

CHAPTER 2

GOVERNMENT & ADMINISTRATION

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CHAPTER 2 GOVERNMENT & ADMINISTRATION

SECTION 2.01 Definitions.

The following definitions shall be applicable in this Chapter:

- (a) **Anything of Value.** Any money or property, favor, service, payment, advance, forbearance, loan, or promise of future employment, but does not include compensation or expense reimbursement paid by the Village, honorariums, fees and expenses under the standards and reporting requirements set for in Section 19.56, Wis. Stats., campaign contributions as regulated by this Chapter, or hospitality extended for a purpose unrelated to Village business by a person other than a firm, corporation, partnership, or joint venture.
- (b) **Business.** Any corporation, partnership, proprietorship, firm, enterprise, franchise, association, organization, self-employed individual or any other legal entity which engages in profit-making activities.
- (c) **Financial Interest.** Any interest which shall yield, directly or indirectly, a monetary or other material benefit to the officer or employee or to any person employing or retaining the services of the officer or employee.
- (d) **Personal Interest.** Any interest arising from blood or marriage relationships or from close business or political associations, whether or not any financial interest is involved.
- (e) **Public Employee.** Any person excluded from the definition of a public official who is employed by the Village.
- (f) **Public Official.** Those persons serving in statutory elected or appointed offices provided for in Chapter 61 of the Wisconsin Statutes, and all members appointed to boards, committees and commissions established or appointed by the Village President and/or Village Board pursuant to this Code of Ordinances, either paid or unpaid.

SECTION 2.02 Village Government.

The Village of Wyocena is a body corporate and politic with the powers and privileges of a municipal corporation at common law and governed by the provisions of Chapters 61 and 66 of the Wisconsin Statutes, laws amending those chapters, other acts of the legislature and the Constitution of the State of Wisconsin.

SECTION 2.03 Election Poll Hours.

The voting polls in the Village of Wyocena, Columbia County, Wisconsin shall be open for all elections during all times as established by Statute.

SECTION 2.04 Election Officials.

The Village of Wyocena uses voting machines. Pursuant to Sec. 7.32, Wis. Stats., the Village hereby resolves that there shall be three (3) inspectors for each polling place at each election. If necessary, the Village Board may appoint by motion made at a regular meeting of the Village Board alternate officials or select two or more officials to work at different times on election day, and may permit the Village Administrator to establish different working hours for different officials assigned to the same polling place. The Village Administrator shall be responsible for maintaining adequate staffing of polling places pursuant to the terms of this Section. The compensation of election officials shall be determined by resolution of the Village Board from time to time.

SECTION 2.05 Nomination of Candidates for Non-Partisan Elections.

- (a) All elections held in the Village of Wyocena shall be non-partisan elections.
- (b) Candidates for any office to be filled at the spring election shall be nominated by caucus, the date of which shall be determined by the Village Board between December 1 and Dec. 31.
- (c) The date of the caucus shall be established between the first Tuesday in January and the last Tuesday in January or at such other time as prescribed by law.
- (d) The Village Administrator shall give notice of the date, time and place of caucus by posting in the Administrator's office and by one publication in a newspaper pursuant to Wis. Stat. Ch. 985 at least 5 days before the date of the caucus.
- (e) The Village President together with the Village Administrator shall serve as caucus officials. If the Village President is a candidate, he or she shall call for the election of officials to conduct the caucus. The officials shall be elected by acclamation or ballot as the meeting directs. The electors attending the meeting shall select 2 tellers to canvass the vote for each office at the caucus.
- (f) Names of candidates shall be placed in nomination either by motion made and seconded from the floor. Only persons placed in nomination shall be voted on.
- (g) Nominations shall be made for one office at a time. Nominations for the office of village trustee shall be considered together, and each elector voting at the caucus may cast as many votes as there are seats to be filled at the election.
- (h) Before balloting the caucus chairperson shall announce the names of all candidates placed in nomination.
- (i) The voting for each office shall be by ballot, but the caucus chairperson may dispense with voting by ballot when only one or 2 persons are nominated for the same office.

- (j) The 2 candidates receiving the highest number of votes cast for each office shall be nominated and certified by the caucus chairperson and tellers to the municipal Administrator.
- (k) Village trustees, excluding the office of Village President, shall be nominated together and at large. Candidates, equal to twice the number of positions to be filled, who receive the most votes, shall be nominated and certified.
- (l) The Village Administrator shall notify in writing each candidate whose name is certified as a nominee of his or her nomination.
- (m) Upon receipt of the notice, each candidate shall file a declaration of candidacy in the manner prescribed by Wis. Stat. § 8.21 with the Village Administrator making the notification no later than 5 p.m. on the 5th day after the notification is mailed or personally delivered to the candidate by the Village Administrator, except as authorized in this paragraph. If an incumbent whose name is certified as a nominee fails to file a declaration of candidacy within the time prescribed by this paragraph, each certified candidate for the office held by the incumbent, other than the incumbent, may file a declaration of candidacy no later than 72 hours after the latest time prescribed in this paragraph. If the candidate has not filed a registration statement under s. 11.05 at the time of the notification, the candidate shall file the statement with the declaration.
- (n) Upon receipt of the declaration of candidacy and registration statement of each qualified candidate, the Village Administrator shall place the name of the candidate on the ballot. No later than the end of the 3rd day following qualification by all candidates, the municipal clerk, or the county clerk if the judge is elected under Wis. Stat. § 755.01 (4), shall draw lots to determine the arrangement of candidates' names on the spring election ballot.
- (o) Within 10 days of the date of the original caucus, the Village President may reconvene the caucus to correct any procedural error or to nominate a candidate for a position for which no candidate was nominated at the original caucus or for which no candidate nominated at the original caucus qualified. The municipal clerk shall give notice of the reconvened caucus as provided in par. (d).
- (p) Notice of the election shall be given under §§ 10.01(2)(a) and 10.06(3)(a) of the Wisconsin Statutes.
- (q) The Village of Wyocena may call special elections for any purpose authorized by law. If a special election is called, the procedures of this Section shall be followed, and the Village Board shall determine the appropriate time frame for circulation of nomination papers.

SECTION 2.06 Village Board.

