

## TITLE 2

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# Government and Administration

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## Title 2 ► Chapter 1

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# Village Government and Elections

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### **Sec. 2-1-1 Village Government.**

- (a) **Village Government Organization.** The Village of Rio is a body corporate and politic with the powers of a municipality at common law and governed by the provisions of Chapters 61 and 66, Wis. Stats., laws amending those chapters, other acts of the legislature and the Constitution of the State of Wisconsin.
- (b) **Division of Government.**
- (1) **Legislative Branch.** The Village Board is the legislative branch of the Village government. Its primary business is the passage of law in the form of ordinances or resolutions which shall prescribe what the law shall be, not only in relation to the particular facts existing at the time, but as to all future cases arising under it. The Village Board shall fix the salaries of all officers and employees of the Village, and be charged with the official management of the Village's financial affairs, its budget, its revenues and the raising of funds necessary for the operation of the Village of Rio.
  - (2) **Executive Branch.** The Village President shall take care that all Village ordinances and state laws are observed and enforced, and that all Village officers, boards and commissions discharge their duties. When present, the Village President shall preside at the meetings of the Village Board. The Village President shall from time to time give the Village Board such information and recommend such measures as he/she may deem advantageous to the Village of Rio.

*State Law Reference:* Wis. Const., Art. XI, Sec. 3.

## **Sec. 2-1-2 Candidates for Village Elective Office; Nomination Papers.**

- (a) **Nomination Papers Requirement.** Candidates for elective offices in the Village of Rio will file nomination papers. Such nomination papers shall be signed by not less than twenty (20) nor more than one hundred (100) electors of the Village of Rio. The papers shall be circulated not sooner than December 1 preceding the election and shall be filed with the Village Administrator not later than 5:00 p.m. the first Tuesday of January, or the next day, if Tuesday is a holiday.
- (b) **Primary Elections.** The Village Board of the Village of Rio authorizes a non-partisan primary per Sec. 8.05, Wis. Stats., if the number of candidates for an elective office in the municipality exceeds twice the number to be elected to the office. When the number of candidates for an office does not exceed twice the number to be elected, their names shall appear on the ballot for the election without a primary.

*State Law Reference:* Sec. 8.05, Wis. Stats.

## **Sec. 2-1-3 Election Hours; Voter Registration.**

- (a) **Election Poll Hours.** The voting polls in the Village of Rio, Columbia County, Wisconsin shall be opened from 7:00 a.m. to 8:00 p.m. for all elections. Voting shall be conducted at the Rio Municipal Building.
- (b) **Voter Registration.** All electors for all elections shall be required to be registered. The Village Administrator shall receive applications for registration at his/her office during regular office hours throughout the year, except that registration may also be completed online prior to an election and at Village polling places on election days upon presentation of proper identification and proof of residency.

## **Sec. 2-1-4 Election Officials.**

- (a) **Statutory Authorization.** The process for the appointment of election officials set forth in Sec. 7.30, Wis. Stats., shall be followed. Pursuant to Section 7.30(1), Wis. Stats., there shall be at least a minimum of three (3) election inspectors at the polling place at each election conducted in the Village of Rio, except as otherwise provided below in Subsections (b)(2)-(4). That statute further authorizes the Village Board to provide for the selection of alternate officials or the selection of two (2) or more sets of election officials to work at different times on election day.
- (b) **Appointment of Officials.** The Village Administrator shall appoint not less than seven (7) election inspectors. The Village Administrator may appoint additional inspectors in a

number he/she deems necessary so that there are two (2) or more sets of inspectors available to work at different times on election day. Provided, however, the additional election inspectors shall be appointed in such a manner that the total number of officials is an odd number.

- (c) **Hours of Work.** Pursuant to Sec. 7.30(1), Wis. Stats., the Village Board authorizes the Village Administrator to determine the inspectors who will work at each election and to determine the hours each inspector will work.
- (d) **Reduction or Addition of Election Officials.**
  - (1) Section 7.32, Wis. Stats., authorizes the reduction of the required number of election officials at a polling place to no less than three (3), and the Village Board has determined that would be advantageous to the Village of Rio to have only as many election officials on duty as are needed for any given election. Pursuant to Section 7.32, Wis. Stats., the Village Administrator is authorized, at the discretion of the Village Administrator, to reduce the number of election officials, provided that at all time there shall be a minimum of three (3) election officials on duty. The Village Administrator shall determine in advance of each election whether the number of election officials for such election should be reduced from the number prescribed by the Wisconsin Statutes, and if such a reduction is so determined, the Village Administrator shall further redistribute duties among the remaining officials.
  - (2) At the discretion of the Village Administrator, the requisite number of election officials may be increased for any election; however, the number of election officials working at a given election shall always be an odd number.
- (e) **Sets of Election Officials.** Because Section 7.30(1), Wis. Stats., allows for the selection of two (2) or more sets of officials to work at different times on each election day, the Village Administrator may select two (2) sets of election officials to staff the polls on election day if deemed necessary by the Village Administrator. The Village Administrator is hereby authorized to schedule election officials in shifts on any said election day. The Village Administrator shall redistribute the duties of such election officials to reflect scheduling by shift. The second, or last, shift shall end with completion of all required election day duties that follow the closure of the polls.
- (f) **Polling Place Greeter.** As prescribed by Section 7.30(1)(b), Wis. Stats., the Village Board authorizes the Village Administrator for each election to appoint, at the Village Administrator's discretion, one (1) additional election worker per shift to serve as a greeter to answer questions and to direct electors to the proper locations for registration and voting, and who shall be available to substitute for other election officials who must leave the polling place room during the voting process.
- (g) **Tabulators.** The Village Administrator may deem necessary from time to time to select and employ tabulators for certain elections due to the high projected voter turnout. Tabulators shall assist and be under the direction of the election officials after the close of the polls. The Village Administrator shall select and employ tabulators, if needed, for any election.

**2-1-4**

- (h) **Administrator's Service as Alternate.** The Rio Village Board appoints:
  - (1) The Village Administrator to serve as an election official in the absence of an appointed election official.
  - (2) The Village Administrator to serve as an alternate election official in the absence of an appointed alternate election official.
- (i) **Misconduct Towards An Election Worker/Election Official.** No person shall engage in any of the conduct or behavior described in Section 11-2-7(a)-(e) directed at an individual working in their capacity as an election worker or based on their position as an election official. For purposes of this Subsection, "election official" has the same meaning as the definition provided in Section 5.02(4e), Wis. Stats., meaning an individual who is responsible for performing any of the duties as an election official or election worker, based on their position as a Village election official.

*State Law Reference:* Secs. 7.30 and 7.32, Wis. Stats.

## **Sec. 2-1-5 Official Newspaper; Legal Posting.**

- (a) **Publication.** If the Village of Rio utilizes an official newspaper for the publication of legal and/or official notices and documents as a supplement to legal posting (there is no newspaper published within Village boundaries), the Village will use the *Portage Daily Register*.
- (b) **Legal Posting.** As prescribed by Section 61.50(1), Wis. Stats., legal posting shall be done in either of the following ways:
  - (1) The notice is posted in at least one (1) public place likely to give notice to persons affected and is also placed electronically on an internet site maintained by the municipality; or
  - (2) The notice is posted in a minimum of three (3) designated public places likely to give notice to persons affected. The three (3) Village-designated posting locations are:
    - a. Rio Village Hall, 207 Lincoln Avenue.
    - b. Village of Rio Post Office, 101 Lincoln Avenue.
    - c. Rio Community Library, 324 W. Lyons Street.

*State Law Reference:* Sec. 985.06, Wis. Stats.

## Title 2 ► Chapter 2

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### **Village Board**

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#### **Sec. 2-2-1 Village Board.**

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

*State Law Reference:* Sections 61.32 and 61.34, Wis. Stats.

## **Sec. 2-2-2 Trustees.**

- (a) **Election; Term; Number.** The Village of Rio shall have six (6) Trustees in addition to the Village President, who is a Trustee by virtue of his/her office as President. The Village President and six (6) Trustees shall constitute the Village Board. Three (3) Trustees shall be elected at each annual spring election in odd-numbered years and even-numbered years for staggered terms of two (2) years, commencing on the third Tuesday of April in the year of their election.
- (b) **Appointment as Village President.** A Village Trustee shall be eligible for appointment as Village President to fill an unexpired term.

*State Law Reference:* Sections 61.20 and 61.325, Wis. Stats.

## **Sec. 2-2-3 Village President.**

- (a) **Election.** The Village President shall be elected at the annual spring election in odd-numbered years for a term of two (2) years, commencing on the third Tuesday of April in the year of his/her election.
- (b) **Duties.** The Village President shall by virtue of his/her office be a Trustee and preside at all meetings of the Village Board, have a vote as Trustee, and sign all ordinances, rules, bylaws, regulations and commissions adopted or authorized by the Village Board and all orders drawn on the treasury. The Village President shall maintain peace and good order, see that the Village ordinances are faithfully obeyed, and in case of disturbance, riot or other apparent necessity appoint as many special marshals as he/she shall deem necessary, who for the time being shall possess all the powers and rights of constables.
- (c) **Participation in Debate.** The Village President shall vote on all matters in the same way that other Trustees vote. The President has the power to make motions, and to introduce ordinances, resolutions and the like as any other Trustee.
- (d) **Appointments.**
  - (1) Wherever in this Code of Ordinances the Village President is required to appoint citizens to committees, commissions and/or boards, in the event the Village Board rejects a Village President's appointment, the same name may not be submitted for the same job for a period of twelve (12) months after the refusal of such appointment.
  - (2) In the event a vacancy occurs in any committee, board or commission requiring the appointment of a citizen member and the Village President does not nominate a successor thereof for a period of sixty (60) days after the vacancy occurs, the Village Board may then nominate an appointee to such position, subject to the approval of the Village President.
  - (3) In the event the Village Board, by parliamentary practice, tables an appointment by the Village President, such tabling action shall be effective for that meeting, but at the next regular meeting of the Village Board, such appointment shall be on the meeting

agenda for further consideration, and the particular appointment involved may not be tabled a second (2nd) time.

*State Law Reference:* Sec. 61.24, Wis. Stats.

## **Sec. 2-2-4 Standing Committees.**

- (a) **Committee Appointments.** At the first special or the first regular Village Board meeting on the third Tuesday in April or thereafter, the Village President shall nominate Trustees to standing committees and other Village commissions and committees, subject to confirmation by majority vote of the Village Board. Standing committees shall review such matters as may be referred to them by the Village Board and shall submit recommendations for Village Board action. All Trustees shall serve on at least one (1) committee.
- (b) **Board Committees.** The Village President shall appoint three (3) Trustees, subject to Village Board confirmation, to the following standing committees:
  - (1) Finance Committee.
  - (2) Police Committee.
  - (3) Public Works Committee.
  - (4) Ordinance Committee.
- (c) **Chairpersons.**
  - (1) The Village President shall designate the chairperson of each standing committee.
  - (2) The Village President shall be an ex officio member of each standing committee, or may be appointed to serve as a member of a specific committee.
- (d) **Committees-of-the-Whole; Special Committees.**
  - (1) **Committee-of-the-Whole Organization.** The Village President may declare the entire Village Board a Committee-of-the-Whole for informal discussion at any meeting or for any other purpose, and shall ex officio be chairperson of the same. Meetings of the Committee-of-the-Whole may be held on regular dates set by its membership or at the call of the Village President. No final votes are taken at meetings of the Committee-of-the-Whole, although the membership may vote to make a recommendation to be taken up at a regular Village Board meeting or assign tasks to Village staff or other Village commissions or bodies.
  - (2) **Committee-of-the-Whole Purpose.** The role of the Committee-of-the-Whole is to:
    - a. Allow the entire membership of the Village Board, sitting in a deliberative rather than a legislative capacity, to engage in informal discussion and preliminary consideration of matters awaiting legislative action;
    - b. Provide an efficient means for the Village Board and staff to receive information and reports at the same time and engage in discussion in advance of a regular Village Board meeting;
    - c. Engage in review of strategic planning and Village policies; and
    - d. Permit business to be considered that requires a simultaneous, initial hearing by all Village Board members.

- (3) **Special Committees.** The Village President may appoint special committees as he/she deems advisable or as provided by the Village Board, with the purpose stated.
- (e) **Committee Reports.**
  - (1) **Authority.** All committees are subunits of the Village Board and perform no executive or administrative Village function other than as specifically authorized by ordinance or policy adopted by the Village Board.
  - (2) **Reports.** Each committee shall give the full Village Board at the next regular Board meeting a verbal or written report on all matters referred to it. Such report shall recommend a definite action on each item and shall be approved by a majority of the committee. Each committee report shall include the date, time, and place of the meeting and the members attending. Each such committee report, verbal or written, is deemed to be the product of the entire committee, whether any item therein is approved unanimously or not. Each such report should provide all necessary historical background to familiarize the Village Board with the issue.
  - (3) **Minority Reports.** If a committee member in a particular committee disagrees with the position taken by the committee on an issue, such member may address the Village Board with the minority position. The Village Board shall permit one (1) committee member supporting the majority position equal time to address the Board on such issue.
- (f) **Ambiguity of Committee Authority.** In case of ambiguity or apparent conflict between the preceding definition of committee authority and a definition, in these ordinances, of the authority of a Village officer, employee, committee, or association, the latter shall prevail.
- (g) **Cooperation of Village Officers.** All Village officers shall, upon request of the chairperson of any committee, confer with the committee and supply such information as the committee may request upon any pending matter.

## **Sec. 2-2-5 General Powers of the Village Board.**

- (a) **General.** The Village Board shall be vested with all the powers of the Village not specifically given some other officer. Except as otherwise provided by law, the Village Board shall have the management and control of the Village property, finances, highways, streets, navigable waters and the public service, and shall have the power to act for the government and good order of the Village of Rio, for its commercial benefit and for the health, safety, welfare and convenience of the public, and may carry its powers into effect by license, regulation, suppression, borrowing, taxation, special assessment, appropriation, fine, imprisonment and other necessary or convenient means. The powers hereby conferred shall be in addition to all other grants, limited only by express language.
- (b) **Acquisition and Disposal of Property.** The Village Board may acquire property, real or personal, within or without the Village, for parks, libraries, historic places, recreation, beautification, streets, waterworks, sewage or waste disposal, harbors, improvement of watercourses, public grounds, vehicle parking areas and for any other public purpose; may

acquire real property within or contiguous to the Village, by means other than condemnation, for industrial sites; may improve and beautify the same; may construct, own, lease and maintain buildings on such property for instruction, recreation, amusement and other public purposes; and may sell and convey such property. Condemnation shall be as provided by the Wisconsin Statutes.

- (c) **Acquisition of Easements and Property Rights.** Confirming all powers granted to the Village Board and in furtherance thereof, the Village Board is expressly authorized to acquire by gift, purchase or condemnation under the Wisconsin Statutes, any and all property rights in lands or waters, including rights of access and use, negative or positive easements, restrictive covenants, covenants running with land, scenic easements and any rights for use of property of any nature whatsoever, however denominated, which may be lawfully acquired for the benefit of the public or for any public purpose, including the exercise of powers granted under Sections 61.35 and 62.23, Wis. Stats.; and may sell and convey such easements or property rights when no longer needed for public use or protection.
- (d) **Village Finances.** The Village Board may levy and provide for the collection of taxes and special assessments; may refund any tax or special assessment paid, or any part thereof, when satisfied that the same was unjust or illegal; and generally may manage the Village finances. The Village Board may loan money to any school district located within the Village or within which the Village is wholly or partially located in such sums as are needed by such district to meet the immediate expenses of operating the schools thereof, and the Board of the district may borrow money from such Village accordingly and give its note therefor. No such loan shall be made to extend beyond August 30 next following the making thereof or in an amount exceeding one-half (1/2) of the estimated receipts for such district as certified by the State Superintendent of Public Instruction and the local School Clerk. The rate of interest on any such loan shall be determined by the Village Board.
- (e) **Construction of Powers.** Consistent with the purpose of giving to villages the largest measure of self-government in accordance with the spirit of the home rule amendment to the Constitution, the grants of power to the Village Board in this Section and throughout the Village of Rio Code of Ordinances shall be liberally construed in favor of the rights, powers and privileges of villages to promote the general welfare, peace, good order and prosperity of the Village of Rio and its inhabitants.

*State Law Reference:* Art. XI, Sec. 3, Wis. Const.; Sec. 61.34, Wis. Stats.

## **Sec. 2-2-6 Cooperation with Other Municipalities.**

Per Sections 61.34(2) and 66.0301, Wis. Stats., the Village Board, on behalf of the Village of Rio, may join with other counties, villages, cities, towns or other governmental entities in a

cooperative arrangement for executing any power or duty in order to attain greater economy or efficiency, including joint employment of appointive officers and employees.

### **Sec. 2-2-7 Internal Powers of the Village Board.**

The Village Board has the power to preserve order at its meetings. Members of the Village Board shall be residents of the Village of Rio at the time of their election and during their terms of office.

*State Law Reference:* Sec. 61.32, Wis. Stats.

### **Sec. 2-2-8 Salaries.**

The Village President and other Trustees who make up the Village Board, whether operating under general or special law, may by majority vote of all the members of the Village Board determine that a salary be paid the President, Trustees, and other Village officials. Salaries heretofore established shall so remain until changed by resolution and shall not be increased or diminished during their terms of office. Board salaries shall be paid by the Village Administrator on a semi-annual basis.

*State Law Reference:* Sec. 61.32, Wis. Stats.

