



HANDBOOK
of
Board and Committee Members

VILLAGE OF WEBSTER

HANDBOOK OF BOARD AND COMMITTEE MEMBERS

Purpose

The *Handbook for Board and Committee Members* is compiled to provide an easily accessible reference guide. The handbook provides board and committee members with a basic understanding of Wisconsin laws for the operation of public bodies, provisions that generally apply to members of public bodies, and fundamental parliamentary rules and procedures.

A basic knowledge of the laws, provisions, and procedures affecting municipal bodies is essential. The committee structure in the Village of Webster is evolving, thus more decisions are being made on that level. Because many matters can be decided in committee and because committee recommendations are helpful to the Village Board, Village matters frequently will be referred to the appropriate body for action.

A listing and brief description of all Village boards and committees is included in this handbook. The handbook can be referenced any time you have a question or concern regarding the responsibilities, composition, or scheduled meeting time of a Village governing body. Village governance is an evolving process, therefore changes and updates will be as needed.

PERTINENT WISCONSIN LAWS

Open Meetings Law

The Village Board and municipal committees are subject to the Open Meetings Law. A meeting is defined as the convening of members of a governmental body for the purpose of exercising the responsibility, authority, power, or duties delegated to that body. A meeting is subject to the law whenever the governmental body meets for official purposes. A meeting does not include social or chance gatherings not intended to avoid the law. When one-half or more of the members of a governmental body are present, however, a meeting is “rebuttably presumed” to be for official purposes.

Public Notice. The heart of the Open Meetings Law is the requirement that all meetings of a governmental body be preceded by an official public notice. It is the Committee Chairperson’s responsibility to assure that public notice is provided. Public notice should be provided in the following manner:

- As required by state statutes;
- Notice shall set forth the time, date, place, and subject matter of the meeting, including any closed session; and
- Notice shall be made public at least 24 hours prior to the commencement of such meeting, or 2 hours under special circumstances.

Closed Session. Generally, meetings of governmental bodies must be held in open session. Nevertheless, meetings may be closed for a number of purposes:

- To deliberate after a quasi-judicial hearing;
- To consider the discipline of an employee of the Village;
- To consider other employment issues, such as promotion, performance, and compensation;
- To deliberate or negotiate the purchase of public properties, or conduct other business whenever competitive or bargaining reasons require a closed session;
- To discuss personnel issues that could adversely affect an employee’s reputation; and
- To confer with legal counsel, when pertinent.

Closed sessions that are planned in advance must be presented in the public notice. If the session was not planned in advance, the body must convene in open session and vote to go into a closed session. The presiding officer must announce the nature of the business in addition to the statutory provision that authorizes the closed session. The discussion in closed session must be limited to the topics for which the meeting was closed. Additionally, the governmental body may not reconvene in open session until 12 hours after completion of the closed session, unless the body indicates in its original public notice that it intends to return to open session.

Other Meetings. Governmental body members must be very careful when discussing Village Board or committee business with other members outside of a properly noticed meeting. Whenever a majority of the members of one governmental body plan to attend the meeting of another governmental body, public notice **must** be given that the majority of the body will be attending. This does not apply to the possible situation if a quorum of the Village Board is also the majority of another governmental body (e.g. a committee or board). A single public notice would give the public the fullest knowledge possible because it gives notice of the individuals from the Village Board whom will be present, as they make up the membership of the other governmental body.

For events in which a quorum of the Village Board may be present, a public notice is included on the agenda. The purpose of the notice is to inform the public that a quorum of the Village Board may be present, but that the Trustees will take no official action.

Penalties. Violations of the Open Meetings Law may be prosecuted by the district attorney, attorney general, or by a private individual, if the district attorney does not take the case.

Policy. It is the Village's policy to conduct meetings in open session whenever possible, even if one of the closed meeting exceptions may apply. Closed session may be used only when necessary.

Public Records Law

It is policy of the State of Wisconsin and the Village that all persons are entitled to the greatest possible information regarding the affairs of government and the official acts of its officers and employees. Providing the public with such information is an essential component of representative government. Thus, the Public Records Law is to be interpreted in every instance with a presumption of complete public access.

The Wisconsin State Statutes define "public record" as "any material on which written, drawn, printed, spoken, visual or electromagnetic information is recorded or preserved, regardless of physical form or characteristics, which has been created or is being kept by an authority." Sec. 19.32(2), Stats. "Authority" includes any Village office, elected official, agency, board, commission, committee, or department. All handwritten, typed or printed pages, maps, charges, photographs, films, recordings, tapes, and computer printouts that are produced or maintained by any Village officer, official, or employee as a function of the job is a public record.

