



NOTICE OF VILLAGE BOARD MEETING

DATE: Tuesday, September 19, 2023

TIME: 6:30pm

LOCATION: Combined Locks Civic Center,
Council Chambers, 405 Wallace Street

AGENDA

VILLAGE BOARD – 6:30pm

- A. Call to order
- B. Pledge of Allegiance
- C. Roll call
1. Public comment for matters not on the agenda
2. Review and discuss allowing ATV/UTV on Village streets; action if appropriate
3. Review and consider approval of Intergovernmental Cooperation Agreement with Darboy Joint Sanitary District No. 1
4. Review bids for concrete curb and apron work on CTH K/Buchanan Road; award project
5. Review and consider approval to install temporary asphalt layer on Jerelyn Court (new extension), Farmhouse Lane and Riverview Ridge Place
6. Review recommended guidelines to create a Village Facebook account and social media policy
7. Other business, updates and future agenda items
 - a) Fire/EMS Department merger with Buchanan on hold
8. Consider motion to move into closed session per Wis. Stat. 19.85(1)(c) for the purpose of considering employment, promotion, compensation, or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility. *Employment, salary, wage, benefits for 2024 budget preparations, AND* per Wis. Stat. 19.85(1)(e) to deliberate or negotiate the purchase of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session. *Contracted service*
9. Consider motion to return to open session; action if appropriate
10. Adjourn

Public Notice: Agendas are posted in the following locations: Combined Locks Civic Center main entrance and Village website: www.combinedlocks.wi.gov. 2015 Wisconsin Act 79 allows the publication of certain legal notices on an internet site maintained by a municipality. This law allows these types of legal notices to be posted in one physical location in the jurisdiction (instead of three) if also placed on an internet site maintained by the local government.

Special Accommodations: Requests from persons with disabilities who need assistance to participate in this meeting or hearing should be made with as much advance notice as possible to the Clerk's Office at 405 Wallace Street, 920-788-7740 extension 203 or email at gieser@combinedlocks.wi.gov.

Notice of Possible Quorum: A quorum of the Board of Review, Zoning Board of Appeals, Plan Commission, or other Village committee may be present at this meeting for the purpose of gathering information and possible discussion on items listed on this agenda. However, unless otherwise noted in this agenda, no official action by the Board of Review, Zoning Board of Appeals, Plan Commission, or other Village committee will be taken at this meeting.

Item #2

Request to consider allowing ATV/UTVs on Village roads. Surrounding communities survey:

Kimberly – Not allowed

Little Chute – Not allowed

Sherwood – Not allowed; voted down by residents via referendum

Harrison – Allowed; see copy of recently adopted ordinance

Kaukauna – Not allowed

Buchanan – Allowed; see copy of recently adopted ordinance

Matters to consider from Sgt. Van Berkel:

Hi Racquel,

After the previous board meeting when ATV/UTV use was proposed for within the boundaries of the village of Combined Locks I composed a list of considerations for the board to visit, as I am not advocating or opposing the possibility.

A term we use in law enforcement is "totality of circumstances" and I just want to bring the following to your attention:

- Rural vs. urbanized areas
- Amount and type of automobile traffic the roads receive
- Potential number of ATV riders that will use generated routes (Age of riders?)
- Signage along with proper speed limits, stop signs/lights, intersections, pedestrian traffic, etc..
- Road surfaces (pavement, ice, mud, gravel) ATV/UTVs not manufactured for roadway surfaces..
- Risks of vehicular collisions (pedestrians included)
- ATV/ UTV - most are outfitted with head lamps/ tail lamps, but not brake lamps or signals
- Congestion of roadways with automobiles, bicyclists, pedestrians
- Right of way laws
- Diversion from designated routes
- Noise ordinances
- Alcohol consumption with operating

I'm sure there are other items of consideration, but these are just what came to mind for me.

Respectfully,

Korie

Sergeant Korie Van Berkel #246

Patrol Division, Village of Combined Locks

Outagamie County Sheriff's Office

3030 E. Goodland Drive

Appleton, WI 54911

korie.vanberkel@outagamie.org

Outagamie County's ATV/UTV rules with recent amendments:

Sec. 50-353. All-terrain vehicles and utility terrain vehicles.

- (1) *Intent.* To create uniform procedures and requirements for the use and operation of all-terrain vehicles and utility terrain vehicles on Outagamie County highways.
- (2) *Definitions.* In this section, words and phrases used herein shall have the meaning as defined by Wis. Stats. § 23.33(1), unless otherwise defined herein. All-terrain vehicles (hereinafter referred to as ATVs) shall have the definition given in Wis. Stats. § 340.01(2g). Utility terrain vehicles (hereinafter referred to as UTVs) shall have the definition given in Wis. Stats. § 23.33(1)(ng). Any reference to a Wisconsin Statute Section or Administrative Code Regulation is a reference to that specific chapter, section, code, or its successor chapter, section, or code. Any future amendments, revisions, or modifications of the statutes or administrative code incorporated herein are intended to be made part of this Code in order to secure uniform statewide regulation of all-terrain vehicles.
- (3) *Statutory authority.* Outagamie County is authorized to designate county highways as ATV/UTV routes pursuant to Wis. Stats. §§ 23.33(8)(b) and 59.02, and is authorized to enact ordinances regulating ATVs and UTVs on designated routes pursuant to Wis. Stats. § 23.33(11)(a).
- (4) *Designating ATV/UTV Routes.*
 - (a) Application process for route designation. The commissioner shall develop policies and procedures for consideration of ATV/UTV routes in accordance with the requirements of Wis. Stats. § 23.33, Wis. Admin. Code NR § 64, and the provisions of this section.
 - (i) Municipalities. Any town, village, or city in Outagamie County may, by application to the highway commissioner, request that portions of county highways be designated as ATV/UTV routes. Applications shall be completed as prescribed by the commissioner and must be in compliance with the policies and procedures developed by the commissioner for the designation of ATV/UTV routes. The town, village, or city must further affirm that the municipality will pay for the costs to make, install, and maintain ATV/UTV route signs. Prior to application, municipality shall:
 1. Hold a public hearing on the proposed ATV/UTV route, with publication by Class 2 Notice under Wis. Stats. ch. 985. Notice of public hearing shall include the time and location of the hearing, a map depicting the proposed route, and details on how public comment can be submitted in addition to verbal comment at the public hearing.
 2. Provide written notice, by mail, to property owners abutting the proposed ATV/UTV route's County Highway right-of-way by including, at minimum, a copy of the public hearing notice described in [subsection] (4)(a)(i)1.
 3. Take official action, during a public meeting of municipality's governing board or designated committee, to authorize said municipality to apply for ATV/UTV route designation.
 - (ii) Application requirements. An application for designation of an ATV/UTV route shall, at a minimum, include the following:
 1. A map showing the proposed ATV/UTV route on the county highway system.
 2. A map showing any existing or future ATV/UTV routes leading to the proposed route.
 3. A statement explaining why the proposed route should be designated as an ATV/UTV route.
 4. Documentation that items required in [subsection] 4(a)(i)1-3 were completed by municipality.
 5. A statement that the applicant will be financially responsible for payments for the installation and maintenance of required ATV/UTV route signs.
 6. Any municipality in which the segment of a county roadway being proposed as an ATV/UTV route exists must have adopted the regulations in subsection (5) set forth below for the application to be considered.
 - (b) Duties and powers of highway commissioner.
 - (i) The commissioner shall administer, at minimum, an annual ATV/UTV route designation application process. Such process shall include administrative review and evaluation of proposed routes based on safety and operational considerations, such as traffic volume, roadway speed limits, topography, vision clearance issues, pavement and shoulder conditions, and other factors related to operational safety and efficacy. Commissioner shall summarize said evaluation and provide a recommendation to the highway, recycling and solid waste committee for their consideration of route designation by ordinance.

