



Village of Kronenwetter Handbook for Committees and Commissions

Section I: General Information

1.0 Introduction

Citizen commissions and committees are, for the most part, established by the Village Board to assist in its efforts to meet the needs of the community. Some committees are created to meet immediate, short-term needs and are disbanded once their purpose has been accomplished. Others are created to meet ongoing needs and continue to exist for as long as they provide assistance to the Board. Still others are mandated by state law. The structure, duties, and responsibilities of these bodies vary depending upon their specific purposes. However, all committees have one feature in common – they were established to improve the quality of life for the citizens of Kronenwetter. Thus, by serving on one of these committees, citizens of our Village have an opportunity to join with local government and administrative staff to ensure their local government is serving the needs of its residents.

This handbook was prepared to provide information that will help new and current committee members become active participants in the activities of the committee on which they serve. The first section of the handbook consists of general information about Village government, committees, qualifications of committee members, duties and responsibilities of committee members, meetings, policies, and procedures, terms of appointment, vacancies, staff support, gifts, purchasing and conflict of interest, liability and open meetings. The remaining sections will contain information that is specific to the committee on which a person serves.

1.1 Village Government

The Village of Kronenwetter has an elected Village Board with a Village Administrator.

The Village's policy-making body is the Village Board; it consists of the President and six elected trustees. The Board enacts ordinances encompassing all the activities the Village is empowered to carry out, determines the annual budget, authorizes loans, establishes taxes and fees, issues liquor licenses, makes assessment for public services, approves contracts, and hires the Village Administrator to serve at its pleasure.

The President is the presiding officer of the Board. In addition, The President may be given other duties and responsibilities at the request of the Village Board.

The Village's chief administrative officer is the Village Administrator. The Administrator directly supervises the Village administration, appoints and dismisses department heads, coordinates governmental activities, advises the Board in the formulation and revision of policy, and prepares and submits the annual budget.

1.2 Village Committees

Village committees are legal bodies created by the Kronenwetter Municipal Code or by the Code of Wisconsin. (with the Village Board as the appointment authority). The most common types of committees are: administrative, advisory, and quasi-judicial review and fact-finding committees.

According to state law, **administrative** committees may be created by the Board by ordinance to develop or recommend rules within the agency's scope, penalties for violations of the rules which have been adopted by ordinance, and to oversee the implementation and conduct of programs and services. Administrative committees study and give advice on public issues, policies, programs, and services within the scope of the committee; review alternatives; and, recommend courses of action. The Village Board, by ordinance, assigns agency title, powers and duties, methods of selection of members and length of terms, and other appropriate matters.

Advisory committees are established to provide information and recommendations on policy and programs. These committees study community issues within the scope of the committee, review alternatives, and recommend courses of action. However, they are not responsible for selecting courses of action or for preparing policies or programs. In addition, the Board may make these committees responsible for carrying out other functions, such as educating the public on matters related to the committee's purposes and serving as a mechanism for public input on community issues.

Quasi-judicial committees and **fact finding** committees are created to ensure Village codes and ordinances are administered and enforced fairly and as the Board intended. These committees hear and decide citizen appeals of Village officials' decisions, review Village service and program performance, and

investigate and decide citizen complaints of discriminatory actions within the community.

1.3 Staff Support

To assist the committees in carrying out their responsibilities, the Village Administrator provides staff support. The number of Village staff members available to assist each committee and the functions performed varies from committee to committee. The primary purpose of staff support is to provide professional and technical advice and information on issues being addressed by the Board, Village ordinances, state law, Village policy, and Village administration policies and procedures. In addition, staff may perform other functions such as preparing and sending out committee agendas and packets.

It should be emphasized that staff members who work for the Village Administrator are responsible first to the policy direction of the Board and trustees. Therefore, there might be times when requests made by committees or commissions are in conflict with established Village policy or require an excessive amount of time for response. In these instances, the staff member may have to obtain approval from the Board or Administrator before undertaking further action.