If the Village or an individual representing the Village withholds a record or part of a record, or delays granting access to a part of a record after a written request for disclosure is made, the requester is authorized to bring an action against a municipality asking the court for the release of the record. If the requester who brought the action prevails in court, there may be an award of reasonable attorney's fees, damages of not less than \$100 and other actual costs to the requester. These costs and fees are the liability of the Village, and not of an individual member.

Prohibited Acts

The following is a list of criminal restrictions and other prohibited acts placed upon persons serving as Village officers. You can reference this list in the *Handbook for Wisconsin Municipal Officers*.

1. A municipal officer or employee is prohibited from actually participating in the making of a contract in his/her official capacity if he/she has a direct or indirect pecuniary interest or performs in regard to that this is a prohibition on official action, it can be avoided by having the officer abstain from voting on the contract or taking part.
2. A municipal officer may not knowingly accept money or anything of value for furnishing information or performing services pertaining to official duties which is greater or less than is fixed by law.
3. A municipal office may not knowingly accept personal passes or special privileges for traveling, transportation, or message communication from public utilities.
4. A municipal office may not resort to bribery by promising appointments or anything of value or using political pressure as a means of securing votes.
5. A Trustee may not sell, directly or indirectly, to any intoxicating liquor license in the Village, anything used in carrying on the licensee's business.
6. A trustee who is licensed to practice law may not defend persons charged with violation of Village ordinances or the state criminal law.
7. A Trustee may not, as a member of the Board of Review, fraudulently fix values or omit taxable property from assessment.
8. A municipal officer is criminally liable for knowingly acting in excess of authority or in a manner forbidden by law.
9. A municipal officer acting under color of law may not deprive any U.S. citizen or person of rights, privileges, or immunities guaranteed by the Constitution or laws of the United States.
10. A municipal officer who participates in a meeting held in violation of the Wisconsin Open Meetings Law may be subject to a forfeiture of between \$25 and \$300. The Village cannot reimburse this forfeiture.
11. A Trustee may not sell any article, material, product, or merchandise to any Village employee except meals, public services, and articles needed for the health or safety of the employee.

Misconduct in Office

Any Village Trustee who: intentionally fails or refuses to perform a known mandatory, nondiscretionary, ministerial duty of his/her office in a timely manner; or does not act which is in excess of lawful authority or which is known to be forbidden by law; or exercise a discretionary power in a manner inconsistent with the duties of office or employment or the rights of others and with intent to obtain a dishonest advantage for him/herself or another; or makes an entry in an account, record book, report or statement, etc., which is in a material respect intentionally falsifies; or intentionally solicits or accepts for the purpose of any service or duty anything of value which he/she knows is greater or less than is fixed by law is guilty of misconduct while in office. Sec. 946.12, Stats.

Conflict of Interest

No public officer or employee may use or permit the use of Village vehicles, equipment, materials or property for personal convenience or profit, except when the services are available to the public generally or are provided as Village policy.

No public officer or employee may engage in any business transaction with the Village, or have a financial or other personal interest, direct or indirect, which is incompatible with the proper discharge of his/her official duties or will tend to impair his/her independence or judgment or action in the performance of official duties.

Any public officer or employee who has a substantial financial interest, including employment, in any business entity entering into, proposing to enter into or bidding on any transaction with the Village, or as part of his/her official duties will be making an official decision or recommendation significantly affecting a business competitor, client or regular customer, must disclose the interest to the membership of the Village Board to be recorded in the minutes of that body. Upon such disclosure, it is advised that the public officer or employee should abstain from voting on the matter and from participating in the discussion of the matter.

Public officers and employees should not represent private interests before the Village Board or Village agencies. Additionally, no public official or employee shall disclose confidential information concerning the property, government affairs of the Village, or use the information to advance the financial or other private interests. Gifts and favors should not be accepted when their receipt impairs independence of judgment or action in the performance of official duties.

Public employees who have the use of a cell phone may not use while driving village-owned vehicles and while on duty.

GENERAL PROVISIONS FOR ALL COMMITTEES

Committees may conduct investigations, make detailed studies of pending proposals (ordinances, resolutions, etc.), keep in close contact with the work of the various municipal departments and officers, and otherwise perform detailed work that the entire governing body cannot feasibly accomplish, or which if handled by the entire board, would unduly prolong meetings. The action of a committee must have prior authorization of, or be subsequently ratified by, the Village Board.