### **Sec. 2-2-9 Meetings.**

- (a) **Regular Meetings.** Regular meetings of the Village Board shall be held on the first Monday of each calendar month unless otherwise designated. Standing committees of the Village Board shall meet on the third (3rd) Monday of each calendar month. Any regular meeting falling on a legal holiday shall be held at another date designated by the Village Board at the same time and place. When the Village Board designates a date and time for the regular Board meeting, notice thereof shall be posted as required by Section 2-1-5 prior to such rescheduled meeting date. All meetings of the Village Board shall be held at the Rio Municipal Building, unless specified otherwise in notices per Section 2-1-5 in and by written notice posted at the regular meeting place at least three (3) hours prior to any meeting. In any event, all Village Board meetings shall be held within the boundaries of the Village of Rio, unless specifically otherwise noticed. A majority of Board members must consent to any change in the place of any meeting of the Village Board.
- (b) **Annual Organizational Meeting.** The Village Board shall hold an annual organizational meeting on the third Tuesday in April or on the first regular meeting in May following the spring election for the purpose of organization.

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- (c) **Village Board Minutes.** An official record shall be kept of all Village Board proceedings, and shall be on file with the Village Administrator.
- (d) **Attendance; Excused Absences.**
- (1) **Absences.** Members of the Village Board may be excused from attending a Board meeting by contacting the Village President prior to the meeting and stating the reason for his/her inability to attend. If the member is unable to contact the Village President, the member shall contact the Village Administrator, who shall convey the message to the Village President. Following roll call, the Presiding Officer shall inform the Village Board of the member's excused absence. Village Board members who do not follow the above process will be considered unexcused and it shall be so noted in the minutes.
  - (2) **Late Arrivals.** Members of the Village Board who anticipate a late arrival to a Board meeting should contact the Village President prior to the meeting and state the reason for the expected late arrival. If the member is unable to contact the Village President, the member shall contact the Village Administrator, who shall convey the message to the Village President. Village Board members who do not follow the above process and are not in attendance at the time of roll call will be considered as an unexcused tardy. Members who are not in attendance within one (1) hour of roll call, and have not followed the above process, will be considered as an unexcused absence. Arrival times of members will be noted in the minutes.

*State Law Reference:* Sec. 61.32, Wis. Stats.

## **Sec. 2-2-10 Special Meetings.**

- (a) **How Called.** Special meetings of the Village Board may be called by the Village President, or by two (2) Trustees filing a request with the Village Administrator at least twenty-four (24) hours prior to the time specified for such meeting. The Village President shall select the day/time for the special meeting and shall immediately have each Trustee notified of the time and purpose of such meeting. The notice shall be delivered or mailed to each Trustee personally or left at his/her usual place of abode a minimum of twenty-four (24) hours prior to the meeting time. However, an emergency meeting may be called with notice of a minimum of two (2) hours. The Village Administrator shall cause a record of such notice to be filed in his/her office prior to the time fixed for such special meeting. No business shall be transacted at a special meeting except for the purpose stated in the notice thereof. Notice to the public of special meetings shall conform to the open meeting requirements of Sec. 61.32 and Chapter 19, Subch. IV, Wis. Stats. The Village Administrator shall give notice immediately upon the call for such meeting being filed with him/her.

- (b) **Special Meeting Purpose; Private Parties to Pay Fee.** The request for any special meeting shall state the purpose for which the meeting is to be called and no business shall be transacted but that for which the meeting has been called. Individuals requesting a special meeting of the Village Board shall be required to pay a fee as prescribed in Section 1-3-1.

*State Law Reference:* Sections 61.32 and 985.02(2)(a), Wis. Stats.; Ch. 19, Subch. IV, Wis. Stats.

## **Sec 2-2-11 Open Meetings; Adjournment of Meetings.**

- (a) **Open Meeting Law Compliance.** All meetings of the Village Board and subunits thereof shall be open to the public as provided in Subchapter IV of Chapter 19, Secs. 19.81 through 19.89, Wis. Stats. Public notice of all such meetings shall be given as provided in Sec. 19.84, Wis. Stats.
- (b) **Adjournment of Meetings.** An adjournment to a closed session may be only for a permitted purpose as enumerated in Sec. 19.85, Wis. Stats., and must meet the other requirements of said Sec. 19.85, Wis. Stats.
- (c) **Meetings to Be Open.** During the holding of any open session in the regular meeting room or in the substituted meeting room, said room and said meeting shall at all times be open and remain open to all citizens.
- (d) **Legally Permitted Closed Meetings.**
  - (1) **Pursuant to Statute.** The provisions of this Code of Ordinances do not prohibit the Village Board or any committee thereof from having a closed meeting ("executive meeting") which is legally convened and/or legally held in a room in said building other than the official meeting room or in some other building in the Village provided proper notice is given thereof pursuant to the Wisconsin Open Meeting Law.
  - (2) **Confidentiality.**
    - a. Village Board members shall keep confidential all written materials and verbal information provided to them during executive sessions, to ensure that the Village's position is not compromised. Confidentiality also includes information provided to members outside of executive sessions when the information is considered to be exempt from disclosure under the laws of the State of Wisconsin.
    - b. If the Village Board, after a lawful closed session, has provided direction or consensus to Village staff on proposed terms and conditions for any confidential or privileged issue, all contact with any other party shall be made by the designated Village representative handling the issue. Members should consult with the Village President and/or Village Attorney prior to discussing such

information with anyone other than other Village Board members, the Village Attorney or designated Village staff. Any Village Board member or Village employee having any contact or discussion with any person other than those listed above on any such confidential or privileged issue shall make full disclosure to the Village Board in a timely manner.

- (e) **Photographs, Motion Pictures, Videotape—Permission Required for Artificial Illumination.** No photographs, motion pictures, or videotapes that require the use of flash bulbs, electronic flashes, flood lights, or similar artificial illumination shall be made at Village Board meetings without the consent of the Presiding Officer.

*State Law Reference:* Sec. 61.32 and Ch. 19, Subch. IV, Wis. Stats.

## **Sec. 2-2-12 Quorum.**

- (a) **Quorum Determination.** A majority of the Trustees shall constitute a quorum, but a lesser number may adjourn or compel attendance of absent members if a majority is not present. The Village President shall be counted in computing a quorum.
- (b) **Quorum Not Present.** When the presiding officer shall have called the members to order, the Village Administrator shall record the attendance, noting who are present, and who are absent, and if, after having gone through with the call, it shall appear that a quorum is not present, the fact shall be entered in the minutes, and the members present may adjourn to a later date in the month; if they do not establish the next meeting date, the Village Board shall stand adjourned to the time appointed for the next regular meeting unless a special meeting is called sooner.

*State Law Reference:* Sec. 61.32, Wis. Stats.

## **Sec. 2-2-13 Presiding Officers.**

- (a) **The Village President Shall Preside.** Village President shall preside over meetings of the Village Board. In the absence of the Village President, the President Pro Tem shall preside over meetings of the Village Board. In case of absence of the Village President, and President Pro Tem, the Village Administrator shall call the meeting to order and the Trustees present shall elect one of their number acting President.
- (b) **President Pro Tem.** At the annual organization meeting, the Village Board shall elect one of its members to serve as the President Pro Tem, who shall preside over meetings of the Village Board in the absence of the Village President.
- (c) **Duties.**
- (1) It shall be the duty of the Presiding Officer to:
    - a. Call the meeting to order.

- b. Keep the meeting to its order of business.
  - c. Control discussion in an orderly manner:
    1. Every Village Board member who wishes an opportunity to speak must be recognized by the presiding officer.
    2. Permit audience participation at the appropriate times.
    3. Require all speakers to state their name and address for the record, speak to the question, and observe the rules of order.
  - d. State each motion before it is discussed and before it is voted upon.
  - e. Put motions to a vote and announce the outcome.
- (2) In the event of a dispute regarding Board procedures, the matter shall be decided in accordance with the parliamentary rules contained in *Robert's Rules of Order*, unless otherwise provided by statute or by these rules. Any member shall have the right to appeal from a decision of the presiding officer. Such appeal is not debatable and must be sustained by a majority vote of the members present excluding the presiding officer.

*State Law Reference:* Sec. 61.32, Wis. Stats.

## **Sec. 2-2-14 Meeting Agendas; Order of Business; Public Hearings.**

- (a) **Agenda.**
- (1) The order of business at all regular or special meetings shall be according to the agenda prepared by the Village Administrator. All matters to be presented at a Village Board meeting shall be filed with the Village Administrator, or his/her deputy, no later than 12:00 noon on the Thursday preceding the scheduled regular Village Board meeting to enable the Village Administrator to prepare the agenda and all attachments and distribute the same to the Village Board. Matters filed after 12:00 noon on the Thursday preceding the Village Board meeting will not be placed upon the agenda. The Village President may waive the filing deadline for emergency cause shown.
  - (2) A submitting department shall include copies of all material necessary to consider the agenda item.
  - (3) The Village President shall advise the Village Administrator whether to include an item on the agenda, except that the Trustees calling a special meeting shall decide which items shall be first considered at such special meeting.
  - (4) The Village Administrator shall afford the Trustees maximum reasonable notice of agenda items as each situation allows.
- (b) **Order of Business.** Generally, the following order may be observed in the conduct of all regular Village Board meetings:
- (1) Call to order.
  - (2) Roll call.
  - (3) Pledge of Allegiance.

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- (4) Consider agenda approval.
  - (5) Approval of minutes, and any corrections, of preceding regular and special meetings.
  - (6) Public comments and/or correspondence.
  - (7) Finance report.
  - (8) Ordinance report.
  - (9) Police report.
  - (10) Public works report.
  - (11) Library report.
  - (12) Unfinished business.
  - (13) New business, including the introduction of Ordinances and Resolutions.
  - (14) Communications and miscellaneous business as permitted by law.
  - (15) Adjournment.
- (c) **Order to Be Followed.** No business shall be taken up out of order unless authorized by the Village President or by majority consent of all Trustees and in the absence of any debate whatsoever.
- (d) **Recognition of Visitors.** In order to maintain and hold meetings in an orderly fashion the following procedure will be followed regarding visitors unless having previously made a request to be placed on the agenda for a specific item:
- (1) No discussion allowed from visitors during the course of the meeting unless requested by the Village Board.
  - (2) At the appropriate time, each visitor can be recognized and allowed to speak for no more than five (5) minutes.
  - (3) If a speaker purports to speak for an organization, club or others so as to lead the Village Board to believe that a number of persons support a position, then such person shall state how that position was developed by the group.
- (e) **Procedure at Noticed Public Hearings.**
- (1) After opening the public hearing, the presiding officer shall then call on those persons who wish to speak for the proposition. Each person wishing to speak for the proposition shall give his or her name and address.
  - (2) Each person speaking on behalf of the proposition shall be limited in time to not more than five (5) minutes. The presiding officer may allow for additional time.
  - (3) The presiding officer shall then call on those persons who wish to oppose the proposition.
  - (4) Each such person wishing to speak in opposition to the proposition shall give his or her name and address and shall also be limited to five (5) minutes.
  - (5) Any person wishing to speak in rebuttal to any statements made may, with the permission of the presiding officer, do so, provided, however, such rebuttal statement shall be limited to three (3) minutes by any one (1) individual.
  - (6) If a speaker purports to speak for an organization, club or others so as to lead the Village Board to believe that a number of persons support a position, then such person shall state how that position was developed by the group.
  - (7) When the presiding officer in his/her discretion is satisfied that the proposition has been heard, he/she shall announce the fact that the hearing is concluded.

- (f) **Procedures During Agenda Public Input.** The Rio Village Board welcomes public input. Citizens may address the Board at regularly scheduled Village Board meetings during the "Public Input" period listed on the agenda. Speakers are asked to keep the following guidelines in mind:
- (1) Individuals wishing to speak must register their intention to do so by signing up prior to the start of the meeting.
  - (2) Any supporting materials may be submitted to the Village Administrator prior to the meeting for distribution to Village Board members.
  - (3) Each speaker is allowed a maximum of three (3) minutes to address the Village Board. Additional time may be granted by consent of the majority of the Village Board.
  - (4) A maximum of twenty (20) minutes will be allowed for public input per meeting. Additional time may be granted by consent of the majority of the Village Board.
  - (5) Speakers will be taken in the order of signatures on the sign-up sheet.
  - (6) The presiding officer may impose reasonable limitations on citizen's participation such as barring or restricting repetitious, irrelevant, immaterial or inappropriate comments or testimony.
  - (7) Profane, vulgar, or threatening language will not be tolerated.
  - (8) No action can be taken by the Village Board on items discussed during the Public Input period of the agenda.
- (g) **Submittal of Written Comments.** If comments are provided in writing, they may be submitted to the Village Board on matters which the Village Board is considering at its meeting. It is encouraged that such written comments be filed with the Village Administrator by noon of the Friday preceding the regular meeting. If written comments are given at the meeting, the presenter should provide copies for the Village Board and staff.

## **Sec. 2-2-15 Introduction of Business; Resolutions and Ordinances; Disposition of Communications.**

- (a) **Definitions—Ordinances, Resolutions and Motions.**
- (1) **Ordinance.** A legislative act prescribing general, uniform, and permanent rules of conduct relating to the corporate affairs of the municipality. Village Board action shall be taken by ordinance when required by law, or to prescribe permanent rules of conduct which continue in force until repealed, or where such conduct is enforced by penalty.
  - (2) **Resolution.** An internal legislative act which is a formal statement of policy concerning matters of a special or temporary nature. Board action shall be taken by resolution where required by law and in those instances where an expression of policy more formal than a motion is desired.
  - (3) **Motion.** A form of action taken by the Village Board to direct that a specific action be taken on behalf of the municipality. A motion, once approved and entered into the

record, is the equivalent of a resolution in those instances where a resolution is not required by law.

- (b) **Ordinances.** All ordinances and resolutions shall be prepared as follows:
- (1) Each ordinance or resolution shall include a note stating the purpose thereof. All ordinances submitted to the Village Board shall be in writing and shall include at the outset a descriptive or brief statement of the subject matter and a title.
  - (2) The sponsor of an ordinance or resolution may be the Village President, one (1) or more Trustees, a department head or a committee, board, or commission.
  - (3) No ordinance, resolution or by-law shall be considered unless presented in writing by a Trustee or by a committee. Unless requested by a Trustee before final vote is taken, no ordinance, resolution or by-law need be read in full.
  - (4) On ordinances or resolutions that require special handling, the Village Administrator shall assure that an editorial note is prepared showing compliance with such special handling.
  - (5) The Village Administrator may reject any ordinance or resolution from placement on the agenda which fails to comply with this Section.
  - (6) Resolutions shall be in writing at the request of one Trustee; such request shall be nondebatable. Resolutions may be referred to an appropriate standing committee for an advisory recommendation.
- (c) **Subject and Numbering of Ordinances.** Each ordinance shall be related to no more than one (1) subject. Amendment or repeal of ordinances shall only be accomplished if the amending or repealing ordinance contains the number and title of the ordinance to be amended or repealed, and title of amending and repealing ordinances shall reflect their purpose to amend or repeal.
- (d) **Notice.** The Village Board may take action on an ordinance only if it appears on the written agenda for the meeting at which action is requested.
- (e) **Effective Date.** Unless otherwise provided, all ordinances shall take effect and be in force from and after passage and publication and/or legal posting; and published copies thereof shall have appended the date of first publication and/or legal posting.
- (f) **Disposition of Petitions, Communication, Etc.** Every petition or other correspondence from citizens addressed to the Village Board or to the Village Administrator or other Village officer for reference to the Village Board, shall be delivered by such other Village officer to the Village President or to the presiding officer of the Board as soon as convenient after receipt of same, and in any event, prior to or at the opening of the next meeting of the Village Board following the receipt of same. Every such petition, or other writing, and every paper, communication or other proceeding which shall come before the Board for action, may be referred by the Village President or presiding officer to the appropriate committee or commission, unless objected to by some member of the Village Board.
- (g) **Reference and Reports.** The presiding officer may refer new business coming to the Board to an appropriate Board committee unless otherwise referred or acted upon by the

Village Board. All referrals, unless otherwise provided for in the referral, shall be reported on at the next regular Village Board meeting. Village Board motions based upon committee or commission action is permissible only on items specifically on the agenda.

## **Sec. 2-2-16 Publication and Effect of Ordinances.**

- (a) All ordinances adopted by the Village Board shall, at the discretion and direction of the Village Board, be published in a newspaper of general circulation for the Village of Rio as a Class 1 Notice under Chapter 985, Wis. Stats., when required by state law or be legally posted in the Village of Rio as prescribed in Section 2-1-5.
- (b) Notwithstanding any provision herein, if any ordinance adopted by the Village Board for the Village of Rio contains any penalty or forfeiture said ordinance shall be published as a Class 1 Notice under Chapter 985, Wis. Stats., or be legally posted.
- (c) If an ordinance resolution, motion or other action is legally posted under this Section, the Village Administrator shall sign an affidavit attesting that the item was posted as required by this Section and stating the date and place of posting. The affidavit shall be filed with other records under the jurisdiction of the Village Administrator.
- (d) All ordinances shall take effect and be in force from and after passage and publication/posting thereof, unless otherwise provided.

*State Law Reference:* Sections 61.32 and 61.50, Wis. Stats.

*Cross-Reference:* Section 2-1-6.

## **Sec. 2-2-17 Conduct of Deliberations.**

- (a) **Attendance Roll Call.** When the Presiding Officer shall have called the members to order, the Village Administrator shall proceed to call the roll in rotating order, noting who are present, and who are absent. If, after having gone through the call, it shall appear that a quorum is not present, the fact shall be entered in the minutes, and the members present may adjourn to a later date in the month. If they do not, the Village Board shall stand adjourned to the time appointed for the next regular meeting unless a special meeting is called sooner.
- (b) **Roll Call Votes.** A roll call shall not be necessary on any questions or motions except as follows:
  - (1) When the ayes and noes are requested by any member.
  - (2) When required by the state statutes of Wisconsin.
- (c) **Record of Votes.** All aye and nay votes shall be recorded in the official minutes. The ayes and nays shall be ordered upon any question at the request of any member of the

Village Board. Any Trustee may demand a vote on any matter. The Village Administrator shall call for the ayes and noes on roll call votes in continuous rotation, beginning each roll call one (1) name further down the roster of Trustees. The Village Administrator shall record the ayes and noes on each vote.