- (ii) The commissioner shall ensure that all routes designated pursuant to this section are properly posted. Payment for signage production, installation, and future maintenance for designated routes shall be at the cost of the requesting municipality.
 - (iii) The commissioner shall establish the official ATV/UTV route opening and closing dates for each year. Dates shall be posted on the Outagamie County website in a place visible to the public.
 - (iv) All routes established pursuant to this section shall be reviewed annually by the commissioner to consider the continued value, efficacy, safety, and need for the ATV/UTV routes. In the event the commissioner believes the route is no longer safe or is otherwise inappropriate, Commissioner shall seek a modification of the ordinance allowing designation of that route through the highway recycling and solid waste committee which may advance its recommendation to amend the ordinance to the County Board of Supervisors.
- (c) Route adoption, modification and termination procedures.
- (i) The highway, recycling and solid waste committee shall on an annual basis, at minimum, consider ATV/UTV route designation applications received by the highway commissioner, to include the highway commissioner's review and recommendation per [subsection] 4(b)(i).
 - (ii) Upon review of ATV/UTV routes under consideration, the highway, recycle, and solid waste committee shall authorize an ordinance be drafted for any ATV/UTV routes they find worthy of designation. Said ordinance can incorporate any terms, conditions and/or modifications of proposed routes as recommended by the highway commissioner and/or based on factors identified by the highway, recycling and solid waste committee during their review.
 - (iii) An ATV/UTV route that is created by section shall not officially become effective until said route is officially opened by the highway commissioner, indicated by the erection of signage.
 - (iv) The county board of supervisors may rescind or modify the designation of an ATV/UTV route by enactment of an ordinance rescinding or modifying the designation.
- (5) *Regulation of ATVs and UTVs.* Except as otherwise provided herein, the statutory provisions of Wis. Stats. § 23.33 and Wis. Admin. Code NR § 64, which create, describe, and define regulations with respect to ATVs and UTVs, are adopted and, by reference, made a part of this Code as if fully set forth herein.
- (a) Operator and rider requirements. Any person who operates or rides as a passenger on an ATV or UTV on a roadway that is an ATV/UTV route in Outagamie County designated pursuant to Wis. Stats. § 23.33(8)(b)1, or an ATV/UTV route in Outagamie County designated pursuant to Wis. Stats. § 23.33(8)(c), must meet the following requirements:
- (i) Any operator or passenger shall comply with all federal, state, and local laws, orders, regulations, restrictions, and rules, including those outlined in Wis. Stats. § 23.33 and Wis. Admin. Code NR § 64. All ATV/UTV rules of operation outlined in Wis. Stats. § 23.33 and Wis. Admin. Code NR § 64 are adopted and incorporated by reference in this section.
 - (ii) No person may operate an ATV or UTV without having attained the age of 16.
 - (iii) No person may operate an ATV or UTV without a valid driver's license.
 - (iv) All operators shall have a liability insurance policy in force on any ATV or UTV operated on an ATV/UTV route or route. The liability insurance policy must have the following minimum coverages:
 - a. \$10,000.00 for property damage
 - b. \$25,000.00 for the injury or death of one person
 - c. \$50,000.00 for the injury or death of more than one person
- (b) Rules of operation. The operation of an ATV or UTV on a roadway that is an ATV/UTV route in Outagamie County designated pursuant to Wis. Stats. § 23.33(8)(b)1, or an ATV/UTV route in Outagamie County designated pursuant to Wis. Stats. § 23.33(8)(c), is subject to the following rules of operation:
- (i) Any operator or passenger shall comply with all federal, state, and local laws, orders, regulations, restrictions, and rules, including those outlined in Wis. Stats. § 23.33 and Wis. Admin. Code NR § 64. All ATV/UTV rules of operation outlined in Wis. Stats. § 23.33(3) and NR§64 are adopted and incorporated in this section.
 - (ii) Operators may only operate on a designated ATV/UTV route signed in accordance with Wis. Stats. § 23.33(8)(e).
 - (iii) Speed limits.
 - a. Operators on ATV/UTV routes shall observe the posted speed limit on the roadway.

- (iv) Operators shall ride in single file in the roadway. Roadway is defined in the same manner as defined in Wis. Stats. § 340.01(54).
- (v) All ATVs and UTVs must operate with fully functional headlamps, tail lamps, and brake lights.
- (vi) Every ATV or UTV shall be equipped, maintained, and operated to prevent excessive or unusual noise. No person shall operate an ATV or UTV on an ATV/UTV route unless the vehicle is equipped with a muffler or other effective noise-suppressing system in good working order and in constant operation.

(c) Enforcement.

- (i) Any act that is required or is prohibited by any statute or administrative code provision incorporated herein by reference is required or prohibited by this Code.
- (ii) An officer of the state traffic patrol under Wis. Stats. § 110.07(1), inspector under Wis. Stats. § 110.07(3), conservation warden appointed by the department under Wis. Stats. § 23.10, county sheriff or municipal peace officer has authority and jurisdiction to enforce this section and ordinances enacted in accordance with this section.
- (iii) No operator of an all-terrain vehicle or utility terrain vehicle may refuse to stop after being requested or signaled to do so by a law enforcement officer or a commission warden, as defined in Wis. Stats. § 939.22(5).

(d) Penalties.