1.4 Selection and Appointment

In general, all committee members are appointed by the President with the advice and consent of the trustees. Although selection criteria may vary depending upon the type of committee and its purpose, the following characteristics are common to all committee members:

- An interest in the committee's area of concern
- The ability and willingness to work
- The ability to work with other people in a tactful, respectful and cooperative manner
- The time to carry out committee duties/responsibilities
- A community point of view

1.5 Duties and Responsibilities

The specific duties and responsibilities of committee members are established by state law and/or ordinances which created the specific committee. Duties and responsibilities which are common to all committees, regardless of their specific area of concern, include:

- Attending and participating in committee meetings
- Being objective and willing to listen with an open mind
- Helping the committee arrive at group decisions
- Being aware of the changing needs of the Village

- Being aware of the activities and needs of other committees
- Being aware of and following Board policies and procedures

1.6 Terms of Appointment

The terms of appointment and reappointment vary from committee to committee.

1.7 Vacancies

Vacancies may occur due to member resignation, or the Village Board may, by written order, remove a member if it is felt that the committee member is unable to perform his/her duties and responsibilities or for other stated reasons. When a vacancy occurs, a replacement will be appointed by the President with approval of the Village Board.

1.8 Meeting Preparation

Citizens who accept a position on one of the Village's committees also accept responsibility for committing a portion of their time to preparing for meetings. To assist members in preparing for their committee's meeting, an agenda is usually sent out about a week prior to the meeting. In addition to the agenda, members may also receive staff reports containing information on the issues that committee will be addressing and staff's recommendation.

Each member is responsible for reviewing his/her committee packet prior to the meeting. Being thoroughly prepared enhances the member's ability to be an active participant in the discussion and decision-making process and helps ensure that sound, factually-based decisions will be made in a timely manner. If members have any questions or feel that additional information is necessary, they are responsible for contacting staff prior to the meeting.

1.9 Meeting Attendance

Prior to accepting a position on a committee, citizens should be aware of the committee's meeting schedule to ensure they will be able to make the necessary time commitment.

The number of regularly-scheduled meetings varies from committee to committee. For some committees, state law or municipal code sections specify a minimum number of meetings; for others, meeting schedules are determined by the committee. For information regarding meeting schedules for specific committees, members should refer to the appropriate chapter in the Municipal Code, the ordinance/resolution establishing the committee or the committee's by-laws.

Regular meeting attendance by all committee members is essential if the board is to effectively carry out its activities. Committee members who do not attend regularly can not be expected to make well informed decisions. Issues can not be fairly and thoroughly considered without input from all committee members. In addition, if a quorum can not be established, no official business can be conducted.

If a member has valid reason for not attending a meeting, he/she is responsible for giving advance notification of his/her absence. Generally, the staff person or committee chairperson should be contacted as soon as possible.

1.10 Committee Meetings

Committees customarily follow the rules and procedures contained in Robert's Rules of Order. The following suggestions will assist the committee in conducting its business in a timely and productive manner.

General Information:

- Start the meeting on time with a roll call
- Focus on issues at hand
- Follow agenda and order of business
- Follow procedures for public participation
- Allow time at the end of the meeting to review and evaluate meeting progress and decisions

How to handle a motion:

- Address the chair
- Get recognition
- Make a motion ("I move....")
- Second the motion
- Clearly state the motion
- Discuss the motion
- Restate the motion
- Vote on the motion
- Announce the results

Do's and Don'ts:

The Chair

DO prepare yourself for the responsibility you have accepted
 DO start the meeting on time – and DO end it on time
 DO have an agenda and follow it
 DON'T use the gavel except to preserve order
 DON'T be afraid to try new procedures

DON'T talk too much from the Chair (and run the risk of intimidating other members)

DON'T let members wander from the matter under discussion

DON'T lose your sense of humor or take yourself too seriously

DON'T say "My committee", "My commission", "My year."

DON'T say "I recognize" or "I rule"; say "The Chair..."

Members

DO observe the rules courtesy and good taste.

DO say "I move..." (not "I make a motion...")

DO take part in the discussion.

DO accept some responsibility for the committee's welfare and activities.

A committee is only as effective as its weakest member.

DO be as ready with praise as you are with criticism. Ask yourself, "Could I do as well?" or "Am I willing to take over and do a better job?"

DON'T say, "I don't know what I'm supposed to do." You have accepted a responsibility. It's your business to find out your duties.

DON'T sign minutes "respectfully submitted."

DON'T accept an office for which you are not qualified or on the theory that there will be nothing to do.

DON'T criticize unless you have something better to offer.