- (d) **Parliamentary Procedure.** Except as provided below, the presiding officer, in the event of a dispute regarding procedure, shall in all other respects determine the rules of its procedure, which shall be governed by *Robert's Rules of Order, Revised (1984)*, which is hereby incorporated by reference, unless otherwise provided by ordinance or Statute.
- (e) **Motions Stated.** Prior to any debate on a matter, the members of the Village Board shall be entitled to a clear understanding of the motion before the Village Board. The Village Board may discuss a matter prior to a motion being made. The person making the motion shall clearly state the motion. There shall be a second to any motion prior to any debate or discussion of the motion. The presiding officer may, if felt necessary, restate the motion prior to any debate and discussion. Any member of the Village Board, prior to a vote on the motion, may request that the motion and any amendments adopted to the motion be reduced to writing and submitted in writing to the members of the Village Board prior to the final vote on the matter.
- (f) **Change of Vote.** No member of the Village Board may change his or her vote on any action item, business item, motion or question after the final result has been announced.
- (g) **Motions With Preference.** During any meeting of the Village Board certain motions will have preference. In order of precedence they are;
  - (1) **Motion to Adjourn.** This motion can be made at any time and has first precedence. This is a non-debatable motion.
  - (2) **Motion to Lay on the Table.** This motion may be made when the subject matter appropriate for tabling is to be debated or discussed. This motion is a non-debatable motion.
  - (3) **Motion to Call Previous Question.** This motion may be made at any time after the debate or discussion commences related to an action item, business item, motion or question that is properly before the Village Board. This motion is a non-debatable motion. This motion, if adopted, ends the debate and discussion at the meeting on the action item, business item, motion or question. The motion, if adopted, brings the Village Board to a direct vote with the first vote on any amendments, if any, and then to the main action item, business item, motion or question.
  - (4) **Motion to Postpone to a Date Certain.** This motion may be made at any time after the debate and discussion commences on an action item, business item, motion or question that is properly before the Village Board. This motion is debatable. This motion, if adopted, ends the debate and discussion at the meeting on the action item, business item, motion or question. This motion must establish a date and time certain when the debate and discussion before the Village Board will continue. The date and time established must be on a date and time for a regularly scheduled or special meeting of the Village Board.

- (5) **Motion to a Committee.** This motion may be made at any time after the debate and discussion commences on an action item, business item, motion or question that is properly before the Village Board. The motion is debatable. This motion, if adopted, ends the debate and discussion at the meeting on the action item, business item, motion or question. This motion, if adopted, forwards the action item, business item, motion or question to a committee for further review and discussion. The committee must be a committee of the Village Board.
  - (6) **Motion to Amend or Divide the Question.** This motion may be made at any time after debate and discussion commences on the action item, business item, motion or question properly before the Village Board. The motion is debatable. This motion, if adopted, divides the main action item, main business item, main motion or main question pursuant to the method described and adopted in the motion to divide.
  - (7) **Motion to Postpone Indefinitely.** This motion may be made at any time after debate and discussion commences on the action item, business item, motion or question properly before the Village Board. This motion is debatable. This motion, if adopted, ends the debate and discussion at the meeting on the action item, business item, motion or question.
  - (8) **Motion to Introduce a Matter Related to the Action Item, Business Item, Motion or Question.** This motion may be made at any time after the debate and discussion properly before the Village Board. This motion is debatable. This motion, if adopted, expands or adds to the debate and discussion new items related to the main action item, main business item, main motion or main question pursuant to the method described and approved in the motion to introduce a matter related.
- (h) **Public Directory Votes.** No member of the Village Board shall request, at a meeting of the Village Board, a vote from the general public unless the proposed vote of the general public is so noted by the presiding officer of the meeting as strictly an advisory vote to the Village Board. Any vote taken by the general public at a meeting of the Village Board shall be considered by the Village Board only as an advisory vote and shall not be considered as a directory vote.
- (i) **Compelling Votes; Abstentions.** No member may be compelled to vote. When a member abstains from voting, the effect is the same as if the member voted on the prevailing side. The "prevailing side" is defined as the votes accumulated which resulted in carrying or defeating a question. In case of a tie vote (not including the abstention), the abstaining vote is considered a "naye." In case of a vote requiring approval by more than a simple majority, an abstaining vote is considered an "aye." (See also Section 2-5-7 on conflicts of interest).
- (j) **Majority Vote.**
- (1) Unless a larger number is required by statute, ordinance or bylaw, a majority vote of those present at a legally constituted meeting is necessary to carry a question.
  - (2) In the case of a tie vote on any motion, the motion shall be considered lost.

- (k) **Staff Input.** During regular or special meetings of the Village Board, the presiding officer may call for a staff report on business items as the agenda is considered and before a motion is entertained by the presiding officer. Once a motion is pending, debate is limited to Village Board members; additional staff input will be limited to providing clarification on issues if requested by a Village Board member.

### **Sec. 2-2-18 Reconsideration of Questions.**

Any member voting on the prevailing side may move for reconsideration of the vote on any question at that meeting or the next succeeding regular meeting, except those which cannot be reconsidered pursuant to *Robert's Rules of Order, Revised*. A Trustee may not change his vote on any question after the result has been announced.

### **Sec. 2-2-19 Disturbances and Disorderly Conduct.**

Whenever any disturbance or disorderly conduct shall occur in any of the meetings of the Village Board, the Presiding Officer may, following a warning, cause the room to be cleared by a law enforcement officer of all persons causing such disorderly conduct.

### **Sec. 2-2-20 Amendment of Rules.**

The rules of Sections 2-2-14 and 2-2-17 through 2-2-19 above shall not be rescinded or amended unless the proposed amendment or motion to rescind has laid over from a regular meeting, and then it shall require a vote of two-thirds (2/3) of all the members of the Village Board.

### **Sec. 2-2-21 Suspension of Rules.**

- (a) The rules of Sections 2-2-14 and 2-2-17 through 2-2-19 shall not be suspended except by a majority vote of all the members of the Village Board.
- (b) These rules of procedure in Sections 2-2-14 and 2-2-17 through 2-2-19 are adopted for the sole benefit of the members of the Village Board to assist in the orderly conduct of Village Board business. These rules of procedure do not grant rights or privileges to members of the public or third parties. Failure of the Village Board to adhere to these rules shall not result in any liability to the Village, its officers, agents, and employees, nor shall failure to adhere to these rules result in invalidation of any Village Board act.



## Title 2 ► Chapter 3

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# Municipal Officers and Employees

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Appendix A: Village of Rio Employee Grievance Policy

### **Sec. 2-3-1 General Provisions.**

- (a) **General Powers.** Officers shall have generally the powers and duties prescribed for like officers of towns and villages, except as otherwise provided, and such powers and duties as are prescribed by law and except as to the Village President, shall perform such duties as shall be required of him/her by the Village Board. Officers whose powers and duties are not enumerated in Chapter 61, Wis. Stats., shall have such powers and duties as are prescribed by law for like officers or as are directed by the Village Board.
- (b) **Rules.** All officers and departments may make the necessary rules for the conduct of their duties and incidental proceedings, subject to prior approval by the Village Board.
- (c) **Applicability of Ethics Statutes.** The general laws for the punishment of bribery, misdemeanors and corruption in office shall apply to Village of Rio officers.

**2-3-1**

- (d) **Legal Representation.** Whenever a Village official in his/her official capacity is proceeded against or is obliged to proceed before any civil court, board or commission, to defend or maintain his/her official position, or because of some act arising out of the performance of his/her official duties, and he/she has prevailed in such proceedings, or the Village Board has ordered the proceedings discontinued, the Village Board may provide for payment to such official such sum as it sees fit, to reimburse him/her for the expenses reasonably incurred for costs and attorney's fees.

**Sec. 2-3-2 Appointed Officials.**

- (a) **Appointment.** The Village officials hereinafter set forth shall be appointed by the Village President, subject to confirmation by a majority vote of the Village Board or as otherwise prescribed, and one (1) or more of said offices may be held by the same person. Persons appointed to perform the duties of the following offices shall hold office for an indefinite term, subject to removal as provided by Sec. 17.12(1)(c) and (d), Wis. Stats.:

<b>Official</b>	<b>How Appointed</b>	<b>Term</b>
Building Inspector	Village President subject to Village Board confirmation	By Contract
Attorney	Village Board	Pleasure of Board
Engineer (Consulting)	Village Board	Pleasure of Board
Weed Commissioner	Village President subject to Village Board confirmation	One Year
Assessor	Village Board by majority vote of Village Board	By Contract
Administrator-Clerk-Treasurer	Village President, subject to 2/3 Village Board confirmation	Indefinite
Chief of Police	Village Board, by majority vote of Village Board	By Contract
Director of Public Works	Village Board, by majority vote of Village Board	Indefinite

(b) **Confirmation; Compensation.**

- (1) All confirmation votes by the Village Board shall be by simple majority vote, except for the Administrator-Clerk-Treasurer which shall be by two-thirds vote.
- (2) The Village President shall not vote on the confirmation of such appointments, except in case of a tie. Compensation shall be as determined by the Village Board.

### **Sec. 2-3-3 Village Administrator-Clerk-Treasurer.**

- (a) **Consolidated Offices.** Pursuant to Sections 61.195, 61.197 and 66.0101, Wis. Stats., the Village of Rio hereby elects not to be governed by those portions of Sections 61.19, 61.25 and 61.26, Wis. Stats., which relate to the selection and tenure of the Clerk and Treasurer, and which are in conflict with this Section. The offices of Village Clerk and Village Treasurer are hereby consolidated and the duties of both offices shall be performed by the person appointed as Village Administrator-Clerk-Treasurer by the Village President subject to confirmation by the Village Board (Charter Ordinance).
- (b) **Appointment; Term.** Pursuant to Section 2-3-2, the Village Administrator-Clerk-Treasurer shall be appointed by the Village President, subject to majority confirmation vote of the members elect of the Village Board, on the basis of merit, appropriate education and appropriate experience. The Village Administrator-Clerk-Treasurer shall hold office for an indefinite term or as prescribed by employment contract, whichever is more restrictive, subject to removal as provided in Sec. 17.13, Wis. Stats., and Village personnel policies. The Village Administrator-Clerk-Treasurer is an at-will employee of the Village of Rio. For purposes of this Code of Ordinances, the Village Administrator-Clerk-Treasurer may also be referred to as the "Village Administrator" or "Village Clerk-Treasurer."
- (c) **Responsibilities.** The responsibilities of the Village Administrator shall be, but not limited to, the following:
  - (1) **Chief Administrative Official.** The Village Administrator shall:
    - a. Subject to the parameters defined in the Wisconsin Statutes and Village ordinances and resolutions, serve as the chief administrative official of the Village of Rio, responsible to and under the general direction of the Village President and Village Board.
    - b. Be responsible for implementing directives and policies set forth by the Village President and Village Board, reporting promptly any difficulties encountered.
    - c. Be responsible for Village compliance with federal and state laws and Village ordinances and adopted policies.
    - d. Attend all meetings of the Village Board, unless excused by the Village President or a majority vote of the Village Board, and at such meetings assist the Village President and the Village Board as necessary with the performances of their duties.

- e. Attend all meetings of the standing and special committees of the Village Board if requested by the Village President or committee chairperson, assisting committee members as necessary in the performance of their duties.
  - f. Serve as ex-officio non-voting member of all boards, commissions and committees of the Village, except as specified by the Village Board or Wisconsin Statutes.
  - g. In coordination with the Village President, ensure that appropriate agendas are prepared to all meetings of the Village Board, all Board committees, and all other appropriate committees and commissions of the Village, together with such supporting material as may be required; with nothing herein being construed as to give the Village Administrator authority to limit or in any way prevent matters from being considered by the Village Board, or any of its committees and commissions.
  - h. Assist in the preparation of ordinances and resolutions as requested by the Village President or Village Board, or as needed.
  - i. Keep the Village President and Village Board regularly informed about the activities of the Village Administrator's Office by oral or written report at regular and special meetings of the Village Board.
  - j. In the event that action normally requiring Village Board approval is necessary at a time when the Board cannot meet, the Village Administrator may receive directives from the Village President.
  - k. Assist Village officials with compliance with the Wisconsin Open Meetings Law and Wisconsin Open Records Law.
  - l. Assist the Village President and Village Board in establishing procedures regarding evaluations of Village programs and services, including conducting planning sessions with the Village Board and other Village bodies.
  - m. Provide recommendations to the Village President and Village Board regarding Village programs and services, and any organizational modifications deemed necessary.
  - n. Confer with the Village President, Village Board, department supervisors, and other Village governmental bodies about projects, services, and possible issues.
  - o. Perform such other responsibilities as shall be assigned by the Village President and/or Village Board.
- (2) **Supervision of Municipal Operations.** The Village Administrator shall:
- a. Be responsible for the proper supervision and administration of all aspects of day-to-day operations, functions and programs of the Village, its departments and staff.
  - b. Have supervisory and administrative authority and responsibility for all Village departments, department heads and employees, except where such authority is vested by the Wisconsin Statutes in certain boards and commissions. General

direction shall be provided to the Police Department, with emphasis relative to the fiscal, budgetary, and administrative matters of the Police Department.

- c. Provide management and program leadership for Village departments and operations.
- (3) **Personnel Management.** The Village Administrator shall direct the effective and efficient performance of all Village employees, including the following duties:
- a. Be responsible for the administrative direction and coordination of all employees of the Village according to the established organization procedures.
  - b. Assist the Village President and Village Board in filling employee vacancies, negotiating employee contracts, and making revisions to the Village Personnel Manual.
  - c. Conduct annual performance evaluations of department heads and ensure the same evaluations are performed by department heads of employees under their supervision. The Village Administrator may make recommendations to the Village President and Village Board regarding the performance and continued employment status of employees.
  - d. Recommend to the Village Board the appointment, promotion, and when necessary for the good of the Village, the suspension or termination of department heads.
  - e. In consultation with the appropriate department head, be responsible for the appointment, promotion and when necessary for the good of the Village, the suspension or termination of employees below the department head level.
  - f. Assist in the appointment and/or hiring of all non-elected officers and employees. When a vacancy occurs, the Village Administrator shall take such steps as are necessary to solicit or advertise for applications according to established hiring procedures, and upon completion of an administrative review, shall submit to the Village Board a ranked list of applicants with an evaluation of each applicant. The list shall consist of five (5) candidates unless there are fewer than five (5) applicants for the position and then the list shall consist of all the applicants. A selection shall be made by the Village Board.
  - g. Serve as Personnel Officer for the Village with responsibilities to see that complete and current personnel records, including specific job descriptions, for all Village employees are kept; evaluate in conjunction with department heads the performance of all employees on a regular basis; recommend salary and wage scales for Village employees not covered by collective bargaining agreements; develop and enforce high standards of performance by Village employees; assure that Village employees have proper working conditions; work closely with department heads to promptly resolve personnel problems or grievances; assure compliance with all local, state and federal laws and regulations applicable to hiring and employment practices.

- h. Work closely with department heads to assure that employees receive adequate opportunities for training to maintain and improve their job-related knowledge and skills and act as the approving authority for requests by department heads and Village employees to attend conferences, meetings, training schools, etc.; provided that funds have been budgeted for these activities.
  - i. Maintain personnel files.
  - j. Make interim personnel appointments when necessary.
  - k. Implement an internal system by which employees are accountable to the Village Administrator regarding their responsibilities and performance of duties.
  - l. Participate in the employee grievance process as defined in the Village Personnel Manual and various contracts.
  - m. Be responsible for such other personnel practices and matters as shall be assigned or delegated by the Village President and Village Board.
- (4) **Implementation of Village Board Directives; Legislative Management.** The Village Administrator shall:
- a. Effectuate all actions and directives approved by the Village Board which require administrative implementation through the active direction and coordination of the various Village departments.
  - b. Seek compliance with federal and state laws and administrative rules and Village ordinances and resolutions impacting Village government and its administration.
  - c. Establish and implement administrative procedures to increase the effectiveness and efficiency of Village government which are fully consistent with approved directives and policies established by the Village Board.
  - d. Disseminate information concerning proposed and current federal, state and county legislation and administrative rules affecting the Village and submit appropriate reports and recommendations thereon to the Village Board.
  - e. Provide recommendations to the Village President and Village Board regarding modifications to the Village of Rio Code of Ordinances.
  - f. Assist legal, engineering and planning professionals in maintaining the Code of Ordinances, Village Personnel Manual, and various municipal policies and procedures.
  - g. Represent the Village in matters involving legislative and intergovernmental affairs as required, submitting appropriate recommendations to the Village President and Village Board.
- (5) **Establishment of Village Goals and Objectives; Communications.** The Village Administrator shall:
- a. Submit, as deemed necessary, recommendations or suggestions for improving the health, safety or welfare of the citizens of the Village, institute and direct a system whereby Village departments, as well as persons having business with the Village President and/or Village Board or any Village department, may properly and efficiently conduct such business.

- b. Act as public information officer for the Village with the responsibility of assuring that the news media are kept informed about the operations of the Village and that all open meeting rules and regulations are followed.
  - c. Establish and maintain procedures to facilitate communication between citizens and Village government to ensure that complaints, grievances, recommendations, and other matters receive prompt attention and that all such matters are expeditiously resolved.
  - d. Maintain effective communications with the public through press releases and providing an effective Village government website.
- (6) **General Budget and Fiscal Management Responsibilities.** In assisting the Village President and Village Board, the Village Administrator shall:
- a. Be responsible for the preparation of the annual Village budget, in accordance with guidelines as may be provided by the Village Board and in coordination with department heads, and pursuant to state statutes, for review and approval by the Village Board.
  - b. Administer the budget as adopted by the Village Board; with the authority to approve expenditures budgeted by the Board in amounts not to exceed Nine Thousand, Nine Hundred, Ninety-nine Dollars and ninety-nine cents (\$9,999.99).
  - c. Administer special financial programs including debt management, investment of surplus funds, property tax stabilization, and grants management.
  - d. Report regularly to the Village Board on the current fiscal position of the Village.
  - e. Supervise the accounting system of the Village and ensure that the system employs methods in accordance with current professional accounting practices.
  - f. Assure that the Village's financial operations are subject to adequate internal controls.
  - g. Coordinate the activities associated with the Village's financial audits.
  - h. Assist the Village President and Village Board in the establishment of financial performance goals and the development of Village financial and budgeting policies and procedures.
  - i. Recommend financial benchmarks for debt management, property taxation rates, and user rates and fees.
  - j. Review and recommend appropriate user fees and license fees for Village utilities, recreation user fees, special use fees, and Village-issued licenses.
  - k. Maintain all contracts to which the Village is a party to, including such representative contracts as:
    - 1. Emergency medical and fire services with surrounding local governments.
    - 2. Any other contracts.
  - l. Administer billings and collections for Village utilities, special assessments, ambulance services, etc.
  - m. Prepare specifications for and manage insurance coverage and bonds.