- (i) Any forfeiture for a violation of State Statute or Administrative Code adopted by reference in this section shall conform to the forfeiture permitted to be imposed for violation of said statutes or code provisions as set forth therein.
- (ii) Any violation of a section of this section without a penalty specified by statute or administrative code shall be punishable as provided in Outagamie County Ordinance 1-10.

- (6) *Severability.* The provisions of this section shall be deemed severable and it is expressly declared that Outagamie County would have passed the other provisions of this ordinance irrespective of whether or not one or more provisions may be declared invalid. If any provision of this ordinance or the application to any person or circumstances is held invalid, the remainder of the ordinance and the application of such provisions to other person's circumstances shall not be deemed affected.

(Ord. No. C-2020-21 , 10-27-2020)

ORDINANCE V22-20

**AN ORDINANCE REPEALING ORDINANCE 22-16 OF MUNICIPAL CODE ON ATV
USE IN THE VILLAGE OF HARRISON AND RECREATING AS ALL-TERRAIN
VEHICLE/UTILITY TERRAIN VEHICLE ROUTE ORDINANCE**

WHEREAS, the Village desires to repeal Ordinance 22-16 in its entirety; and

WHEREAS, the voters of the Village of Harrison cast 3,120 votes in favor of allowing village-wide use of ATVs and 2,591 votes opposing it in a non-binding advisory referendum question posed on the November 8, 2022 ballot; and

WHEREAS, the Village desires to enact the will of the people and approve municipal regulations for ATV/UTV use in all areas of the Village; and

WHEREAS, the Wisconsin State Statutes allow municipalities to enact or adopt a regulation on ATV/UTV use;

NOW THEREFORE, the Village Board of the Village of Harrison, Wisconsin, does hereby adopt the following ordinance:

Ordinance 22-16 is repealed and Chapter 26-8 All-terrain vehicle/Utility terrain vehicle Route Ordinance is recreated.

26-08 (a) TITLE AND PURPOSE

The title of this ordinance is the All-terrain vehicle/Utility terrain vehicle Route Ordinance. The purpose of this ordinance is to establish all-terrain vehicle/utility terrain vehicle routes in the Village and to regulate the operation of all-terrain vehicles and utility terrain vehicles in the Village.

26-08 (b) AUTHORITY

The Village Board of the Village of Harrison, Calumet County, Wisconsin, has the specific authority to adopt this All-terrain vehicle/utility terrain vehicle Ordinance under s. 23.33 (8) (b) and (11), Wis. stats.

26-08 (c) ADOPTION OF ORDINANCE

This ordinance adopted on proper notice with a quorum and roll call vote by a majority of the Village Board present and voting, provides the authority for the Village to designate all-terrain vehicle/utility terrain vehicle routes in the Village and to regulate the use of those routes and all-terrain vehicles and utility terrain vehicles in the Village, designates all-terrain vehicle/utility terrain vehicle routes in the Village and provides for the regulation of the use of those routes and of all-terrain vehicles and utility terrain vehicles in the Village.

**26-08 (d) OPERATION OF ALL-TERRAIN VEHICLES AND UTILITY TERRAIN
VEHICLES**

Pursuant to s. 23.33 (4) (d) 4., Wis. stats., except as otherwise provided in s. 23.33 (4), Wis. stats., no person may operate an all-terrain vehicle/utility terrain vehicle on the roadway portion of any highway in the Village except on roadways that are designated as all-terrain vehicle/utility terrain vehicle routes by this ordinance. Operation of all-terrain vehicles/utility terrain vehicles on a roadway in the Village that is an all-terrain vehicle/utility terrain vehicle route is authorized only for the extreme right side of the roadway except that left turns may be made from any part of the roadway that is safe given prevailing conditions.

26-08 (e) DESIGNATION AND AUTHORIZATION OF ALL-TERRAIN VEHICLE/UTILITY TERRAIN VEHICLE ROUTES

(1) Except as otherwise provided in this ordinance, highways are not designated all-terrain vehicle/utility terrain vehicle routes.

(2) All-terrain vehicle/utility terrain vehicle use is limited to the following routes:

- a. All public Village streets.

26-08 (f) CONDITIONS APPLICABLE TO ALL-TERRAIN VEHICLE/UTILITY TERRAIN VEHICLE ROUTES

Pursuant to s. 23.33 (8) (d), Wis. stats., the following restrictions are placed on the use of the Village all-terrain vehicle/utility terrain vehicle routes designated by this resolution:

(1) Routes shall be marked with uniform all-terrain vehicle/utility terrain vehicle route signs in accordance with s. 23.33 (8) (e), Wis. stats., and s. NR 64.12 (7), Wisconsin Administrative Code. No person may do any of the following in regard to signs marking Village all-terrain vehicle/utility terrain vehicle routes:

- a. Intentionally remove, damage, deface, move, or obstruct any uniform all-terrain vehicle/utility terrain vehicle route or trail sign or standard or intentionally interfere with the effective operation of any uniform all-terrain vehicle/utility terrain vehicle route or trail sign or standards if the sign or standard is legally placed by the state, any municipality, or any authorized individual.
- b. Possess any uniform all-terrain vehicle/utility terrain vehicle route or trail sign or standard of the type established by the department for the warning, instruction, or information of the public, unless he or she obtained the uniform all-terrain vehicle/utility terrain vehicle route or trail sign or standard in a lawful manner. Possession of a uniform all-terrain vehicle/utility terrain vehicle route or trail sign or standard creates a rebuttable presumption of illegal possession.

(2) Operation shall be subject to all provisions of s. 23.33, Wis. Stats., which is adopted as a part of this ordinance by reference, pursuant to s. 23.33 (11), Wis. Stats.

(3) A copy of this ordinance shall be sent by the Village Clerk to the Department of Natural Resources, the Calumet County Sheriff's Department and any other law enforcement agency serving the Village of Harrison's jurisdiction.

(4) The following additional restrictions shall apply to the use of all-terrain vehicle/utility terrain vehicles:

- a. All all-terrain vehicle/utility terrain vehicle operators shall observe posted roadway speed limits.
- b. All all-terrain vehicle/utility terrain vehicle operators shall ride single file.
- c. All all-terrain vehicle/utility terrain vehicle operators shall slow the vehicle to 10 miles per hour or less when operating within 150 feet of a dwelling.

- d. Headlights and taillights must be turned on at all times as required by state law.
- e. Youth must be at least 16 and are required to have safety certificates as required by state law.
- f. All persons under 18 operating and/or riding on an ATV must wear a helmet as required by state law.
- g. All persons must carry proof of liability insurance when operating an ATV.

26-08 (g) ENFORCEMENT

This ordinance may be enforced by any law enforcement officer authorized to enforce the laws of the state of Wisconsin.