1.11 Minutes

Minutes are **public documents** that are written by an appointed secretary from among the members on the committee. Some committees may choose to have the secretarial responsibilities rotate so that no one member will be burdened every meeting. In order to maintain files of uniform minutes, several points should be kept in mind. These include:

1. Write what is done; summarize what is said.
2. Always take the minutes in third person and use past tense.
3. Begin all minutes for a given meeting with the name of the committee, the date, the location, the time of day, and the members present.
4. State whether the meeting is regular or special.
5. List the chairperson of the meeting and the secretary.
6. State whether the minutes of the previous meeting were read and approved or dispensed with (approved without reading).
7. Write out all main motions, including both those adopted and denied.
8. State the name (at least the last name) of both the person making a motion and the person seconding that motion.
9. Record sustained and overruled points of order and appeals.
10. Summarize reports of committees and staff.
11. Record all appointments of committees and election of delegates.

12. Record the number of votes on both sides during formal voting.
13. State the name of each person and their vote during a roll call vote.
14. Record the time of adjournment.
15. The recording secretary needs to sign the minutes.

Corrections to the minutes may be made at the next meeting or any other meeting in the future. Always keep personal opinions of praise or criticism out of these public documents.

1.12 Open Meetings

All meetings of committees and commissions shall be open to the public. Notice of all meetings shall be given at least 24 hours prior to the meeting. The notice must give the time, date, place of meeting, and tentative agenda. If 24-hour notice can not be given, the reason must be stated in the minutes.

Chapter 19.85 Wis. Stats. outlines the rules for closed meetings. A brief overview of this law includes the following acceptable circumstances for closed meetings.

1. Discussion or review of records authorized by state or federal law to be kept confidential.
2. Discussion of litigation strategy with counsel.
3. Discussion of contents of licensing examinations or disciplinary proceedings.
4. Evaluation of the professional competency of an individual whose appointment/hiring, performance, or discharge is being considered (when necessary to prevent needless and irreparable injury to that individual's reputation) and the individual requests a closed session.

When a session is closed, it must be approved by public vote of either two-thirds of all members or all of the members present at the meeting. The vote of each member and the specific reason for closing the meeting must be announced publicly in open session and entered into the minutes. Only business which comes within the exemption can be discussed in closed session. Detailed minutes of all discussion, persons present, and action taken at a closed session shall be kept. A tape recording must also be kept.

1.13 Voting

A conflict of interest exists when there is a distinct possibility of some unique personal advantage or disadvantage to the member who is voting on a matter.

Wisconsin law provides that a measure that is voted upon is not invalid because an individual with a conflict of interest voted unless that vote was decisive to passage of the measure. If a specific majority or unanimous vote is necessary, the vote must be computed based on the number of members not disqualified by

conflict of interest. However, a majority of all members is required for a quorum. Whenever a member decides to decline to vote because of a conflict of interest, that reason is conclusive and must be stated for the record.

What actually constitutes a conflict of interest has no precise definition. Generally, it is true that no member should vote on any questions involving his or her own financial interest if that interest is immediate, particular, and distinct from the public as a whole.

All members, including officers, should vote unless there is a conflict of interest. A member who abstains from voting does not have to abstain from discussing the issue.

1.14 Liability

Committee and commission members are protected from liability and defended by the Village for acts or omissions within the scope of their duties. If an official is sued in his/her capacity as an official of the Village, the Village will retain an attorney at Village expense to defend the official. This protection does not apply when the acts or omissions involve intentional misconduct or knowing law violation or transaction from which the member derives an improper personal benefit. The Village will not attempt to collect from the official for any award for damages the Village might have to pay. This exception does not apply to awards for punitive damages unless actual malice or willful, wanton, and reckless misconduct is proven.

1.15 Gifts

Committee and Commission members, like Village employees, are subject to the state "gift" law. That law states that a public official, public employee, or that person's immediate family member shall not, directly or indirectly, accept or receive any "gift" from a "restricted donor".

The law defines "gift" as a rendering of anything of value in return for which legal consideration of equal or greater value is not given and received.

"Restricted donor" means a person who is in any of the following categories:

1. Is or is seeking to be a party to any one or any combination of sales, purchases, leases, or contracts to, from, or with the agency in which the donee holds office or is employed.
2. Will personally be, or is the agent of a person who will be, directly and substantially affected financially by the performance or nonperformance of the donee's official duty in a way that is greater than the effect on the public generally or on a substantial class of persons to which the person belongs as a member of a profession, occupation, industry, or region.

3. Is personally, or is the agent of a person who is, the subject of or party to a matter which is pending before a subunit of regulatory agency and over which the donee has discretionary authority as part of the donee's official duties.