- n. Maintain fixed asset records of the Village of Rio, including, but not limited to:
    - 1. Major Village equipment (cost, service life, depreciation, insurance value).
    - 2. Infrastructure (streets, storm sewers, curb and gutter).
    - 3. Water utility assets (meters, mains, service wells, pumps, etc.).
    - 4. Sewer utility assets (mains, laterals, treatment plant, etc.).
    - 5. Emergency services (vehicles, support equipment, etc.).
  - o. Keep informed concerning the availability of federal, state and county funds for local programs. Assist department heads and the Village Board in obtaining these funds under the direction of the Village President and the Village Board.
  - p. Be responsible for such additional budgeting and purchasing matters as shall be assigned or delegated by the Village President or Village Board.
- (7) **Capital Projects Management.** The Village Administrator shall:
- a. Assist the Village President and Village Board in the establishment and updating of current and long-range objectives, plans and policies.
  - b. Identify financial resources and options for community growth.
  - c. Manage implementation of Five-Year Capital Improvement Programs and other plans authorized in annual budgets.
- (8) **Economic Development.** The Village Administrator shall:
- a. Assist the Village and Village Board in implementing economic development strategies and plans.
  - b. Recommend potential development incentives and opportunities to the Village President and Village Board.
  - c. Evaluate and make recommendations regarding new residential and commercial development proposals.
  - d. Prepare special development plans and contracts as directed by the Village President and Village Board, including for Tax Incremental Financing (TIF) district projects, Business Improvement District (BID) plans, and developer agreements.
  - e. Be responsible for all aspects of the management of the Tax Incremental Districts.
  - f. Seek alternative funding sources and grants for Village projects and programs.
  - g. Promote the economic well-being and growth of the Village through public and private sector cooperation, and coordinate economic development efforts of the Village.
- (9) **Purchasing.** The Village Administrator shall:
- a. Direct and oversee the Village's purchasing policy as approved by the Village Board; obtain bids and quotations; identify possible suppliers and service providers.
  - b. Serve as the purchasing agent for the Village, supervising all purchasing and contracting for supplies and services subject to the purchasing procedures

- established by the Village Board and any limitations provided by the Wisconsin Statutes.
- c. Inform the Village President or Village Board concerning any proposed change in service rendered Village residents or Village-located business which shall appreciably affect either the extent, quality, or cost of such service and purchases.
- (10) **Zoning and Land Use Planning.** The Village Administrator shall:
- a. Assist the Zoning Administrator and Building Inspector administer all Village zoning, land division, extraterritorial zoning, property maintenance, floodplain, shoreland-wetland, stormwater management, and building code ordinances, and recommend amendments to the same as necessary.
  - b. Implement and revise, as necessary, the Village of Rio Comprehensive Plan.
- (11) **Constituent and Community Relations.** The Village Administrator shall:
- a. Establish procedures and programs to facilitate communication between Village government and the public.
  - b. Investigate and/or respond promptly to citizen inquiries, complaints, grievances and recommendations.
  - c. Establish procedures for monitoring and assessing public satisfaction with Village services and programs, which may include the use of surveys and informational meetings.
  - d. Provide informational presentations to community organizations as requested and when directed by the Village President and Village Board.
  - e. Participate in membership and community organizations as requested by the Village President and Village Board.
  - f. Establish positive relationships with state, county and agency officials and with area governmental units and organizations.
- (d) **Cooperation By and With Village Administrator.** All officials and employees of the Village shall cooperate with and assist the Village Administrator, and the Village Administrator shall similarly cooperate with and assist all officials and employees of the Village so that the Village government shall function effectively and efficiently.
- (e) **Duties Prescribed by Law.** The Village Administrator shall perform such other duties as are prescribed by the Wisconsin Statutes and Village of Rio Code of Ordinances, and as directed by the Village President or Village Board. The Village Administrator shall be responsible for all the official acts of assistants. This Section is not intended to limit in any way the power and authority of the Village President or Village Board.
- (f) **Audits.** Annual audits may be made of the records of the Administrator-Clerk-Treasurer with the audit to be made by a certified public accountant.
- (g) **Duties as Clerk.** In his/her capacity as Village Clerk, the Village Administrator-Clerk-Treasurer shall be responsible for performing those duties required by the Wisconsin Statutes and for the following additional duties:
- (1) Perform all election duties as required by Wisconsin Statute and keep and maintain all election records and all property used in conjunction with holding of elections;

- (2) Publish all legal notices unless otherwise provided; file and preserve all contracts, bonds, oaths of office and other documents not required to be filed elsewhere;
  - (3) Issue all licenses required by ordinance or statute except as otherwise provided;
  - (4) Attend meetings, take minutes and maintain files for the Village Board, and such other official boards and commissions as may be directed;
  - (5) Maintain a file on all Village records, ordinances, resolutions and vouchers;
  - (6) Type and distribute reports for the Village Board and for federal and state agencies;
  - (7) Audit and obtain approval on claims charged against the Village;
  - (8) Assist the Assessor in maintaining property assessment records;
  - (9) Administer oaths and affirmations;
  - (10) Issue licenses to various vendors in the Village;
  - (11) Develop and implement improved internal control and financial reporting procedures as necessary or as requested;
  - (12) File financial and other reports with various state agencies;
  - (13) File insurance claims on behalf of the Village;
  - (14) Locate suppliers of goods or services and obtain quotes;
  - (15) Advertise for bids, receive them and summarize the results;
  - (16) Identify and evaluate ideas to achieve more efficient and effective operation;
  - (17) Coordinate, supervise and conduct elections;
  - (18) Confer with Village President, department heads and Village Board committees about projects and problems;
  - (19) Maintain personnel files under the direction of the Village Board.
- (h) **Duties as Treasurer.** In his/her capacity as Village Treasurer, the Village Administrator-Clerk-Treasurer shall be responsible for performing those duties required by the Wisconsin Statutes and for the following additional duties:
- (1) Prepare the tax roll and tax notices required by the State of Wisconsin;
  - (2) Prepare financial and bank statement;
  - (3) Maintain fiscal records for the Village;
  - (4) Make reports to the State on assessments;
  - (5) Prepare and send invoices for services provided by municipal utilities.
  - (6) Perform record keeping, billing, collections, banking, investments, accounting and financial reporting of all Village operations, including utilities;
  - (7) Collect all taxes for the Village and other taxing bodies;
  - (8) Invest idle funds for maximum interest earnings;
  - (9) Prepare monthly financial report;
  - (10) Maintain payroll records and prepare payroll checks from approved employee time sheets;
  - (11) Prepare check vouchers for payment of approved claims for signature;
- (i) **Bond.** The Village Administrator-Clerk-Treasurer shall execute to the Village a surety company fidelity bond in an amount determined by the Village Board.

### **Sec. 2-3-4 Deputy Clerk-Treasurer.**

The Village Administrator may appoint a Deputy Clerk-Treasurer(s), subject to confirmation by a majority of all the members of the Village Board. The Deputy Clerk-Treasurer(s) shall have an indefinite term of office. The Deputy Clerk-Treasurer(s) shall act under the Village Administrator's direction and, during the temporary absence or disability of the Village Administrator or during a vacancy in such office, shall perform the duties of Village Clerk-Treasurer. The acts of the Deputy(s) shall be covered by official bond as the Village Board shall direct.

*State Law Reference:* Sec. 61.261, Wis. Stats.

### **Sec. 2-3-5 Village Attorney.**

- (a) **Appointment.** The Village Attorney is an appointed position. The Village Attorney shall be appointed pursuant to Section 2-3-2, except the Village Attorney shall serve at the pleasure of the Village Board.
- (b) **Duties.** The Village Attorney shall have the following duties:
  - (1) The Village Attorney shall conduct all of the legal business in which the Village of Rio is interested, except as provided in Subsection (b)(5) below.
  - (2) The Village Attorney shall, when requested by Village officers, give written legal opinions, which shall be filed with the Village of Rio.
  - (3) The Village Attorney shall draft ordinances, bonds, contracts and other legal instruments as may be required by Village officers.
  - (4) The Village Attorney may appoint an assistant, who shall have power to perform his/her duties and for whose acts he/she shall be responsible to the Village. Such assistant shall receive no separate compensation from the Village, unless previously provided by ordinance or agreement.
  - (5) The Village Board may employ and compensate special counsel to assist in or take charge of any matter in which the Village is interested (i.e. codification).
  - (6) The Village Attorney shall perform such other duties as provided by State law and as designated by the Village Board.

### **Sec. 2-3-6 Chief of Police.**

- (a) **Appointment.** The Chief of Police shall be appointed pursuant to Section 2-3-2, subject to removal pursuant to Secs. 61.65(1)(am) and 62.13, Wis. Stats. The Chief of Police shall exercise the powers and duties of the Village marshals and Village constables and any other powers and duties as provided from time to time by the Village Board.

(b) **General Duties.**

- (1) The Chief of Police shall have command of the Police Department. The Chief of Police shall have general administration and control of the Department and shall be responsible for the Department's government, efficiency and general good conduct. The Chief of Police shall perform all duties prescribed to him/her by the laws of the State and the Ordinances of the Village and shall obey all lawful written orders of the Village Board or appropriate Committee thereof.
- (2) The Chief of Police shall cause the public peace to be preserved and may arrest and with reasonable diligence take before the proper court every person found in the Village engaged in any disturbance of the peace or violating any law of the State or Ordinance of the Village. The Chief of Police shall cooperate with other law enforcement officers in the arrest or apprehension of person charged with crime.
- (3) The Chief of Police shall see that all laws and ordinances of the Village and State are enforced. Whenever any violation thereof shall come to the Chief of Police's knowledge, he/she shall cause the requisite complaint to be made and see that the evidence is procured for the successful prosecution of the offender or offenders.
- (4) The Chief of Police shall exercise supervisory control over all the personnel of the Police Department and may adopt rules, policies, procedures, and regulations for the government, discipline, equipment and uniforms of the Police Department.
- (5) The Chief of Police shall be solely responsible for the care and condition of the equipment used by his/her Department. The Chief of Police shall keep an accurate and complete record of all complaints, arrests, traffic violations, convictions and dispositions of the Department.
- (6) Subject to there being a Village Board-approved position and budget authorization, the Chief of Police shall select officers for full-time positions, subject to Village Board approval. Part-time officer positions shall be filled exclusively by the Chief of Police.
- (7) The Chief of Police shall develop Department policies and procedures.
- (8) Submit monthly and annual reports to the Village Board.

*State Law Reference:* Secs. 61.65(1)(am) and 62.13, Wis. Stats.

**Sec. 2-3-7 Fire Chief.**

- (a) **Appointment.** The Fire Chief shall assume office pursuant to the bylaws of the Rio Fire Association (" Fire Department"). The Fire Chief shall be the Village Fire Inspector by virtue of his/her office; the Fire Chief may delegate such duties.
- (b) **Powers and Duties.**
  - (1) The Fire Chief shall have general supervision of the Department, subject to this Chapter and the bylaws of the Department and shall be responsible for the personnel and general efficiency of the Rio Fire Department.

- (2) The Fire Chief shall enforce all fire prevention ordinances of this Village and state laws and regulations pertaining to fire prevention and shall keep citizens informed on fire prevention methods and on the activities of the Department.

*Cross-Reference:* Title 5, Chapter 2.

## **Sec. 2-3-8 Director of Public Works.**

- (a) **Appointment.** The Director of Public Works shall be appointed pursuant to Section 2-3-2. Generally, the Village Board shall maintain, service, inspect and/or repair all Village public works equipment, and property including street equipment, streets and street right-of-ways, Village utilities, Village parks, Village buildings and facilities and other items as determined by the Village Board.
- (b) **Duties and Powers.** The Director of Public Works shall have the following duties and powers:
- (1) **General Duties.** The Director Public Works shall:
- Plan, direct and manage all public works (streets, storm sewers, sidewalks, curb and gutter), and utility services (water supply distribution, sanitary sewer collection and wastewater treatment).
  - Be responsible for the maintenance, repair and construction of parks, streets, alleys, curbs and gutters, sidewalks, bridges, street signs, Village buildings and structures and all related machinery, equipment and property used in such activity.
  - Have charge of certain public services, including snow and ice removal, street cleaning, flushing, water services, and street maintenance.
  - Prepare specifications and bid documents for equipment purchases, re-roofing, insulation and similar types of facilities-related projects.
  - Prepare recommendations for annual and long-range projects.
  - Perform such other activities and duties, as are required of him/her from time to time by the Village Board, his/her job description or employment contract.
- (2) **Utilities Administrator.** The Director of Public Works, in his/her capacity as Utilities Administrator:
- Has responsibility for the overall management and control of the operation of the water and sewer system, serving as the primary licensed operator for the sewer and water utilities.
  - Makes recommendations regarding matters of finance and accounting, engineering, personnel and general operations related to Village utilities.
  - Develops and recommends short and long range plans for utility service.
  - Reviews financial data to assure that the utilities are being operated in an efficient manner.

- e. Represents the water utility before the Public Service Commission in matters prescribed by law.
- f. Periodically reviews office procedures, accounting and storeroom control.
- (3) **Public Works Director/Streets Superintendent.** The Director of Public Works, in his/her capacity as Superintendent of Streets:
  - a. Have responsibility for overall management and control of the public works functions and employees.
  - b. Advise the Village President and Village Board on various public works projects or problems and makes recommendations.
  - c. Make recommendations relating to all street, storm sewer and sidewalk projects.
  - d. Plan, direct and inspect the repair and maintenance of streets, curbs and gutters, sidewalks, street lights, street trees;
  - e. Supervise plowing of snow and all phases of snow and ice control on Village streets, alleys, sidewalks and public parking lots;
  - f. Supervise the operation of the municipal garage and the repair and maintenance of Village-owned vehicles and equipment;
  - g. Schedule the daily and weekly jobs of the Public Works Department employees and make necessary modifications due to emergencies;
  - h. Plan for the maintenance and repair of all Village vehicles, machinery and equipment and is responsible for related records;
  - i. Repair and maintain all official Village sign use and traffic control marking, to be done in compliance with the State Traffic Code and local ordinances.
  - j. Maintain and administer the Village park and recreation system.
- (4) **Other Duties.** The Director of Public Works shall:
  - a. Serve as Village Forester.
  - b. Perform such other duties as may be directed by the Village Administrator and Village Board.
- (5) **Budgeted Expenditures.** The Chief of Police and Public Works Director may make budgeted expenditures and purchases of up to One Thousand Dollars (\$1,000.00). The Village Administrator, following consultation with the Chief of Police or Public Works Director, is authorized to approve budgeted expenditures of between One Thousand Dollars (\$1,000.00) and Twenty-five Thousand Dollars (\$25,000.00).

## **Sec. 2-3-9 Eastern Columbia County Joint Municipal Court; Municipal Judge.**

- (a) **Joint Municipal Court Established.** Pursuant to Chapter 755, Wis. Stats., there is hereby created and established a Joint Municipal Court designated "Joint Municipal Court for the Village of Arlington, the Village of Cambria, the Town of Columbus, the Town of Dekorra, the Village of Fall River, the Village of Friesland, the City of Lodi, the Town of Lodi, the Village of Pardeeville, the Village of Poynette, the Village of Randolph, the Village of Rio,

or the Village of Wyocena" (hereinafter known as the "Joint Municipal Court" or "Eastern Columbia County Joint Municipal Court") presided over by a Municipal Judge.

- (b) **Municipal Court Committee; Composition.** The Municipal Court Committee shall be comprised of one (1) representative of each Member Municipality who shall be appointed by the Mayor, Village President or Chairperson of the Member Municipality, subject to confirmation by the respective governing body. Each Member Municipality may appoint an alternative representative who shall act of Committee matters in the absence of the regular representative.
- (c) **Creation and Qualifications of the Position of Municipal Judge.**
- (1) **Qualifications of Office.** 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 Village of Arlington, or the Village of Cambria, or the Town of Columbus, or the Town of Dekorra, or the Village of Fall River, or the Village of Friesland, or the City of Lodi, or the Town of Lodi, or the Village of Pardeeville, or the Village of Poynette, or the Village of Randolph, or the Village of Rio, or the Village of Wyocena.
  - (2) **Election and Term of Municipal Judge.** The appointed Municipal Judge must run for election at large the following spring election for a two (2) year term, commencing on May 1st succeeding his/her election. Electors of the Village of Arlington, and the Village of Cambria, and the Town of Columbus, and the Town of Dekorra, and the Village of Fall River, and the Village of Friesland, and the City of Lodi, and the Town of Lodi, and the Village of Pardeeville, and the Village of Poynette, and the Village of Randolph, and the Village of Rio, and the Village of Wyocena, shall be eligible to vote for the Municipal Judge of the Eastern Columbia County Joint Municipal Court.
  - (3) **Creation of the Position of Municipal Court Clerk.** Pursuant to Chapter 755, Wis. Stats., the office of the Clerk of the Municipal Court is hereby created. Said Clerk shall take the position upon hire by the Municipal Court Committee and written appointment by the Municipal Judge. Training and compensation of said Clerk shall be as determined by the governing bodies of member municipalities.
  - (4) **Salary of Municipal Judge.** The Municipal Judge shall receive a fixed salary and Municipal Judge's training pursuant to Sec. 755.18, Wis. Stats., the salary to be determined by the governing bodies of the Member Municipalities, subject to Sec. 755.04, Wis. Stats., which shall be in lieu of fees and costs. The salary shall be paid quarterly. No salary shall be paid to the Municipal Judge for any time during his/her term for which he/she has not executed and filed the official bond and oath required under Subsection (c)(5) below.
  - (5) **Bond and Oath of Municipal Judge.** The Municipal Judge shall, after election or appointment to fill a vacancy, take and file the Official Oath as prescribed in Sec. 757.02(1), Wis. Stats., pursuant to Sec. 755.03, Wis. Stats., with the Clerk of Circuit Court for Columbia Court, and at the same time shall execute and file an official bond.