The Trustees of the Village of Wyocena shall constitute the Village Board. The Village Board shall be vested with all the powers of the Village not specifically given some other officer, as well as those powers set forth elsewhere throughout this Code.

SECTION 2.07 Trustees.

- (a) **Election, Term, Number.** The Village of Wyocena shall have six (6) Trustees in addition to the President, who is a Trustee by virtue of his office as President. The six (6) Trustees and the Village President shall constitute the Village Board. Three (3) Trustees shall be elected at each annual spring election for a term of two (2) years, commencing on the third Tuesday of April in the year of their election.
- (b) **Appointment as President.** A Village Trustee shall be eligible for appointment as Village President to fill an unexpired term of the Village President.

SECTION 2.08 Village President.

- (a) **Election.** The Village President shall be elected at the annual spring election in odd numbered years for a term of two (2) years, commencing on the third Tuesday of April in the year of his election.
- (b) **Duties.** The Village President shall by virtue of his office be a Trustee and preside at all meetings of the Board, have a vote as Trustee, and sign all ordinances, resolutions, rules, bylaws and regulations adopted or authorized by the Board and all orders drawn on the Treasury. He shall maintain peace and good order, see that the Village Ordinances are faithfully obeyed, and in case of disturbance, riot or other apparent necessity, appoint as many special marshals as he shall deem necessary, who for the time being shall possess all the powers and rights of constables.

SECTION 2.09 Committees, Commissions, Districts and Boards.

- (a) **Creation and Purpose of Standing Committees.** Certain committees are hereby designated as Standing Committees and are established to assist the governing of the Village on a permanent basis. The purpose of each committee is set forth below and may be modified permanently or temporarily by Resolution of the Village Board. The Standing Committees are as follows:
 - (1) **Personnel Committee.** The purpose of this committee is to review and complete employee performance evaluations, and to make recommendations to the Village Board regarding compensation modifications for all Village employees. Subject to approval by the Village Board, the Village President shall appoint three Trustees to serve on the Personnel Committee for one-year terms beginning on May 1.
 - (2) **Public Property and Maintenance Committee.** The purpose of this Committee is to evaluate the streets, sidewalks, personal property and

municipal buildings of the Village and make recommendations to the Village Board regarding repairs and improvements to be made to the streets, sidewalks, personal property and municipal buildings of the Village. Subject to approval by the Village Board, the Village President shall appoint three Trustees to serve on the Public Property and Maintenance committee for one-year terms beginning on May 1.

- (3) **Finance Committee.** The purpose of this Committee is to review and carry out the financial policy of the Village as established in the Village Budget, Ordinances and Resolutions, and to annually develop and review the Village Budget and financial status. All trustees shall serve as members of the Finance Committee.
- (4) **Water and Sewer Commission.** The purpose of this Committee to provide the necessary services, products and support to residents and properties so as to enhance community quality of life and uphold high standards of municipal service, drinking water and sewer service. All trustees shall serve as members of the Water and Sewer Commission
- (5) **Board of Zoning Appeals.** See Section 2.44 herein.
- (6) **Plan Commission.** See Section 2.45 herein.
- (7) **Ordinance Committee.** The purpose of this Committee is to oversee the development, implementation and enforcement of Village Ordinances.
- (8) **Cemetery Committee.** The purpose of this Committee is to administer, oversee and maintain the Village Cemetery in a dignified and efficient manner. Subject to approval by the Village Board, the Village President shall appoint two Trustees and three citizens as members of the Committee for one year terms commencing on May 1.
- (9) **Library Board.** The purpose of this Wyocena Library Board is to oversee and govern operations of the Wyocena Library. The Board is comprised of seven members including four village representatives (positions 1-4), two county representatives (positions 6-7) and a school district representative (position 5). Subject to approval by the Village Board, the Village President shall appoint one Trustee to a three-year term for Position 1 commencing May 1, 2014 and every third year thereafter. Subject to approval by the Village Board, the Village President shall appoint one resident to a three-year term for Position 2 commencing May 1, 2015 and every third year thereafter. Subject to approval by the Village Board, the Village President shall appoint a Pardeeville School District Administrator or a representative thereof to a three-year term for Position 5 commencing May 1, 2015 and every third year thereafter. Subject to approval by the Village Board, the Village President shall appoint two residents to a three-year term for Positions 3 and 4 commencing May 1, 2016 and every third year thereafter. No more than one member of the Library Board may be a Trustee and no more than two members of the Library Board may be residents of other municipalities.

- (10) **Ambulance District representative(s).** The purpose of this Committee is to provide ambulance service to the municipalities located within the district. Subject to approval by the Village Board, the Village President shall appoint one Trustee to represent the Village on the Pardeeville District Ambulance Service Committee and one Trustee as an alternate representative, each for one-year terms beginning on May 1.
- (11) **Columbia County Economic Development Corporation representative.** The purpose of this Committee is to foster and encourage activities in the Columbia County that result in constructive economic development and/or result in an improved quality of life. Subject to approval by the Village Board, the Village President shall appoint a Trustee or other resident for a two-year term beginning in May 1 of odd-numbered years, to represent the Village on this Committee
- (b) **Appointment and Composition of Committees.** Except as otherwise provided herein, each Standing Committee shall consist of three (3) members, each member being a Trustee. The Village President shall appoint the members of each Committee subject to the approval of the majority of the members of the Village Board. Each Committee shall determine its own chairperson.
- (c) **Committees-of-the-Whole.**
 - (1) All Trustees shall serve on at least one Standing Committee. The Village President may be appointed to serve as a member of a specific Committee.
 - (2) The Village President may declare the entire Board a committee of the whole for informal discussion at any meeting or for any other purpose, and shall ex officio be chairperson of the same.
- (d) **Special and Ad Hoc Committees.** By Resolution of the Village Board, the Village Board may, from time to time, appoint Special *Ad Hoc* Committees to serve a temporary purpose. The Resolution of the Village Board shall state the number of members of the Special Committee, the duties to be performed by the Committee, and also identify the chair of the Committee. Unless the Resolution creating the Committee establishes the duration or termination date of the Committee, all Special Committees shall cease to exist after the May Board meeting unless reappointed by the Village Board. All Special Committees are subunits of the Village Board and perform no executive or administrative Village function other than as specifically authorized by Ordinance, Resolution or Motion adopted by the Village Board.
- (e) **Ambiguity of Committee Authority.** In case of ambiguity or apparent conflict between the preceding definition of committee authority and a definition, in these ordinances, of the authority of a Village officer, employee, board, or association, the latter shall prevail.
- (f) **Cooperation of Village Officers.** All Village officers and employees shall, upon request of the chairperson of any committee, confer with the committee and supply such information as the committee may request upon any pending matter.

