

**VILLAGE OF SHOREWOOD
INTERNAL OPERATING RULES - BOARD OF APPEALS**

INTRODUCTION

Wisconsin Statute §63.23(7)(e) and Village Code Chapter 535, Article X, generally proscribe the membership, terms of office, powers, and general procedure of the Board of Appeals (“Board”). Within that framework, the Board also has inherent authority to adopt its own internal rules to assist the body with practical management of its meetings. If any future amendments are made in either state law or the Village Code that are inconsistent with the rules contained herein, the state law or Village Code shall supersede these rules, and these rules are amended accordingly.

SECTION 1: QUORUM

The presence of three Board members establishes a quorum. If a quorum is present, the Board may act by majority vote of the members present.

SECTION 2: OFFICERS

CHAIRPERSON: The Chairperson of the Board shall be designated by the Village President pursuant to Village Code § 535-53C. The Chairperson shall preside at all meetings of the Board, unless unable to attend.

VICE-CHAIRPERSON: Once each calendar year, the Board shall elect one of its members as Vice-Chairperson. The Vice-Chairperson shall perform the duties of the Chairperson when the Chairperson is absent or otherwise unable to act.

SECRETARY: The Village Clerk shall serve as Board Secretary. The Secretary shall keep minutes of each meeting of the Board and file all papers pertaining to each appeal taken to the Board, and shall perform such other duties as provided by these rules and as may be requested from time to time by the Board or the Chairperson.

SECTION 3: ALTERNATE MEMBERS

In addition to the five regular members of the Board, there shall be two alternate Board members appointed by the Village President and approved by the Village Board.

The President shall designate one of the alternate members as the “1st alternate” and the other as the “2nd alternate.” The 1st alternate shall act, with full power, only when a member of the board refuses to vote because of interest or when a member is absent. The 2nd alternate shall so act only when the 1st alternate so refuses or is absent or when more than one member of the Board so refuses or is absent.

One or more alternates may participate to assist the Board in reaching a minimum quorum of 3 to conduct business. However, if a quorum of 3 or 4 is present, an alternate may also be utilized to either reach, or get closer to, the Board's normal operating size of 5.

The same provisions associated with removal or filling of vacancies with respect to regular members also applies to alternate members.

SECTION 4: MEETINGS

PLACE: For consistency's sake, meetings should be held at the Shorewood Village Hall if possible. However, alternative locations may be chosen to accommodate larger groups or for other good reason as deemed appropriate by the Chairperson, pursuant to all advance notice requirements. Moreover, in the interests of the health and welfare of the Village, meetings can be held on a virtual platform if carried out in a manner consistent with the guidelines provided by the Wisconsin Attorney General's office.

CALLING MEETINGS: Meetings will be regularly scheduled for the second Tuesday of each month, as needed, depending on whether any applications have been submitted to the Board. The regular Tuesday meetings will be scheduled by the Secretary, dependent upon the ability to obtain the necessary quorum of members. In addition, the Chairperson may call a meeting at another time as deemed appropriate to carry out Board duties as enumerated by state statute or local ordinance. A meeting may also be called by any two members of the Board for the same purpose.

NOTICE OF MEETINGS: In addition to the public notices required by state law and local municipal code, the Secretary shall give written notice of meetings to each member of the Board, to the Alternate Members, to the appellant, and the Building Inspector, if applicable. If the appeal seeks a variance or special exception related to Chapter 535 of the Village Code ("Zoning"), notice shall be given pursuant to Village Code § 535-56 B.(1) to all owners of record of property located within 100 feet of the property in question. For all other appeals, notice shall be given to any person or entity that might be deemed an interested party by the Chairperson. Under this section, the "notice" shall include the date and time of the meeting, and the agenda thereof.

OATH: Witnesses who offer testimony at any Hearing of the Board shall do so under oath. The oath shall be administered by the Secretary as provided by Wis. Stat. §906.03.

PARTICIPATION OF BUILDING INSPECTOR: The Village of Shorewood Building Inspector, or other person or persons from whose order, ruling, decision, or determination the appeal has been taken from, shall appear at the Board's meeting, and provide such documents as they may have in respect to the matter appealed from, and indicate why the permit was refused, or the order, ruling, decision, or other determination appealed from was made.

PARTICIPATION OF APPLICANT: The appellant shall have the opportunity to be represented by legal counsel and to question village employees/officials/staff that offer testimony regarding the basis for their decision or opinion. The applicant shall be given the opportunity to offer testimony and/or other evidence in support of their application, and call any witnesses it deems relevant or necessary, subject to reasonable controls by the Chairperson.

PUBLIC HEARINGS/PUBLIC COMMENT: Public hearings will occur whenever required by law. When no formal public hearing is required, the Chairperson may take public comment as deemed appropriate.

SECTION 5: QUESTIONS OF ORDER

The deliberations of the Board, while in session, shall be governed by the manual of parliamentary practice commonly known as "Robert's Rules of Order," except when otherwise limited or modified by state statute, village code, or otherwise modified herein. The latest version of Robert's Rules of Order shall govern.

SECTION 6: RECONSIDERATION OF VOTES

It shall be in order for any member voting with the prevailing side to move for a reconsideration of the vote on any question immediately after such vote has been had or at the next succeeding meeting. A motion for reconsider, being put in lost, shall not be renewed.

SECTION 7: PREVIOUS QUESTION

Any member wishing to terminate the debate may call the previous question. Then the question announced by the chairperson shall be: "shall the main question be put?" if majority of the members' present vote in the affirmative, the main question shall be taken without further debate, and its effect shall be to put an end to all debate and bring the Board to a direct vote, first upon any pending amendment and then upon the main question.

SECTION 8: DECISION

At the conclusion of a hearing and after completing its deliberation, the Board shall vote and reduce its decision in writing and accordance with the rules of the Board. Notice of the decision shall be given to the appellant, to the Village and to such other interested parties as deemed appropriate.

SECTION 9: AMENDMENTS

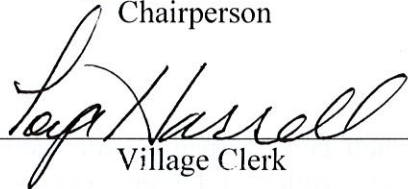
These rules may be amended or modified at any meeting of the Board by majority vote. The amended rule or rules shall take effect at the next scheduled Board meeting.

ADOPTED BY MAJORITY VOTE OF THE BOARD OF APPEALS, JULY 13, 2021



Chairperson

5/8/22
Date



Village Clerk

5/9/22
Date