- (6) **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 Sec. 19.01, Wis. Stats., with the designated municipal clerk and at the same time, shall execute and file an official bond. The designated municipal clerk shall provide file copies to the other seven (7) communities.
- (d) **Jurisdiction of Municipal Judge.** The Municipal Judge shall have jurisdiction as provided by the Wisconsin Statutes and Laws of the State of Wisconsin and pursuant to Sec. 755.045, Wis. Stats.
- (e) **Procedures of the Joint Municipal Court.**
  - (1) **Location; Time.** The Joint Municipal Court's location and time shall be determined by order of the Municipal Judge.
  - (2) **Court Procedures.** The procedures in the Joint Municipal Court shall be as provided by the Statutes and Laws of the State of Wisconsin.
  - (3) **Deposits of Monies Received.** The Municipal Court Clerk, or his/her designee, shall make daily deposits of all forfeitures, fees, penalties, assessments and costs collected in any action or proceeding before the Joint Municipal Court. These deposits shall be made to a designated bank account as determined by the Joint Municipal Court Committee.
- (f) **Contempt in Municipal Court.** The Municipal Judge may impose a sanction as authorized under Sec. 800.12(2), Wis. Stats., for Contempt of Court as defined in Sec. 785.01(1), Wis. Stats., in accordance with the procedures under Sec. 785.01(1), Wis. Stats.
- (g) **Intergovernmental Agreement.** Each city or village shall enter into an intergovernmental agreement for the operation of the Joint Municipal Court with the other members of the Eastern Columbia County Municipal Court upon mutually agreeable terms.

*State Law References:* Chs. 755, 785 and 800, Wis. Stats.

## **Sec. 2-3-10 Weed Commissioner.**

The Weed Commissioner shall be appointed by the Village President, subject to Village Board confirmation. The term of office of the Weed Commissioner shall commence on the first day of May following his/her appointment. The Weed Commissioner shall take the official oath, which oath shall be filed in the Office of the Village Administrator and shall hold office for one year. The Weed Commissioner shall hold office pursuant to and fulfill the duties set out in state law. Unless otherwise appointed, the duties of Weed Commissioner are assigned to the Director of Public Works.

*State Law Reference:* Secs. 66.0407 and 66.0517, Wis. Stats.

**Sec. 2-3-11 Assessor.**

- (a) Pursuant to Sections 61.195, 61.197 and 66.0101, Wis. Stats., the Village of Rio hereby elects not to be governed by those portions of Sections 61.19 and 61.23, Wis. Stats., which relate to the selection and tenure of the Village Assessor, and which are in conflict with this Section.
- (b) Instead of being elected, the Assessor, or assessing firm, shall be appointed by the Village President, subject to confirmation by a two-thirds majority vote of the members-elect of the Village Board. Said person so appointed to perform the duties of such office shall have a term of office and serve as determined by contract. A corporation or an independent contractor may be appointed as the Village Assessor. The corporation or independent contractor so appointed shall designate the person responsible for the assessment. The designee shall file the official oath under Sec. 19.01, Wis. Stats., and sign the affidavit of the Assessor attached to the assessment roll under Sec. 70.49, Wis. Stats. No person may be designated by any corporation or independent contractor unless he/she has been granted the appropriate certification under Sec. 73.09, Wis. Stats. For purposes of this Subsection, "independent contractor" means a person who either is under contract to furnish appraisal and assessment services or is customarily engaged in an independently established trade, business or profession in which the services are offered to the general public.

*Cross-Reference:* Section 3-3-6(e), Confidentiality of Assessor's Records.

*State Law Reference:* Public Official's oaths and bonds, Sec. 19.01, Wis. Stats.; corporation as assessor, Sections 61.197 and 61.27, Wis. Stats.; affidavit of assessor, Sec. 70.49, Wis. Stats.; assessor certification, Sec. 73.02, Wis. Stats.; assessors in cities, Sec. 70.05, Wis. Stats.

**Sec. 2-3-12 Building Inspector; Plumbing Inspector; Heating, Ventilating and Air Conditioning Inspector; Electrical Inspector.**

- (a) **Appointment.**
  - (1) Inspectors shall be appointed pursuant to Section 2-3-2. The Village of Rio may select the services of an inspection firm or independent contractor.
  - (2) Each inspector shall:
    - a. Possess such executive ability as is requisite for the performance of his/her duties and shall have a thorough knowledge of the standard materials and methods used in the installation of equipment in his/her area of responsibility;
    - b. Be well versed in approved methods of construction for safety to persons and property, the Wisconsin Statutes relating to work in his/her area of responsibility, and any orders, rules and regulations issued by authority thereof;

- c. Have sufficient experience in the installation of equipment to enable him/her to understand and apply the appropriate codes adopted by the Village of Rio; and
  - d. Be certified in his/her area of inspection responsibilities.
- (b) **Authority to Enter Premises; Appeals.**
  - (1) In the discharge of their respective duties, each Inspector under this Section or his/her authorized agent may enter any building, upon presentation of the proper credentials, during reasonable hours for the purpose of inspection and may require the production of any permit or license required hereunder. No person shall interfere with the Inspector or his/her authorized agent while in the performance of his duties; and any person so interfering shall be in violation of this Section and subject to a penalty as provided by Section 1-1-6.
  - (2) If consent to entry to personal or real properties which are not public buildings or to portions of public buildings which are not open to the public for inspection purposes has been denied, the Inspector shall obtain a special inspection warrant under Sec. 66.0119, Wis. Stats.
  - (3) Any person feeling himself/herself aggrieved by any order or ruling of an Inspector may, within twenty (20) days thereafter, appeal from such order or ruling to the Board of Appeals, as established in the Zoning Code, such an appeal to be in writing.
- (c) **Duties and Authority.** The Building Inspector shall have such responsibilities as are prescribed in this Section and Title 15 of this Code of Ordinances.
- (d) **Stop Work Orders and Revocations.** The Building Inspector may order construction, installation, alteration or repair work stopped when such work is being done in violation of this Code of Ordinances. Work so stopped shall not be resumed, except with written permission of the Inspector, provided if the stop work order is an oral one it shall be followed by a written order within a reasonable period of time.
- (e) **Conflict of Interest.** No Inspector shall inspect any construction work in the Village of Rio in which the Inspector has a personal or financial interest either direct or indirect.

### **Sec. 2-3-13 Eligibility for Office.**

- (a) **Resident Elector.** No person shall be elected by the people to a Village office, who is not at the time of his/her election, a citizen of the United States and of this State, and an elector of the Village of Rio, and in case of a ward office, of the ward, and actually residing therein.
- (b) **Ineligible Appointee.** An appointee by the Village President, requiring to be confirmed by the Village Board, who shall be rejected by the Village Board, shall be ineligible for appointment to the same office for one (1) year thereafter.

*State Law Reference:* Sec. 62.09(2), Wis. Stats.

### **Sec. 2-3-14 Oaths of Office.**

- (a) **Oath of Office.** Every officer of the Village of Rio, including members of Village boards and commissions, shall, before entering upon his/her duties and within five (5) days of his/her election or appointment or notice thereof, take the oath of office prescribed by law and file such oath in the office of the Village Administrator. Any person reelected or reappointed to the same office shall take and file an official oath for each term of service.
- (b) **Form, Procedure.** The form, filing and general procedure for the taking of oaths shall be governed by Chapter 19, Subchapter I, Wis. Stats.

*State Law Reference:* Chapter 19, Subch. I, Wis. Stats.

### **Sec. 2-3-15 Vacancies.**

- (a) **How Occurring.** Except as provided in Subsection (c) below, vacancies in elective and appointive positions occur as provided in Sections 17.03 and 17.035, Wis. Stats.
- (b) **How Filled.** Vacancies in elective and appointive offices shall be filled as provided in Sec. 17.24, Wis. Stats.
- (c) **Temporary Incapacitation.** If any officer be absent or temporarily incapacitated from any cause, the Village Board may appoint some person to discharge his/her duties until he/she returns or until such disability is removed.

*State Law Reference:* Sec. 61.23, Wis. Stats.

### **Sec. 2-3-16 Removal from Office.**

- (a) **Elected Officials.** Elected officials may be removed by the Village Board as provided in Sections 17.12(1)(a) and 17.16, Wis. Stats.
- (b) **Appointed Officials.** Appointed officials may be removed as provided in Sections 17.12(1)(c) and 17.16, Wis. Stats.

*Annotation:* 62 Atty. Gen. Op. 97.

### **Sec. 2-3-17 Custody of Official Property.**

Village of Rio officials, officers and employees must observe the standards of care imposed by Sec. 19.21, Wis. Stats., with respect to the care and custody of official property.

*State Law Reference:* Sec. 19.21, Wis. Stats.

**Sec. 2-3-18 Official Bonds; Officers Not to Be Sureties.**

Every officer shall, if required by law or the Village Board, upon entering upon the duties of his/her office, give a bond in such amount as may be determined by the Village Board with such sureties as are approved by the Village President, conditioned upon the faithful performance of the duties of his/her office. Official bonds shall be filed with the office of the Village Administrator. Any person re-elected or re-appointed to the same office shall take and file an official bond for each term of service.

*State Law Reference:* Sec. 61.22, Wis. Stats.

**VILLAGE OF RIO RESOLUTION APPROVING  
AN EMPLOYEE GRIEVANCE POLICY**

The Village Board of the Village of Rio, Wisconsin, does resolve as follows:

**SECTION I. RESOLUTION ADOPTED.**

**WHEREAS**, Wisconsin Act 10 (Budget Repair Bill) contains a requirement that all local government units establish an employee grievance policy not later than October 1, 2011;

**WHEREAS**, the attached policy and procedure has been prepared to provide a system to be followed with respect to grievances by Village of Rio employees; and

**WHEREAS**, the Village Board has reviewed the employee grievance policy and procedure and has determined that it is fair and reasonable, and that such a policy and procedure should be adopted and implemented with respect to all employee grievance procedures;

**NOW, THEREFORE, BE IT RESOLVED** that the Village Board of the Village of Rio hereby adopts the Employee Grievance Policy in the form attached hereto to be the official policy and procedure of the Village of Rio relating to such employee grievance matters.

**SECTION II. EFFECTIVE DATE**

The above and foregoing Resolution was duly adopted by the Village Board of the Village of Rio as part of the adoption of this Code of Ordinances. This Resolution shall take effect upon passage and supercedes any prior or conflicting Village personnel policies/procedures.

VILLAGE OF RIO, WISCONSIN

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Village President

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Attest: Village Administrator-Clerk-Treasurer



**VILLAGE OF RIO  
EMPLOYEE GRIEVANCE POLICY**

**POLICY:**

- (a) **Statutory Requirement.** This Employee Grievance Policy has been adopted to comply with Section 66.0509, Wis. Stats., and provides a grievance procedure for timely and orderly review of matters concerning workplace safety, discipline and termination.
- (b) **Employee Discipline In General.**
- (1) Disciplinary procedures may result when:
    - a. An employee's actions or conduct do not conform with generally accepted standards of good behavior;
    - b. An employee violates a policy, procedure and/or rule;
    - c. An employee's conduct is detrimental to the interests of the Village of Rio ("Village"); and/or
    - d. An employee's performance is not acceptable.
  - (2) Disciplinary action may result in any of the following steps being taken:
    - a. Verbal warning or reprimand.
    - b. Written warning or reprimand.
    - c. Suspension, with or without pay.
    - d. Termination of employment.
  - (3) Based upon the facts involved, there may be circumstances when one (1) or more of the disciplinary steps are bypassed. Certain types of employee problems or infractions may be of such a serious nature to justify either a suspension or termination of employment without proceeding through progressive discipline steps. The Village of Rio reserves the right, in its sole discretion, to impose disciplinary action as may be appropriate to the particular circumstances.
- (c) **Applicability.** This Policy shall be applicable to all Village employees covered under Section 66.0509, Wis. Stats., other than police and fire employees subject to Section 62.13(5), Wis. Stats. Specifically, but not limited to, this Policy applies to union and non-union employees, limited term employees, full- and part-time employees, at-will employees, and seasonal employees. A Village employee may appeal any level of employee discipline action under this grievance procedure.

**DEFINITIONS:**

For purposes of this Policy, the following definitions shall be applicable:

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- (a) **Days.** Means calendar days, excluding legal holidays as defined in Section 995.20, Wis. Stats. If the last day on which an event is to occur is a legal holiday, any time limit under this Policy is extended to the next day which is not a legal holiday.
  
- (b) **Employee Discipline.**
  - (1) Any employment action that results in a:
    - a. Verbal reprimand.
    - b. Written reprimand.
    - c. Disciplinary suspension without pay.
    - d. Disciplinary suspension with pay.
    - e. Disciplinary reduction in pay or other benefits.
    - f. Disciplinary demotion.
    - g. Termination.
  
  - (2) The term "discipline" does not include:
    - a. Verbal notices or reminders.
    - b. Performance evaluations.
    - c. Documentation of employee acts and/or omissions in a personnel file.
    - d. Non-disciplinary demotions, transfers or changes in job assignment.
    - e. Non-disciplinary adjustments to compensation and/or benefits.
    - f. Actions taken to address job performance, including use of a job target plan or performance improvement plan.
    - g. Placement of an employee on paid leave pending an internal investigation.
    - h. Counseling (written or verbal) regarding job performance.
    - i. Other personnel actions taken by the employer that are not a form of progressive discipline and are taken for non-disciplinary reasons.
  
- (c) **Employee Termination.** Action(s) taken by the employer to terminate an individual's employment with the Village for misconduct or performance reasons but shall not include the following personnel actions:
  - (1) Retirement.
  - (2) Death.
  - (3) Voluntary quit.
  - (4) Layoff or failure to be recalled at the expiration of the recall period.
  - (5) Completion of seasonal employment or temporary assignment.
  - (6) Completion of contract employment.

- (7) Action taken for failure to meet any position qualifications.
  - (8) Job abandonment ("no-call, no-show" or other failure to report to work)
  - (9) Any workforce reduction action.
  - (10) Job transfer.
  - (11) Action taken pursuant to an ordinance other than an ordinance specifically addressing employee discharge.
  - (12) Termination of employment due to medical condition, lack of qualification or necessary license, or other inability to perform job duties for non-disciplinary reasons.
- (d) **Grievance.** A dispute between the employer and an employee regarding actions of Village officials with regard to employee discipline, employee termination, or workplace safety.
- (e) **Hearing Officer.** The impartial hearing officer required pursuant to Sec. 66.0509(1m)(d)2, Wis. Stats. The hearing officer selected by the Village Board may be an attorney, a retired judge, a professional mediator/arbitrator, an outside human resources professional from another governmental entity, or other qualified individual currently on the list of arbitrators or mediators for the Wisconsin Employment Relations Commission (WERC), Federal Mediation and Conciliation Service, or the American Arbitration Association. The hearing officer shall not be an employee of the Village nor someone with a direct interest in the matter, such as, for example, a member of the governing body or the governing body's personnel committee.
- (f) **Workplace Safety.** Conditions of employment affecting an employee's physical health or safety, safety of the physical work environment, the safe operation of workplace equipment and tools, personal protective equipment, workplace violence, and training related to the same. Included within this definition are any alleged violations of any standard established under state law or administrative rule or federal law or regulation relating to workplace safety.

## **PROCEDURES:**

### **(a) Required Contents of all Written Grievances; General Considerations.**

- (1) Any written grievance filed by a Village employee under this Policy shall contain all of the following information:
  - a. The name and position of the filing employee.
  - b. A brief summary statement of the issue involved.
  - c. A statement of the remedy or action sought.
  - d. A detailed explanation of the facts supporting the grievance.

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- e. The date(s) the incident(s) occurred or the date(s) the alleged workplace safety concern was discovered.
  - f. The specific policy, procedure or rule that is being challenged. If applicable, the specific workplace safety rule alleged to have been violated.
  - g. The steps taken to informally resolve the grievance (either orally or in writing) with the employee's supervisor, the individuals involved in the attempted resolution, and the results of such discussion. When necessary, an explanation should be included as to why a grievance was not resolved at a prior step.
  - h. The employee's signature and date.
- (2) A grievance or request for an appeal is considered timely if received by the Village Administrator during normal business hours or if postmarked by 11:59 p.m. on the due date.
- (3) An employee must process his/her grievance outside of normal work hours, unless the employee elects to use accrued paid time (vacation, compensatory time, etc.) in order to be paid for time spent processing his/her grievance through the various steps of the grievance procedure prescribed in this Policy.

**(b) Steps of the Grievance Process.**

**(1) Step 1 – Preliminary Grievance Steps.**

- a. Prior to filing a formal written grievance under this Policy, an employee shall discuss any complaint or problem with his/her immediate supervisor to determine if the grievance can be resolved.
- b. Every reasonable effort should be made by employees and supervisors to resolve any questions, misunderstandings, or problems that have arisen before an employee files a grievance.
- c. Such a preliminary meeting is not required in the case of termination.

