW.

- (a) **Composition.** *(Rev. 5-11-04, Ord. 2004-03)*
- (1) **Members.** The Board of Review of the Village of Marshall shall be composed of the Village President, Clerk-Treasurer and three (3) Village Trustees. The Village Clerk-Treasurer shall serve as Clerk of the Board of Review. The Assessor shall attend all meetings of the Board of Review, but shall not vote.
 - (2) **Alternate members.** Pursuant to Wisconsin Statutes 70.47(6m)(c) and 70.46(1) the Village Board is authorized to provide for the appointment of alternate members to serve on the Board of Review in the event a standing board member of the board of review is removed or unable to serve for any reason. Village Trustees shall serve as alternate members
- (b) **Compensation.** The members of the Board of Review shall receive compensation as determined by resolution of the Village Board.
- (c) **Duties.** The duties and functions of the Board of Review shall be as prescribed in Sections 70.46 and 70.47, Wis. Stats.
- (d) **Meetings.** In accordance with Sec. 70.47(3)b, Wis. Stats., the Village Board do hereby exercise their right to designate hours for the annual Board of Review proceedings other than those set forth in Sec. 70.47(3)a, and shall designate the hours of the annual Board of Review by separate resolution. The Board may adjourn from day to day or from time to time, until such time as its business is completed, providing that adequate notice of each adjournment is so given.
- (e) **Objections to Valuations to be Written.** No person shall be permitted to appear and make objection before the Board of Review of the Village of Marshall to the amount of valuation of any property unless objection thereto shall first have been made in writing and filed with the Clerk of the Board of Review.
- (f) **Confidentiality of Assessor's Records.** *(rev. 3/14/00, Ord. 2000-02)* Whenever the Assessor, in the performance of the Assessor's duties, requests or obtains income and expense information pursuant to Sec. 70.47(7)(af), Wis. Stats, or any successor statute thereto, then such income and expense information that is provided to the Assessor shall be held by the Assessor on a confidential basis, except, however, that said information may be- revealed to and used by persons; in the discharging of duties imposed by law; in the discharge imposed by office (including, but not limited to, use by the Assessor in performance of official duties of the Assessor's office and use by the Board of Review in performance of its official duties); or pursuant to order of a court. Income and expense information provided to the Assessor under Sec. 70.47(7)(af), Wis: Stats., unless a, court

determines that it is inaccurate, is, per Sec. 70.47(7)(af), not subject to the right of inspection and copying under Sec. 19.35(1), Wis. Stats.

State Law Reference: Sections 70.46 and 70.47, Wis. Stats.

Sec. 2-4-2 ZONING BOARD OF APPEALS.

