

## CHAPTER I

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## CHAPTER I

### ORGANIZATION AND GOVERNMENT

**1.01 Elective Officers.** The elective officers shall be the Village President and six (6) trustees.

(A) The President shall be chosen at the annual spring election in odd-numbered years.

(B) The Trustees' term of office shall be two (2) years, three (3) of whom shall be elected each year.

**1.02 Election.**

(A) Candidates for elective Village offices shall be nominated by nomination papers, and elected by non-partisan primary where required, under the following rules and procedures in accordance with §8.05(4), Wis. Stats:

(1) Nomination of candidates for elective Village offices shall be accomplished by nomination papers and non-partisan primary for all elections conducted after January 1, 1980.

(2) Nomination papers shall be signed by not less than twenty (20) nor more than one (100) hundred electors of the Village. The papers shall be circulated not sooner than December 1 preceding the election and shall be filed with the Village Clerk not later than 5:00 p.m. the first Tuesday in January, or the next day if Tuesday is a holiday.

(3) Notice of election shall be given, pursuant to the requirements of §10.01(2)(a) and 10.06(3)(a), Wis. Stats.

(4) When the number of candidates for an office does not exceed twice the number to be elected, their names shall appear on the official ballot for the regular election without a primary.

(5) When the number of candidates for an elective office exceeds twice the number to be elected to the office, the Village will hold a non-partisan primary to determine which candidates shall appear on the official spring election ballot. Charter Ordinance.

(B) The annual election shall be held on the first Tuesday of April.

(C) Special elections may be held when ordered by a majority of the Village Board. The Clerk shall publish the notices required under §10.06(3)(f), Wis. Stats., beginning forty (40) days prior to the date of the special election.

(D) Within five (5) days after the election the Village Clerk shall notify the person so elected thereof in writing, and within five (5) days of such notice every person so elected shall take and file the official oath.

(E) All election procedures shall comply with the applicable provisions of Wisconsin Statutes.

### **1.03 Duties and Salary.**

(A) The duties of the Village officers shall be as enumerated in §61.24-61.32, except that no officers shall be required to file a bond unless specifically required to do so by §1.05(c)(12) of this Code.

(B) The Village President shall receive the sum of \$1,500.00 per year and each member of the Board of Trustees shall receive a salary of \$600.00 per year, and each shall receive \$10.00 additional for each regularly scheduled Board meeting attended, as compensation for services rendered as such officers. **(Ord. No. 480 adopted 12/5/17 increased \$100 per year)**

### **1.04 Appointed Officials.**

(A) Enumerated. The following shall be the appointed officials of West Salem:

- (1) Village Administrator
- (2) Deputy Village Clerk
- (3) Chief of Police
- (4) Members of Boards and Commissions
- (5) Assessor
- (6) Weed Commissioner

(B) Manner of Appointment. Unless otherwise provided, the enumerated officials shall be appointed by the Village President, subject to confirmation by the Village Board.

(C) Term of Office. Unless otherwise provided by statute or ordinance, appointed and employed officials shall serve indefinite terms, at pleasure of board, beginning upon Board confirmation.

#### **1.05 Village Administrator.**

(A) Creation and Purpose. In order that the various officers, officials, and employees and departments executing policy and administering the affairs of the Village of West Salem, Wisconsin, operate as efficiently as possible under a system of part-time President and part-time Trustees, and to better insure competent, expeditious, efficient and harmonious administration and action in respect to any activity common to any one or more of the Village's officers, officials and departments, and in order that there may be a uniform administration of policy, there is hereby created the office of Village Administrator for the Village of West Salem, Wisconsin.

(B) Office of Village Clerk, Village Treasurer and Village Administrator Combined. The offices of Village Clerk, Village Treasurer and Village Administrator shall be held by the same person. The Village Administrator shall be appointed and shall hold office for an indefinite term, subject to removal by the Village Board.

(C) Power and Duties of Village Administrator. In addition to the regular duties of the Village Clerk and Village Treasurer, the Village Administrator shall have the following duties:

(1) To attend all official meetings of the Board and its committees unless excused by the Board or the committee, and collaborate with the board on important matters pertaining to Village administration, business and affairs; and to make recommendations from time to time for improving the quality and efficiency of the services performed by the Village;

(2) Unless otherwise prearranged or at the option of the Village President and Committee Chairman, prepare the agenda and order of business for all board and committee meetings. Nothing herein shall be so construed as to give the Village Administrator authority to limit or in any way prevent matters from being considered by the Board or its committees;

(3) To establish such methods of handling details of administration as will, in his or her opinion, best promote efficiency in municipal government;

(4) To administer the operation and maintenance of all Village-owned property, lands, buildings, improvements and equipment, and all public ways, ditches and drains and storm sewers.

(5) To administer the construction and maintenance of all public ways, public works, and improvements undertaken either directly or indirectly by the Village;

(6) To prepare annually and submit to the Board a financial budget of anticipated income and expenditures for the ensuing fiscal year, and supervise and control the expenditures of money and the administration of such budget as adopted.

(7) Act as purchasing agent directing the purchase of materials, supplies, equipment, and services of every kind and character for any and all departments and subdivisions of the Village.

(8) Act as personnel officer for the Village, recommend salary and wage scales and working conditions for those officers, officials or employees not covered by collective bargaining agreements and maintain a current personnel file for all the departments except for the Police Department.

(9) Inquire into and settle pursuant to existing Village policy or otherwise report to the Village Board, any dispute concerning the activities of any Department or office in connection with interdepartmental relations or with persons having business with the Village.

(10) Such other administrative duties and powers not inconsistent with ordinances may be prescribed by the Board from time to time.

(11) To see that all Village ordinances are efficiently enforced.

(12) May appoint a Deputy Clerk and/or Deputy Treasurer upon approval of the Board, who shall act under the Administrator's direction and for whom he or she is responsible. Such person shall take and file the oath of office and bond and shall perform the Clerk and/or Treasurer duties in the event the Clerk is absent, disabled or ill.

(D) Duplicate Treasurer's Bond Eliminated. The Village Board elects not to give the duplicate bond on the Village Administrator acting as Village Treasurer as provided by Sec. 70.67(1), Wis. Stats. Pursuant to Sec. 70.67(2), Wis. Stats., the Village shall be obligated to pay, in case the Village Administrator shall fail to do so, all state and county taxes required by law to be paid by such Village Administrator to the La Crosse County Treasurer. **(created by Ord. 477 on 1/3/2017)**

**1.06 Village Board.** The Trustees and the President shall constitute a board designated the Village Board of West Salem, hereinafter referred to as the "Board". Four (4) trustees shall constitute a quorum, but a less number may adjourn from time to time. The President shall preside at all meetings when present. In the Village President's absence, the Board may select another Trustee to preside.

**1.07 Meetings.** The regular meeting dates of the Board shall be the first and third Tuesdays of every month. Special meetings may be called by any two Trustees by filing a written request therefor with the Village Clerk, who shall notify the President and all Trustees of such special meeting and its purpose in writing. All meetings shall be open to the public. The Board shall keep a record of all its proceedings and publish the same in a newspaper published or having general circulation in the Village.