**(2) Step 2 – Written Grievance Filed With Village Administrator; Review.**

- a. If the grievance cannot be resolved at Step 1, the employee must file a written grievance with the Village Administrator no later than ten (10) days from the date the employee first becomes aware of the termination, discipline, or workplace safety situation causing the grievance.
- b. The Village Administrator shall inform the employee's immediate supervisor and the Village President about receipt of the written grievance as soon as practicable.
- c. The Village Administrator, or his/her designee, shall investigate the facts given rise to the grievance. The Village Administrator shall respond to the grievance in writing, if possible, within ten (10) days of receipt of the written grievance.
- d. As part of the grievance investigation, the employee's supervisor may be requested to provide a written response, which must contain:
  - 1. A statement of the date(s) the meeting between the employee and supervisor was held.

2. A statement as to whether the grievance was sustained or denied, with summary facts.
  - e. If the grievance involves a decision directly affecting the Village Administrator, the process shall begin with a written grievance filed with the Village President who shall conduct the investigation as Step 2; appeal to a Hearing Officer as Step 3; and appeal to the Village Board as Step 4. The timelines established for each step shall apply.
- (3) **Step 3 – Impartial Hearing Officer.**
- a. If the grievance is not resolved at Step 2, the employee may request in writing, within ten (10) days following receipt of the Village Administrator's written response, a request for written review by an impartial Hearing Officer.
  - b. The Village Administrator shall notify the employee's supervisor and the Village President of the filing of the request for an appeal to a Hearing Officer as soon as practicable.
  - c. The Village shall select the impartial Hearing Officer pursuant to Subsection (e). The Hearing Officer shall not be a Village employee.
  - d. On appeal, the Village Administrator shall transmit all grievance materials, grievance responses, and a copy of this Policy to the Hearing Officer.
  - e. Depending on the issue involved, the impartial Hearing Officer will determine whether a hearing is necessary, or whether the case may be decided based on a submission of written documents. If the Hearing Officer decides a hearing is necessary, the Hearing Officer shall schedule a date/time for a hearing. The hearing shall be held at a mutually agreeable time in a public building and shall be open to the public unless the Hearing Officer otherwise directs.
  - f. The Hearing Officer shall determine whether the Village acted in an arbitrary or capricious manner. The Hearing Officer may only overrule a disciplinary action if the action was arbitrary or capricious. In all cases, the grievant shall have the burden of proof to support the grievance. The Hearing Officer shall either sustain or deny the decision of the employee's supervisor. The Hearing Officer does not have authority to modify or amend the decision made by the employee's supervisor. The Hearing Officer does not have authority to grant in whole or in part a specific request of a grievant to modify a disciplinary determination.
  - g. The Hearing Officer shall prepare a written decision affirming or reversing the action with the reasons therefore. The Hearing Officer shall submit his/her findings to the Village and the employee within thirty (30) days of the close of the hearing (if a hearing is conducted) or the submission of the parties' written briefs, if any, whichever is later, or at a date mutually agreed upon by the parties.
- (4) **Step 4 – Review by Village Board.**
- a. Either the employee or the Village Administrator may file with the Village Board a written notice of appeal of the Hearing Officer's determination within ten (10) days of the postmark date that the Hearing Officer's determination is mailed. For

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Library employees (if a Village Library exists), the appeal shall be filed with the Library Board, which shall follow the procedures herein.

- b. Such appeals shall be on the written record, the preparation and associated costs of which shall be the responsibility of and at the expense of the party seeking the appeal. A copy of the written record shall be provided by the appealing party to the other party at no charge. The written record shall be filed with the Village Board within twenty-one (21) days of the notice of appeal.
- c. No formal hearing shall be held on the appeal before the Village Board. The Village Board shall only determine whether the Hearing Officer reached an arbitrary or incorrect result based on a review of the record coming before the Hearing Officer. The Village Board shall not take new testimony or evidence on the matter, but the Village Board may request additional written submittals from the parties regarding clarification of matters raised before the Hearing Officer.
- d. The appeal will be scheduled and noticed for the Village Board's next regular meeting. The Hearing Officer's determination may be affirmed, modified, or reversed by a majority vote of a quorum of the Village Board
- e. The Village Board shall inform the employee in writing of its findings and decision within fifteen (15) days of the Village Board meeting, and shall also file its written decision with the Village Administrator. A copy of the written decision of the Village Board shall be mailed to the last known address of the employee or the employee's representative.
- f. The Village Board's decision shall be final and binding on the parties.

**(c) Grievance Settlements.**

- (1) A grievance shall be considered waived if not filed or appealed within the grievance timelines designated within this Policy. The time limits prescribed in the preceding steps may be extended by mutual written agreement between the parties.
- (2) A grievance shall be considered settled and dismissed at the completion of any step in this Policy if all parties are mutually satisfied or the grievance has not been timely processed to the next level.
- (3) Settlements shall be in writing and signed by the employee and the appropriate Village official(s) involved at the step level that the grievance was settled.

**(d) Consolidation of Multiple Grievances.**

- (1) If more than one (1) employee seeks to have a grievance reviewed that involves the same circumstance or issue, a single grievance review application may be used. A group grievance shall be signed by all grieving employees and must state that it is a group grievance at the first step in the grievance procedure.

- (2) The Village Administrator and/or the Hearing Officer may consolidate grievances where a reasonable basis for consolidation exists.

(e) **Selection of a Hearing Officer; Compensation.**

- (1) The Village may contract to engage the services of an impartial Hearing Officer to hear, review and determine appeals under Step 3. Any such Hearing Officer cannot be a Village employee or be receiving any compensation or benefits from the Village other than those set forth in this Subsection.
- (2) The Hearing Officer shall receive compensation at the Hearing Officer's standard rate for conducting the hearing, review of the case, travel time, and time spent preparing a written determination. Compensation for the Hearing Officer shall be equally divided between the parties.
- (3) While not mandatory, the Village Administrator may maintain a list of at least three (3) qualified individuals who are willing to serve as a Hearing Officer for purposes of this Policy. If such a list is maintained, the Hearing Officer selected to hear a grievance shall be selected by random drawing, with the parties to the grievance present when the drawing takes place, unless otherwise agreed upon. If such a list is not maintained, the Village shall select an impartial Hearing Officer.

(f) **Hearing Procedures.**

- (1) The Hearing Officer shall be responsible for the orderly and fair conduct of the hearing and the preservation of a record of the record. The Hearing Officer shall have the authority to administer oaths and issue subpoenas at the request of the parties. The party requesting a subpoena from the Hearing Officer is responsible for the fees associated with the subpoena.
- (2) This process does not involve a hearing before a court of law; thus, the rules of evidence shall not be applicable.
- (3) All testimony before the Hearing Officer shall be taken under oath.
- (4) If a court reporter is employed, all costs affiliated with the services of the court reporter and preparation of a transcript of the hearing shall be equally divided between the parties.

- (g) **Representation.** Both the employee and the Village may be assisted by a representative of their own choosing at any point during the grievance procedure.

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(h) **Miscellaneous Costs.**

- (1) Each party (employer and employee) shall be responsible for its own costs for witnesses and all other out-of-pocket expenses not specifically addressed in this Policy, including possible attorney fees.
- (2) Any expense incurred by an employee in investigating, preparing, or presenting a grievance shall be the sole responsibility of the employee.

(i) **Policy Revisions.** This Policy may be revised or repealed by the Village Board at any time.

## Title 2 ► Chapter 4

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# Boards, Commissions and Committees

- 2-4-1 Board of Review
- 2-4-2 Zoning Board of Appeals
- 2-4-3 Plan Commission
- 2-4-4 Library Board
- 2-4-5 General Provisions Regarding Meetings and Public Notice
- 2-4-6 Residency Required for Service on Citizen Boards and Commissions;  
Attendance Standards
- 2-4-7 Committee and Commission Rules
- 2-4-8 Alternate Forms of Sworn Testimony at Board of Review Hearings

### Sec. 2-4-1 Board of Review.

(a) **Composition.**

- (1) **Membership.** The Board of Review of the Village of Rio shall be composed of the Village President or his/her designee, Village Administrator, and the members of the Village Board. The Assessor shall attend all meetings of the Board of Review, but shall not vote.
- (2) **Alternate Members.** Pursuant to Secs. 70.47(6m)(c) and 70.46(1), Wis. Stats., the Village Board hereby provides for the appointment of alternates to serve on the Board of Review in the event a standing board member of the Board of Review is removed pursuant to Sec. 70.47(a), Wis. Stats., or recused pursuant to Sec. 70.47(b), Wis. Stats. The Village Board shall establish and maintain a public list of names and persons eligible and appointed by the Village Board to serve as alternative members of the Board of Review. The list shall be arranged and maintained by the Village Administrator in a priority order of probable and likely service as an alternative. The Village Administrator shall notify any named member who has been lawfully removed under Sec. 60.47(6m)(a) or (b), Wis. Stats., and shall notify the alternate person of his/her appointment to replace a named member of the Board of Review. The alternate, once noticed, if he/she approves the appointment, and he/she would not violate Sec. 19.59, Wis. Stats., shall then take the oath of office and act as a member of the Board of Review under Sec. 60.47(6m)(c), Wis. Stats.

- (3) **Training Requirement.** No Board of Review may be constituted unless it includes at least one (1) voting member who has at least once annually attended a training session under Sec. 73.03(55), Wis. Stats., and unless that member is the municipality's chief executive officer or that officer's designee. The Village Administrator shall provide an affidavit to the Wisconsin Department of Revenue stating whether the requirement under this Section has been fulfilled.
- (b) **Compensation.** The members of the Board of Review shall receive compensation at the same rate as paid to Village Board members serving on a standing committee, except members who are full-time employees/officials of the Village shall receive additional compensation when the Board of Review meets outside of regular working hours.
- (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. The Board of Review 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 Rio 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 Income and Expense Records.**

  - (1) **Authority.** The Village Board of the Village of Rio has specific authority under Sec. 70.47(7)(af), Wis. Stats., to provide confidentiality to taxpayers of certain income and expense records provided to the Village Assessor by those taxpayers for purposes of valuation of real property in the Village of Rio owned by such taxpayers.
  - (2) **Confidentiality Required.** Whenever the Assessor, in the performance of his/her duties, requests or obtains income and expense information pursuant to Sec. 70.47(7)(af), Wis. Stats., or any successor statute, for the purpose of establishing valuation for assessment purposes by the income method of valuation, such income and expense information that is provided to the Assessor shall be held by the Assessor on a confidential basis, except as provided under Subsection (b) below. Income and expense information provided to the Assessor under Sec. 70.47(7)(af), Wis. Stats., is not subject to the right of insertion and copying under Sec. 19.35(1), Wis. Stats.
  - (3) **Confidentiality Exceptions.** The Village of Rio may make public disclosure or allow access to income and expense information provided by a property owner to the Village Assessor for the purpose of establishing a property valuation for assessment purposes by the income method of valuation in his/her possession as provided below:

- a. The Village Assessor shall have access to the provided income and expense information in the performance of his/her duties.
- b. A Village officer who is complying with a court order may release the provided income and expense information in accordance with the court's order.
- c. The Board of Review may review the provided income and expense information when, in its opinion, it is needed to decide upon a contested assessment.
- d. Any person or body which has the right or whose duty it is to review by virtue of his/her office the provided income and expense information shall have access to the information.
- e. If the provided income and expense information has been determined by a court to be inaccurate, the information is open to the public.
- f. If the property owner has provided written consent for public disclosure, or limited disclosure, to that person, and the Village Board has approved the disclosure, the provided income and expense information is open to the public to the extent approved.

*State Law Reference:* Sections 19.35(1), 70.46 and 70.47(7)(af), Wis. Stats.

*Cross-Reference:* Section 2-4-9

## **Sec. 2-4-2 Zoning Board of Appeals.**

- (a) **Establishment.** 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) citizen members and two (2) alternate members, appointed by the Village President subject to confirmation by the Village Board, for a three (3) year term of office. 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 chairperson.
- (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 Zoning 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. Any use variance granted shall be limited to the specific use described in the Zoning Board of Appeal's decision and shall not permit variances in yard, area or other requirements of the district in which located.

- (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 a building permit is obtained within such period and substantial progress has occurred towards the erection or alteration of the building involved is started 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 Zoning Board of Appeals may go into closed 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 scheduled by the Chairperson 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 Chairperson. Statutory notice requirements for hearings shall be followed.

- (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 Zoning Board of Appeals 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 Administrator and shall be public record. The Zoning Board of Appeals shall adopt its own rules of procedure not in conflict with this Code of Ordinances or with the applicable Wisconsin Statutes.
  - (6) No Zoning Board of Appeals member shall participate in the decision of or vote upon any case in which the member is financially interested, directly or indirectly, but the Chairperson 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) **Title.** This Section is entitled the "Village of Rio Plan Commission Ordinance."
- (b) **Purpose.** The purpose of this Section is to establish a Village of Rio Plan Commission and set forth its organization, powers and duties, to further the health, safety, welfare and wise use of resources for the benefit of current and future residents of the Village of Rio and affected neighboring jurisdictions, through the adoption and implementation of comprehensive planning with significant citizen involvement.
- (c) **Composition.** The Plan Commission shall consist of one (1) Trustee and four (4) citizens.
- (d) **Appointment.**
  - (1) **Election/Appointment of Trustee Member.** At its annual meeting in April of each year the Village Board shall, by a majority vote of its members, elect one (1) of its number as a member of the Village Plan Commission for a period of one (1) year from and after the first day of May next ensuing. The Village President or a Trustee may serve on the Plan Commission.
  - (2) **Appointment and Terms of Citizen Members.** The four (4) citizen members shall be appointed by the Village President, subject to Village Board confirmation, on the third Tuesday of April in each year, or the first Village Board meeting thereafter, to hold office for a staggered term of three (3) years commencing with the third Tuesday of April.

- (e) **Quorum.** Four (4) members shall constitute a quorum but all actions shall require the affirmative approval of a majority of all of the members of the Plan Commission.
- (f) **Vacancies.** A person who is appointed to fill a vacancy on the Plan Commission shall serve for the remainder of the term.
- (g) **Compensation; Expenses.** The Village Board may set a per diem allowance per meeting for citizen and elected official members of the Plan Commission, as allowed under Sec. 66.0501(2), Wis. Stats. In addition, the Village Board may reimburse reasonable costs and expenses.
- (h) **Experts; Staff.** The Plan Commission, under Sec. 62.23(1), Wis. Stats., may recommend to the Village Board the employment of experts and staff, and may review and recommend to the approval authority proposed payments under any contract with an expert.
- (i) **Rules; Records.** The Plan Commission, under Sec. 62.213(2), Wis. Stats., may adopt rules for the transaction of its business, subject to Village ordinances, and shall keep a record of its resolutions, transactions, findings and determinations, which shall be a public record under Secs. 19.21 through 19.39, Wis. Stats.; copies shall be filed with the Village Administrator.
- (j) **Chairperson and Officers.**
  - (1) **Chairperson.** The Plan Commission chairperson shall be the Village President. The chairperson shall, subject to Village ordinances and Plan Commission rules:
    - a. Provide leadership to the Plan Commission;
    - b. Set Plan Commission meeting and hearing dates;
    - c. Provide notice of Plan Commission meetings and hearings and set their agendas, personally or by his/her designee;
    - d. Preside as Plan Commission meetings and hearings; and
    - e. Ensure that the laws are followed.
  - (2) **Vice-Chairperson.** The Plan Commission may elect, by open vote under Sec. 19.88(1), Wis. Stats., a vice-chairperson to act in the place of the chairperson when the chairperson is absent or incapacitated for any cause.
  - (3) **Secretary.** The Plan Commission shall elect, by open vote under Sec. 19.88(1), Wis. Stats., one of its members to serve as secretary, or, with the approval of the Village Board, designate the Village Administrator or other Village official or employee as secretary.
- (k) **Commission Members As Local Public Officials.** All members of the Plan Commission shall faithfully discharge their official duties to the best of their abilities, as provided in the oath of office [Sec. 19.01, Wis. Stats.], in accordance with, but not limited to, the provisions of the Wisconsin Statutes on Public Records [Secs. 19.21 through 19.39, Wis. Stats.]; Code of Ethics for Local Government Officials [Secs. 19.42, 19.58 and 19.59, Wis. Stats.]; Open Meetings [Secs. 19.81 through 19.89, Wis. Stats.]; Misconduct in Office [Sec. 946.12, Wis. Stats.]; and Private Interests in Public Contracts [Sec. 946.13, Wis. Stats.]. Plan Commission members shall further perform their duties in a fair and rational manner and avoid arbitrary actions.

- (l) **General and Miscellaneous Powers.** The Plan Commission, under Sec. 62.23(4), Wis. Stats., shall have the power:
- (1) Necessary to enable it to perform its functions and promote Village planning.
  - (2) To make reports and recommendations relating to the planning and development of the Village of Rio to the Village Board, other public bodies, citizens, public utilities and organizations.
  - (3) To recommend to the Village Board programs for public improvements and the financing of such improvements.
  - (4) To receive from public officials, within a reasonable time, requested available information required for the Plan Commission to do its work.
  - (5) For itself, its members and employees, in the performance of their duties, to enter upon land, make examinations and surveys, and place and maintain necessary monuments and markers thereon. However, entry shall not be made upon private land, except to the extent that the private land is held open to the general public, without the permission of the landowner or tenant. If such permission has been refused, entry shall be made under the authority of an inspection warrant issued for cause under Sec. 66.0119, Wis. Stats., or other court-issued warrant.
- (m) **Village Comprehensive Planning; General Authority and Requirements.**
- (1) **Comprehensive Plan.** The Plan Commission shall make and adopt a Comprehensive Plan under Secs. 62.23 and 66.1001, Wis. Stats., which contains the elements specified in Sec. 66.1001(2), Wis. Stats., and follows the procedures in Sec. 66.1001(4), Wis. Stats. The Plan Commission shall make and adopt the Comprehensive Plan within the time period directed by the Village Board, but not later than a time sufficient to allow the Village Board to review and plan and pass an ordinance adopting it to take effect on or before January 1, 2010, so that the Village Comprehensive Plan is in effect by the date on which any Village program or action affecting land use must be consistent with the Village Comprehensive Plan under Sec. 66.1001(3), Wis. Stats.
  - (2) **Preparation.** In this Subsection, the requirement to "make" the plan means that the Plan Commission shall ensure that the plan is prepared, and oversee and coordinate the preparation of the plan, whether the work is performed for the Village by the Plan Commission, Village staff, another unit of government, the regional planning commission, a consultant, citizens, an advisory committee, or any other person, group or organization.
- (n) **Procedure for Plan Commission Adoption and Recommendation of a Village Comprehensive Plan or Amendment.** The Plan Commission, in order to ensure that the requirements of Sec. 66.1001(4), Wis. Stats., are met, shall proceed as follows:
- (1) **Public Participation Verification.** Prior to beginning work on a Comprehensive Plan, the Plan Commission shall verify that the Village Board has adopted written procedures designed to foster public participation in every stage of preparation of the

Comprehensive Plan. These written procedures shall include open discussion, communication programs, information services and noticed public meetings. These written procedures shall further provide for wide distribution of proposed, alternative or amended elements of a Comprehensive Plan and shall provide an opportunity for written comments to be submitted by members of the public to the Village Board and for the Village Board to respond to such written comments.

