

**AMENDED
ORDINANCE NO. 79**

Ordinance to Establish Members of the Board of Review and Appointment of Alternate Board Members and to Establish Procedures and Criteria for Allowing for Alternative Forms of Sworn Testimony at Board of Review (BOR) Hearings

WHEREAS, §70.46, Wis. Stats. authorizes the Town Board to designate by Ordinance the composition of the Board of Review; and

WHEREAS, §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;

Now Therefore the Town Board of the Town of Geneva, Walworth County does ordain as follows:

Section I. Board of Review Composition.

1. COMPOSITION. The Board of Review shall be comprised of the supervisors of the Town.

2. ALTERNATE. In the event there shall not be a quorum of the supervisors at the time set for the Board of Review, the Town Chairman shall have the authority to appoint an alternate(s) to the Board of Review from the electors of the Town without notice to serve as a member(s) immediately.

Section II. Alternative Testimony at Board of Review Hearing.

1. PROCEDURE. 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.

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 Town Clerk. Such requests must be submitted in time to be considered by the Board at the first meeting of the BOR.

2. CRITERIA TO BE CONSIDERED. 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. Fairness to the parties
- c. Ability of the requester to procure in person oral testimony and any due diligence exhibited by the requester in procuring such testimony
- d. Ability to cross examine the person providing the testimony
- e. The BOR's technical capacity to honor the request

f. Any other factors that the board deems pertinent to deciding the request

3. EFFECTIVE DATE. This Ordinance shall be effective upon posting as provided by law.

We hereby certify that the foregoing Ordinance was duly adopted by the Town of Geneva at a legal meeting on the 9th day of September, 2019, by a vote of: _____ in favor _____ against _____ abstain:

Jeff Monroe – Supervisor No. 1 Absent Aye Nay Abstain Preside

Kathy Scanlan – Supervisor No. 2 Absent Aye Nay Abstain Preside

David Stolow – Supervisor No. 3 Absent Aye Nay Abstain Preside

Mark Scerba – Supervisor No. 4 Absent Aye Nay Abstain Preside

Joseph F. Kopecky – Chairperson Absent Aye Nay Abstain Preside

Debra L. Kirch – Clerk/Treasurer Attest