**1.08 Powers.**

(A) Order. The Board shall have power to preserve order at its meetings, compel attendance of Trustees and punish nonattendance and it shall be the judge of the election and qualification of its members.

(B) Powers. The Board shall retain all the powers of the Village not specifically delegated to some other officer. Except as otherwise provided by law, the Board shall have the management and control of the Village property, finances, highways, streets, and the public service and shall have power to act for the government and good order of the Village, for its commercial benefit and for the health, safety, welfare and convenience of the public. The Board may implement its powers by license, regulation, borrowing, taxation, special assessment, appropriation, fine, imprisonment and other necessary or

convenient means. The powers hereby confirmed shall be in addition to all other grants and shall be limited only by express language.

(C) Substitute Officers. If any officer is absent or temporarily incapacitated from any cause, the Board may appoint some person to discharge the officer's duties until the officer returns or until the disability is removed.

#### **1.09 Standing Rules of the Board.**

(A) The Board shall adhere to the following procedural rules and order of business, unless they shall be temporarily suspended by unanimous consent or agreed upon past practice.

(B) At the appointed hour, the Clerk shall call the roll of Trustees in alphabetical order, marking all absentees, and shall announce if a quorum is present. If a quorum is present, the President, or, in the Village President's absence, a chairperson chosen by the Board, shall call the Board to order and the Board shall proceed to business. If a quorum is not present, the Board shall adjourn.

(C) All ordinances shall, after introduction, lay over to the next Board meeting before being acted upon.

(D) All petitions, remonstrances, or accounts shall be read at length when presented by the members presenting same, by the presiding officer or by the Clerk, unless otherwise voted.

(E) All resolutions and amendments to any document shall be put in writing before being acted upon.

(F) Before speaking, every member shall rise and address the chair, and once recognized, shall not be interrupted except by a call to order.

(G) When a member is called to order, the member shall take his or her seat, and not proceed, except in explanation, without leave of the Board.

(H) No member shall speak upon any question more than twice without permission of the Board.

(I) The Clerk shall call the ayes and nays for each vote.

(J) Any member voting in the majority may move for reconsideration at the same or next meeting, and if a majority are in favor, the issue shall be reconsidered.

(K) The Village Administrator shall establish the order of the meeting agenda.

(L) Board deliberations shall generally comply with the manual of parliamentary procedure commonly known as "Roberts Rules of Order". The Board shall make such further suitable regulations for the conduct of its business as it shall deem necessary.

(M) Code of Ethics.

(1) Definitions.

(a) Public Officer. Those persons serving in statutory elected or appointed offices provided for in Chapter 62 of the Wisconsin Statutes, and all members appointed to Boards, Committees, and Commissions established or appointed by the Village President, Chairperson, and/or Village Board, whether paid or unpaid.

(b) Public Employee. Any person excluded from the definition of public officer who is employed by the Village.

(c) Confidential Information is, at the time of a proposed disclosure, information where the Village's interests in its confidentiality or in the Village's effective functioning outweigh an interest in free speech to disclose same. Confidential information includes, but is not limited to, information where the disclosure is prohibited by common law, or state or federal law or statute unless the release of same is ordered pursuant to a lawful order of a court or the informed consent of the subject, as applicable; and, information that is subject to the exemptions of a governmental body to meet in open session under Wisconsin Statute Section 19.85 unless release is authorized by the legal custodian or other proper legal authorization is given. For purposes of this Section, information shall include knowledge imparted orally, recordings, and written documents or records.

(2) Declaration of Policy. It is declared that high



ethical standards among Village officers and employees are essential to the conduct of good representative government and that a Code of Ethics for the guidance of public officers and employees will help them avoid conflicts with improved standards of public service and will promote and strengthen the confidence of the residents of the Village in their public officers and employees. The purpose of this Section is to establish guidelines for ethical standards of conduct for all such Village officers and employees by setting forth those acts or actions that are incompatible with the public interest and which compromise, or appear to compromise, public trust in the fairness, independence and integrity of Village officers and employees and their official actions.

(3) Statutory Standards of Conduct. The provisions of the following Sections of the Wisconsin Statutes, as from time to time amended, are made a part of this Chapter and shall apply to all public officers and public employees whenever applicable, to-wit:

(a) Section 946.10. Bribery of Public Officers and Employees

(b) Section 946.11. Special Privileges from Public Utilities.

(c) Section 946.12. Misconduct in Public Office.

(d) Section 946.13. Private Interest in Public Contract Prohibited.

(e) Section 19.01 - Oaths and Bonds.

(f) Section 19.21 - Custody and Delivery of Official Property and Records.

(g) Sections 19.81 - 19.89. Open Meetings of Governmental Bodies.

(h) Section 19.59 - Code of Ethics for Local Government Officials, Employees, and Candidates.

Public officers and employees shall comply with the Sections of the Wisconsin Statutes incorporated in this Code and failure to do so constitutes a breach of this Code of Ethics.

(4) Use of Public Property. No public officer or employee shall use or permit the use of Village vehicles, equipment, materials, or property for

personal convenience or profit, except when such services are available to the public generally or are provided as Village policy for the use of such officer or employee in the conduct of official business, as authorized by the Village Board or authorized Board, Commission, or Committee.

(5) Obligations to Citizens. A public officer or employee shall not grant or receive any special consideration, treatment, or advantage beyond that which is available to every other citizen.

(6) Conflicts of Interest; Disclosure of Interest. Except as provided herein, no public officer or public employee shall engage in any business transaction with the Village, or have a financial or other personal interest, direct or indirect, which is incompatible with the proper discharge of his or her official duties or will tend to impair his or her independence or judgment or action in the performance of his or her official duties. Any public officer or employee who has a substantial financial interest, including employment, in any business entity entering into, proposing to enter into, or bidding on any transaction with the Village, or as part of his or her official duties will be making an official decision or recommendation significantly affecting a business competitor, client, or regular customer, shall disclose such interest to the membership of the Village Board (or Committee, Board, or Commission thereof, as appropriate) to be recorded in the minutes of that body. Upon such disclosure, it is advised that the public officer or employee abstain from voting on the matter and from participating in the discussion of the matter.

(7) Representing Private Interests Before the Common Council or Village Agencies. No public officer or employee, including persons or firms engaged to provide professional services to the Village, shall represent, for compensation, private interests before the Village Board or any Village Board, Commission, or Committee without disclosure of the private business relationship and explicit consent of the Village Board.

(8) Disclosure of Confidential Information. No official or employee may use or disclose confidential information concerning the property, government, or affairs of the Village gained in the course of or by reason of his or her official position or activities, nor shall such official or employee use such information to advance the financial or other private interest of such official or employee or others.