Composition

The Village of Webster committees and board is comprised of a mix of Village Trustees and Village President. Standing committees in the Village consist of 3 members, one of which is the committee chairperson. The following standing committees are established:

- Finance
- Judicial and Regulatory
- Personnel
- Public Property
- Street and Alleys
- Utilities
- Development and Annexation

All trustees must serve on at least one standing committee as chairperson. The Village President is an ex-officio member of each standing committee, and may be appointed to serve as a member of specific committees.

The Village President may appoint special committee or committees as advisable or as provided by Village Board resolution, stating the number of members and the subject, to perform duties as may be assigned from time to time.

Qualifications of Members

The Village does not have a comprehensive set of guidelines describing the qualifications of potential members. During the nomination and confirmation process, however, the Village President and Village Board do consider what assets the potential appointee can bring to the governmental body. Excluding intergovernmental committees and boards, all members must be permanent residents of the Village.

Committee Chairperson Responsibilities

The Village President appoints committee chairpersons. The chairperson frames, leads, and acts upon the matters referred to the committee. The committee chairperson must ensure that decisions are made in a timely manner, yet be careful not to limit discussion or cut off fellow members. The chairperson should provide the designated Village employee with the committee's or board's agenda in a timely manner prior to the meeting.

Scheduling the meeting date and time is the responsibility of the chairperson. The chairperson can designate an individual to record minutes and schedule/post notice of meetings. Meetings should be scheduled at a date and time that does not conflict with other official Village

meetings and functions. The meetings should be posted or, when necessary, published in the official Village newspaper, in advance of each regular meeting. An agenda identifying the matters to be discussed at the meeting should also be posted at the front door of the Village Hall, in the Library and in the Post Office.

The length of meetings is left to the discretion of the chairperson, although meetings should be kept at or under two hours. The chairperson is required to document attendance and the arrival or departure of members that occur during the meetings. The chairperson also needs to identify any people in attendance that he/she had asked to attend.

Regardless of who is writing up the minutes, it is the responsibility of the chairperson to ensure that they are in the Clerk's office within forty-eight hours.

Compensation of Members/Department Heads

(Amended 10/16/13 – Enacted 5/1/14) Committee members/department heads pay, including the Village President and Village Board, is \$50 per meeting. Board of Review meeting pay is set at \$100. Regular meeting pay is set at \$100. Also, any trustee who attends a committee meeting that they are not a member of will receive \$25 for that meeting. Meetings must be attended in order to receive payment. Payment for meetings is based on a quarterly schedule. Mileage for meetings and seminars outside of the Village is reimbursed at the current federal mileage rate.

The Village Payroll Clerk crosschecks the meeting minutes with attendance lists and other meeting forms. The Village Payroll Clerk will notify trustees immediately of any discrepancies. Omissions are forwarded to the Personnel Committee for review. Any disputes go to the Village Board.

Ex-Officio Members

Ex-officio members of Village committees, and board, who are of non-voting status, consist of Department Heads. They serve in a staff liaison/assistant capacity.

Removal of Members

The Village Board retains the right to remove any member of a committee, board, or commission from that body whenever the removal is in the best interest of the Village. A member can be removed for cause, but only after a hearing is conducted by the Village Board and a majority of its members agree that removal is warranted.

Members of committees and board are required to attend a minimum of two-thirds of the meetings held in a calendar year. Failure to comply with this standard may result in the removal and replacement of the official found to be in noncompliance.

Duties of Committee Members

The following committee member duties are taken from the League of Wisconsin Municipalities *Handbook for Wisconsin Municipal Officers*.

Do...

- Listen to and understand each issue
- Be honest with committee members
- Contribute facts, figures, and feelings
- Stay tied to committee decisions

Don't...

- Be late
- Be unduly argumentative
- Be unduly negative
- Jump discussion track

ROBERT'S RULES OF ORDER

Parliamentary Procedures

The following guide to parliamentary procedures is included in the handbook to assist you in your committee or board proceedings. The materials presented below are excerpts from the latest edition of *Robert's Rules of Order*. Please refer to the handbook located at the Village Hall or access the web page at <http://parli.com> with any questions.

Parliamentary procedure is a set of rules for conduct at meetings that allows everyone to be heard and to make decisions without confusion. The parliamentary procedure is important because it is a time-tested method of conducting business at meetings and other public gatherings.