- (a) **Establishment.** (rev. 4/93' Ord. 1993-4) A Zoning Board of Appeals shall be appointed and governed by the State zoning enabling law as contained in Sec. 62.23, Wis. Stats., the Village Zoning Code and ordinances and this Section. The laws of the State or Village and local ordinances shall prevail in that order. The Zoning Board of Appeals shall consist of five (5) members and two (2) alternate members, appointed by the Village President subject to confirmation by the Village Board, for staggered terms of three (3) years. The members shall be removable by the Village Board for cause upon written charges and upon public hearing. The Village President shall designate one of the members chairman.
- (b) **Powers.** The Zoning Board of Appeals shall have the following powers:
- (1) To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by an administrative official in the enforcement of any Village Zoning Code or any ordinance adopted under Sections 62.23, 61.35 or 62.231 (wetlands), 87.30 or 144.26 (flood plains) or Chapter 91 (farmland preservation), Wis. Stats.
 - (2) To hear and decide special exceptions to the terms of the Village zoning and floodplain zoning regulations upon which the Board of Appeals is required to pass. (3) To authorize, upon appeal in specific cases, such variance from the terms of the Village zoning regulations as will not be contrary to the public interest, where owing to special conditions, a literal enforcement will result in practical difficulty or unnecessary hardship, so that the spirit of the Zoning Code shall be observed, public safety and welfare secured and substantial justice done; provided, however, that no such action shall have the effect of establishing in any district a use or uses not permitted in such district. The Zoning Board of Appeals shall not grant use variances in floodplain or wetland and conservancy districts. In all other districts, no use variance shall be granted unless the applicant has first petitioned for a zoning amendment or a conditional use permit, if applicable, and upon a showing that no lawful and feasible use of the subject property can be made in the absence of such variance.
 - (4) To permit the erection and use of a building or premises in any location subject to appropriate conditions and safeguards in harmony with the general purposes of the Zoning Code, for such purposes which are reasonably necessary for public convenience and welfare.
 - (5) The Zoning Board of Appeals may reverse or affirm wholly or in part or may modify any order, requirement, decision or determination as in its opinion ought to be made in the premises. The concurring vote of four (4) members of the Zoning Board of Appeals shall be necessary to reverse any order, requirement, decision or determination appealed from or to decide in favor of the applicant on any matter on which it is required to pass, or to effect any variation in the requirements of the Zoning Code. The grounds of every such determination shall be stated and recorded. No order of the Zoning Board of Appeals granting a variance shall be valid for a period longer than six (6) months from the date of such order unless the land use permit is obtained within such period and the erection or

alteration of a building is started or the use is commenced within such period.

(c) **Meeting and Rules.**

- (1) All meetings and hearings of the Zoning Board of Appeals shall be open to the public, except that the Board may go into executive session to deliberate after a hearing or an appeal. The final vote on an appeal shall be taken in open session by roll call vote, recorded and open for public inspection in the Board's office. Public notice of all regular and special meetings shall be given to the public and news media as required by the Wisconsin Open Meeting Law.
- (2) Special meetings may be called by the Chairman or by the Secretary at the request of two (2) members. Notice of a special meeting shall be mailed to each member at least forty-eight (48) hours prior to the time set for the meeting, or announcement of the meeting shall be made at any meeting at which all members are present.
- (3) Hearings may be held at any regular or special meeting at the time set by the Chairman.
- (4) A quorum for any meeting or hearing shall consist of four (4) members, but a lesser number may meet and adjourn to a specified time.
- (5) The Board shall keep minutes of its proceedings, showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact; and shall keep records of its examination and other official actions, all of which shall be immediately filed in the office of the Village Clerk-Treasurer and shall be public record. The Board shall adopt its own rules of procedure not in conflict with this Code of Ordinances or with the applicable Wisconsin Statutes.
- (6) No Board member shall participate in the decision of or vote upon any case in which the member is financially interested, directly or indirectly, but the Chairman shall direct an alternate member to act instead. Disqualification of a member for interest shall not decrease the number of votes required for acting upon any matter, but such member may be counted in determining whether a quorum is present for the transaction. of business.

- (d) **Offices.** The Village Board shall provide suitable offices for holding hearings and the presentation of records, documents, and accounts.

State Law Reference: Sec. 62.23(7)(e), Wis. Stats.

Sec. 2-4-3 PLAN COMMISSION.

- (a) **Composition.** (rev. 7/11' Ord. 2011-2) The Village Plan Commission shall consist of seven (7) members who shall be the following: The Village President, who shall be its presiding officer, one or two Village Trustees and at least (4) citizen members.
- (b) **Appointment.** (rev. 7/11' Ord. 2011-2)
 - (1) **Trustee Member.** Village Trustee member(s) shall be annually appointed by a two-thirds (2/3) vote at the organizational meeting of the Village Board.
 - (2) **Citizen Members.**
 - a. Citizen members shall be appointed by the Village President for staggered terms of three (3) years, subject to Village Board approval.