(9) Receipt of Gifts, Gratuities, and Preferential Treatment. No public officer or employee shall accept anything of value whether in the form of a gift, service, loan, or promise from any person, who, to his or her knowledge, has a direct financial interest in any transaction or official business with the Village, which may tend to impair his or her independence of judgment or action in the performance of his or her official duties. However, it is not a conflict of interest for any public officer or employee to receive a gift or gratuity that is an unsolicited item of nominal intrinsic value, such gift or meal up to Twenty-five (\$25.00) Dollars in value.

(10) A determination that an elected public official's actions constitutes improper conduct under the provisions of this Section may constitute a cause for sanctioning, censuring, or removing the official, or other disciplinary action by the Board, as permitted by laws. Removals may be made only by an affirmative vote of three-fourths (3/4) of all the members of the Village Board. Sanctions and censures may be made only by an affirmative vote of two-thirds (2/3) of the members of the Village Board present. A determination that an public employee's actions constitutes improper conduct under the provisions of this Section may constitute a cause for disciplining or discharging the employee, or other disciplinary action by the Village Board as permitted by law. A determination that an appointed member of a Board, Committee, or Commission's actions constitutes improper conduct under the provisions of this Section may constitute a cause for the Village President or other appointing authority to consider removing the member from the Board, Committee, or Commission.

(11) As an alternative or in addition to the sanctions imposed herein, any person violating the provisions of this Section shall be subject to a municipal forfeiture of not less than One Hundred (\$100.00) Dollars nor more than One Thousand (\$1,000.00) Dollars for each violation, which forfeiture may be amended from time to time by Village Board action.

**1.10 Committees.** The Board shall conduct its business through the following committees, each of which shall consist of three (3) Trustees appointed by the President and confirmed by the Board:

Finance and Personnel  
Streets  
Buildings and Grounds  
Utilities (formerly Sewer and Water)  
Law Enforcement  
Library

**1.11 Economic Development Advisory Committee.**

(A) Appointment. The West Salem Economic Development Advisory Committee shall consist of five (5) members, including two (2) Village Trustees and three (3) citizens. All members shall be appointed by the President subject to confirmation by the Board upon creation of the Board and during the month of April thereafter. The term of office for Trustee members shall be one (1) year, two (2) citizen members shall be named for 2-year terms and a third citizen member shall be named for a 3-year term. No compensation shall be paid members serving on the Economic Development Advisory Committee.

(B) Organization. Following appointment of the Economic Development Advisory Committee, the Committee members shall select a chairperson and any other officers as it may deem necessary. The Economic Development Advisory Committee shall have the duty to report all recommendations and anticipated actions to be taken by the Committee to the Village Board for approval. The Economic Development Advisory Committee members shall meet at least twice per year and report its actions to the Village Board at the next subsequent meeting of the Village Board.

(C) Powers and Duties. The Economic Development Advisory

Committee shall have the power to investigate and review all sources of State and Federal assistance and funding. It shall be the duty of the Committee to report the results of their investigations to the Village Board. If recommended by the Village Board, the Economic Development Advisory Committee may be given the authority to apply on behalf of the Village of West Salem for sources of State and Federal funding for economic development. If recommended by the Village Board, the Economic Development Advisory Committee may be given the authority to act on behalf of the Village of West Salem in implementation of State or Federal funding for economic development projects granted to the Village of West Salem.

#### **1.12 Recreation Committee.**

(A) Appointment. The West Salem Recreation Committee shall consist of five members including two Village Trustees and three citizen members. All members shall be appointed by the President subject to confirmation by the Board upon creation of the Board and during the month of April thereafter. The term of office for Trustee members shall coincide with their official terms as Village Trustee. Of the citizen members, one shall serve for a 1-year term, one shall serve for a 2-year term, and one for a 3-year term. Thereafter, citizen members shall be appointed for 3-year terms. No compensation shall be paid members serving on the Recreation Committee. Citizen members shall take the official oath of office which shall be filed with the Clerk.

(B) Organization. Following appointment of the Recreation Committee, the Committee members shall select a chairman, secretary and any other officers as they deem necessary.

(C) Powers and Duties.

(1) The Recreation Committee shall have the power to govern, manage, control, improve and care for all Village parks and park equipment within the Village's corporate limits and to secure the quiet, orderly and suitable use and enjoyment thereof by the people; also to adopt rules and regulations to promote these purposes. The Committee shall have the power to appoint sub-committees to carry out the purposes of this Section.

(2) Subject to the approval of the Board, the Recreation Committee may disburse for park improvement monies

allocated by the Board from the general fund. The Committee shall maintain a record of all monies received and disbursed and render a quarterly accounting thereof to the Village Board.

(3) The Committee may sponsor and conduct public concerts, athletic events, and exhibitions to promote agriculture, at which a fee for admission may be charged to defray expenses, including the cost of trophies and such other expenses which the Committee deems necessary and proper.

(4) Subject to the approval of the Board, the Committee may lease park grounds or any part thereof and may collect rent therefrom.

(5) The Committee may acquire in the name of the Village gifts and bequests for park purposes and to hold and disburse the same for park improvements as it deems appropriate.

### **1.13 Planning Commission.**

#### **(A) Commission.**

(1) The Village Board may, by Ordinance, create a "Village Planning Commission" to consist of seven (7) members. All members of the Commission shall be appointed by the Village President, who shall also choose the presiding officer. The Village President may appoint himself or herself to the Commission and may appoint other Village-elected or appointed officials, except that the Commission shall always have at least three (3) citizen members who are not Village officials. Citizen members shall be persons of recognized experience and qualifications. The Board may, by ordinance, provide that the membership of the Commission shall be as provided hereunder.

(2) The members of the Commission shall be appointed to hold office for a period of three (3) years. Appointments shall be made by the Village President during the month of April for terms that expire in April or at any other time if a vacancy occurs during the middle of a term.

(3) The Village Planning Commission shall have power

and authority to employ experts and a staff and to pay for their services and such other expenses as may be necessary and proper not exceeding, in all, the appropriation that may be made for such Commission by the legislative body, or placed at its disposal through gift, and subject to any ordinance or resolution enacted by the governing body.

(4) The Village may by ordinance increase the number of members of the Village Planning Commission so as to provide that the building inspector shall serve as a member thereof.

(B) Functions. It shall be a function and duty of the Planning Commission to create and adopt a Comprehensive Plan to provide background and direction for a variety of land use decisions, including areas outside Village boundaries, which, in the Commission's judgment, bear relation to the development of the Village. The Comprehensive Plan shall be used by the Planning Commission to make decisions about growth and development over the Comprehensive Plan's effective period. Periodic updates shall be made by the Planning Commission to ensure the Comprehensive Plan remains current over time. The Planning Commission may adopt rules for the transaction of all business and shall keep a record of its resolutions, transactions, findings, and determinations, which record shall be public record. The Commission shall have all powers and duties prescribed in Wisconsin Statutes 62.23.