- (2) **Resolution.** The Plan Commission, under Sec. 66.1001(4)(b), Wis. Stats., shall recommend its proposed Comprehensive Plan or amendment to the Village Board by adopting a resolution by a majority vote of the entire Plan Commission. The vote shall be recorded in the minutes of the Plan Commission. The resolution shall refer to maps and other descriptive materials that relate to one or more elements of the Comprehensive Plan. The resolution adopting a Comprehensive Plan shall further recite that the requirements of the comprehensive planning law have been met, under Sec. 66.1001, Wis. Stats., namely that:
- a. The Village Board adopted written procedures to foster public participation and that such procedures allowed public participation at each stage of preparing the Comprehensive Plan;
  - b. The plan contains the nine (9) specified elements and meets the requirements of those elements;
  - c. The (specified) maps and (specified) other descriptive materials relate to the plan;
  - d. The plan has been adopted by a majority vote of the entire Plan Commission, which the clerk or secretary is directed to record in the minutes; and
  - e. The Plan Commission clerk or secretary is directed to send a copy of the Comprehensive Plan adopted by the Plan Commission to the governmental units specified in Sec. 66.1001(4), Wis. Stats., and Subsection (c) herein.
- (3) **Transmittal.** One copy of the Comprehensive Plan or amendment adopted by the Plan Commission for recommendation to the Village Board shall be sent to:
- a. Every governmental body that is located in whole or in part within the boundaries of the Village, including any school district, sanitary district, public inland lake protection and rehabilitation district or other special district.
  - b. The clerk of every city, village, town, county and regional planning commission that is adjacent to the Village of Rio.
  - c. The Wisconsin Land Council.
  - d. The Wisconsin Department of Administration.
  - e. The regional planning commission in which the Village is located.
  - f. The public library that serves the area in which the Village is located.
- (o) **Plan Implementation and Administration.**
- (1) **Ordinance Development.** If directed by resolution or motion of the Village Board, the Plan Commission shall prepare the following for Village Board review and action:
- a. **Zoning.** A proposed Village zoning ordinance under Section 62.23(7), Wis. Stats. (if not under county zoning), a Village construction site erosion control and stormwater management zoning ordinance, a Village exclusive agricultural zoning

- ordinance under Subchapter V of Ch. 91, Wis. Stats., and any other zoning ordinance within the Village's authority.
- b. **Official Map.** A proposed official map ordinance under Sec. 62.23(6), Wis. Stats.
  - c. **Subdivisions.** A proposed Village subdivision or other land division ordinance under Sec. 236.45, Wis. Stats.
  - d. **Other.** Any other ordinance specified by the Village Board (Note: e.g., historic preservation, design review site plan review).
- (2) **Ordinance Amendment.** The Plan Commission, on its own motion, or at the direction of the Village Board by its resolution or motion, may prepare proposed amendments to the Village's ordinances relating to comprehensive planning and land use.
  - (3) **Non-Regulatory Programs.** The Plan Commission, on its own motion, or at the direction of the Village Board by resolution or motion, may propose non-regulatory programs to implement the Comprehensive Plan, including programs relating to topics such as education, economic development and tourism promotion, preservation of natural resources through the acquisition of land or conservation easements, and capital improvements planning.
  - (4) **Consistency.** Any ordinance, amendment or program proposed by the Plan Commission, and any Plan Commission approval, recommendation for approval or other action under Village ordinances or programs that implement the Village's Comprehensive Plan under Secs. 62.23 and 66.1001, Wis. Stats., shall be consistent with that plan as of January 1, 2010. If any such Plan Commission action would not be consistent with the Comprehensive Plan, the Plan Commission shall use this as information to consider in updating the Comprehensive Plan.
- (p) **Referrals to the Plan Commission.**
- (1) **Required Referrals Under Sec. 62.23(5), Wis. Stats.** The following shall be referred to the Plan Commission for advisory report:
    - a. The location and architectural design of any public building.
    - b. The location of any statue or other memorial.
    - c. The location, acceptance, extension, alteration, vacation, abandonment, change of use, sale, acquisition of land for or lease of land for any:
      1. Street, alley or other public way;
      2. Park or playground;
      3. Airport;
      4. Area for parking vehicles; or
      5. Other memorial or public grounds.
    - d. The location, extension, abandonment or authorization for any publicly or privately owned public utility.
    - e. All plats under the Village's jurisdiction under Ch. 236, Wis. Stats., including divisions under a Village subdivision or other land division ordinance adopted under Sec. 236.45, Wis. Stats.

- f. The location, character and extent or acquisition, lease or sale of lands for:
    - 1. Public or semi-public housing;
    - 2. Slum clearance;
    - 3. Relief of congestion; or
    - 4. Vacation camps for children.
  - g. The amendment or repeal of any ordinance adopted under Sec. 62.23, Wis. Stats., including ordinances relating to the Plan Commission, Village Comprehensive Plan under Sec. 66.1001, Wis. Stats., Village official map and/or Village zoning.
- (2) **Required Referrals Under Sections of the Wisconsin Statutes Other Than Sec. 62.23(5), Wis. Stats.** The following shall be referred to the Plan Commission for report:
- a. An application for initial licensure of a child welfare agency or group home under Sec. 48.68(3), Wis. Stats.
  - b. An application for initial licensure of a community-based residential facility under Sec. 50.03(4), Wis. Stats.
  - c. Proposed designation of a street, road or public way, or any part thereof, wholly within the jurisdiction of the Village, as a pedestrian mall under Sec. 66.0905, Wis. Stats.
  - d. Matters relating to the establishment or termination of an architectural conservancy district under Sec. 66.1007, Wis. Stats.
  - e. Matter's relating to the establishment of a reinvestment neighborhood required to be referred under Sec. 66.1107, Wis. Stats.
  - f. Matters relating to the establishment or termination of a business improvement district required to be referred under Sec. 66.1109, Wis. Stats.
  - g. A proposed housing project under Sec. 66.1211(3), Wis. Stats.
  - h. Matters relating to urban redevelopment and renewal in the Village required to be referred under Subch. XIII of Ch. 66, Wis. Stats.
  - i. The adoption or amendment of a Village subdivision or other land division ordinance under Sec. 236.45(4), Wis. Stats.
  - j. Any other matter required by the Wisconsin Statutes to be referred to the Plan Commission.
- (3) **Required Referrals Under This Section.** In addition to referrals required by the Wisconsin Statutes, the following matters may be referred to the Plan Commission for report:
- a. Proposed regulations or amendments relating to historic preservation under Sec. 60.64, Wis. Stats.
  - b. A proposed driveway access ordinance or amendment.
  - c. A proposed Village official map ordinance under Sec. 62.23(6), Wis. Stats., or any other proposed Village ordinance under Sec. 62.23, Wis. Stats., not specifically required by the Wisconsin Statutes to be referred to the Plan Commission.

- d. A proposed zoning ordinance or amendment adopted under Section 62.23(7), Wis. Stats., a construction site erosion control and stormwater management zoning ordinance under Sec. 627(6), Wis. Stats., a Village exclusive agricultural zoning ordinance under Subchapter V of Ch. 91, Wis. Stats.
  - e. A proposed extraterritorial zoning ordinance or a proposed amendment to an existing ordinance under Sec. 62.23(7a), Wis. Stats.
  - f. A proposed boundary change pursuant to an approved cooperative plan agreement under Sec. 66.0307, Wis. Stats., or a proposed boundary agreement under Sec. 66.0225, Wis. Stats., or other authority.
  - g. A proposed zoning ordinance or amendment pursuant to an agreement in an approved cooperative plan under Sec. 66.0307(7m), Wis. Stats.
  - h. Any proposed plan, element of a plan or amendment to such plan or element developed by the regional planning commission and sent to the Village for review or adoption.
  - i. Any proposed contract, for the provision of information, or the preparation of a Comprehensive Plan, an element of a plan or an implementation measure, between the Village and the regional planning commission, under Sec. 66.0309, Wis. Stats., another unit of government, a consultant or any other person or organization.
  - j. A proposed ordinance, regulation or plan, or amendment to the foregoing, relating to a mobile home park under Sec. 66.0435, Wis. Stats.
  - k. A proposed agreement, or proposed modification to such agreement, to establish an airport affected area, under Sec. 66.1009, Wis. Stats.
  - l. A proposed airport zoning ordinance under Sec. 114.136(2), Wis. Stats.
  - m. A proposal to create environmental remediation tax incremental financing in the Village under Sec. 66.1106, Wis. Stats.
  - n. A proposed county agricultural preservation plan or amendment, under Subchapter IV of Ch. 91, Wis. Stats., referred by the county to the Village, or proposed Village agricultural preservation plan or amendment.
  - o. Any other matter required by any Village ordinance or Village Board resolution or motion to be referred to the Plan Commission.
- (4) **Discretionary Referrals.** The Village Board, or other Village officer or body with final approval authority or referral authorization under the Village ordinances, may refer any of the following to the Plan Commission for report:
- a. A proposed intergovernmental cooperation agreement, under Sec. 66.0301, Wis. Stats., or other statute, affecting land use, or a municipal revenue sharing agreement under Sec. 66.0305, Wis. Stats.
  - b. Any other matter deemed advisable for referral to the Plan Commission for report.
- (5) **Referral Period.** No final action may be taken by the Village Board or any other officer or body with final authority on a matter referred to the Plan Commission until

the Plan Commission has made its report, or thirty (30) days, or such longer period as stipulated by the Village Board, has passed since referral. The thirty (30) day period for referrals required by the Wisconsin Statutes may be shortened only if so authorized by statute. The thirty (30) day referral period, for matters subject to required or discretionary referral under the Village's ordinances, but not required to be referred under the Wisconsin Statutes, may be made subject by the Village Board to a referral period shorter or longer than the thirty (30) day referral period if deemed advisable.

*State Law Reference:* Secs. 61.35, 62.23, and Ch. 236, Wis. Stats.

## **Sec. 2-4-4 Library Board.**

(a) **Organization; Terms.**

- (1) There is hereby created, pursuant to Chapter 43, Wis. Stats., a municipal Library Board for the Village of Rio consisting of seven (7) members. Membership shall consist of one (1) Village Board member 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 staggered terms 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/her representative, to represent the public school district or districts in which the library is located. If the school district administrator's designee resides outside the Village, that designee shall be appointed and shall count as one of the two representatives from outside the Village. As many as two (2) citizen members may be residents of towns adjacent to the Village of Rio.
- (3) A majority of the membership of the Library 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, who shall be a Village resident, 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. 2-4-5 General Provisions Regarding Meetings and Public Notice.**

- (a) **Regular Meetings; Public Notice.** Every Board, Committee and Commission created by or existing under the ordinances of the Village shall:
  - (1) Schedule a date, time and place for its meetings;
  - (2) 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
  - (3) Post an agenda of the matters to be taken up at such meeting.
- (b) **Form of Notice.** 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 may be authorized by law, and may be in the following form:

**NOTICE OF MEETING**

**VILLAGE OF RIO, WISCONSIN**

(commission)

Please take notice that a meeting of the (commission) of the Village of Rio will be held on (date), 20\_\_, at (time) p.m., at the Rio Village Hall meeting room to consider the following:

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

Dated:\_\_\_\_\_

\_\_\_\_\_(Commission)\_\_\_\_\_

By\_\_\_\_\_

The Rio Municipal Building is accessible to the physically disadvantaged. If special accommodations for visually or hearing impaired individuals are needed, please

contact the Rio Administrator at (telephone). Members of the Rio Village Board may be in attendance.

- (c) **Notice to Members.** Every member of any board, commission or committee of the Village of Rio 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.
- (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 Administrator within one (1) week of the meeting date. The Village Administrator shall furnish a copy of all minutes filed with him to each member of the Village Board. All such minutes shall be public records.
- (e) **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.

#### **Sec. 2-4-6 Residency Required for Service on Citizen Boards or Commissions; Attendance Standards.**

- (a) **Residency.** Except for the Library Board, no person not a resident of and not residing in the Village of Rio shall be appointed in a voting capacity to any citizen Village board, committee or commission listed in this Chapter. 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 majority vote of 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 by majority vote of the Village Board.

#### **Sec. 2-4-7 Committee and Commission Rules.**

- (a) Except as provided herein, the provisions of Sections 2-2-17 through 2-2-21 of this Code of Ordinances relating to rules of procedure for the Village Board, together with *Robert's Rules of Order*, shall as far as applicable, also apply to committee board and commission meetings.
- (b) A simple majority of the members of a committee or commission shall constitute a quorum.

## **Sec. 2-4-8      Alternate Forms of Sworn Testimony                          at Board of Review Hearings.**

- (a) **Statement of Purpose.** Sec. 70.47(8), Wis. Stats., authorizes the Board of Review to consider requests from a property owner, or the property owner's representative, to appear before the Board of Review under oath by telephone or to submit a written statement under oath to the Board of Review.
- (b) **Procedures.**
- (1) In order for a property owner, or property owner's representative, to submit a request to testify by telephone or submit a sworn written statement, he/she must first comply with the following steps:
    - a. The legal requirement to provide Notice of Intent to Appear at the Board of Review shall be satisfied; and
    - b. An Objection Form for Real Property Assessment (PA-115A) shall be completed and submitted to the Board of Review as required by the Wisconsin Statutes.
  - (2) After both requirements prescribed under Subsection (b)(1)a-b above have been satisfied, a Request to Testify by Telephone or to Submit a Sworn Written Statement at Board of Review (PA-814) may be submitted to the Village Administrator. Such request(s) must be submitted in time to be considered by the Board of Review at the first meeting of such Board.
- (c) **Criteria To Be Considered.** The Board of Review may consider any or all of the following factors when a determination whether to grant or deny the request:
- (1) The requester's stated reason(s) for the request as stated on Form PA-814.
  - (2) Fairness to the parties involved.
  - (3) Ability of the requester to procure in person oral testimony and any due diligence exhibited by the requester in procuring the testimony.
  - (4) Ability to cross-examine the person providing the testimony.
  - (5) The Board of Review's technical capability to honor the request.
  - (6) Any other factors which the Board of Review deems pertinent to deciding the request.
- (d) **Disabled or Ill Parties.** The Board of Review shall hear by telephone, upon oath, all disabled or ill persons who present to the Board of Review a letter from a physician, osteopath, physician assistant, or advanced practice nurse prescriber that confirms their illness or disability.

*State Law Reference:* Sec. 70.47(8), Wis. Stats.

*Cross-Reference:* Section 2-4-1



## Title 2 ► Chapter 5

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# Ethics Code and Employment

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### **Sec. 2-5-1 Statement of Purpose.**

- (a) The proper operation of democratic government requires that public officials and employees be independent, impartial and responsible to the people; that government decisions and policy be made in proper channels of the governmental structure; that public office not be used for personal gain; and that the public have confidence in the integrity of its government. In recognition of these goals, there is hereby established in this Chapter a Code of Ethics for all Village of Rio officials and employees, whether elected or appointed, paid or unpaid, including members of boards, committees and commissions of the Village, as well as any individuals who are candidates for elective office as soon as such individuals file nomination papers with the Village of Rio.
- (b) The purpose of this Ethics Code is to establish guidelines for ethical standards of conduct for all such officials and employees by setting forth those acts or actions that are incompatible with the best interests of the Village of Rio and by directing disclosure by such officials and employees of private financial or other interests in matters affecting the Village. The Village Board believes that a Code of Ethics for the guidance of elected and appointed officials and employees will help them avoid conflicts between their personal interests and their public responsibilities, will improve standards of public service and will promote and strengthen the faith and confidence of the citizens of this Village in their elected and appointed officials and employees. The Village Board hereby reaffirms that each elected and appointed Village official and employee holds his or her position as a

public trust, and any intentional effort to realize substantial personal gain through official conduct is a violation of that trust. The provisions and purpose of this Ethics Code and such rules and regulations as may be established are hereby declared to be in the best interests of the Village of Rio.