A committee shall not assume responsibility for the administration of any Village Department.

SECTION 2.10 General Powers of the Village Board.

- (a) **General.** The Village Board shall be vested with all the powers of the Village not specifically given some other officer. Except as otherwise provided by law, the Village Board shall have the management and control of the Village property, finances, highways, streets, and the public service, and shall have the power to act for the government and good order of the Village, for its commercial benefit and for the health, safety, welfare and convenience of the public, and may carry its powers into effect by license, regulation, suppression, borrowing, taxation, special assessment, appropriation, fine, imprisonment and other necessary or convenient means. The powers hereby conferred shall be in addition to all other grants and shall be limited only by express language.
- (b) **Acquisition and Disposal of Property.** The Village Board may acquire property, real or personal, within or without the Village, for parks, libraries, historic places, recreation, beautification, streets, waterworks, sewage or waste disposal, creation and improvement of watercourses, public grounds, vehicle parking areas and for any other public purpose; may acquire real property within or contiguous to the Village, by means other than condemnation, for industrial sites; may improve and beautify the same; may construct, own, lease and maintain buildings on such property for instruction, recreation, amusement and other public purposes; and may sell and convey such property. Condemnation shall be as provided by the Wisconsin Statutes.
- (c) **Acquisition of Easements and Property Rights.** Confirming all powers granted to the Village Board and in furtherance thereof, the Board is expressly authorized to acquire by gift, purchase or condemnation under the Wisconsin Statutes, any and all property rights in lands or waters, including rights of access and use, negative or positive easements, restrictive covenants, covenants running with land, scenic easements and any rights for use of property of any nature whatsoever, however denominated, which may be lawfully acquired for the benefit of the public or for any public purpose, including the exercise of powers granted under Sections 61.35 and 62.23, Wis. Stats.; and may sell and convey such easements or property rights when no longer needed for public use or protection.
- (d) **Village Finances.** The Village board may levy and provide for the collection of taxes and special assessments; may refund any tax or special assessment paid, or any part thereof, when satisfied that the same was unjust or illegal; and generally may manage the Village finances.
- (e) **Construction of Powers.** Consistent with the purpose of giving the Village the largest measure of self-government in accordance with the spirit of the home rule amendment to the Constitution, the grants of power to the Village Board in this

Section and throughout this Code of Ordinances shall be liberally construed in favor of the rights, powers and privileges of the Village to promote the general welfare, peace, good order and prosperity of the Village and its inhabitants.

SECTION 2.11 Cooperation with Other Municipalities.

The Village Board, on behalf of the Village, may join with other villages, cities, towns, counties, or other governmental entities in a cooperative arrangement for executing any power or duty in order to attain greater economy or efficiency, including joint employment of appointive officers and employees.

SECTION 2.12 Residency Required.

All members of the Village Board shall be residents of the Village at the time of their election and at all times during their terms of office.

SECTION 2.13 Salaries.

- (a) **Authority.** The Village President and other Trustees who make up the Village Board, whether operating under general or special law, may by an affirmative vote of 5 out of 7 of the members of the Village Board determine that a salary be paid the President and Trustees. The salaries and compensation to be paid to the Village President and Trustees shall be from time to time determined by resolution of the Village Board. Salaries heretofore established shall so remain until changed by resolution.
- (b) **Method of Payment.** Salaries paid to The Village President and Trustees shall be paid by The Village Administrator on an annual basis on or before the first regular board meeting in December.

SECTION 2.14 Meetings.

- (a) **Regular Meetings.** Regular meetings of the Village Board shall be held on the second Monday of each month at 7 p.m. local time, except when the day so designated falls on a legal holiday, in which case the regular meeting shall be held the following day, or at such other date and time as the Village Board shall designate. When the Village Board designates a date and time for the regular Board Meeting, notice thereof shall be posted at the Wyocena Community Center in the Village of Wyocena. All meetings of the Board shall be held at the Wyocena Community Center, unless specified otherwise in the minutes of the preceding meeting or by written notice posted at the regular meeting place at least

three (3) hours prior to any meeting. In any event, all Board meetings shall be convened and adjourned within the boundaries of the Village.

- (b) **Annual Organization Meeting.** The Village Board shall hold an annual organizational meeting no earlier than the third Tuesday of April and no later than the second Monday in May following the spring election for the purpose of organization.
- (c) **Board Minutes.** The Village Administrator shall keep a record of all Board proceedings and cause the proceedings to be published or posted as required by law.

SECTION 2.15 Special Meetings.

- (a) **Procedure.** Special meetings of the Board may be called by the Village President, or by two (2) Trustees filing a written request with the Village Administrator at least twenty-four (24) hours prior to the time specified for such meeting. The request for any special meeting shall state the purpose for which the meeting is to be called.
- (b) **Notice.** The Village Administrator shall select the day for the special meeting and immediately notify each Trustee of the time and purpose of such meeting. The notice shall be delivered or mailed to each Trustee personally or left at his usual place of abode a minimum of twenty-four (24) hours prior to the meeting time.
- (c) **Emergency meetings.** An emergency meeting may be called with notice of a minimum of two (2) hours. The Village Administrator shall cause a record of such notice to be filed in the Village Office prior to the time fixed for such special meeting. No business shall be transacted at a special meeting except for the purpose stated in the notice thereof. The Village Administrator shall give notice immediately upon the call for such meeting being filed.

SECTION 2.16 Open Meetings; Adjournment of Meetings.

- (a) **Open Meeting Law Compliance.** All meetings of the Village Board and all subunits and committees thereof shall be open to the public as provided in Chapter 19, Wis. Stats. Public notice of all such meetings shall be given as provided in Section 19.84, Stats.
- (b) **Adjournment of Meetings.** An adjournment to a closed session may be only for a permitted purpose as enumerated in Section 19.85, Stats., and must meet Notice and the other requirements of Section 19.85, Stats.