26-08 (h) PENALTIES

The penalties under s. 23.33 (13), Wis. stats., are adopted by reference.

26-08 (i) STATE ALL-TERRAIN VEHICLE LAWS ADOPTED

Except as otherwise specifically provided in this chapter, all provisions of Wis. Stats. § 23.33, and as hereafter amended, describing and defining regulations with respect to the use of all-terrain vehicles in the state for which the penalty is a forfeiture only, including penalties to be imposed and procedure for prosecution, are adopted and by reference are made a part of this Code as if fully set forth in this chapter. Any act required to be performed or prohibited by a statute incorporated in this section by reference is required or prohibited by this section.

26-08 (j) SEVERABILITY

If any provision of this ordinance or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this ordinance that can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are severable.

26-08 (k) EFFECTIVE DATE

This ordinance is effective on publication or posting.

The Village clerk shall properly publish this ordinance as required under s. 60.80, Wis. stats.

Adopted this 13th day of December, 2022.

Village President Allison Blackmer

Village Clerk/Treasurer Vicki Tessen

Chapter 495. Vehicles and Traffic

Article VI. All-Terrain Vehicles, Utility Vehicles, and Snowmobiles

§ 495-35. State all-terrain vehicle and utility-terrain vehicle laws adopted.

The provisions describing and defining regulations with respect to all-terrain vehicles and utility-terrain vehicles in sec. 23.33, Wis. Stats., and any future amendments or revisions, are hereby adopted by reference and made part of this Section as if fully set forth herein.

§ 495-36. Purpose.

The purpose of this ordinance is to establish all-terrain vehicle (ATV)/utility-terrain vehicle (UTV) routes in the Town of Buchanan and provide safe and enjoyable ATV/UTV recreation consistent with public rights and interests pursuant to §§ 23.33(8)(b) and 23.33(11), Wis. Stats.

§ 495-37. Designation and authorization of routes.

Except as otherwise provided by § 23.33, Wis. Stats., and subject to the following limitations hereinafter set forth:

- A. The Town of Buchanan designates all Town roads, with a speed limit as posted, as ATV/UTV routes unless otherwise posted.
- B. County and state highways located within the Town of Buchanan may be authorized for ATV/UTV use by Outagamie County and/or the State of Wisconsin only.
- C. The Town Board Chair, in his or her sole discretion, may temporarily close any ATV/UTV route or portion thereof for a period of up to 90 days due to hazard, construction, or any other emergency condition.
- D. The Town Board may, in its sole discretion, permanently close any ATV/UTV route or portion thereof for any reason by posting signage for prohibited routes and by providing notice to the public.

§ 495-38. Conditions for use of routes.

In addition to the limitations set forth by § 23.33, Wis. Stats., the following conditions and restrictions are placed on the use of ATVs and UTVs on Town of Buchanan designated routes:

- A. ATV/UTV operators shall observe posted or legal speed limits.
- B. ATV/UTVs shall ride in single file and cannot ride on the shoulder of the road.
- C. ATV/UTVs shall observe all laws of this state pertaining to the use of ATV/UTVs.
- D. ATV/UTV operators shall have a valid driver's license and be at least 16 years of age.
- E. ATV/UTV operators under the age of 18 must wear a helmet.
- F. ATV/UTV operators cannot ride on any route in the Town of Buchanan from 12:00 midnight until 5:00 a.m. unless they are engaged in snowplowing.
- G. ATV/UTV operators shall have headlights and taillights on while operating on any Town route.
- H. All ATV/UTV operators shall have liability insurance in force on any ATV/UTV operated on any Town route and shall have in their immediate possession proof of said insurance, which shall be displayed upon demand from any law enforcement officer, with the following minimum coverages:
 - (1) \$10,000 property damage coverage.
 - (2) \$25,000 single injury/death coverage.
 - (3) \$50,000 multiple injury/death coverage.

§ 495-39. Signage.

- A. Routes shall be marked with ATV/UTV route signs in accordance with the § NR 64.12, Wis. Adm. Code, and all other applicable state and local laws.
- B. No person may intentionally remove, damage, deface, move, or obstruct any ATV/UTV route or trail sign or intentionally interfere with the effective operation of any ATV/UTV route or trail sign.

§ 495-40. Enforcement.

This article may be enforced by any law enforcement officer authorized to enforce the laws of the State of Wisconsin and is not intended to limit or prohibit any law enforcement officer or Department of Natural Resources warden from proceeding under any other ordinance, regulation, statute, law, or order pertaining to the subject matter addressed herein.

§ 495-41. Penalties.

Wisconsin state ATV/UTV penalties as found in § 23.33(13)(a), Wis. Stats., are adopted by reference and are made part of this article.

§ 495-42. Severability.

The provisions of this article shall be deemed severable, and it is expressly declared that the Town would have passed the other provisions of this article irrespective of whether or not one or more provisions may be declared invalid. If any provision of this article or the application to any person or circumstance is held invalid by a court of competent jurisdiction, the remainder of the article and the application of such provisions to other persons or circumstances shall not be deemed affected.

§ 495-43. Applicability of traffic regulations to snowmobiles.

No person shall operate a snowmobile upon any street, highway or alley within the Town in violation of the provisions of Ch. 350 or §§ 346.04, 346.06, 346.11, 346.14(1), 346.18 to 346.21, 346.26, 346.27, 346.33, 346.35, 346.37, 346.39, 346.40, 346.44, 346.46 to 346.48, 346.50(1)(b), 346.51 to 346.55, 346.87 to 346.91, 346.92(1) and 346.94(1) and (9), Wis. Stats.

DARBOY JOINT SANITARY DISTRICT NO. 1

AND

THE VILLAGE OF COMBINED LOCKS

Wis. Stat. 66.0301 Intergovernmental Cooperation Agreement

PARTIES: The Darboy Joint Sanitary District No. 1, located in the Town of Buchanan and Village of Kimberly, Outagamie County, and the Village of Harrison and City of Appleton, Calumet County, State of Wisconsin, hereinafter called the DISTRICT”.

The Village of Combined Locks, located in Outagamie County, State of Wisconsin, hereinafter called the “VILLAGE”.