## **Sec. 2-5-2 Definitions.**

The following definitions shall be applicable in this Chapter:

- (a) **Public Official.** Those persons serving in statutory elected or appointed offices provided for in Chapter 61, Wis. Stats., and all members appointed to boards, committees and commissions established or appointed by the Village President and/or Village Board pursuant to this Code of Ordinances, whether paid or unpaid.
- (b) **Public Employee.** Any person excluded from the definition of a public official who is employed by the Village of Rio.
- (c) **Anything of Value.** Any money or property, favor, service, payment, advance, forbearance, loan, or promise of future employment, but does not include compensation or expense reimbursement paid by the Village, honorariums, fees and expenses under the standards and reporting requirements set forth in Sec. 19.56, Wis. Stats., campaign contributions as regulated by Section 2-5-7(k) of this Chapter, or hospitality extended for a purpose unrelated to Village business by a person other than a firm, corporation, partnership, or joint venture.
- (d) **Business.** Any corporation, partnership, proprietorship, firm, enterprise, franchise, association, organization, self-employed individual or any other legal entity which engages in profit-making activities.
- (e) **Personal Interest.** Any interest arising from blood or marriage relationships or from close business or political associations, whether or not any financial interest is involved.
- (f) **Significant Interest.** Owning or controlling, directly or indirectly, at least ten percent (10%) or Five Thousand Dollars (\$5,000.00) of the outstanding stock of at least ten percent (10%) or Five Thousand Dollars (\$5,000.00) of any business.
- (g) **Financial Interest.** Any interest which shall yield, directly or indirectly, a monetary or other material benefit to the officer or employee or to any person employing or retaining the services of the officer or employee.

## **Sec. 2-5-3 Statutory Standards of Conduct.**

There are certain provisions of the Wisconsin Statutes which should, while not set forth herein, be considered an integral part of any Code of Ethics. Accordingly, the provisions of the following sections of the Wisconsin Statutes, as from time to time amended, are made a part of this Code of Ethics and shall apply to public officials and employees whenever applicable, to wit:

- (a) **Sec. 946.10.** Bribery of Public Officers and Employees.
- (b) **Sec. 946.11.** Special Privileges from Public Utilities.
- (c) **Sec. 946.12.** Misconduct in Public Office.
- (d) **Sec. 946.13.** Private Interest in Public Contract Prohibited.

## **Sec. 2-5-4 Responsibility of Public Office.**

Public officials and employees are agents of public purpose and hold office for the benefit of the public. They are bound to uphold the Constitution of the United States and the Constitution of this State and carry out impartially the laws of the nation, state and municipality, to observe in their official acts the highest standards of morality and to discharge faithfully the duties of their office regardless of personal considerations, recognizing that the public interest must be their prime concern.

## **Sec. 2-5-5 Dedicated Service.**

- (a) Officials and employees should adhere to the rules of work and performance established as the standard for their positions by the appropriate authority.
- (b) Officials and employees should not exceed their authority or breach the law or ask others to do so, and they should work in full cooperation with other public officials and employees unless prohibited from so doing by law or by officially recognized confidentiality of their work.
- (c) Members of the Village staff are expected to follow their appropriate professional code of ethics. Staff members shall file a copy of such professional ethics codes with the Village Administrator. The Village Board shall notify the appropriate professional ethics board of any ethics violations involving Village employees covered by such professional standards.

## **Sec. 2-5-6 Fair and Equal Treatment.**

- (a) **Use of Public Property.** No official or employee shall use or permit the unauthorized use of Village-owned 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 official or employee in the conduct of official business, as authorized by the Village Board or authorized board, commission or committee.
- (b) **Obligations to Citizens.** No official or employee shall grant any special consideration, treatment or advantage to any citizen beyond that which is available to every other citizen. No official or employee shall use or attempt to use his or her position with the Village to

secure any advantage, preference or gain, over and above his/her rightful remuneration and benefits, for himself/herself or for a member of his or her immediate family.

- (c) **Political Contributions.** No official shall personally solicit from any Village employee, other than an elected official, a contribution to a political campaign committee for which the person subject to this Chapter is a candidate or treasurer.

## **Sec. 2-5-7 Conflict of Interest.**

(a) **Financial and Personal Interest Prohibited.**

- (1) No official or employee of the Village of Rio, whether paid or unpaid, shall engage in any business or transaction or shall act in regard to financial or other personal interest, direct or indirect, which is incompatible with the proper discharge of official duties in the public interest contrary to the provisions of this Chapter or which would tend to impair independence of judgment or action in the performance of official duties.
  - (2) Any member of the Village Board who has a financial interest or personal interest in any proposed legislation before the Village Board shall disclose on the records of the Village Board the nature and extent of such interest; such official shall not participate in debate or vote for adoption or defeat of such legislation. If the matter before the Village Board involves a member's personal interest with persons involved, the member may participate in debate or discussion and vote on the matter following disclosure, unless an ordinance or contract is involved; if an ordinance or contract is involved, such official shall not participate in debate or discussion and vote on the matter.
  - (3) Any non-elected official, other than a Village employee, who has a financial interest or personal interest in any proposed legislative action of the Village Board or any board, commission or committee upon which the official has any influence or input or of which the official is a member that is to make a recommendation or decision upon any item which is the subject of the proposed legislative action shall disclose on the records of the Village Board or the appropriate board, commission or committee the nature and extent of such interest. Such official shall not participate in debate or discussion or vote for adoption or defeat of such legislation.
  - (4) Any Village employee who has a financial interest or personal interest in any proposed legislative action of the Village Board or any board, commission or committee upon which the employee has any influence or input, or of which the employee is a member, that is to make a recommendation or decision upon any item which is the subject of the proposed legislative action shall disclose on the records of the Village Board or the appropriate board, commission or committee the nature and extent of such interest.
- (b) **Disclosure of Confidential Information.** No official or employee shall, without proper legal authorization, disclose confidential information concerning the property, government

or affairs of the Village, nor shall such information be used to advance the financial or other private interests of the official or employee or others.

- (c) **Incompatible Employment.** No official or employee shall engage in or accept private employment or render service, for private interest, when such employment or service is incompatible with the proper discharge of his or her official duties or would tend to impair such official or employee's independence of judgment or action in the performance of his or her official duties, unless otherwise permitted by law and unless disclosure is made as hereinafter provided.
- (d) **Gifts and Favors.**
- (1) No official or employee shall accept or offer to accept anything of value from any person who, to his or her knowledge, is interested directly or indirectly, or is seeking an interest, directly or indirectly, in any manner whatsoever in business dealings with the Village, or from any person who conducts activities which are regulated by the Village, or from any person who has interests which may be substantially affected by actions of the Village of Rio.
  - (2) No official or employee shall accept or offer to accept anything of value that may tend to influence such official or employee in the discharge of his or her duties, or grant in the discharge of his or her duties any improper favor, service, or thing of value.
  - (3) Gifts received under unusual circumstances should be referred to the Village Board within ten (10) days for recommended disposition.
  - (4) An official or employee is not to accept hospitality if, after consideration of the surrounding circumstances, it could reasonably be concluded that such hospitality would not be extended were it not for the fact that the guest, or a member of the guest's immediate family, was a Village official or employee. Participation in celebrations, grand openings, open houses, informational meetings and similar events are excluded from this prohibition. This paragraph further shall not be construed to prevent candidates for elective office from accepting hospitality from citizens for the purpose of supporting the candidate's campaign.
- (e) **Representing Private Interests Before Village Agencies or Courts.**
- (1) Non-elected Village officials and employees shall not appear on behalf of any private person (other than himself or herself, his or her spouse or minor children) before any Village agency, board, commission or the Village Board if the official or employee or any board, commission or committee of which the official or employee is a member has any jurisdiction, discretion or control over the matter which is the subject of such representation.
  - (2) Elected Village officials may appear before Village agencies on behalf of constituents in the course of their duties as representatives of the electorate or in the performance of public or civic obligations. However, the disclosure requirements of Subsection (a) above shall be applicable to such appearances.

- (f) **Ad Hoc Committee Exceptions.** No violation of the conflict of interest restrictions of this Section shall exist, however, where an individual serves on a special ad hoc committee charged with the narrow responsibility of addressing a specific issue or topic in which that individual, or the employer or a client of that individual, has an interest so long as the individual discloses to the Village Board that such interest exists.
- (g) **Contracts with the Village.** No official or employee who, in his or her capacity as such officer or employee, participates in the making of a contract in which such officer or employee has a private pecuniary interest, direct or indirect, or performs in regard to that contract some function requiring the exercise of discretion on the part of such official or employee, shall enter into any contract with the Village unless:
  - (1) The contract is awarded through a process of public notice and competitive bidding;
  - (2) The contract or activity is exempt from or otherwise deemed appropriate by Sec. 946.13, Wis. Stats.;
  - (3) The Village Board waives this requirement after determining that it is in the best interest of the Village to do so.
- (h) **Disclosure of Interest in Legislation.**
  - (1) To the extent known, any member of the Village Board who has a financial or personal interest in any proposed legislation before the Board shall disclose on the record of the Village Board the nature of and extent of such interest.
  - (2) Any other official or employee who has a financial interest or personal interest in any proposed legislative action of the Village Board or any board, commission or committee upon which the official or employee has any influence or input or of which the official or employee is a member that is to make a recommendation or decision upon any item which is the subject of the proposed legislative action, shall disclose on the records of the Village Board or the appropriate board, commission or committee the nature and extent of such interest.

## **Sec. 2-5-8 Sexual and Other Unlawful Harassment.**

- (a) **Harassment Prohibited.**
  - (1) Village of Rio officials and employees are responsible for maintaining high standards of honesty, integrity, impartiality, and professional and courteous conduct to assure proper performance of Village business and to maintain the confidence of the public. The Village of Rio is committed to providing a positive and respectful work environment that is free of discrimination and unlawful or inappropriate harassment.
  - (2) Actions, words, jokes, comments or other harassment or discrimination based on gender, color, ancestry, physical or mental disability, marital or family status, actual or perceived race, ethnicity, national origin, creed, religion, age, arrest or conviction

record, honesty testing, pregnancy or childbirth, sexual preference or orientation, gender identity or preference, genetic testing, military service membership or veteran status, or political preferences or beliefs, or any other legally protected characteristic are a form of official employee misconduct and shall not be tolerated. Prohibited harassment includes gender-based harassment by a person of the same sex.

- (3) This Section is applicable to officials when acting in their official capacity or as otherwise engaged in Village-related work or activities as an official with the Village.
  - (4) It is also expressly prohibited for an official or employee to retaliate against another employee(s) or citizen who files a harassment complaint or who assists in investigating allegations. Retaliation is a violation of this Section and may result in discipline up to and including termination in the case of an employee or other sanctions or actions under this Section in the case of an official. No employee will be discriminated against, or discharged, because of bringing or assisting in the investigation of a complaint of harassment, including, but not limited to, sexual harassment. This prohibition against retaliation is not limited to the person who makes the formal complaint, but is equally applicable to witnesses, others involved in the complaint investigation, and those associated with the complainant, such as a spouse or domestic partner.
  - (5) Included in the scope of prohibited retaliation are retaliatory adverse employment actions such as discharge. Also prohibited are material changes to the terms and conditions of employment made in response to a complaint; examples would include a change of assignments, ostracism by other employees/officials, or making negative remarks about the complainant in the community. Even if a complaint is found to lack legal merit, retaliation is prohibited.
  - (6) The conduct underlying a complaint can occur not only in the workplace but also at municipal-sponsored and social events or away from the workplace. [Example: An employee pursuing a romantic relationship with a co-worker by repeatedly calling him/her at home.]
  - (7) Harassment via email, text messages and/or social media are within the scope of prohibited conduct under this Section. A post on an employee's private social media page could fall within this policy if of a harassing or retaliatory nature directed against a co-worker.
- (b) **Sexual Harassment.** Sexual harassment, both overt and/or subtle, is demeaning to another person, undermines the integrity of the workplace and employment relationship, and is strictly prohibited. Sexual harassment is a specific form of official or employee misconduct which undermines the integrity of the workplace and employment relationship. All Village of Rio officials and employees must be able to work in an environment free from unsolicited and unwelcome sexual overtones or threats.
- (c) **Definitions.**
- (1) **Harassment.** Under Title VII of the Civil Rights Act of 1964, harassment generally is:

- a. Unwelcome verbal or physical conduct or other acts;
  - b. Engaged in because of the recipient's protected class status when:
    1. Submission to the conduct is a condition of employment or benefits ("quid pro quo"), or
    2. The conduct unreasonably interferes with the recipient's work or can reasonably be seen to create a hostile, intimidating, or offensive environment ("hostile environment").
  - c. Harassment can include, regardless of whether the recipient is part of a protected class:
    1. Verbal or physical abuse.
    2. Epithets, name-calling, slurs.
    3. Threats.
    4. Demands that an official or employee engage in actions or practices contrary to state law or local ordinances, or which are contrary to proper decisions of the governing body.
    5. Vulgar, obscene or derogatory language.
    6. Mimicry.
    7. Lewd or offensive gestures or pranks.
    8. Offensive jokes.
    9. Offensive, threatening or hostile comments directed at an employee or official, and also including emails, telephone messages, and other electronic communications, including through the use of social media.
- (2) **Sexual Harassment.** A situation where an official or employee experiences unwelcome sexual advances, requests for sexual favors or other verbal or physical conduct of a sexual nature under any of these conditions:
- a. Submission by the employee to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; or
  - b. Submission to or rejection of such conduct by an employee is used as the basis for employment decisions affecting the employee; or
  - c. Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.
- (3) **Sexual Harassment Examples.** Such prohibited behavior can be verbal, nonverbal or physical in nature. Examples of sexual harassment could include, but not be limited to, the following:
- a. Sexual advances.
  - b. Requests for sexual favors.
  - c. Sexual comments of a provocative or suggestive nature;
  - d. Jokes or innuendos intended for and directed to another employee;
  - e. Suggestive or demeaning looks or leering;

- f. Creating an intimidating, hostile or offensive working environment;
  - g. Making acceptance of unwelcome sexual conduct or advances or requests for sexual favors of any nature a condition of employment or continued employment;
  - h. Unsolicited gestures of a sexual nature and verbal or written comments;
  - i. Unwelcome verbal or physical conduct of a sexual nature (e.g., touching, rubbing, or intentional brushing against another);
  - j. Conduct by a supervisor who uses implicit coercive sexual behavior to control, influence or affect the career, salary, job or working conditions of a fellow employee.
  - k. Display of offensive or graphic pictures, cartoons, jokes, photos.
  - l. Unwelcome social invitations.
  - m. Sexually charged emails or texts.
  - n. Implicitly or explicitly making or permitting acquiescence in or submission to sexual harassment a term or condition of employment.
  - o. Making or permitting acquiescence in, submission to or rejection of sexual harassment the basis or any part of the basis for any employment decision affecting an employee, other than an employment decision that is disciplinary action against an employee for engaging in sexual harassment in violation of this paragraph; or
  - p. Permitting sexual harassment to have the purpose or effect of substantially interfering with an official's or employee's work performance or of creating an intimidating, hostile or offense work environment. Substantial interference with an official's or employee's work performance or creation of an intimidating, hostile or offensive work environment is established when the conduct is such that a reasonable person under the same circumstances as the official or employee would consider the conduct sufficiently severe or pervasive to interfere substantially with the person's work performance or to create an intimidating, hostile or offensive work environment.
- (d) **Reporting of Harassment or Discrimination.**
- (1) Any employee or official who believes he or she has been subjected to, or witnesses, an incident of prohibited harassment or discrimination must report the incident to the Village Administrator. If the Village Administrator is unavailable or the employee believes it would be inappropriate to contact that person, the employee shall immediately contact the Village President, as appropriate. Supervisors who become aware of prohibited harassment or discrimination shall promptly bring the matter to the attention of the Village Administrator or Village President, as appropriate. Village employees may raise concerns and make reports without fear of reprisal, as any form of retaliation shall not be tolerated by the Village of Rio.
  - (2) Complaint procedures herein are not limited to employees and officials who have experienced harassment — employees and officials who witness inappropriate conduct may file a complaint under this Section.
  - (3) Employees and officials can report harassing conduct that is not unlawful. For example, a stray inappropriate comment or incident still does not mean such conduct will be tolerated in the workplace.

- (4) After appropriate investigation, any official or employee found to have engaged in prohibited harassment or discrimination shall be subject to appropriate discipline and sanctions. Depending upon all the circumstances, such sanctions could include termination of employment in the case of an employee. In the case of an official, penalties may include an official censure by the governing body and/or removal or reassignment from serving on Village committees or commissions.
- (5) The Village recognizes that the question of whether a particular action or incident is purely a personal, social matter without discriminatory effect requires a factual determination based on the facts. The Village also recognizes that false accusations of prohibited harassment or discrimination can have serious adverse effects. The Village expects all employees to act honestly and responsibly in complying with and enforcing this policy. It is a primary goal of the Village to maintain a pleasant working environment free of harassment or discrimination for all employees and officials.
- (6) Any employee with questions or concerns regarding this policy or any suspected harassment or discrimination in the workplace to contact the Village President or Village Administrator.

### **Sec. 2-5-9                      Advisory Opinions.**

Any questions as to the interpretation of any provisions of this Code of Ethics shall be referred to the Village Board, which, if it deems necessary or appropriate, may request an advisory opinion from the Village Attorney.

### **Sec. 2-5-10 Sanctions.**

- (a) Upon the written complaint of any person alleging facts which, if true, would constitute improper conduct under the provisions of this Chapter, the Village Board shall conduct an investigation of the facts of the complaint, if the investigation indicates there may be a reasonable basis for the complaint justifying further investigation, the Village Board shall conduct a hearing in accordance with the common law requirements of due process including notice, an opportunity to be heard, an opportunity to cross-examine witnesses and to present testimony and other evidence in support of the accused's position and an opportunity to be represented by counsel or other representative at the expense of the accused. The Village Board shall make written findings of fact and issue a written decision concerning the propriety of the conduct of the subject official or employee.

- (b) A determination that a public official's or public employee's actions constitute improper conduct under the provisions of this Chapter may constitute a cause for removal from office, termination of employment, suspension, reprimand, removal from committee assignment, or other appropriate disciplinary action. As an alternative or in addition to sanctions imposed herein, any individual violating the Ethics Code shall be subject to a non-reimbursable forfeiture of not less than Ten Dollars (\$10.00) nor more than Two Hundred Dollars (\$200.00) as determined by the Village Board.
- (c) Sanctions, including any disciplinary action, that may affect employees covered under a labor agreement will be consistent with the terms and conditions set forth in the labor agreement.