#### **1.14 Water and Sewer Utility.**

Pursuant to §66.0819, Wis. Stats., the Village's waterworks system and sanitary sewer system shall be combined and operated as a single public utility. The utility shall be subject to the provisions of §66.0819, Wis. Stats.

Unless further modified by the Board, the Village Administrator shall also be the Manager of Public Works. The Manager of Public Works or his or her duly authorized representatives shall supervise the operation of the combined water and sewer utility. The Manager of Public Works shall have the powers and duties as provided in Chapters 8 and 9 of this Code. The Village Board shall determine the Manager's compensation.

**1.15 Board of Zoning Appeals.**

See Chapter III: Zoning, for the establishment, membership, organization, and powers of the Board of Zoning Appeals.

**1.16 Board of Review.** The Board of Review shall consist of the Village President, the Administrator and the County Supervisor(s). The members of the Board shall receive just compensation to be determined annually during budget preparation by the Board Finance and Personnel Committee, for the days on which the Board of Review is in session.

**1.17 Commission on Equal Opportunities in Housing.**

(A) Membership. The Commission on Equal Opportunities in Housing shall consist of five members appointed by the Village President subject to confirmation by the Board, to serve 5-year terms.

(B) Powers and Duties. See Chapter 2.03(E) of this Code.

**1.18 Bicycle and Pedestrian Ad Hoc Committee.**

(A) Appointment. The Bicycle and Pedestrian Ad Hoc Committee shall consist of citizen members and shall include two (2) Village Trustees. All members shall be appointed by the President subject to confirmation by the Board upon creation of the Board and during the month of April thereafter. The term of office for Trustee members shall be one (1), and the term of office for citizen members shall be two (2) years. No compensation shall be paid to members serving on the Bicycle and Pedestrian Ad Hoc Committee. Public interest in ad hoc committee service may result in the fluctuation in the number of committee members; therefore, four (4) committee members shall constitute a quorum.

(B) Organization. Following appointment of the Bicycle and Pedestrian Ad Hoc Committee, the Committee members shall select a chair and any other officers as the Committee may deem necessary. The Bicycle and Pedestrian Ad Hoc Committee shall have the duty to meet jointly with the Street Committee or report all recommendations and anticipated actions to be taken



by the Committee to the Street Committee, in either case as directed by the Village Board.

(C) Powers and Duties.

(1) The Bicycle and Pedestrian Ad Hoc Committee shall have the power to investigate and provide the Street Committee and Village Board with recommendations regarding designated bicycle and pedestrian access and connections to existing trails, bike pathways, bike routes, and bike shared roadways with consideration of current and new development within and around the Village of West Salem.

(2) The Committee shall have the power to investigate and review all sources of State and Federal funding. It shall be the duty of the Committee to report the results of its investigations and reviews to the Street Committee for recommendation to the Village Board.

(3) If recommended by the Street Committee and approved by the Village Board, the Bicycle and Pedestrian Ad Hoc Committee may be given the authority to apply on behalf of the Village of West Salem for sources of State and Federal funding for development of and/or for the benefit and enhancement of designated bicycle and pedestrian access and connections to existing or developing trails, bike pathways, bike routes, and bike shared roadways.

(4) If recommended by the Street Committee and approved by the Village Board, the Bicycle and Pedestrian Ad Hoc Committee may be given the authority to act on behalf of the Village of West Salem in implementation of State or Federal funding for bicycle and pedestrian projects granted to the Village of West Salem.

(5) The Bicycle and Pedestrian Ad Hoc Committee consisting of at least five (5) appointed members shall meet at least twice per year and report its actions to the Street Committee for recommendation to the Village Board at the next subsequent meeting of the Village Board.

**1.19 West Salem Area Room Tax Commission.**

(A) Appointment. The West Salem Area Room Tax Commission (hereinafter referred to as "Commission") is hereby created and

shall consist of five (5) members who shall be selected as follows:

(1) One (1) member of the Village Board of Trustees shall be appointed by the Village President and confirmed by the Village Board;

(2) Three (3) members who are residents of the Village of West Salem and/or who are owners or managers of businesses located in the Village of West Salem and who are not members of the Village Board shall be appointed by the Village President, subject to confirmation by the Village Board; and

(3) One (1) owner or operator of a lodging facility that collects the room tax described in Section 11.13 of the Code of Ordinances and that is located in the Village of West Salem for which the room tax is collected.

(B) Organization. All members of the Commission shall serve for a one (1) year term from the date of appointment. Any vacancies occurring on the Commission shall be filled by the appointment of the Village President, subject to confirmation of the Village Board. Any person so appointed shall serve the balance of the term of the person causing the vacancy. The Commission shall choose a Chairperson, a Vice Chairperson, and such other officers as it deems appropriate.

(C) Meetings. Meetings may be held under call of the Chairperson of the Commission or if requested by three (3) members of the Commission and filed with the Village Administrator, in which event, the Village Administrator shall notify all members of the scheduled meeting. At least twenty-four (24) hours' notice shall be allowed under this procedure. The Village Administrator shall give written notice of each meeting to the Village President and to all members of the Commission. Three (3) members shall constitute a quorum. The Commission shall meet at least two (2) times per year and report its actions to the Village Board at the next subsequent meeting of the Village Board. Such regular meetings shall be open to the public.

(D) Powers. The Commission shall require for all organizations, whether private or governmental, who receive funds hereunder, an annual accounting of the application of all room tax funds designated as set forth in Wis. Stat. Sec. 66.0615 and Village Code of Ordinances Section 11.13 Hotel and Motel Room Tax. The Commission shall designate the use of all room tax funds of the Village of West Salem. The Commission may contract with another organization to perform the functions of a tourism entity.

(E) Statutory Authority. The Commission shall be the entity in which room tax is allocated for the Village of West Salem pursuant to Wis. Stat. Sec. 66.0615 and Village Code of Ordinances Section 11.13 Hotel and Motel Room Tax. (Ord. 469 created 12/1/15)

#### **1.20 Bid and Contract Procedure.**

Pursuant to §61.56, Wis. Stats., the Board does hereby provide that the provisions of §62.15 shall be a complete alternative to the requirements established by §61.54 and §61.55 applicable to Village contracts. The authority vested in the Board of Public Works under §62.15 shall be exercised by the Village Board.

Pursuant to §62.15(5) the power to reject any and all bids shall exist unless expressly waived. The department board, commission or committee may reject any and all bids, if, in their opinion, any combination has been entered into to prevent free competition. The Village Board may, if it be of the opinion that any of the bids are fraudulent, collusive, excessive or against the best interests of the Village, by resolution adopted by two-thirds of its members, reject any or all of the bids received and order the work done by the Village directly under the supervision of the department board, commission or committee and §61.54(2) and (3) shall apply to the performance of such work.

Pursuant to §62.15(6) whenever any bidder shall be, in the judgment of said board, incompetent or otherwise unreliable for the performance of the work on which the bidder bids, the department board, commission or committee shall report to the Village Board a schedule of all the bids for such work, together with a recommendation to accept the bid of the lowest responsible bidder, with their reasons; and thereupon the Village Board may direct said department board, commission or committee either to let the work to such competent and reliable bidder or to readvertise the same; and the failure to let such contract to the lowest bidder in compliance with this provision shall not invalidate such contract or any special assessment made to pay the liability incurred thereunder.