- (c) **Meetings to Be Open.** During the holding of any open session in the regular meeting room or in the substituted meeting room, said room and said meeting shall at all times be open and remain open to all citizens.
- (d) **Closed Meetings.** The provisions of this Code do not prohibit the Board or any committee thereof from having a closed meeting which is legally convened and legally held in a room in said building other than the official meeting room or in some other building in the Village.

SECTION 2.17 Quorum.

- (a) A majority of the members of the Village Board shall constitute a quorum, but a lesser number may adjourn or compel attendance of absent members if a majority is not present. The Village President shall be counted in computing a quorum.
- (b) When the presiding officer shall have called the members to order, the Village Administrator shall record the attendance, noting who are present, and who are absent, and if, after having gone through with the call, it shall appear that a quorum is not present, the fact shall be entered in the minutes, and the members present may adjourn to a later date in the month; if they do not establish the next meeting date, the Village Board shall stand adjourned to the time appointed for the next regular meeting unless a special meeting is called sooner.

SECTION 2.18 Presiding Officers.

- (a) **The Village President Shall Preside.** The Village President shall preside over meetings of the Village Board. In the absence of the Village President, the Village Administrator shall call the meeting to order and the Trustees present shall elect one of their number as acting President.
- (b) **Duties.** The presiding officer shall preserve order and decorum, decide all questions of order, and conduct the proceedings of the meeting in accordance with the parliamentary rules contained in Robert's Rules of Order, unless otherwise provided by statute or by these rules.

SECTION 2.19 Meeting Agendas; Order of Business.

- (a) **Agenda.**
 - (1) Any Village Trustee may place an item on the agenda by informing the Village Administrator not less than 48 hours prior to the deadlines set forth in paragraph (2) below.

- (2) The order of business at all regular or special meetings shall be according to the agenda prepared by the Village Administrator. All matters to be presented at a Board meeting shall be filed with the Village Administrator no later than 12:00 noon on the Wednesday preceding the scheduled regular Board meeting to enable the Village Administrator to prepare the agenda and all attachments and distribute the same to the Village Board. Matters filed after 12:00 noon on the Thursday preceding the Board meeting will not be placed upon the agenda. The President may waive the filing deadline for good cause shown.
- (3) A submission for the agenda shall include copies of all material necessary to consider the agenda item.
- (4) The Village Administrator shall afford the Trustees maximum reasonable notice of agenda items as each situation allows.
- (b) **Order of Business.** Generally, the following order shall be observed in the conduct of all regular Board meetings:
 - (1) Call to order by presiding officer.
 - (2) Roll call.
 - (3) Visitor recognition and public comment.
 - (4) Approval of the minutes and vouchers presented.
 - (5) Reports of Village officers, committees, and employees.
 - (6) Unfinished business from previous meetings.
 - (7) New business, including introduction of ordinances and resolutions.
 - (8) Adjournment.
- (c) **Order to Be Followed.** No business shall be taken up out of order unless authorized by the Village President or by majority consent of all Trustees.
- (d) **Recognition of Visitors.** In order to maintain and hold meetings in an orderly fashion the following procedure shall be followed regarding visitors unless having previously made a request to be placed on the agenda for a specific item:
 - (1) All visitors will be recognized at the beginning of the meeting.
 - (2) Unless modified by a majority vote of the Village Board, each visitor recognized may be allowed to speak for no more than five (5) minutes.

SECTION 2.20 Introduction of Business; Resolutions and Ordinances; Disposition of Communications.

- (a) **Ordinances and Resolutions.** All ordinances and resolutions shall be prepared as follows:
 - (1) Each ordinance or resolution shall include a notation stating the purpose thereof. All ordinances submitted to the Board shall be in writing and shall include at the outset a brief statement of the subject matter and a title.
 - (2) The sponsor of an ordinance or resolution may be the President, one (1) or more Trustees, a department head or a committee, board, or commission.

The Village Administrator or the Village Attorney may sponsor ordinances or resolutions when changes in state law make it necessary or desirable for the Village to act rapidly.

- (3) The Village Administrator may reject any ordinance or resolution from placement on the agenda which fails to comply with this Section.
- (4) Resolutions shall be in writing at the request of one Trustee; such request shall be nondebatable.
- (5) Unless requested by a Trustee before a final vote is taken, no ordinance, resolution or bylaw need be read in full.
- (b) **Subject and Numbering of Ordinances.** Amendment or repeal of ordinances shall only be accomplished if the amending or repealing ordinance contains the number and title of the ordinance to be amended or repealed, and title of amending and repealing ordinances shall reflect their purpose to amend or repeal.
- (c) **Notice.** The Village Board may take action on an ordinance only if it appears on the written agenda for meeting at which action is requested.
- (d) **Effective Date.** Unless otherwise provided, all ordinances shall take effect and be in force from and after passage and posting as required by law.
- (e) **Disposition of Petitions, Communication, Etc.** Every petition or other correspondence from citizens addressed to the Village Board, Village Administrator or other Village officer for reference to the Village Board, shall be delivered by such other Village officer to the Village President and all Trustees as soon as convenient after receipt of same, and in any event, prior to, or at the opening of the next meeting of the Village Board following the receipt of same. Every such petition, or other writing, and every paper, communication or other proceeding which shall come before the Board for action, may be referred by the Village President or presiding officer to the appropriate committee or commission, unless objected to by some member of the Board.
- (f) **Reference and Reports.** The presiding officer may refer new business coming to the Board to the appropriate Board committee unless otherwise referred or acted upon by the Village Board. All referrals, unless otherwise provided for in the referral, shall be reported on at the next regular Board meeting. Village Board motions based upon committee or commission action is permissible only on items specifically on the agenda.

SECTION 2.21 Publication and Effect of Ordinances.

All general ordinances of the Village and all regulations imposing any penalty shall be legally posted according to state law, and shall be immediately recorded by the Village Administrator in a book kept for that purpose and/or the Village Code of Ordinances. A printed copy of such ordinance or regulation in any book, pamphlet or newspaper and published or purporting to be published therein by direction of the Village Board shall be prima facie proof of due passage, publication and recording thereof.

