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TO: VILLAGE OF COTTAGE GROVE BOARD  
FROM: VILLAGE ATTORNEY LEIGHTON W. BOUSHEA  
DATE: MAY 3, 2019  
RE: VACANCIES ON THE VILLAGE BOARD

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In the spring election of this year, current Trustee John Williams was elected Village President. His position as Trustee (which has a year remaining in the term) is now treated as being vacant. The Village Board must fill this vacancy pursuant to the Wisconsin Statutes.

**APPLICABLE STATUTORY PROVISIONS**

**17.24 VACANCIES IN VILLAGE OFFICES.**

(1) Except as provided in s. 9.10, a vacancy in any elective village office may be filled by appointment by a majority of the members of the village board for the residue of the unexpired term or until a special election is held under s. 8.50 (4) (fm) or sub. (2). A vacancy in an appointive office shall be filled in the same manner as the original appointment.

(2) Except as provided in s. 8.50 (4) (fm), a vacancy in any elective office in a village may be filled by special election of a successor for the residue of the unexpired term on the first Tuesday of April next after the vacancy happens, if it happens no later than December 1, preceding the first Tuesday in April, but if the vacancy happens after December 1 preceding the first Tuesday of April, then the successor shall be elected on the first Tuesday of April of the next ensuing year, and if the vacancy occurs before the June 1 of the year preceding the expiration of the term of office, the village board of trustees may order a special election to fill the vacancy to be held on the Tuesday after the Monday in November following the date of the order. A person so elected shall serve for the remainder of the unexpired term.

**METHOD OF APPOINTMENT**

As a historical note, the process for filling a vacancy in an elective Village office, has been thoroughly researched, vetted and debated several times in the last ten years.

While Wisconsin Statutes 17.24 provides that vacancies are filled **by appointment of a majority of the members of the Village Board, the statutes do not set forth a procedure** by which the appointments should be made. (emphasis added)

The Village Board can therefore choose the method of nominating and selecting an individual to fill the vacancy.

During the last decade the Village Board has generally requested applicants submit resumes and/or letters of interest along with being interviewed by the Board.

Here are some additional rules of procedure:

1. Vacancies are filled by a majority vote of the members of the Board (Wisc. Stats. 17.24)
2. The decision process occurs in open session.
3. There can be no secret ballot
4. The individual selected by the Board can be sworn in and take office immediately.

### **CONCLUSION**

I hope this background is helpful.

If you have any follow up questions, please give me a call at the office (221-0079) or cell (575-2914).

Lee Boushea