#### **1.21 Special Assessments Payments.**

(A) Special assessments are subject to an Administrative Fee as set forth in Appendix "A" Fee Schedule. Special assessment payments may be paid in cash until the due date of the billing

therefor, or in annual installments if the assessment exceeds Four Hundred (\$400.00) Dollars, the maximum terms of which, except as otherwise provided herein, shall be as follows:

(1) Assessments to one property owner of \$400.00 or less to be paid by December 1 of the year of project construction;

(2) Assessments to one property owner of \$401.00 to \$779.00 shall be paid over two (2) years;

(3) Assessments to one property owner of \$800.00 to \$1,499.00 shall be paid over three (3) years;

(4) Assessments to one property owner of \$1,500.00 to \$2,999.00 shall be paid over four years;

(5) Assessments to one property owner of \$3,000.00 and over shall be paid over five years.

(B) The unpaid balance of any special assessment levied hereunder shall bear interest from the original due date thereof at a rate which shall be determined by the Village Board prior to the publication of the notice required by §66.0715(3)(e), Wis. Stats., relative to the payment of annual installments of special assessments and such rate shall be specified in said notice.

(C) The special assessment interest rate is hereby established annually in Appendix "A" Fee Schedule, if the Village finances the project or an established percent in excess of the rate the Village pays on bond or borrowing for the project if the Village borrows to fund the project, and such interest rate shall apply until changed by resolution of this Board, with this Board to review such interest rate annually.

**1.22 Delinquent Personal Property Tax.** All delinquent personal property taxes shall bear interest as set forth in Appendix "A" Fee Schedule until paid. Personal property taxes become delinquent on the first day of March for the prior year's tax.

**1.23 Construction Limits.**

(A) All of that part of the Village of West Salem embraced within the following limits shall hereafter be known as "the construction limits:"

Part of Block 20, Resurvey of West Salem Leonard's Addition South of Memorial Drive; Lots 1 and 2, Block 20, Resurvey of West Salem Leonard's Addition; Lots 3, 4 and 5, Block 14, Resurvey of West Salem Leonard's Addition; Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16 and 17 Block 21, Resurvey of West Salem Leonard's Addition; Lots 9, 10, Block 22, Resurvey of West Salem Leonard's Addition

(B) Regulations. Restrictions on the nature and type of building construction, regulation of fires and storage of combustible materials within the construction limits shall be as prescribed in Chapter VII of this Code.

**(Amended 3/15/2016 - Ordinance No. 472)**

**1.24 Assessor.** Pursuant to §61.195, §61.197, and §66.0101 of the Wisconsin Statutes, the Village of West Salem hereby elects not to be governed by those portions of §61.19, §61.23 and subsection (2) of §61.25 of the Wisconsin Statutes which relate to the selection and tenure of the Assessor and which conflict with this Ordinance.

Hereafter the Assessor shall be appointed by the Village President, subject to confirmation by two-thirds (2/3) vote of the members elect of the Village Board. The Assessor shall hold office for an indefinite term subject to removal at the pleasure of the Village Board.

Whenever the Assessor, in the performance of the Assessor's duties, requests or obtains income and expense information pursuant to Section 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 the information may be revealed to and used by persons: In the discharge of duties 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 Section

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

SEVERABILITY. The several sections of this Ordinance are declared to be severable. If any section or portion thereof shall be declared by a court of competent jurisdiction to be invalid, unlawful, or unenforceable, such decision shall apply only to the specific section portion thereof directly specified in the decision, and shall not affect the validity of any other provisions, sections, or portions thereof of the Ordinance. The remainder of the Ordinance shall remain in full force and effect.

Any other Ordinances whose terms are in conflict with the provisions of this Ordinance are hereby repealed as to those terms that conflict.

#### **1.25 Village Constable Position Abolished.**

(A) The Village of West Salem, Wisconsin, elects by Charter Ordinance that Wisconsin Statutes §61.19 providing for choosing a constable at spring elections in odd numbered years shall not apply to the Village of West Salem, Wisconsin, by virtue of the rights of election under Wisconsin's Charter Ordinance law as set forth in §66.0101.

(B) Effective at the spring election in 1977, no constable will be elected for the Village of West Salem, and the present constable's position shall expire at the end of his present term, but not effective until sixty (60) days after publication.

#### **1.26 West Salem Fire Protection District.**

Fire District Creation. Pursuant to the authority granted by Sec. 61.34 and 61.65 of the Wisconsin Statutes and Article XI, Sec. 3 of the Wisconsin Constitution, the Village of West Salem is authorized to provide fire protection services for the benefit of Village properties and other properties by creation of a joint fire district with the Town of Barre and the Town of Hamilton in the form and under the provisions of the terms of the Second Amended West Salem Fire Protection Agreement of and entered into between said municipalities, the terms of which are incorporated

herein by reference, along with any written amendments thereto which are authorized at a later date by resolution of the Village Board of the Village of West Salem.

**1.27 Joint Municipal Court.**

(A) **Established** pursuant to Chapter 755 Wisconsin Statutes, there is hereby created and established a municipal court designated "Joint Municipal Court" for the City of Onalaska, the Town of Campbell, the Town of Shelby, the Village of Bangor, Village of Holmen, Village of Rockland, and the Village of West Salem (hereinafter collectively referred to as "Joint Municipal Court.")

(B) **Municipal Court Committee.** There is hereby created a "Municipal Court Committee". The Municipal Court Committee shall be comprised of one (1) representative of each member municipality who shall be appointed by the Mayor, President, or Chair of the member municipality, subject to confirmation by the respective governing body, and, in addition, one (1) member who shall be a police chief of a member municipality. The initial member Chief shall be the Chief of Police of Onalaska. The Chief's position shall be replaced on a yearly basis by means of rotation among the chiefs. Chiefs will rotate as follows: Onalaska, Campbell, Bangor, Shelby, Holmen, and West Salem. In order to assure participation and continuity of representation, each member municipality may appoint an alternate representative who shall act on Committee matters in the absence of the representative. The term for each municipal member representative, other than chief, shall be for two (2) years. Provided, however, that in order to insure some continuity on the Municipal Court Committee, the initial term for the representative from the City of Onalaska, the Town of Campbell, and the Village of Bangor shall be for a term of one (1) year. Thereafter, the term for the representative from the City of Onalaska, the Town of Campbell, and the Village of Bangor shall be for a term of two (2) years.

(C) **Creation and Qualification of the Position of Municipal Judge.** Pursuant to Chapter 755, Wis. Stats., the office of Municipal Judge is hereby created. Eligibility for the office of Municipal Judge shall be as follows: To be eligible for the office of Municipal Judge, a person must be a qualified elector in either the City of Onalaska, the Town of

Campbell, the Town of Shelby, the Village of Bangor, the Village of Holmen, the Village of Rockland, or the Village of West Salem.