Organizations using parliamentary procedure usually follow a fixed order of business. Below is a typical example:

1. Call to order
2. Roll call of members present
3. Reading/approving minutes of last meeting
4. Committee reports
5. Special orders——important business previously designated for consideration at this meeting
6. Unfinished business
7. New business
8. Announcements
9. Adjournment

The method used by members to express themselves is in the form of moving motions. A motion is a proposal that the entire membership take action or a stand on an issue. A member can:

1. Call to order
2. Second motions
3. Debate motions
4. Vote on motions

There are four basic types of motions. They include:

1. Main motions

2. Subsidiary motions
3. Privileged motions
4. Incidental motions

Motions are presented as follows:

1. Obtain the floor
 - a) Wait until the last speaker has finished
 - b) Address the chairperson by saying, “Mr./Ms. Chairperson”
 - c) Wait until the chairperson recognizes you
2. Make your motion----stated in the affirmative
3. Wait for someone to second your motion or for the chairperson to call for a second
4. Motions can be referred to a committee (a motion needs a second and is debatable); the motion should include
 - a) What committee
 - b) What the committee is to do
 - c) When the committee is to report to the members
5. If there is no second, your motion is lost
6. The chairperson restates your motion
 - a) The chairperson will say, “It has been moved and seconded that we. . .” thus placing your motion before the membership for consideration and action
 - b) The membership then either debates your motion or may move directly to a vote
 - c) Once your motion is presented to the membership by the chairperson it becomes “assembly property” and cannot be changed without the consent of the members
7. Expanding your motion
 - a) The time for you to speak in favor of your motion is at this point, rather than at the time you present it
 - b) The mover is always allowed to speak first
 - c) All comments and debate must be directed to the chairperson
 - d) Keep to the time limit for speaking if one has been established

- e) The mover may speak again only after other speakers are finished unless called upon by the chairperson
8. Putting the question to the membership
- a) The chairperson asks, “Are you ready to vote on the question?”
 - b) If there is no more discussion, a vote is taken
 - c) A motion to move the previous question may be adopted

A voice method of voting on a motion has been established by the Village of Webster. The chairperson asks those in favor to say “aye” and those opposed to say “no.” Any member may move for an exact count. Following the vote, the chairperson will announce the vote. For example, if a motion passes, the chairperson will announce, “The ayes have it. The motion is carried.”

There are two other motions that are commonly used that relate to voting:

- 1. Motion to table
- 2. Motion to postpone indefinitely

Robert's Rules of Order has the following to say about committees:

- 1. Can only do what the Village Board or ordinance has authorized
- 2. Can bring ideas before the Village Board in a report that includes a motion at the end
- 3. Committee reports include only the information with which the majority of the committee agrees

VILLAGE BOARD

Village of Webster government consists of the Village Board; the Village President; a variety of committees; administrative and supervisory officers; and a municipal judge.

The elected officials are the Village President and six Trustees, who together comprise the Village Board. The Village Board acts as the legislative arm of the Village government. The Village Board's general statutory powers include the management and control of Village property, streets, municipal services, and finances. The Village Board has the authority to act for the public health, welfare, and convenience through licensing, levying taxes, making appropriations, and other necessary means.

The Village Board's regular meetings are held once each month, scheduled for 6:00 p.m., on the second Wednesday. Village Trustees are elected to a two-year term and paid for meetings. Because the position of Village President requires extra time and effort that may prove difficult to document, the compensation of Village President is \$4,500 per year. The Village Trustees and Village President cannot, during the term of office, collect salary in excess of the salary provided at the time of taking office.

The Village President is elected at-large for a two-year term in the spring of odd-numbered years. The Village President is a voting member of the Village Board and serves as its presiding officer. The Village President also signs resolutions, ordinances, and other legal documents. The Village President has the statutory responsibility of maintaining peace and good order and ensuring that ordinances are obeyed.

VILLAGE OF WEBSTER COMMITTEES

Finance Committee

The Finance Committee recommends financial related contracts and services, oversees Village financial policies, and prepares the annual operating and capital budget.

The Finance Committee consists of four voting members. Three Trustees make up the voting body as well as the Village President.

Meetings are scheduled by the Finance Committee Chairperson as he/she deems necessary.

Development and Annexation Committee

The purpose of the DAC is to advise the Village Board of Trustees on economic and development issues within the Webster community.

The DAC consists of the Village President.