A restricted donor may give any public official, or the person's immediate family member, may accept an otherwise prohibited non-monetary gift and not be in violation if the non-monetary gift is donated within 30 days to a public body, or a bona fide educational or charitable organization, if no part of the net earnings of the educational or charitable organization inures to the benefit of any private stockholder or other individual.

The following gifts may be received by public officials or members of the immediate family of public officials:

1. Contributions to a candidate or a candidate's committee.
2. Informational material relevant to a public official's functions, such as books, pamphlets, reports, documents, periodicals, or other information that is recorded in a written book.
3. Anything received from anyone related within the fourth degree by kinship or marriage, unless the donor is acting as an agent or intermediary for another person not so related.
4. An inheritance.
5. Anything available or distributed free of charge to members of the general public without regard to the official status of the recipient.
6. Items received from a bona fide charitable, professional, educational, or business organization to which the donee belongs as a dues paying member, if the items were given to all members of the organization without regard to individual members' status or positions held outside of the organization and if the dues paid are not inconsequential when compared to the items received.
7. Actual expenses of a donee for food, beverages, registration, travel, and lodging for a meeting, which is given in return for participation in a panel or speaking engagement at the meeting when the expenses relate directly to the day or days on which the donee has participation or presentation responsibilities.
8. Plaques or items of negligible resale value which are given as recognition for the public services of the recipient.
9. Non-monetary items with a value of three dollars or less that are received from any one donor during one calendar day.
10. Items or services solicited by or given to, for purposes of a business or educational conference, seminar, or other meeting, a state, national, or regional government organization in which the state of Wisconsin or a political subdivision of the state is a member, or solicited by or given for the same purposes to state, national, or regional government organizations whose memberships and officers are primarily composed of state or local government officials or employees.

11. Items or services received by members or representatives of members at a regularly scheduled event that is part of a business or educational conference, seminar, or other meeting that is sponsored and directed by any state, national, or regional government organization in which the state of Wisconsin or a political subdivision of the state is a member, or received at such an event by members or representatives of members of state, national, or regional government organizations whose memberships and officers are primarily composed of state or local government officials or employees.
12. Funeral flowers or memorials to a church or nonprofit organization.
13. Gifts which are given to a public official for the public official's wedding or 25th or 50th wedding anniversary.
14. Gifts of food, beverages, travel or lodging received by a public official if all of the following apply:
 - a. The public official is officially representing an agency in a delegation whose sole purpose is to attract a specific new business to locate in the state, encourage expansion or retention of an existing business already established in the state, or to develop markets for Wisconsin businesses or products.
 - b. The donor of the gift is not the business or businesses being contacted. However, food or beverages provided by the business or businesses being contacted which are consumed during the meeting are not a gift.
 - c. The public official plays a significant role in the presentation to the business or businesses.
15. Gifts other than food, beverages, travel, and lodging received by a public official which are received from a person who is a citizen of a country other than the United States and is given during a ceremonial presentation or as a result of a custom of the other country and is of personal value only to the donee.

For purposes of determining the value of an item given or received, an individual who gives an item on behalf of more than one person shall not divide the value of the item by the number of persons on whose behalf the item is given and the value of an item received shall be the value actually received by the donee.

1.16 Purchasing

Village officers, employees, and members of committees and commissions can not have any interest in a contract for materials or services provided to the Village. The law prohibits having either a direct or indirect interest in the contract. A "Village officer" is a person elected or appointed for a fixed time who exercises some portion of the power of the Village. This does not include members of groups who are advisory only.

The exceptions to the law on contracts which are most likely to be applicable are:

1. The designation of a bank or trust company as a depository or paying agent.
2. Contracts made upon competitive bidding in writing, publicly invited and opened.
3. Contracts for professional services not customarily awarded by competitive bid if:
 - a. The officer's salary will not be affected by the contract; and,
 - b. The officer is not directly involved in procuring or preparing the contract; and,
 - c. The officer's interest is solely that of employment or from ownership or contract of stock in the contracting company by the officer, spouse, or immediate family member, of less than five percent of the outstanding stock of the company.
4. The designation of an official newspaper.
5. A contract made before the officer was elected or appointed, but the contract may not be renewed.
6. Purchase of goods and services that do not exceed a cumulative total purchase price of \$1,500 in a fiscal year.
7. Franchise agreements between a village and a utility and contracts entered into by a village for the provision of essential village utility services.