- b. All citizen members shall be persons of recognized experience and qualifications and shall hold office until their respective successors are selected and qualified. Whenever a vacancy shall occur in any citizen member, a 'successor shall be appointed for the unexpired term in the manner as set forth above.
- (c) **Record.** The Plan Commission shall keep a written record of its proceedings to include all actions taken, a copy of which shall be filed with the Village Clerk-Treasurer. Four members shall constitute a quorum. but all actions shall require the affirmative approval of a majority of all of the members of the Commission.
- (d) **Duties.**
 - (1) **The Master Plan.**
 - a. The Plan Commission shall make, adopt and, as necessary, amend, extend or add to the master plan, subject to Village Board confirmation, for the physical development of the Village including areas outside of its boundaries which, in the Plan Commission's judgment, bear relation to the development of the Village. The master plan, with the accompanying maps, plats and descriptive and explanatory matter, shall show the Commission's recommendations for such physical development, and may include, among other things without limitation because of enumeration, the general location; character and extent of streets, highways, freeways, street grades, roadways, walks, parking areas, public places and areas, parks, parkways, playgrounds, sites for public buildings and structures, and the general location and extent of sewers, water conduits and other public utilities whether privately or publicly owned, the acceptance, widening, narrowing, extension, relocation, removal, vacation, abandonment or change of use of any of _the foregoing public ways, grounds, places, spaces, buildings, properties, utilities, routes or terminals, the general location, character and extent of community centers and neighborhood units, and a comprehensive zoning plan. b. The Commission may adopt the master plan as a whole by a single resolution, or, as the work of making the whole master plan progresses, may from time to time by resolution adopt a part or parts thereof, any such part to correspond generally with one or more of the functional subdivisions of the subject matter of the plan. The adoption of the plan or any part, amendment or addition, shall be by resolution carried by the affirmative votes of not less than a majority of all the members of the Plan Commission, subject to confirmation by the Village Board. The resolution shall refer expressly to the maps, descriptive matter, and other matters intended by the Commission to form the whole or any part of the plan, and the action taken shall be recorded on the adopted plan or part thereof by the identifying signature of the secretary of the Commission, and a copy of the plan or part thereof shall be certified to the Village Board. The purpose and effect of the adoption and certifying of the master plan or part thereof shall be solely to aid the Plan Commission and the Village Board in the performance of their duties.
 - (2) **Matters Referred to Plan Commission.** The Village Board or officer of the Village having final authority thereon, shall refer to the Plan Commission, for its consideration and report before final action is taken by the Board, public body or officer, the following matters: the location of any statue or other memorial; the location, acceptance, extension, alteration, vacation,

abandonment, change of use, sale, acquisition of land for or lease of land for any street, alley or other public way, park, playground, airport, area for parking vehicles, or other memorial or public grounds; the location, extension, abandonment or authorization for any public utility whether publicly or privately owned; all plats of lands in the Village or within the territory over which the Village is given platting jurisdiction by Chapter 236, Wis. Stats.; the location, character and extent or acquisition, leasing or sale of lands for public or semi-public housing, slum clearance, relief of congestion, or vacation camps for children; and the amendment or repeal of any land use ordinance.