SECTION 2.22 Conduct of Deliberations.

- (a) **Roll Call Votes.** A roll call shall not be necessary on any questions or motions except as follows:
 - (1) When the ayes and nays are requested by any member.
 - (2) When required by the state statutes of Wisconsin.
- (b) **Record of Votes.** All aye and nay votes shall be recorded in the official minutes. The ayes and nays shall be ordered upon any question at the request of any member of the Village Board. The Village Administrator shall call for the ayes and nays on roll call votes in continuous rotation, beginning each roll call one (1) name further down the roster of trustees. The Village Administrator shall record the ayes and nays on each vote.
- (c) **Parliamentary Procedure.** Except as provided below, the Village Board shall in all other respects determine the rules of its procedure, which, in the event of dispute shall be governed by the most recent revision to *Robert's Rules of Order*, which is hereby incorporated by reference, unless otherwise provided by ordinance or Statute, except when otherwise limited or modified by this Code of Ordinances.
- (d) **Citizen Input.** No person other than a Board Member shall address the Board except under public comments and appearances, except the citizens may address the Board with permission of the presiding officer as to matters which are being considered by the Board at the time.
- (e) **Compelling Votes and Abstentions.** No member may be compelled to vote. When a member abstains from voting, the effect is the same as if the member was not present and did not cast any vote.
- (f) **Majority Vote.** Unless a larger number is required by statute, ordinance or bylaw, a majority vote of those present at a legally constituted meeting is necessary to carry a question.

SECTION 2.23 Reconsideration of Questions.

Any member voting on the prevailing side may move for reconsideration of the vote on any question at that meeting only.

SECTION 2.24 Disturbances and Disorderly Conduct.

Whenever any disturbance or disorderly conduct shall occur in any of the meetings of the Board, the President may cause the room to be cleared of all persons causing such disorderly conduct.

SECTION 2.25 Amendment of Rules.

The rules of Sections 2.22 through 2.23 shall not be rescinded or amended unless the proposed amendment or motion to rescind has laid over from a regular meeting, and then it shall require a vote of two-thirds (2/3) of all the members of the Board.

SECTION 2.26 Suspension of Rules.

These rules shall not be suspended except by a two-thirds (2/3) vote of all the members of the Board.

SECTION 2.27 General Provisions.

- (a) **Village Officers.** Village officers shall be defined as the Village President, Village Board members and the Village Administrator.
- (b) **General Powers.** Officers shall have generally the powers and duties prescribed for like officers of villages, except as otherwise provided, and such powers and duties as are prescribed by law and except as to the Village President, shall perform such duties as shall be required of him by the Village Board. Officers whose powers and duties are not enumerated in Chapter 61 of the Wisconsin Statutes, shall have such powers and duties as are prescribed by law for like officers or as are directed by the Village Board.
- (c) **Rules.** All officers and departments may make the necessary rules for the conduct of their duties and incidental proceedings, subject to prior approval by the Village Board.
- (d) **Applicability of Ethics Statutes.** The general laws for the punishment of bribery, misdemeanors and corruption in office shall apply to Village officers.
- (e) **Legal Representation.** Whenever a Village official, in his official capacity, is proceeded against or obliged to proceed before any civil court, board or commission, to defend or maintain his official position, or because of some act arising out of the performance of his official duties, and he has prevailed in such proceedings, or the Village Board has ordered the proceedings discontinued, the Board may provide for payment to such official such sum as it sees fit, to reimburse him for the expenses reasonably incurred for costs and attorney's fees.

SECTION 2.28 Appointed Officials.

The Village officials hereinafter set forth shall be appointed by the Village Board; and one (1) or more of said offices may be held by the same person. Unless otherwise

provided, persons appointed to perform the duties of the following offices shall hold office for an indefinite term, subject to removal as provided by Sec. 17.13(1), Wis. Stats.

- (a) Clerk-Treasurer aka Village Administrator
- (b) Village Attorney.
- (c) Building Inspector.
- (d) Assessor.
- (e) Village Engineer.

SECTION 2.29 Village Administrator

- (a) **Statute Not to Govern.** The Village of Wyocena, pursuant to Sections 61.195 and 66.0101, Wis. Stats., hereby elects not to be governed by those portions of Sections 61.19, 61.25 and 61.26, Wis. Stats., which are in conflict with this Section.
- (b) **Consolidated Office.** The offices of Village Clerk and Village Treasurer are hereby consolidated and the duties of both offices shall be performed by the person appointed as Village Administrator by the Village Board. Throughout this Code of Ordinances, the terms “Village Clerk”, “Village Treasurer”, “Village Clerk-Treasurer”, “Village Administrator/Clerk-Treasurer” and “Administrator” or any combination of the above-listed terms may also be used to describe the Village Administrator.
- (c) **Term of Office.** The appointed Village Administrator shall hold office for an indefinite term, subject to removal as provided in Sec. 17.13, Wis. Stats.
- (d) **Duties.** The Village Administrator shall perform the statutory duties of Village Clerk and Treasurer and such other duties as required by the Village Board.
- (e) **Annual Audit.** Annual audits shall be made of the records of the Village Administrator with the audit to be made by a certified public accountant.

SECTION 2.30 Village Attorney.

- (a) **Appointment.** The Village Attorney shall be appointed by the Village Board for a one-year term beginning May 1.
- (b) **Duties.** The Village Attorney shall have the following duties:
 - (1) To conduct all of the legal business in which the Village is interested.
 - (2) When requested by Village officers, to give written legal opinions, which shall be filed with the Village.
 - (3) To draft ordinances, bonds and other instruments as may be required by Village officers.
 - (4) He may appoint an assistant, who shall have power to perform his duties and for whose acts he shall be responsible to the Village. Such assistant

shall receive no compensation from the Village, unless previously provided by ordinance.

- (5) The Village Board may employ and compensate special counsel to assist in or take charge of any matter in which the Village is interested.
- (6) The Village Attorney shall perform such other duties as provided by State law and as designated by the Village Board.

SECTION 2.32 Police.

The Village Board shall appoint a Village Police Chief and police officers in accordance with the provisions set forth in Chapter 5 of the Village Code of Ordinances.