(D) **Election and Term of Municipal Judge.** Until the term of the current City of Onalaska Municipal Judge expires in 2004, said judge shall serve as the judge of the Joint Municipal Court. Thereafter, the position of the Municipal Judge shall be by election. The Municipal Judge shall be elected at large commencing in 2004 at the Spring Election, for a four (4) year term, commencing May 1 succeeding his or her election. Electors of the City of Onalaska, the Town of Campbell, the Town of Shelby, the Village of Bangor, the Village of Holmen, the Village of Rockland, and the Village of West Salem shall be eligible to vote for the Municipal Judge of the Joint Municipal Court.

(E) **Creation of the Position of Clerk of the Municipal Court.** Pursuant to Chapter 755, Wis. Stats., the office of the Clerk of the Joint Municipal Court is hereby created. Said Clerk shall take the position upon hire by the City of Onalaska after consideration of any recommendation from the Municipal Court Committee and written appointment by the Municipal Judge. Training and compensation of said Clerk shall be as determined by the City of Onalaska after consideration of any recommendation by the Municipal Court Committee.

(F) **Duties of Municipal Court Clerk .** The Clerk shall:

(1) File and review citations and complaints, assuring their correctness;

(2) Reply to departmental mail concerning routine matters as prescribed by the Municipal Judge;

(3) Assign docket numbers to citations and complaints, type the docket sheets and gather all material pertinent to cases;

(4) Determine and schedule court dates and facilities subject to subsection (K) (1) of this Section;

(5) Arrange for juvenile cases to be heard away from regular court;



(6) Communicate with law officers, attorneys, and defendants regarding court proceedings;

(7) Balance dockets at the conclusion of court proceedings;

(8) Prepare and mail warrants and summons;

(9) Prepare monthly report of financial activities;

(10) Assist in the collection of traffic bonds;

(11) Prepare necessary communications for jury trials and transfers to circuit court; and

(12) Perform such other duties as may be required by the Municipal Judge and Municipal Court Committee.

(G) **Salary of Municipal Judge.** The Municipal Judge shall receive a fixed salary and Municipal Judge's training pursuant to Section 755.18, Wis. Stats., the salary to be determined by the City of Onalaska after consideration of the Municipal Court Committee, subject to Section 755.04, Wis. Stats., which shall be in lieu of fees and costs. The salary may be increased for a new term prior to the beginning of the term of the judge or for the second year of the term of the judge, but shall not be decreased during the term of the judge. The salary shall be paid in monthly installments. No salary shall be paid to the Municipal Judge for any time during his or her term for which he or she has not executed and filed the official bond and oath as required by Subsection (H) of this Section.

(H) **Bond and Oath of Municipal Judge.** The Municipal Judge shall, after election to fill a vacancy, take and file the official oath as prescribed in Section 755.03, Wis. Stats., with the Clerk of Circuit Court for La Crosse County, and at the same time shall execute and file an official bond in the amount determined by the governing bodies of the member municipalities.

(I) **Bond and Oath of Municipal Court Clerk.** The Municipal Court Clerk shall, before entering upon the duties of the office, take and file the official oath as prescribed in Section 19.01, Wis. Stats., with the City Clerk of the City of Onalaska, and at the same time, shall execute and file an official bond in the amount determined by the governing bodies of the member

municipalities. The City of Onalaska Clerk shall provide file copies to the other municipal members.

(J) **Jurisdiction of Municipal Judge.** The Municipal Judge shall have jurisdiction as provided by the Statutes and Laws of the State of Wisconsin and pursuant to Section 755.045, Wis. Stats.

(K) **Procedures of Joint Municipal Court.**

(1) The Joint Municipal Court's location shall be the City of Onalaska City Hall. The Municipal Judge and the Municipal Court Committee shall determine the time(s) of the Municipal Court.

(2) The procedure for the Joint Municipal Court shall be as provided in this Section and State law, including, but not by way of limitation, Chapters 60, 61, 62, 66, 755, and 800 of the Wisconsin Statutes. The jurisdiction of the Municipal Judge is limited to misdemeanors. This includes traffic offenses and municipal ordinance violations. The Joint Municipal Court is authorized to impose forfeitures, court costs, State penalty assessments, and miscellaneous fees related to the cost of prosecution. The Municipal Judge shall have jurisdiction as is provided in Section 755.045, Wis. Stats.

(3) If the Municipal Judge is temporarily absent, sick, or disabled, the provisions of Section 800.06(1), Wis. Stats., shall apply, and if the Municipal Judge becomes incompetent, unable, or fails to act, or in the event of a vacancy, the provisions of Section 800.06(2), Wis. Stats., shall apply. Any substitute Municipal Judge designated or assigned hereunder shall be compensated as authorized by the Municipal Court Committee. The Municipal Judge shall satisfy all continuing education requirements for municipal judges.

(4) Upon the proper and timely written request for substitution of the Municipal Judge, the provisions of Section 800.05, Wis. Stats., shall apply.

(5) The procedures of the Joint Municipal Court shall be in accordance with the applicable Wisconsin Statutes, this Ordinance, and the Joint Municipal Court Agreement entered into between the member municipalities. The Joint

Municipal Court shall abide by the Wisconsin Rules of Evidence and shall abide by the Uniform State Traffic Deposit Schedule. In non-traffic matters, each municipal member shall draft a bond schedule, which shall become effective upon approval by the municipal member's governing body. No bond shall exceed the maximum penalty that could be imposed for the Ordinance violation.

(6) The municipal attorney for each member municipality shall serve as the prosecutor for that member municipality's cases in Joint Municipal Court.

(L) **Fees.**

(1) Bonds for appearance, partial payments, and other funds collected by the Joint Municipal Court shall be treated as escrow funds and deposited with the Municipal Court Clerk.

(2) The Clerk of the Joint Municipal Court shall collect all forfeitures and costs in any actions or proceedings and deposit the same in the account established for such purpose not later than the seventh (7th) business day succeeding receipt thereof. At the time of payment, said Clerk shall report to the City of Onalaska financial services director the title of the action, the offense for which the forfeiture was imposed, and the total amount of the forfeiture, fees, penalty assessments and costs, if any. Said financial services director shall disburse the forfeitures to the appropriate municipal member, disburse the fees as provided in Section 814.65, Wis. Stats., and disburse any penalty assessments pursuant to Section 66.0114(1) (bm), Wis. Stats.

(3) Pursuant to Sec. 814.65(1), Wis. Stats. the Municipal Judge shall collect a fee, the range of which is determined by Wisconsin Statutes, on each separate matter, whether it is on default of appearance, a plea of guilty or no contest, on issuance of a warrant or summons, or the action is tried as a contested matter.

(4) The Clerk of the Joint Municipal Court shall provide a monthly accounting to each member municipality of the amounts collected and disbursed for each member municipality.