- (3) **Miscellaneous Powers.** The Commission may make reports and recommendations relating to the plan and development of the Village to public officials and agencies, civic, educational, professional and other, organizations and citizens. It may recommend to the Village Board, programs for public improvements and the financing thereof. All public officials shall, upon request, furnish to the Commission, within a reasonable time, such available information as it may require for its work. The Commission, its members and employees, in the performance of its functions, may enter upon any land, make examinations and surveys, and place and maintain necessary monuments and markers thereon. In general, the Commission shall have such powers as may be necessary to enable it to perform its functions and promote municipal planning in cooperation with the Village Board. The Commission shall oversee community development block grants. The Village Board may refer to the Commission for its consideration and recommendation any matter pertaining to planning and development of land within the Village and within one and one-half (1 1/2) miles of the limits of the Village. All plats or replats of any lands within the limits of the Village or any lands outside the Village and within one and one-half (1 1/2) miles of the limits of the Village shall be submitted to the Commission for its recommendation to the Village Board before the same are approved by the Village Board.
- (e) **Compensation Oath.** Compensation may be established by the Village Board for service on the Commission. Citizen members shall take the official oath required by Sec. 19.01, Wis. Stats., which shall be filed with the Village Clerk-Treasurer.
- (f) **Organization.** As soon as all members of the first Commission shall have been appointed, the Village Clerk-Treasurer shall give each member a written notice of the appointment and thereon shall fix the time and place of the first meeting which shall be not less than five (5) nor more than ten (10) days thereafter. Such Commission shall elect a vice-chairman and a secretary, and shall keep a written record of its proceedings to include all actions taken, a copy of which shall be filed with the Village Clerk-Treasurer.
- (g) **Employees; Budget.** The Plan Commission shall have the power to employ experts and such staff as may be necessary, and to pay for their services and such other expenses as may be necessary and proper, within the limits of the budget established by the Village Board, or placed at its disposal through gift, and subject to any ordinance or resolution enacted by the Village Board. As far as possible, the Commission shall utilize the services of existing Village officials and employees.
- (h) **Rules of Procedure; Report.** The Plan Commission is hereby authorized to adopt rules governing its own proceedings. The Commission shall make a monthly report in writing to the Village Board of its transactions and expenditures, if any, for the preceding month, with such general recommendations as to matters covered by its prescribed duties and authority as seem proper.

State Law Reference: Sections 61.35, 62.23, and Chapter 236, Wis. Stats.

Sec. 2-4-4 PARKS COMMITTEE. (Rev. 3-10-15, Ord. 2015-01)

- (a) **How Constituted.** The Parks Committee shall consist of nine (9) voting members, three (3) of whom shall be members of the Village Board and five (5) of whom shall be citizens and one (1) Marshall Fire Department member; all citizen voting members shall be residents of the Village and the Marshall Fire Department voting member shall be a member of the Marshall Fire Department.
- (b) **Appointment.** The Village President, with approval of the Village Board, shall appoint the Village Board members who serve on the Parks Committee and the voting citizen members of the committee. The Marshall Fire Department shall appoint the Marshall Fire Department member. The Village President shall appoint one member as chairperson. The voting citizen members shall be selected upon expertise and knowledge.
- (c) **Terms.** (rev. 4/93' Ord. 1993-7) All voting members shall be appointed for staggered terms of three (3) years, effective May 1, annually. The Fire Department member shall be appointed for one (1) year terms effective May 1, annually.
- (d) **Powers and Duties.** The members of the Parks Committee shall serve as an advisory body to the Village Board, making recommendations to said Board, and shall also be in charge of the day-to-day operation of parks within the Village of Marshall within policies and budgets adopted by the Village Board. It shall further be the duty of the Parks Committee to prepare a proposed annual budget for the parks, showing expenditures and revenues in a format directed by the Village Treasurer, for submission to the Village Board for its consideration by October 1 of each year. The Parks Committee is not a park board or commission as those terms are used in Chapter 27 of the Wisconsin Statutes and is not intended to have the powers or duties set forth in Section 27.08 of the Wisconsin Statutes.

Sec. 2-4-5 LIBRARY BOARD.

- (a) **Organization; Terms.**
 - (1) (rev. 4/15/97, Ord. 1997-05) There is hereby created, pursuant to Chapter 43 of the Wisconsin Statutes, a municipal Library Board for the Village consisting of seven (7) members. Membership shall consist of one (1) Village Trustee and six (6) citizens appointed by the Village President, subject to confirmation by the Village Board.
 - (2) Terms of such members shall be from May 1st in the year of their appointment and thereafter each regular appointment shall be for a term of three (3) years. Not more than one (1) member of the Village Board shall at any one time be a member of the Library Board. Citizen members shall be appointed by the Village President, subject to confirmation by the Village Board. The Trustee member shall be appointed annually by the Village President, subject to confirmation by the Village Board. The Village President shall appoint as one of the Library Board members the school district administrator, or his representative, to represent the public school district or districts in which the library is located.
 - (3) A majority of the membership of the Board shall constitute a quorum.
 - (4) As soon as practicable after the first appointments, at a date and place fixed by the appointing officer, and annually thereafter, within thirty (30) days