1. **AUTHORITY;** This Agreement is entered into pursuant to the statutory authority of Wis. Stat. §66.0301 as amended from time to time.
2. There has been presented to the Darboy Joint Sanitary District No. 1, and the Village of Combined Locks, an area known as the Wolfinger Property, hereinafter called “Area”. The geographical boundaries of said Area are within the Village, and the sewer service and water service boundaries thereof are within the District.
3. The District has the capability to extend sewer and water mains so as to provide water supply and sanitary sewer services to said Area, and the Village has requested the District to provide said water supply and sanitary sewer services to said Area.
4. The District has in effect customer water user rates approved by the Wisconsin Public Service Commission. Such customer water user rates are paid by the customers of the District.
5. The District has in effect a customer sewer user rate based on water meter reading, which the District customer then pays to the District.
6. The District levies an annual tax to cover hydrant tax for public fire protection of the District.
7. The District has an approved Sewer Service Area designation/authority from and through East Central Wisconsin Regional Planning Commission. Pursuant to such approved Sewer Service Area, the District is authorized to provide for sewer service within such designated and approved Area as the exclusive provider therein. The District reserves the right to refuse service to a heavy industrial user.

8. The Village has requested that the District install sewer and water mains and thereafter provide water and sanitary sewer services as a service agency to the above described Area located within the municipal boundaries of the Village.

9. In order to accommodate the Village's desire to have the District install and provide sanitary sewer and water main services to the aforementioned Area, the District and the Village have negotiated the terms and conditions of this Intergovernmental Cooperation Agreement so as to provide for the construction of sanitary sewer and water mains to service the above described Area that is presently not serviced and that lies within the municipal boundaries of the Village.

10. Attached hereto and labeled Exhibit "A" is a preliminary plat of the area to be served and the legal description of said area to be used by the District for the purpose of construction of the municipal water main and sewer main. It is the intention that the District will serve the entire area that is ultimately annexed and approved by the Village Board as the final Wolfinger Estates Plat with the exception of the lots directly abutting the Village. These lots (Lots 1-6, Lot 66, Lots 75-78) are specifically identified in Exhibit "A".

11. For the purpose of the extension of water mains and sewer mains, reference Exhibit "A" and Line #10, the same shall be constructed for the District, all as necessary to provide water service and sewer service to the aforementioned area.

12. The owners of the property in the Area shall be responsible for the cost of sewer mains and water mains as constructed for and on behalf of the District as set forth in the preceding paragraph and shall hold harmless and indemnify the District from the cost thereof, including water laterals and sewer laterals to the Area.

13. The Village agrees that the water main and sanitary sewer, as constructed for and on behalf of the District, under the terms and conditions hereof, shall be owned, operated, maintained and serviced by the District, the District to be responsible for subsequent repairs and maintenance thereto. As to any replacement thereof, being the replacement of either the sanitary sewer main and appurtenances, or the replacement of the water main and appurtenances, as covered by this Agreement, the Village and District agree that §60.77 of the State Statutes will be utilized at the time of such assessment, whereby the Village will issue to the District the appropriate Resolution authorizing the District to carry out assessment proceedings and for the District to levy special assessments for such municipal work/municipal improvement (unless the District hereinafter includes such replacement costs in either its user rate structure or facilities connection charges).

14. The Village agrees, on behalf of itself, its successors and assigns, that within the municipal boundaries of the Village, within which the aforementioned Area is located, the District may impose upon each such abutting owner the same monthly sewer service charge and monthly water user charge as in effect from time to time for the District. The Village hereby authorizes the District to bill the Village of Combined Lock's residents directly for such quarterly sewer user and water user charges. In the event that a customer does not pay his/her water user charge and/or sewer user charge as the same become due ("delinquent utility charges"), the Village shall place the amount certified by the District as delinquent utility charges on the next tax roll for collection and settlement pursuant to applicable Wisconsin Statutes or otherwise pursuant to the terms and conditions of this Agreement.

15. The Village agrees that as to the District's annual tax levy, the same shall be imposed upon each Village property owner who receives sanitary service and water service from and through the District. The District shall certify the tax to the Village.

16. The Village shall apply the tax to the property owner's tax bill and shall be responsible for the collection of said tax and the payment thereof to the District. In the event of any unpaid/uncollected real estate tax bills, the Village shall pay the amount of any such delinquent tax to the District and shall be responsible for collecting any such delinquent tax from the appropriate property owner, as prescribed under Chapter 74, Wis. Stats.

17. Since the District will be receiving a tax and will be collecting a water user and sanitary sewer user charge from Village residents, according to the terms and conditions of this Agreement, the District shall be responsible to the Area as above-described and as located within the Village boundaries and as serviced under this Agreement, for the reading of all water meters, for all billings of water and sewer user charges, for all repairs and maintenance to the water mains and sewer mains as installed within the Village boundaries. In the event it becomes necessary to replace any water main, sanitary sewer main and/or appurtenances thereto, within the Village boundary as outlined in this Agreement, the District shall be responsible for all such replacement costs, and the District and Village agree that §60. 77, Wis. Stats., shall be utilized, whereby the Village shall give to the District the appropriate Resolution authorizing the District to make such assessments against Village property owners (unless the District includes such replacement costs in either its user rate structure or facility connection charges).

18. The District has in effect a facilities connection charge which must be paid before a sanitary permit can be issued. Simultaneous connection to both the sanitary sewer and water main is required by the District. The Village agrees that before any Village property owner/resident may connect and receive services for sanitary sewer and water main purposes from and through the District, the Village shall require said property owner/resident to obtain a sewer and water connection permit from the District and to pay the District the sum presently in effect, or subsequent adjusted amount, to the District. In the event that the Village property owner/resident fails and/or neglects to pay said connection charge and/or fails to obtain said connection permit, the Village shall be responsible for collecting the same from the Village property owner/resident and when the sum has been so collected, the same shall be paid by the Village to the District.

19. Both parties acknowledge that the District is part of the Heart of the Valley Metropolitan Sewerage District which has a connection fee that shall be required to be paid to the District at the time that a sanitary permit is taken out for new construction or a larger water meter is installed. All waste treatment connections on commercial and industrial connections must be preapproved by Heart of the Valley Metropolitan Sewerage District before District is able to issue a sanitary permit.

20. Both parties affirm, acknowledge and agree that this Agreement, as now entered into and remains in force and effect, and shall be limited to the area described above.

21. The District, for itself, its successors and assigns, agrees that the quarterly sanitary sewer user rate and the quarterly water user rate shall be uniform for property owners located either within the boundaries of the District or property owners located with the District boundaries as described in Line #10. The parties to this Agreement further acknowledge their understanding that sanitary sewer user rates and water user rates may change in dollar amount from time to time as the District changes/amends the sewer user rate and/or water user rates as then being charged to its customers. The Village, from and after the date of entering into this Agreement, does hereby give to the District an easement, perpetual in nature, for ingress and egress purposes, giving to the district the right to go upon public roads as above described, as located within the Village boundaries for the purpose of carrying out the District's obligations under this Agreement, including, without limitation, repairs, maintenance and/or replacement of sanitary sewer mains and water mains as located within the boundaries of the Village. Village permits shall be required for the District to perform such repairs, maintenance and/or replacement of District improvements, and the Village hereby grants to the District the authorization to make road repairs to Village standards. The Village hereby waives any current and future fees associated with Village permits.