Personnel Committee

The Personnel Committee is responsible for advising the Village Board on personnel issues. The responsibilities include recommending the hiring of new employees, internal promotion recommendations, wage negotiations, and other personnel related matters.

The Personnel Committee consists of four voting members. Three Trustees make up the voting body as well as the Village President.

Meetings are scheduled by the Personnel Committee Chairperson as he/she deems necessary.

Judicial and Regulatory

The Judicial and Regulatory Committee is responsible for Fire Protection, Safety, Ordinances, Resolutions, Licenses, Permits, Zoning, Building Codes, Municipal Court and Police Department.

The Judicial and Regulatory Committee consists of four voting members. Three Trustees make up the voting body as well as the Village President. The Municipal Judge, Municipal Clerk of Court and Police Chief serve as ex-officio, non-voting members of the committee.

Meetings are scheduled quarterly by the Judicial and Regulatory Committee Chairperson as he/she deems necessary.

Public Property

The Public Property Committee is responsible for village owned buildings and maintenance, including Library, Community Center, Parks and Playgrounds and Fairground.

The Public Property Committee consists of four voting members. Three Trustees make up the voting body as well as the Village President.

Meetings are scheduled by the Public Property Committee Chairperson as he/she deems necessary.

Streets and Alleys

The Streets and Alleys Committee is responsible for street construction and maintenance, snow removal, sidewalks, construction, drainage, street lighting, signing, and street equipment.

The Streets and Alleys Committee consists of four voting members. Three Trustees make up the voting body as well as the Village President.

Meetings are scheduled by the Streets and Alleys Committee Chairperson as he/she deems necessary.

Utilities

The Utilities Committee is responsible for Water/Sewer utility operations, lagoon system, garbage collection, sanitation, and utilities equipment.

The Utilities Committee consists of four voting members. Three Trustees make up the voting body as well as the Village President.

Meetings are scheduled by the Utilities Committee Chairperson as he/she deems necessary.

Law Enforcement Disciplinary Committee (LEDC)

(Enacted 7/13/2016)

The LEDC meets quarterly with the Judicial Committee. They also meet during special meetings as needed by the committee. The purpose of the committee is to review all matters that may result in the suspension, reduction, suspension and reduction, or removal of the police chief or other law enforcement officer that is not probationary and for whom there is no valid and enforceable contract of employment or collective bargaining agreement which provides for a fair review prior to that suspension, reduction, suspension and reduction, or removal.

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

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

There shall be an annual meeting of the LEDC to be held after the Village Board has made annual appointments or reappointments, but before the last day of July. The Chairperson shall call the meeting to order and specify the date, time, and location for the meeting. The Chairperson shall be elected, and other relevant general business transacted, at the annual meeting.

A special meeting of the LEDC may be called by the chairperson, the Village President, two (2) Village Board members or upon the written direction of at least two (2) members of the LEDC.

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

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

The LEDC shall keep the Village Board adequately and appropriately apprised of the status of any matters before the LEDC.

The LEDC full list of responsibilities, and procedures is included as an addendum to this handbook.

Other Committees

As deemed necessary, the Village Board or the Village President can authorize the establishment of ad hoc committees. The committee's duties or objectives are set forth at the time it is created by the Village Board. Committee members are appointed by the Village President and confirmed by the Village Board. The ad hoc committees are terminated at the completion of the committee's objectives.

VILLAGE OF WEBSTER BOARDS

Board of Review

The Board of Review is a quasi-judicial body that hears and decides appeals of property assessments. The Village Board, by ordinance, specifies the manner of appointment and fixes the salaries of the members.

The Board of Review consists of seven voting members. The Village Clerk also makes up the voting body.

The Board of Review meets as necessary.

Cemetery Board

The Cemetery Board has general supervision and exclusive control over the operations of Oak Grove Cemetery.

The Cemetery Board consists of the Village President, the Village Clerk who acts as Sexton for the cemetery and four citizen representatives.

Compensation for members of the Cemetery Board is \$25 per meeting.

Meetings are scheduled in February and June of each year.

Library Board

The Library Board has general supervision and exclusive control over the operations of the public library. Sec. 43.54 and 43.57, Wisconsin Statutes.

The Library Board consists of five voting members. One Trustee and four citizens (one being the school district administrator or his/her appointee) make up the voting body. Each citizen representative serves a three-year term.

Meetings are scheduled for 6:00 p.m. on the second Monday of every month.

Created by: Patrice Bjorklund, Clerk/Treasurer (5/3/2010)

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