SECTION 2.33 Emergency Government Services.

The Village Board shall work with the Columbia County Department of Emergency Government Services in order to:

- (a) Prepare for and minimize the effect of enemy action (civil defense) and natural or man-made disaster upon the civilian population; and
- (b) To effectuate emergency repairs to, or the emergency restoration of, vital public utilities and facilities destroyed or damaged by such action or disaster.

SECTION 2.34 Fire Chief.

The Fire Chief shall assume office pursuant to the bylaws of the Wyocena Volunteer Fire Department consistent with the provision of Chapter 5 of this Code of Ordinances. The Fire Chief shall enforce all fire prevention ordinances of this Village and state laws and regulations pertaining to fire prevention and shall keep citizens informed on fire prevention methods and on the activities of the Department.

SECTION 2.35 Weed Commissioner.

The president, or his designee, shall be designated as the Weed Commissioner. The term of office of the Weed Commissioner shall commence on May 1 each year. The Weed Commissioner shall take the official oath, which oath shall be filed in the Office of the Village Administrator and shall be filed in the Office of the Village Administrator and shall hold office for one (1) year. The Weed Commissioner shall hold office pursuant to and fulfill the duties set out in state law.

SECTION 2.36 Assessor.

- (a) Pursuant to Sections 61.195, 61.197 and 66.0101 of the Wisconsin Statutes, the Village hereby elects not to be governed by those portions of Sections 61.19 and 61.23 of the Statutes which relate to the selection and tenure of the Village Assessor, and which are in conflict with this Section.
- (b) Hereafter, instead of being elected, the Assessor or assessing firm, shall be appointed by the Village Board. Said person so appointed to perform the duties of such office shall have an indefinite term and shall serve as determined by contract. A firm or an independent contractor may be appointed as the Village Assessor. The firm or independent contractor so appointed shall designate the person responsible for the assessment. The designee shall file the official oath under Sec. 19.01 Wis. Stats., and sign the Affidavit of the Assessor attached to the assessment roll under Sec. 70.49, Wis. Stats. For purposes of this Subsection “independent contractor” means a person who either is under contract to furnish appraisal and assessment services or is customarily engaged in an independently established trade, business or profession in which the services are offered to the general public.

SECTION 2.37 Building Inspector.

- (a) **Appointment.**
 - (1) The Building Inspector shall be qualified as set forth in this Section and appointed by the Village President for a one-year term beginning May 1, subject to confirmation by the Village Board. A company or firm may be designated as the Village’s Building Inspector.
 - (2) Each inspector shall:
 - a. Have proper state certification in areas of his responsibility;
 - b. Possess such executive ability as is requisite for the performance of his duties and shall have a thorough knowledge of the standard materials and methods used in the installation of equipment in his area of responsibility;
 - c. Be well versed in approved methods of construction for safety to persons and property, the Statutes of the State of Wisconsin relating to work in his area of responsibility, and any orders, rules and regulations issued by authority thereof;
 - d. Have sufficient experience in the installation of equipment to enable him to understand and apply the appropriate codes adopted by the Village of Wyocena.
- (b) **Authority to Enter Premises; Appeals.**
 - (1) In the discharge of their respective duties each Inspector under this Section or his authorized agent may enter any building, upon presentation of the

property credentials, during reasonable hours for the purpose of inspection and may require the production of any permit or license required hereunder. No person shall interfere with the Inspector or his authorized agent while in the performance of his duties; and any person so interfering shall be in violation of this Section and subject to a penalty as provided for in Section 1.06.

- (2) If consent to entry to personal or real properties which are not public buildings or to portions of public buildings which are not open to the public for inspection purposes has been denied, the Inspector shall obtain a special inspection warrant under Section 66.0119 Wis. Stats.
 - (3) Any person feeling himself aggrieved by any order or ruling of an Inspector may, within twenty (20) days thereafter, appeal from such order or ruling to the Board of Appeals, as established in the Zoning Code, such an appeal to be in writing.
- (c) **Duties and Authority.** The Building Inspector shall have such responsibilities as are prescribed in this Section and Chapter 15 of this Code of Ordinances.
- (d) **Stop Work Orders and Revocations.** The Building Inspector may order construction, installation, alteration or repair work stopped when such work is being done in violation of this Code of Ordinances. Work so stopped shall not be resumed, except with written permission of the Inspector, provided if the stop work order is an oral one it shall be followed by a written order within a reasonable period of time.
- (e) **Conflict of Interest.** No Inspector shall inspect any construction work in the Village in which the Inspector has a personal or financial interest either direct or indirect.

SECTION 2.38 Eligibility for Office.

- (a) **Residency.** No person shall be elected by the people to a Village office, who is not at the time of his election, a citizen of the United States and of this State, and an elector of the Village.
- (b) **Ineligibility.** An appointee by the Village President, requiring to be confirmed by the Village Board, who shall be rejected by the Board, shall be ineligible for appointment to the same office for one (1) year thereafter.

SECTION 2.39 Oaths of Office.

- (a) **Oath of Office.** Every officer of the Village, including members of Village boards and commissions, shall, before entering upon his duties and within five (5) days of his election or appointment or notice thereof, take the oath of office prescribed by law and file such oath in the office of the Village Administrator. Any person

reelected or reappointed to the same office shall take and file an official oath for each term of service.

- (b) **Form, Procedure.** The form, filing and general procedure for the taking of oaths shall be governed by Ch. 19, Subchapter I, Wis. Stats.

SECTION 2.40 Vacancies.

- (a) **How Occurring.** Except as provided in Subsection (c) below, vacancies in elective and appointive positions occur as provided in Sections 17.03 and 17.035, Wis. Stats.
- (b) **How Filled.** Vacancies in elective and appointive offices shall be filled as provided in Wis. Stat. § 17.24.
- (c) **Temporary Incapacitation.** If any officer be absent or temporarily incapacitated for any cause, the Board may appoint some person to discharge his duties until he returns or until such disability is removed.

SECTION 2.41 Removal from Office.

- (a) **Elected Officials.** Elected officials may be removed by the Village Board as provided in Wis. Stat. §§ 17.13 and 17.16.
- (b) **Appointed Officials.** Appointed officials may be removed as provided in Wis. Stat. §§ 17.13 and 17.16.