22. The Village understands and acknowledges that it will require all Village property owners/residents, at the time of receiving water service, to obtain a meter from the District for determining the amount of water consumed by a property owner. It is further understood and agreed that the cost of meter repairs and replacement shall be borne by the District, except where the damage to a water meter is caused by the error or negligence of a property owner/resident, and which event the cost of water meter repairs or replacement shall be paid by the property owner/resident. If any property owner/resident fails to pay the District for said water meter repairs or replacement, the Village shall collect the same from the Village property owner/resident, and when the amount has been received by the Village, the same shall be paid to the District.

23. The Village further understands, acknowledges and agrees, for itself, for its successors and assigns, and for its property owners/residents as located within the Village boundaries and as located within the District's sewer service area, that said property owners/residents shall be bound by all of the terms, conditions, and requirements of Ordinance and Resolutions in force and effect or as placed in force and effect hereinafter by the District, where said Resolutions and/or Ordinances are necessary to accommodate the successful operation of the District's facilities. If necessary, the Village agrees to adopt said Ordinances/Resolutions similar to those then in force and effect for the District, so that the same shall be binding upon the property owners/residents located within the boundaries of the Village.

24. The District has in force and effect certain Ordinances and/or Resolutions, which have the potential to cause a property owner to suffer a civil forfeiture for disobedience to any such Ordinance Resolution. The Village agrees to cooperate in the District's prosecution of any violators who violate any of the applicable Ordinances/Resolution of the District. The forfeiture, as collected through the Courts, shall be the property of the District. The cost of enforcement of the Ordinance violation shall be borne by the Village.

25. Darboy Joint Sanitary District No. 1 and the Village of Combined Locks mutually agree to indemnify, defend and hold each other harmless including the other party's officers, officials, employees and agents from and against any and all liability, loss, damage, expense or cost (including attorney fees) arising out of this Agreement, caused in whole or in part by

the indemnifying party, its officers, officials, employees, agents or anyone for whose acts they may be liable, except where caused by the sole negligence or willful misconduct of the indemnitee.

26. No provision contained in this Agreement is intended to waive or estop either the Village of Combined Locks, Darby Joint Sanitary District No. 1, or their respective insurers from relying upon the limitations, defenses, and immunities within Sections 345.05 and 893.80 Wis. Stats. To the extent indemnification is available and enforceable, the parties to this Agreement and/or their insurers shall not be liable in indemnity, contribution or otherwise for an amount greater than the limits of liability of municipal claims established under Wisconsin law.

27. This Agreement shall be binding upon the parties and their successors and assigns, including, without limitation, future appointed or elected officials and officers.

28. This Agreement shall be in effect as long as the District provides utility services to the Village within the boundaries of the District and in accordance with the terms set forth herein.

29. This Agreement represents the entire agreement between the parties and may be amended only by the written consent of both parties. If any provision of this Agreement is invalidated by a court of competent jurisdiction, the invalidation of that provision shall not affect the validity of any other provision.

Dated this _____ day of _____, 2023.

DARBOY JOINT SANITARY DISTRICT NO. 1

BY: _____

George Schmidt – President

BY: _____

Bruce Corning – Secretary

Dated this _____ day of _____. 2023.

VILLAGE OF COMBINED LOCKS

BY: _____

John Neumeier, Village President

BY: _____

Racquel Shampo-Giese, Village Administrator/Clerk-Treasurer

Item #4

Bids for the concrete work on Buchanan Road will be opened at 9:00am on Monday, September 18, 2023. We are expecting two bids or more from local contractors.

Item #5

DPW staff have asked for installation of chip seal or layer of asphalt on the new extension of Jerelyn Court, Riverview Ridge Place, Farmhouse Lane, and Krunch Court to help with snow plowing and removal. This past winter, staff reported difficulty in snow plowing operations as the roadway was too soft, and the plow blades dug into the gravel. The estimated cost is \$40,000 for a 1.25" layer of asphalt. Asphalt, instead of chip seal is recommended by a local contractor. The expense can be funded by general fund reserve monies for 2023 and be part of the 2024 budget for reimbursement.



Item #6

I have been working with our office staff to research pros and cons of having a Village Facebook page. I have asked our attorney for his opinion and experience with other municipalities that might already have a page. His comments are below as well as an article from the League of Wisconsin Municipalities and a draft policy for the Board to consider if we move forward with creating a Facebook page with comments allowed.

Hi Racquel,

I can't think of any experiences with municipalities that we represent, but this is a topic that has been discussed quite a bit by municipal attorneys across the state. Generally, it seems that social media can often create more problems than it actually accomplishes for all of the reasons that you mention. It can add a lot to open records, and the First Amendment can be implicated quite easily. If the Board decides to move forward with a Facebook account here are some suggestions specifically to avoid First Amendment issues.

1. Make the page one-way communication only. Social media creates little issues for municipalities if it is simply another place for the Village to communicate to the public. If comments are turned off and no one can post except the municipality then there are minimal First Amendment Issues.
2. If the Board wants a page that is open to interaction I would recommend that our office is consulted to help draft a social media policy that does not violate the First Amendment, but helps to keep the page safe from profanity, spam, and misuse.

If you have any other questions on this, please let me know.

Thank you,

Michael A. Pflughoeft Jr.
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Kaukauna, WI 54130

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From: Racquel Shampo-Giese <Shampo-GieseR@combinedlocks.wi.gov>
Sent: Tuesday, September 12, 2023 1:55 PM
To: Mike Pflughoeft <MPflughoeft@towncounsellaw.com>
Cc: Ashley Lehocky <alehocky@towncounsellaw.com>
Subject: Combined Locks - Facebook Creation

Hi Mike – Some of our trustees have asked about having a Village Facebook account/page. I am hesitant to create one because of the negativity that is often associated with social media, opinions from other municipal workers who

have Facebook pages, legal requirements for open records and record retention, inappropriate posts, and time commitment. I do understand that this can be a positive and beneficial service for the Village as well. If you have some experience with other municipalities that have a page or have some general guidance and/or concerns, please share the information with me. I'd like our trustees to have all the information I can gather before they make a decision.

