

## **LAWS AND GUIDELINES**

### **Board and Commission Budgets**

Generally, budgets are not established for boards and commissions. Funds necessary for routine board and commission business are included in the budgets of the respective staff support department for the board or commission.

### **Governance**

Most boards and commissions are governed by the Pleasant Prairie Municipal Code, the Wisconsin State Statutes, and other legal documents applicable to the various boards or commissions.

### **Conflicts of Interest Guidelines**

Conflicts of interest are covered by [Chapter 1.08 of the Pleasant Prairie Municipal Code](#), as amended. Basically, the code requires that individuals not participate in any decision which could affect them or a member of their immediate family financially and also requires that board or commission members refrain from participating in any decision in which they have a "substantial interest." A "substantial interest" is defined as: "A situation, including without limitation a pecuniary stake in the outcome of a decision, in which, considering all of the circumstances, a reasonably prudent person observing the situation would expect a marked tendency to make a decision other than an objective decision."

This includes non-financial conflicts, such as close proximity to an area under consideration (six hundred feet has been used as a guideline, but the real issue is the extent of neighborhood pressure on the potential decision maker), close friendship with one of the parties to a decision, or any other situation which would lead to a clear "appearance of impropriety." If a board or commission member is unsure about whether or not a conflict of interest exists, the board or commission member is permitted to consult with the Village Attorney confidentially and to request an advisory opinion as to the applicability of the conflict of interest rules to a particular situation.

### **Meeting Summaries to Village Board**

Accurate and timely information to Village Board and the public about the action of the board is important. Every board and commission must submit a meeting summary to the Village Administrator's Office within five days following a board meeting. The summaries will be forwarded to Village Board in the next Weekly Information Packet. Meeting summaries must be accurate as detailed minutes are not routinely sent to Village Board. The meeting summaries include the following information:

1. Name of board or commission;
2. The date, hour and place of the meeting;
3. The names of members, staff and guests present;
4. Brief summary of any public comments;
5. Was it a regular or special meeting;
6. Outline of the agenda including which items were addressed or tabled what action was taken and a vote tally of any votes taken
7. Time of any future meetings, committees or special hearings.

## **Minutes**

The approved minutes from the board or commission meeting are forwarded to Village Clerk within one week following approval of the minutes by the board. The minutes must include the following information:

1. All information listed in the meeting summary, updated for accuracy;
2. Details of all votes taken;
3. Summary of any public and board comments;
4. When public notice of the meeting was given;
5. Descriptive headings for each topic of discussion;
6. The time of adjournment.

## **Open Meetings Regulation**

The general provisions concerning boards and commissions are contained in the [Pleasant Prairie Municipal Code](#), and Wisconsin State Statutes 19.81 as amended. Each board or commission shall hold all meetings open to the public, after notice of the date, time, place, and subject matter of the meeting, and provide an opportunity for public comment at the meeting, in accordance with the Wisconsin Open Meetings Law, Section 19.81 of the Wisconsin State Statutes. This requires at a minimum that boards and commissions provide twenty-four hour specific notice of each meeting by posting a copy of the meeting agenda in the lobby of the Village Hall, the Roger Prange Municipal Building, and Fire Station #2. The Village Clerk's Office provides space for those notices.

In addition, most boards and commissions give notice of meetings by publication of the agenda in the Kenosha News. Although publication is not required, notification of the media is required. The state open meetings law requires that if three or more members of a board or commission meet at any time and discuss public business, notice must be given of such meeting, and the meeting must be open to the public. If a chance meeting occurs, the members of the board or commission must refrain from discussing public business or convene in groups of less than three. One-on-one communication about public business between members of a board or commission is permitted at all times, and it is only when three or more members gather that a "meeting" is constituted.

## **Orientation and Training**

The Village Board will arrange annual orientation for new members of boards and commissions. These orientation sessions will focus on communication and organizational issues, as well as providing guidance in developing work plans for boards and commissions.