SECTION 2.42 Custody of Official Property.

Village Officers must observe the standards of care imposed by Sec. 19.21, Wis. Stats., with respect to the care and custody of official property.

SECTION 2.43 Board of Review.

- (a) **Composition.** The Board of Review of the Village of Wyocena shall be composed of the Village President, Village Administrator and all members of the Village Board. The Village Administrator shall serve as Clerk of the Board of Review. The assessor shall attend all meetings of the Board of Review, but shall not vote.
- (b) **Compensation.** The members of the Board of Review, except members who are full-time employees or officers of the Village, shall receive such compensation as shall be fixed by resolution of the Village Board.
- (c) **Duties.** The duties and functions of the Board of Review shall be prescribed in Sections 70.46 and 70.47, Wis. Stats.

- (d) **Meetings.** In accordance with Sec. 70.47(3)(b), Wis. Stats., the Village Board does hereby exercise its right to designate hours for the annual Board of Review proceedings other than those set forth in Sec. 70.47(3)(a) Stats, and shall designate the hours of the annual Board of Review. The Board may adjourn from day to day or from time to time until such time as its business is completed, providing that adequate notice of each adjournment is so given.
- (e) **Objections to Valuations to be Written.** No person shall be permitted to appear and make objection before the Board of Review of the Village of Wyocena to the amount of valuation of any property unless objection thereto shall first have been made in writing and filed with the Clerk of the Board of Review.

SECTION 2.44 Zoning Board of Appeals.

- (a) **Establishment.** A Zoning Board of Appeals shall be appointed and governed by the zoning enabling law as contained in Wis. Stat. § 62.23, the Village Zoning Code and this Section. The laws of the State, then the Village shall prevail in that order. The Zoning Board of Appeals shall consist of five (5) citizen members and one (1) alternate member, appointed by the Village President subject to confirmation by the Village Board, for a three (3) year term of office. The members shall be removable by the Village Board for cause upon written charges and upon public hearing. The Village President shall designate one of the members chairman. The Village Administrator shall be the Secretary of the Board, but shall not be a voting member.
- (b) **Powers.** The Zoning Board of Appeals shall have the powers as set forth in Section 13.84(c) of this Code of Ordinances.
- (c) **Meeting and Rules.**
 - (1) All meetings and hearings of the Zoning Board of Appeals shall be open to the public. The final vote on an appeal shall be taken in open session by roll call vote, recorded and open for public inspection in the Board's office. Public notice of all regular and special meetings shall be given to the public and news media as required by the Wisconsin Open Meeting Law.
 - (2) Special meetings may be called by the Chairman or by the Secretary at the request of two (2) members. Notice of a special meeting shall be mailed to each member at least forty-eight (48) hours prior to the time set for the meeting, or announcement of the meeting shall be made at any meeting at which all members are present.
 - (3) Hearings may be held at any regular or special meeting at the time set by the Chairman.
 - (4) A quorum for any meeting or hearing shall consist of four (4) members, but a lesser number may meet and adjourn to a specified time.
 - (5) The Secretary shall keep minutes of its proceedings, showing the vote of each member upon each question, or, if absent or failing to vote, indicating

such fact, and shall keep records of its examination and other official actions, all of which shall be immediately filed in the office of the Village Administrator and shall be public record. The Board shall adopt its own rules of procedure not in conflict with this Code of Ordinances or with the applicable Wisconsin Statutes.

- (6) No Board member shall participate in the decision of or vote upon any case in which the member is financially interested, directly or indirectly, but the Chairman shall direct an alternate member to act instead. Disqualification of a member for interest shall not decrease the number of votes required for acting upon any matter, but such member may be counted in determining whether a quorum is present for the transaction of business.
- (d) **Offices.** The Village Board shall provide suitable offices for holding hearings and the presentation of records, documents, and accounts.

SECTION 2.45 Plan Commission.

- (a) **Composition.** The Village Plan Commission shall consist of seven (7) members who shall be the following: The Village President, who shall be its presiding officer, a Village Trustee, and five (5) citizen members. The Village Administrator shall be the Secretary of the Commission, but shall not be a voting member.
- (b) **Appointment.**
 - (1) **Trustee Member.** The Trustee member shall be appointed by the Village President, subject to Village Board approval, for a one-year term beginning May 1.
 - (2) **Citizen Members.**
 - a. The five (5) citizen members shall be appointed by the Village President for staggered terms of two (2) years, subject to Village Board approval. Each term shall begin on May 1.
 - b. All citizen members shall be persons of recognized experience and qualifications and shall hold office until their respective successors are selected and qualified. Whenever a vacancy shall occur in any citizen member, a successor shall be appointed for the unexpired term in the manner as set forth above.
 - c. Vacancies shall be filled as set forth in Chapter 17.13, Wis. Stats.
 - d. The Plan Commission shall annually elect a Vice-Chairman from its members.
- (c) **Record.** The Secretary of the Plan Commission shall keep a written record of its proceedings to include all actions taken, a copy of which shall be filed with the Village Administrator. Four members shall constitute a quorum but all actions shall require the affirmative approval of a majority of all of the members of the Commission.

(d) **Duties.**

(1) **The Comprehensive Plan.**

- a. The Plan Commission shall make, adopt and, as necessary, amend, extend or add to the comprehensive plan, subject to Village Board confirmation, for the physical development of the Village including areas outside of its boundaries which, in the Plan Commission's judgment, bear relation to the development of the Village. The Comprehensive Plan, with the accompanying maps, plats and descriptive and explanatory matter, shall show the Commission's recommendations for such physical development, and may include, among other things without limitation because of enumeration, the general location, character and extent of street, highways, freeways, street grades, roadways, walks, parking areas, public places and areas, parks, parkways, playgrounds, sites for public buildings and structures, and the general location and extent of sewers, water conduits and other public utilities whether privately or publicly owned, the acceptance, widening, narrowing, extension, relocation, removal, vacation, abandonment or change of use of any of the foregoing public ways, grounds, places, spaces, buildings, properties, utilities, routes or terminals, the general location, character and extent of community centers and neighborhood units, and a comprehensive zoning plan.
- b. The Commission may recommend adoption of the Comprehensive Plan as a whole by a single resolution, or, as the work of making the whole comprehensive plan progresses, may from time to time by resolution adopt a part or parts thereof, any such part to correspond generally with one or more of the functional subdivisions of the subject matter of the plan. The adoption of the plan or any part, amendment or addition, shall be by resolution carried by the affirmative votes of not less than a majority of all the members of the Plan Commission, subject to confirmation by the Village Board. The resolution shall refer expressly to the maps, descriptive matter, and other matters intended by the Commission to form the whole or any part of the plan, and the action taken shall be recorded on the adopted plan or part thereof by the identifying signature of the secretary of the Commission, and a copy of the plan or part thereof shall be certified to the Village Board. The purpose and effect of the adoption and certifying of the Comprehensive Plan or part thereof shall be solely to aid the Plan Commission and the Village Board in the performance of their duties.