Thank you for your time.
Racquel



Racquel Shampo-Giese

Administrator/Clerk/Treasurer

405 Wallace Street, Combined Locks WI 54113

Phone: 920.788.7740 ext. 203 | Fax: 920-788-7742

www.combinedlocks.wi.gov

From the League of Wisconsin Municipalities:

Social Media in Local Government

By: Maria Davis, Assistant Legal Counsel

From posting on Facebook to tweeting on Twitter, using social media is a commonplace occurrence. Many municipalities and local officials operate social media accounts. Social media is a powerful tool for communicating with constituents. It can also be an aid to improve culture or build trust within the community. While social media offers several benefits, government use of social media is subject to First Amendment freedom of speech protections and proper use is critical to avoid exposure to liability.

Part of social media's appeal is its interactive nature. Users post content and individuals can respond and converse with one another in the post's thread. However, not all feedback will be positive. Inevitably, people will post negative or offensive comments. Sometimes the municipality or local official might be tempted to respond by hiding or deleting offensive comments or by blocking those who posted offensive content; but, doing so improperly can run afoul of the First Amendment.

Although the U.S. Supreme Court has recognized social media as a powerful mechanism for citizen speech and acknowledged that individuals use social media platforms to engage in protected First Amendment activity,¹ there is limited case law regarding the First Amendment's applicability to government social media accounts. There are no U.S. Supreme Court decisions directly on point.² There are no Seventh Circuit decisions and only a handful of Wisconsin federal district court decisions, which are only binding within the district. With limited precedential case law, we must look to factors other courts have examined for guidance on how municipalities and local officials should approach social media use.

The First Amendment prohibits the government, including individual government actors, from abridging the freedom of speech. The government's ability to regulate speech depends, in part, on where the speech occurs – i.e., what type of "forum" it occurs in. There are three basic types of forums: traditional public forums, designated public forums, and non-public forums. Traditional public forums are places that have long been associated with expressive activity, such as streets and parks.³ A designated public forum is a place that is not traditionally open for expressive activity, but that the government has opened for expressive activity.⁴ A limited public forum is a type of designated forum where the government reserves the forum for certain groups or topics.⁵ Non-public forums are all other types of government, or private, property that have not been opened to expressive activity.⁶

The type of forum speech occurs in dictates the level of judicial scrutiny that courts will apply to a challenged restriction on speech. In traditional and designated public forums, strict scrutiny is applied and there is minimal ability to regulate speech. Any content-based restriction on speech will likely be found unconstitutional. However, reasonable time, place and manner restrictions are generally permitted so long as they are content-neutral, narrowly tailored, and leave open ample alternative channels of communication.⁷ In limited public forums, a lesser level of judicial scrutiny is applied. The government may regulate the content of speech, but the regulation must be viewpoint-neutral and reasonable in light of the forum's purpose.⁸ Regulating speech based on a person's viewpoint is never permitted regardless of forum. Because the government's ability to restrict speech is limited, any action a municipality or local official takes on social media that can be viewed as a "restriction" on speech can invite litigation. Things like hiding or deleting comments and blocking certain users are typically challenged as improper restrictions on speech. These challenges are often brought under 42 U.S.C. § 1983, which allows individuals to sue the government, and individual government actors, for violating their rights under the U.S. Constitution. The specific analysis under § 1983 depends on whether a claim is against the municipality or an individual official. Municipalities will be liable under § 1983 if a plaintiff demonstrates there is an official policy or custom that a policy maker has knowledge of and a constitutional violation whose moving force is that policy or custom.⁹ Claims against individual officials in their official capacity are treated as suits against the municipality.¹⁰ To state a claim against an individual official in their personal capacity, a plaintiff must show the government official acted "under color of state law" when taking the allegedly unconstitutional action.¹¹ Courts will look at the totality of the circumstances to determine if the action bore a sufficiently close nexus with the state (municipality) to be fairly treated as an action of the state (municipality) itself.

When conducting a "color of state law" analysis, courts look at a variety of factors, including 1) why the account was created, 2) whether the individual used the account in their official capacity, and 3) whether the account was being used as a tool of governance. Factors indicating an account is being used as a tool of governance might include: a) providing information to the public regarding official activities, b) soliciting public input on policy issues, addressing content to constituents, and c) incorporating the trappings of the local official's office. When looking to see if an account incorporates the trappings of an official's office, courts have considered the following factors: who the account was registered to (e.g., John Doe or Mayor Doe); whether the account handle (e.g., username or account name) related to the official capacity; whether "official" images were used; whether the account's description pointed to the official's office; whether the account was linked to other official pages; and whether official contact information was listed on the account.

If a claim is regarding an official local government account or an individual official's account and the court has determined the official acted under color of state law, the court will next look to identify what type of forum the speech occurred in. As explained above, the type of forum dictates the level of judicial scrutiny courts will apply to the challenged restriction on speech. In the absence of clear guidance from the U.S. Supreme Court regarding whether a government social media account will be considered a traditional public forum, courts will likely look at whether the account is a designated public forum or a limited public forum. Courts will consider whether the account was intentionally opened for public discourse (a factor all courts thus far have found to be met) and whether any limitations were placed on users or subject matter. If a local government or individual official creates an official social media account for public discourse and places no limitations on what subjects may be discussed, the account will almost certainly be deemed a designated public forum and deleting comments or blocking users will violate the First Amendment. In contrast, when an account is created as a limited public forum, content-based regulation of speech is permitted so long as it is reasonable, viewpoint neutral, and fits within the parameters established when the limited public forum was created. If posted content is limited to a particular topic, then off-topic content may be regulated in a viewpoint-neutral manner. However, without clear evidence that a local government or official explicitly intended to create a limited public forum, a court is unlikely to conclude a social media account is a limited public forum.

Creating a social media comments policy is one way to establish a social media account as a limited public forum. A comments policy that is clearly visible to users can set the parameters on what subject matters they may discuss. Possible limitations include prohibiting unprotected speech, such as defamation or threats; limiting comments to the original post's subject matter; prohibiting posts that contain links to third-party websites; and prohibiting solicitation or advertisement of commercial services. Case law has not yet provided a definitive answer, but it is likely permissible to prohibit profanity in a limited public forum, even though profanity is protected speech, so long as the prohibition is reasonable in light of the forum's purpose. For example, if an account is created as a limited public forum to allow community members of all ages to discuss matters of public concern, prohibiting profanity to encourage civility might be reasonable in light of the forum's purpose. Discriminatory/hate speech may be more problematic to regulate. Officials may understandably wish to prohibit

such speech, but discriminatory/hate speech is protected speech. Unlike profanity, which may be used in a more neutral manner, it is more difficult to divorce discriminatory/hate speech from the speaker's viewpoint. In other words, it is difficult to regulate discriminatory/hate speech without the regulation amounting to impermissible viewpoint discrimination. Without additional guidance from the courts, municipalities and officials should exercise caution regarding regulating discriminatory/hate speech.