## **Removal from a Board or Commission**

The Municipal Code provisions concerning boards and commissions generally are contained in Chapter 1; The Village Board shall have the power to remove any commissioner for non-attendance to duties or for cause." Although regular meetings are specified, no specific number of absences is given as grounds for removal. The Municipal Code also contains more specific provisions dealing with specific boards and commissions. The provisions concerning the Planning Commission, contained in Chapter 1, are vaguer with regard to removal by the council for cause.

The provisions for the Parks Commission contained in Section 1.23 provide that: The Village President may remove any board member who fails to attend board meetings for three consecutive months without formal leave of absence.

The provisions for the Police and Fire Commission contained in Section 1.25 provide that: The Village President may remove any board member who fails to attend board meetings for three consecutive months without formal leave of absence.

To summarize, any absence of over three months certainly should be viewed as imperiling continued membership on a board or commission. However, the Village Board retains the power to remove a board or commission member for absences of a shorter period and for causes other than absence from board or commission meetings.

## **Resignations**

If for some reason a member of a board or commission must resign prior to expiration of his/her term, the member is asked to notify the Village Board in writing of their intentions. He/she should also send a copy to the respective staff liaison, Village Administrator, Village Clerk, and their other board members.

## **Rules Applicable to Boards and Commissions**

The general rules concerning boards and commissions are those contained in [Chapter 1 of the Pleasant Prairie Municipal Code](#). The critical rule is that three affirmative votes are required for any action of a board or commission of five members, and four affirmative votes are required for any action of the Planning

Board. Thus, contrary to the usual rules of parliamentary procedure, an absolute majority is required for many actions, and if members are absent, it may be necessary to re-hear a matter so that it is possible for the entire board or commission to vote. This makes it particularly critical that board and commission members attend every meeting if at all possible, in order to give applicants a fair opportunity for an affirmative decision.

The Village President shall designate the officers of an advisory board or commission.

## **Quasi-Judicial Requirements**

Quasi-judicial hearings are a specific form of process required whenever a public hearing is required for the application of a standard set forth in the code to a fact situation. The quasi-judicial nature of many hearings or appeals specifies that all of the details of handling procedural and evidentiary issues at such hearings must be adhered to. Quasi-judicial hearings may give rise to an appeal to district court.

The general provisions of which board and commission members should be aware include specific notice requirements, the requirement that testimony be taken under oath or by affirmation, the requirement that cross-examination and the presentation of oral and documentary evidence be permitted, specific evidentiary requirements, which are somewhat looser than those in civil litigation, and a requirement of written findings of fact and conclusions of law.

When acting in a quasi-judicial capacity, members are applying the policies and standards adopted by the people in the charter and by the Village Board in the [Pleasant Prairie Municipal Code](#) and other ordinances, resolutions, and motions. Board members may not always agree with all of those policies, but like judges are obligated to apply them to the facts of the matter before the board despite any disagreement.

Most significantly for board and commission members, the quasi-judicial chapter requires that the substance of all material contacts outside of the hearing dealing with the subject matter of the decision be disclosed on the hearing record and that an opportunity be given for comment at the hearing if the material is to be considered in any way by the board or commission. The Office of the Village Attorney recommends that board and commission members avoid all such "ex parte" discussions outside of the hearing in order to avoid problems of disclosure. In the alternative, whenever an "ex parte" contact cannot or would not be avoided, it is recommended that careful notes be kept of any communications which cannot be avoided so that they can be disclosed in detail. It is recommended that such disclosure be made whether or not the board or commission member intends to actually rely upon the communication, so that no allegation to the contrary can ever be made. Board and commission members

should also avoid site visits guided by an applicant whenever possible, to avoid a chance of improper influence on a decision.

### **Vacancies on Boards and Commissions**

Vacancies on boards and commissions which occur because of early resignations of members or expiring terms are coordinated by the Village Administrator's Office. The Village Administrator will consult with the Village President and Board of Trustees on the best recruitment process strategy for that time. The positions will be advertised for at least 10 days and applications sent to Village Board members. Interviews with Village Board will be held and the new members will be selected at the next convenient Village Board meeting.