

2005 Assembly Bill 24

Date of enactment: **August 15, 2005**
Date of publication*: **August 29, 2005**

2005 WISCONSIN ACT 34

AN ACT *to repeal* 62.23 (7) (e) 9.; *to amend* 59.694 (2) (bm) and 62.23 (7) (e) 2.; and *to create* 59.694 (2) (am), 59.694 (3m) and 62.23 (7) (e) 3m. of the statutes; **relating to:** quorum requirements for a zoning board of appeals or adjustment.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 59.694 (2) (am) of the statutes is created to read:

59.694 (2) (am) The chairperson of the county board to which par. (a) applies shall appoint, for staggered 3-year terms, 2 alternate members of the board of adjustment, who are subject to the approval of the county board. Annually, the chairperson of the county board shall designate one of the alternate members as the first alternate and the other as 2nd alternate. The first alternate shall act, with full power, only when a member of the board of adjustment refuses to vote because of a conflict of interest or when a member is absent. The 2nd alternate shall act only when the first alternate refuses to vote because of a conflict of interest or is absent, or if more than one member of the board of adjustment refuses to vote because of a conflict of interest or is absent.

SECTION 2. 59.694 (2) (bm) of the statutes is amended to read:

59.694 (2) (bm) The chairperson of the county board ~~may to which par. (b) applies shall~~ appoint, for staggered 3-year terms, 2 alternate members of the board of adjustment, who are subject to the approval of the county board. Annually, the chairperson of the county board shall designate one of the alternate members as the first alternate

and the other as 2nd alternate. The first alternate shall act, with full power, only when a member of the board of adjustment refuses to vote because of a conflict of interest or when a member is absent. The 2nd alternate shall act only when the first alternate refuses to vote because of a conflict of interest or is absent, or if more than one member of the board of adjustment refuses to vote because of a conflict of interest or is absent.

SECTION 3. 59.694 (3m) of the statutes is created to read:

59.694 (3m) QUORUM REQUIREMENTS. If a quorum is present, the board of adjustment may take action under this section by a majority vote of the members present.

SECTION 4. 62.23 (7) (e) 2. of the statutes is amended to read:

62.23 (7) (e) 2. The board of appeals shall consist of 5 members appointed by the mayor subject to confirmation of the common council for terms of 3 years, except that of those first appointed one shall serve for one year, 2 for 2 years and 2 for 3 years. The members of the board shall serve at such compensation to be fixed by ordinance, and shall be removable by the mayor for cause upon written charges and after public hearing. The mayor shall designate one of the members as chairperson. The board may employ a secretary and other employees. Vacancies shall be filled for the unexpired terms of members whose terms become vacant. The mayor ~~may shall~~

* Section 991.11, WISCONSIN STATUTES 2003-04 : Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication as designated" by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].

appoint, for staggered terms of 3 years, 2 alternate members of such board, in addition to the 5 members above provided for. Annually, the mayor shall designate one of the alternate members as 1st alternate and the other as 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. The above provisions, with regard to removal and the filling of vacancies, shall apply to

such alternates.

SECTION 5. 62.23 (7) (e) 3m. of the statutes is created to read:

62.23 (7) (e) 3m. If a quorum is present, the board of appeals may take action under this subsection by a majority vote of the members present.

SECTION 6. 62.23 (7) (e) 9. of the statutes is repealed.

SECTION 7. Initial applicability.

(1) This act first applies to meetings or hearings held by a board of adjustment or board of appeals on the effective date of this subsection.