Municipalities and local officials must be thoughtful when creating a comments policy. Remember that while content may be regulated, the regulation must be reasonable and may not regulate viewpoint. Additionally, a comments policy should be administered and enforced in a consistent and non-discriminatory manner. It is unclear how consistent enforcement must be, particularly since a single post can generate thousands of comments. However, a recent case out of Wisconsin's Western District suggests that perfect enforcement is not required.¹³ Nonetheless, the court noted that, depending on the facts, inconsistent enforcement can amount to viewpoint discrimination and/or support an inference that a designated public forum was intended rather than a limited public forum. A comments policy should also specify what enforcement action, if any, will be taken for policy violations – e.g., deleting comments, blocking users. If blocking will be a potential remedy, consider only blocking individuals for repeated violations and only for a limited time.¹⁴

Municipalities can also choose to turn off commenting on individual posts making the post a one-way communication, although this is only possible to a limited degree on Facebook and Twitter. However, eliminating public engagement would defeat one of the primary benefits social media has to offer.

Lastly, be aware that social media platforms are constantly evolving. Page layout, tools/functions, and rules routinely change. Social media accounts should be continuously monitored to ensure the use remains as intended. A comments policy posted in the about section of a Facebook page may be visible one day but disappear the next if the platform changes its layout. Social media can be a powerful communication tool for municipalities and their officials, but it is important to establish and use accounts intentionally and understand the effect of how the page was created. Finally, individual officials wanting their account to remain personal must be mindful to keep it wholly separate from their official government role.

Miscellaneous 24

Legal comment discusses the First Amendment's application to government use of social media, creating social media pages as limited public forums, and implementing a social media comments policy. 5/2023.

¹ *Packingham v. North Carolina*, 137 S. Ct. 1730 (2017).

² The only U.S. Supreme Court case is *Biden v. Knight First Amend. Inst. at Columbia Univ.*, 141 S. Ct. 1220 (2021), which simply vacated the appeal of *Knight First Amend. Inst. at Columbia Univ. v. Trump*, 928 F.3d 226 (2d Cir. 2019), as moot.

³ *Arkansas Educ. Television Com'n v. Forbes*, 523 U.S. 666, 667 (1998).

⁴ *Int'l Soc'y for Krishna Consciousness, Inc. v. Lee*, 505 U.S. 672, 678 (1992).

⁵ *Walker v. Texas Div., Sons of Confederate Veterans, Inc.*, 576 U.S. 200, 201 (2015).

⁶ Note, there is ambiguity in case law regarding whether limited public forums should be considered a subset of designated public forums or non-public forums. *DeBoer v. Village of Oak Park*, 267 F.3d 558, 566-67 (7th Cir. 2001); *Krasno v. Mnookin*, ___ F. Supp. 3d ___, 9 (W.D. Wis. 2022). This legal comment will refer to limited public forums as a type of designated public forum.

⁷ *Surita v. Hyde*, 665 F.3d 860, 870 (7th Cir. 2011).

⁸ *Good News Club v. Milford Cent. Sch.*, 533 U.S. 98, 106 (2001).

⁹ See, e.g., *Robinson v. Hunt Cnty.*, 921 F.3d 440 (5th Cir. 2019). The Fifth Circuit held a county sheriff's office violated the First Amendment when it deleted a user's comments and banned her from the sheriff's office Facebook page for posting content in violation of the sheriff's office posted statement indicating posts involving "foul language, hate speech of all types and comments that are considered inappropriate" would be removed. Because the statement limited speech based on viewpoint, it constituted improper viewpoint discrimination.

¹⁰ *Davison v. Randall*, 912 F.3d 666, 688 (4th Cir. 2019).

¹¹ *West v. Atkins*, 487 U.S. 42, 48 (1988); *Davison v. Randall*, 912 F.3d 666, 679 (4th Cir. 2019).

¹² *Davison v. Randall* 912 F.3d 666, 679-80 (4th Cir. 2019); *One Wisconsin Now v. Kremer*, 354 F. Supp. 3d 940, 950 (W.D. Wis. 2019).

¹³ *Krasno v. Mnookin*, ___ F. Supp. 3d ___ (W.D. Wis. 2022).

¹⁴ See *Garnier v. O’Conner-Ratcliff*, 513 F. Supp. 3d 1229 (S.D. Cal. 2021). Court upheld decision to block users but held that the duration of the blocking, almost three years, was not narrowly tailored.

Sample Policy:

DRAFT ONLY

SOCIAL MEDIA POLICY

We welcome you and your comments to the Village of Combined Locks Social Media page.

General

Social media websites are defined as pages that allow for multiple postings and are constantly being altered by both their readers and producers. Some examples include YouTube, blogs, Facebook, Instagram, snapchat, LinkedIn, Myspace, Twitter, and many others. Any information posted to such sites by Village employees representing the Village of Combined Locks using tools provided either by the Village or the web site is considered social media content.

This page is not the primary method of communication with the Village, and any notices or requests for Village services must be made via official communication methods identified on the Village’s website, or by traditional methods of notification recognized by the Village, and no comments or posts on this page will be construed as providing notice to the Village of any claim, deficiency, dangerous condition, request, or otherwise.

Comments Standards

The purpose of this site is to present matters of public interest and concern to Village of Combined Locks residents, businesses, visitors and other interested parties. You may submit your comments, but please note this is a moderated online discussion site and not a public forum. Once posted, the Village reserves the right to delete submissions of comments that contain the following content:

- Vulgar language/content or personal attacks of any kind
- Offensive remarks that target or disparage any ethnic, racial, sexual orientation, gender identity, marital status, age, disability, lawful source of income, familial status, past or present membership in military service, creed, color, national origin, or religious group
- Spam, advertising or include links to other unrelated sites
- Clearly off topic, and/or disruptive
- Advocate illegal or gang activity
- Promote particular services, products, or political organizations
- Infringe on copyrights, service marks, trademarks or other intellectual property rights
- Violate the legal ownership interests of another party
- Compromises the safety or security of the public or public systems
- Violate any Village of Combined Locks Policies

These parameters shall be made available to users. The comments expressed on the Village’s social media sites do not reflect the opinions and position of the Village of Combined Locks or its officers and employees. Activity on Village of Combined Locks Government Social Media pages is subject to public disclosure (Wis. Stat. §§19.31-19.39) and retention including the time, date, and identity of the poster, when available.