(M) **Withdrawal from Joint Municipal Court.** Any member municipality may withdraw from this Agreement by giving notice in writing to the Municipal Court Committee no later than September 30 of any year. Upon giving such notice, the member municipality's participation in the Joint Municipal Court shall terminate on December 31 of said year.

(N) **Statutes Adopted by Reference.** Chapters 755 and 800, Wis. Stats., are hereby adopted by reference.

(O) **Contempt of Court.**

(1) The Municipal Judge may punish for contempt of the Joint Municipal Court persons guilty of any of the following acts. "Contempt of Court" means intentional:

(a) Misconduct in the presence of the Court which interferes with the Court proceeding or with the administration of justice, or which impairs the respect due the Court;

(b) Disobedience, resistance, or obstruction of the authority, process, or order of the Court including refusal to pay a court-imposed forfeiture);

(c) Refusal as a witness to appear, be sworn, or answer a question; or Refusal to produce a record, document, or other object.

(2) The Municipal Judge may, upon finding any person guilty of contempt of court, order such person to forfeit not more than Fifty (\$50.00) Dollars. In default of payment of the forfeiture and the penalty assessment imposed by State Statute, the person found guilty of contempt may be imprisoned in the County Jail not to exceed seven (7) days.

**1.28 Return Check Charge.** If a personal or business check tendered to make payment to the Village is not paid by the bank on which it is drawn, the person by whom the check has been tendered shall remain liable for the payment of the amount for which the check was tendered and for a charge as set forth in Appendix "A" Fee Schedule intended to reimburse the Village for its reasonable costs and expenses incurred. In addition, the

officer to whom the check was tendered may, if he or she believes a crime has been committed, provide any information or evidence relating to the crime to the Chief of Police. Said return check charge may be amended from time to time by Resolution of the Village Board.

**1.29 Law Enforcement Disciplinary Committee.**

(A) Applicability. All rules contained in the Village Code of Ordinances apply to the Law Enforcement Disciplinary Committee (LEDC) except where inconsistent with the rules enumerated in this subsection. The LEDC is separate and distinct from the Law Enforcement Committee (LEC).

(1) Purpose of Law Enforcement Disciplinary Committee. The LEDC shall serve as a committee that meets the requirements set forth in Wisconsin State Statute 61.65(1)(am). The LEDC 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 and for whom there is no valid and enforceable contract of employment or collective bargaining agreement which provides for a fair review prior to that suspension, reduction, suspension and reduction, or removal.

(2) Appointment and Term. The LEDC shall consist of three (3) members, none of whom may be a Village Trustee or other elected or appointed official of the Village, or a Village employee. Initially, one (1) member shall be appointed for a one-year term, one (1) for a two-year term, and one (1) for a three-year term. Thereafter, appointments or reappointments shall be for three-year terms. Appointments shall be made in April of each year.

(3) Committee Meetings and Reports.

(a) Election and Duties of Chairperson. At its initial meeting, and annually thereafter as provided herein, the LEDC shall elect a Chairperson. The Chairperson shall call and preside at all meetings of the LEDC.

(b) Annual Meeting. There shall be an annual meeting of the LEDC to be held after the Village Board has made annual appointments or reappointments, but before the last day of July. 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 LEDC may be called by the Chairperson, the Village President, two (2) Village Board members or upon the written direction of at least two (2) members of the LEDC.

(d) Notice of Meetings. The person calling the meeting of the LEDC shall advise the Village Administrator of the nature of the meeting, the agenda, and the time and location for the meeting. The Village Administrator shall provide notice of the meeting in accordance with Wisconsin's Open Meeting Laws and Village Ordinances.

(e) General Rules and Procedures. The LEDC shall develop a review process that is both consistent with Wisconsin Statutes and designed to meet the need of the particular matter referred to the LEDC. General rules and procedures governing the review process may be set forth in writing

(f) Communications with Village Board. The LEDC shall keep the Village Board adequately and appropriately apprised of the status of any matters before the LEDC.

(B) LEDC Rules and Procedures.

(1) Duties and Responsibilities. The LEDC shall have the following duties and responsibilities:

(a) LEDC Disciplinary Action. The LEDC shall have the ultimate right to suspend, reduce, suspend and reduce, or remove the Police Chief and/or any other police officer who is not probationary and for whom there is no valid and enforceable contract of employment or collective bargaining agreement which provides for a fair review prior to that suspension, reduction, suspension and reduction, or removal. For the purposes of these Procedures, the terms "discipline" or "disciplinary action" shall be limited to suspension, reduction, suspension and reduction, or removal.

(b) LEC Disciplinary Action. Disciplinary actions regarding a Police Chief whom the LEDC does not have such power shall be made on the recommendation of the Law Enforcement Committee (LEC) by the Village Board. Disciplinary actions regarding

police officers whom the LEDC does not have such power shall be made on the recommendation of the Police Chief by the Law Enforcement Committee (LEC).

(c) Review by the LEDC shall be initiated as follows:

(i) Charges regarding the police chief and/or any police officer may be initiated by, or filed by the Chief of Police, a member of the LEDC, the LEDC as a body, a member of the Village Board or any aggrieved person, with the Chairperson of the LEDC.

(ii) All such charges shall then be directed to the Village Administrator. The Village Administrator shall forward the charge for action to the Chief of Police, who shall act as Investigating Official (IO).

(iii) If the Chief is implicated in the charge, or it seems likely to the Village Administrator that the Chief might become involved during the investigation that will follow, the Village Administrator shall serve as IO.

(iv) The IO shall notify the officer against whom the complaint was filed ("the charged party") of the complaint and request that an explanation be provided within a reasonable period of time.

(v) The IO can request participation of other agencies (e.g., the Sheriff; another police force; the Village Attorney; or outside counsel) to assist in an investigation as required.

(vi) All charges will receive, at minimum, an investigation by the IO and a review at the next higher level. If the Chief acts as IO, the Village Administrator shall review the findings. If the Village Administrator acts as IO, the LEDC shall review the findings.

(vii) The IO shall complete his/her preliminary review of the complaint by considering the charged party's response, if such response is timely provided.

(d) Following the review by the IO, the charges shall be directed to the LEDC (if not already acting as reviewer). Actions passed to the LEDC shall include, at minimum, the following:

- (i) The initial complaint, including identification of the complainant;
- (ii) Findings of the IO; and
- (iii) Preliminary conclusions reached by the IO/reviewer.

(e) Although, in most cases, preliminary investigation and review by the Chief of Police/Village Administrator is preferred, the Chief of Police/Village Administrator may also refer charges directly to the LEDC if the President deems such referral to be necessary and in the Village's best interest.

(f) Although the Village prefers to have the LEDC complete its review prior to taking any disciplinary action, the LEDC may suspend the Police Chief or a police officer, or the Police Chief may suspend an officer, pending review for just cause. Neither the Police Chief nor any police officer shall be deprived of compensation during suspension pending disposition of the charges.

(g) Review of Actions Taken by Police Chief.