after the time designated in this Section for the beginning of terms, the members of the Library Board shall organize by election from among their number a President and such other offices that they deem necessary to prescribe and adopt rules and regulations for the operation of the library.

- (b) **Duties and Powers.** The Library Board shall have the duties and powers as prescribed by Chapter 43, and more particularly set forth in Sec. 43.58 of the Wisconsin Statutes.

State Law Reference: Sections 43.54 and 43.58, Wis. Stats.

Sec. 2-4-6 GENERAL PROVISIONS REGARDING MEETINGS AND PUBLIC NOTICE

- (a) **Regular Meetings; Public Notice.**
- (1) Every Board, Committee and Commission created by or existing under the ordinances of the Village shall:
 - a. Schedule a date, time and place for its meetings;
 - b. Post, or when necessary publish, notice in or notify the official Village newspaper in advance of each such regular meeting of the date, time, and place thereof, in compliance with state law, thereof; and/or
 - c. Post and/or publish an agenda of the matters to be taken up at such meeting.
 - (2) A separate public notice shall be given for each meeting at a time and date reasonably proximate to the time and date of the meeting, but not less than twenty-four (24) hours prior to the commencement of such meeting unless otherwise authorized by law.
 - (3) Such notice shall set forth the time, date, place and subject matter of the meeting, including that intended for consideration at any contemplated closed session which maybe authorized by law, and may be in the following form:

NOTICE OF MEETING

VILLAGE OF MARSHALL, WISCONSIN

(commission)

Please take notice that a meeting of the (commission) of the Village of Marshall will be held on (date), 20__, at (time) p.m., at the Municipal Building, in Room to consider the following:

1. (Agenda items set forth).
2. Such other matters as authorized by law.

Dated:

(Commission)

By

- (b) **Notice to Members.** Every member of any board, commission or committee of the Village of Marshall shall be notified by the secretary thereof that a meeting is to be held, and the time and place of such meeting and the subject to be considered thereat. No member shall be intentionally excluded from any meeting by a failure to give proper notice or a reasonable attempt to give proper notice to such member.
- (c) **Special Meetings.** Nothing in Subsection (a) shall preclude the calling of a special meeting or dispensing with the publication of notice or such posting of the agenda, for good cause, but such special meetings shall nonetheless comply in all respects with the provisions of Sections 19.81 and 19.89, Wis. Stats.
- (d) **Minutes to Be Kept.** Every board, commission and committee shall keep a record of the minutes of its proceedings and shall cause a signed copy thereof to be filed by its secretary with the Village Clerk-Treasurer within one (1) week of the meeting date.

Sec. 2-4-7 RESIDENCY REQUIRED FOR SERVICE ON BOARDS OR COMMISSION; ATTENDANCE STANDARDS.

- (a) **Residency.** Except for some seats on the Library Board and Parks Committee, no person not a resident of and not residing in the Village of Marshall shall be appointed in a voting capacity to any Village board, committee or commission. Any board or commission member who moves from the Village shall be removed from such board or commission, but may be appointed to serve in an ex officio capacity.
- (b) **Attendance Standard.** Members of board, committees and commissions are required to attend a minimum of two-thirds (2/3) of the meetings in each six (6) month period of their respective bodies, unless excused by the membership of their body. Failure to comply with this Subsection may result in the removal and replacement of the official found to be in noncompliance. .
- (c) **Appointments.** Appointments to boards, commissions and committees under this Chapter shall be subject to the appointment standards of Section 2-3-16(b).