

Ordinance 08-03-15-02

An Ordinance Amending Chapter 2, Division 4 – Board of Review, Regarding Allowance of Alternative Forms of Sworn Testimony at Hearings and other amendments.

WHEREAS, sec. 70.47(8), Wis. Stat. authorizes the board of review to consider requests from a property owner or the property owner's representative to appear before the board under oath by telephone or to submit written statements under oath to the board of review; and

WHEREAS, other amendments are necessary to update the Board of Review section of the Village of Fontana on Geneva Lake Municipal Code;

NOW, THEREFORE the Village Board of Fontana-on-Geneva Lake, Walworth County does ordain as follows:

SECTION 1.

Chapter 2, Division 4 – Board of Review is hereby amended to read as follows:

DIVISION 4. - BOARD OF REVIEW

FOOTNOTE(S):

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State Law reference— Boards of review generally, § 70.46 et seq., Wis. Stats.

Sec. 2-256. - Composition.

The board of review shall consist of five residents of the village, at least two of whom shall be trustees elected to the village board. In addition, no individual shall be appointed or reappointed to the village board of review unless that individual is also a member of the village board until the two seats allocated to the village board are filled. The two village board seats created in this section shall be filled with the first available vacancies. No village board of review member may serve on a county board of review to review any assessment made by a county assessor unless appointed as provided under § 70.99(10), Wis. Stats.

Sec. 2-257. - Compensation.

Each member of the village board of review shall receive a sum for per diem as may be set by the village board. The clerk shall receive an additional sum per annum as may be set by the village board.

Sec. 2-258. - Statute control.

Statute shall control all village board of review provisions not covered in this division.

Sec. 2-259. - Rules of procedure; meeting date and place.

The village board of review shall meet annually during the 30-day period beginning on the 2nd Monday of May, pursuant to Sec. 70.47 (1) of Wis. Statutes on the second Monday of May. The village board of review shall meet at the village hall or some other place as designated by the village board.

Sec. 2-260. – Alternate forms of sworn testimony.

1. In order for a property owner or property owner's representative to submit a request to testify by phone or submit a sworn written statement, he or she must first comply with the following procedures:
 - a. The legal requirement to provide notice of intent to appear at BOR must be satisfied; and

- b. An Objection Form for Real Property Assessment (PA-115A) must be completed and submitted to the BOR as required by law.
- 2. After the two requirements outlined above have been met, a Request to Testify by Telephone or Submit a Sworn Written Statement at Board of Review (Form PA-814) may be submitted to the village clerk. Such requests must be submitted in time to be considered by the board at the first meeting of the BOR.
- 3. The board may consider any or all of the following factors when deciding whether to grant or deny the request:
 - a. The requester's stated reason(s) for the request as indicated on the PA-814.
 - b. Ability of the requester to procure in person oral testimony and any due diligence exhibited by the requester in procuring such testimony.
 - c. Ability to cross examine the person providing the testimony.
 - d. The BOR's technical capacity to honor the request.
 - e. Any other factors that the board deems pertinent to deciding the request

State law reference— Board of review proceedings generally, § 70.47, Wis. Stats.
Secs. ~~2-260~~ 2.261—2-280. - Reserved.

SECTION 3.

Effective Date: This ordinance shall be in full force and effect upon its passage approval, and publication as required by law.

PASSED AND ADOPTED by the Village Board of the Village of Fontana on Geneva Lake, Walworth County, WI this 3rd day of August, 2015.

Village of Fontana on Geneva Lake

By: _____
Patrick Kenny, President

Attest: _____
Theresa Linneman, Clerk