(i) Notwithstanding the LEDC's exclusive right to discipline a police officer, the Police Chief shall retain the right to suspend police officers for just cause. In all such cases, the Police Chief shall immediately file a report with the Chairperson of the LEDC. The report shall detail the charges and the just cause rationale for the suspension.

(ii) At the request of the charged police officer, and if such request is made in writing to the Chairperson of the LEDC, the LEDC shall conduct a hearing regarding the suspension. In such cases, the Police Chief shall be required to file charges with the LEDC upon which the suspension was based and shall act as the complainant.

(C) LEDC Review Procedures.

(1) If the LEDC determines that charges do not reasonably inform the accused of the general charge against him or her and the facts supporting the charge, the LEDC shall dismiss the charges against the accused and serve a copy of the dismissal on the charged party and the complainant. No further action need be taken by the LEDC.



(2) Pre-Hearing Conference. If the LEDC does not dismiss the charge pursuant to the preceding paragraph, the Village Administrator shall schedule a pre-hearing conference at least fifteen (15) working days before the hearing. The Village, the charged party, and the complainant shall be notified in writing of the pre-hearing conference and may attend and be represented at the pre-hearing conference. The following matters shall occur at the pre-hearing conference:

(a) Determination of whether the matter, or any portion thereof, can be resolved without the necessity of a full evidentiary hearing.

(b) If an evidentiary hearing is necessary, the parties shall exchange the following within ten (10) working days after pre-hearing conference:

Complete witness lists;

Any prior written or recorded statements or reports of witnesses; and,

Exhibits and exhibit lists.

(c) Witnesses not on the witness list shall not be permitted to testify at the hearing, unless both parties agree to the witness and/or the parties and the LEDC agree to reschedule the hearing. Exhibits not on the exhibit list shall not be admitted as evidence, unless both parties agree to its admission or the LEDC determines that the party presenting the exhibit has demonstrated a satisfactory reason for failing to timely exchange the same.

(3) Hearing. The Village Administrator shall schedule the hearing. All hearings shall have a court reporter present taking down the proceeding. The Village, the charged party, and the complainant shall be notified in writing of the hearing, may attend the hearing as provided by law and may be represented by counsel.

(a) The charged party and the complainant may compel the attendance of witnesses by subpoenas which shall be issued by the Chairperson of the LEDC.

(b) The Chairperson of the LEDC shall conduct the hearing. The hearing shall be conducted in accordance with Wis. Stats. 19.85(1)(b) with regard to the open or closed nature of the hearing and required notices, as appropriate.

(c) The order at the hearing shall be as follows:

(i) Statement of the initial determination by the Chairperson of the LEDC. Complete witness lists;

(ii) Opening statements, if any, by both the complainant and the charged party.

(iii) Presentation of testimony and introduction of evidence by complainant to substantiate the complaint.

(iv) Cross examination of complainant's witnesses by the charged party.

(v) One additional opportunity for redirect questioning by the complainant.

(vi) One additional opportunity for redirect questioning by the charged party.

(vii) Presentation of testimony and introduction of evidence by charged party to refute the complaint.

(viii) Cross examination of charged party's witnesses by the complainant.

(ix) One additional opportunity for redirect questioning by the charged party.

(x) One additional opportunity for redirect questioning by the complainant.

(xi) One opportunity for each side to present rebuttal evidence to rebut any evidence presented by the opposing side.

(xii) Closing arguments by complainant and charged party.

(xiii) At the request of the parties or the LEDC, and in the discretion of the LEDC, written briefs shall be filed prior to disciplinary action.

(4) Disciplinary Action Following Hearing. The LEDC may take disciplinary action if there is just cause to sustain the complaint under the standards set forth in Wis. Stats. 62.13(5)(em), as may be amended, or as otherwise permitted by law. The current statutes indicate that just cause for discipline exists if:

(a) The Police Chief or police officer could reasonably be expected to have had knowledge of the probable consequences of the alleged conduct.

(b) The rule or order that the Police Chief or police officer allegedly violated is reasonable.

(c) The Police Chief, before filing the charge against the police officer, made a reasonable effort

to discover whether the subordinate did in fact violate a rule or order (where applicable).

(d) The effort described under subparagraph (C) above was fair and objective (where applicable).

(e) The Police Chief discovered substantial evidence that the police officer violated the rule or order as described in charges filed in the report made against the police officer (where applicable).

(f) The Police Chief is applying the rule or order fairly and without discrimination against the police officer (where applicable).

(g) The proposed discipline reasonably relates to the seriousness of the alleged violation(s) and to the Police Chief's/police officer's record of service with the police department.

(5) Following consideration of the evidence presented at the hearing, the standards set forth above and briefs, if any, the LEDC shall prepare within three (3) days of the conclusion of the hearing and file the same with the Secretary of the Committee and provide notice and a copy to the Police Chief or Officer, written findings of fact and conclusions and shall order, in writing, disciplinary action as appropriate. As determined by the LEDC, such disciplinary action may be taken immediately following the close of the hearing, following deliberation in closed or open session (with appropriate notice), or following consideration of any briefs to be provided.

(6) If the LEDC determines that a suspension imposed prior to the hearing is not sustained by evidence presented by the hearing, the charged party shall be immediately reinstated.

(D) Appeals. Any person disciplined by the LEDC may appeal from the written order of the LEDC to the Circuit Court by submitting written notice of appeal within ten (10) calendar days after the order is filed with the Village and served on the charged party.

(E) Notices. A copy of the charges shall be served upon the person charged in the manner prescribed for service of a summons (see Wis. Stats. 801.10, 801.11 and 801.13). Thereafter, notices shall be given in accordance with the standards for service and filing of pleading and other papers, as provided in Wis Stats. 801.14. Time shall be calculated as provided in Wis. Stats. 801.15.

(1) All required notices to the LEDC and/or the Village shall be made to both the Village Administrator and the Village Attorney.

(2) All required notices to the Police Chief and/or police officers shall be made to the last known address in the employee's personal records or to the counsel of record.

(3) All required notices to the complainant shall be made to the complainant's last known address or to counsel of record.

(F) Costs Associated with the LEDC.

(1) The cost associated with the LEDC shall be allocated to and paid from the Police Department budget. These costs shall include the costs of convening the LEDC (per diems to members, if any, expenses of LEDC secretary, court reporter costs, and publication/service of notices) and legal costs (costs associated with preparing and revising the LEDC Procedures, advising, and representing the Village on a matter that has been referred to the LEDC, and retaining special counsel for the LEDC, where the LEDC deems such counsel desirable or necessary)

(2) Special counsel may be necessary where the Village Attorney would have a conflict of interest representing the Village and the LEDC. The existence of a conflict of interest must be made on a case-by-case basis. For example, special counsel may be necessary where the complainant is the Public Safety Committee, the Village President or the Police Chief, but may not be necessary where there is a third-party complainant.

**(1.29 created 4/16/13 - Ordinance No. 452)**