- (2) **Matters referred to Plan Commission.** The Village Board or an officer of the Village having final authority thereon, shall refer to the Plan Commission, for its consideration and report before final action is taken by

the Board, public body or officer, the following matters: the location of any statue or other memorial; the location, acceptance, extension, alteration, vacation, abandonment, change of use, sale, acquisition of land for or lease of land for any street, alley or other public way, park, playground, airport, area for parking vehicles, or other memorial or public grounds; the location, extension, abandonment or authorization for any public utility whether publicly or privately owned; all plats of lands in the Village or within the territory over which the Village is given platting jurisdiction by Chapter 236, Wis. Stats.; the location, character and extent or acquisition, leasing or sale of lands for public or semi-public housing, slum clearance, relief of congestion, or vacation camps for children; and the amendment or repeal of any land use ordinance.

- (3) **Miscellaneous Powers.** The Commission may make reports and recommendations relating to the plan and development of the Village to public officials and agencies, civic, educational, professional and other organizations and citizens. It may recommend to the Village Board, programs for public improvements and the financing, thereof. All public officials shall, upon request, furnish to the Commission, within a reasonable time, such available information as it may require for its work. The Commission, its members and employees, in the performance of its functions, may enter upon any land, make examinations and surveys, and place and maintain necessary monuments and markers thereon. In general, the Commission shall have such powers as may be necessary to enable it to perform its functions and promote municipal planning in cooperation with the Village Board. The Commission shall oversee community development block grants. The Village Board may refer to the Commission for its consideration and recommendation any matter pertaining to planning and development of land within the Village and within one and one-half (1-1/2) miles of the limits of the Village. All plats, re-plats or other land divisions of any lands within the limits of the Village or any lands outside the Village and within one and one-half (1-1/2) miles of the limits of the Village shall be submitted to the Commission for its recommendation to the Village Board before the same are approved by the Village Board.
- (e) **Employees; Budget.** The Plan Commission shall have the power to employ experts and such staff as may be necessary, and to pay for their services and such other expenses as may be necessary and proper, within the limits of the budget established by the Village Board, or placed at its disposal through gift, and subject to any ordinance or resolution enacted by the Village Board. As far as possible, the Commission shall utilize the services of existing Village officials and employees.
- (f) **Rules of Procedure; Report.** The Plan Commission shall be governed by all rules applicable to the Village Board and the most recent edition of *Robert's Rules of Order*.

SECTION 2.47 General Provisions Regarding Meetings and Public Notice.

- (a) **Regular Meetings; Public Notice.** Every Board, Committee and Commission created by or existing under the ordinances of the Village shall:
 - (1) Schedule a date, time and place for its meetings;
 - (2) Post, or when necessary publish, notice in or notify the official Village newspaper in advance of each such regular meeting of the date, time, and place thereof, in compliance with state law, thereof; and/or
 - (3) Post an agenda of the matters to be taken up at such meeting.
- (b) **Notice to Members.** Every member of any board, commission or committee of the Village of Wyocena shall be notified by the Secretary thereof that a meeting is to be held, and the time and place of such meeting and the subject to be considered thereat. No member shall be intentionally excluded from any meeting by a failure to give proper notice or a reasonable attempt to give proper notice to such member.
- (c) **Minutes to Be Kept.** Every board, commission and committee shall keep a record of the minutes of its proceedings and shall cause a signed copy thereof to be filed by its secretary with the Village Administrator within one (1) week of the meeting date. The Village Administrator shall furnish a copy of all minutes filed with him to each member of the Village Board. All such minutes shall be public records.
- (d) **Special Meetings.** Nothing in Subsection (a) shall preclude the calling of a special meeting or dispensing with the publication of notice or such posting of the agenda, for good cause, but such special meetings shall nonetheless comply in all respects with the provisions of Sections 19.81 and 19.89, Wis. Stats.

SECTION 2.48 Residency Required for Service on Committees and Commissions; Attendance Standards.

- (a) **Residency.** No person not a resident of and not residing in the Village of Wyocena shall be appointed in a voting capacity to any Village committee or commission. Any committee or commission member who moves from the Village shall be removed from such committee or commission.
- (b) **Attendance Standard.** Members of committees and commissions are required to attend a minimum of two-thirds (2/3) of the meetings in each six (6) month period of their respective bodies, unless excused by the membership of their body. Failure to comply with this Subsection may result in the removal and replacement of the official found to be in noncompliance.

SECTION 2.49 Committee and Commission Rules.

Except as otherwise provided herein, the provisions of this Chapter of this Code of Ordinances relating to rules of procedure for the Village Board, together with the most recent edition of *Robert's Rules of Order*, shall as far as applicable, also apply to committee board and commission meetings. A simple majority of the members of a committee or commission shall constitute a quorum.

SECTION 2.50 Village Code of Ethics; Statement of Purpose.

- (a) The proper operation of democratic government requires that public officials and employees be independent, impartial and responsible to the people; that government decisions and policy be made in proper channels of the governmental structure; that public office not be used for personal gain; and that the public have confidence in the integrity of its government. In recognition of these goals, there is hereby established a Code of Ethics for all Village of Wyocena officials and employees, whether elected or appointed, paid or unpaid, including members of boards, committees and commissions of the Village, as well as any individuals who are candidates for elective office as soon as such individuals file nomination papers with the Village.
- (b) The purpose of this Ethics Code is to establish guidelines for ethical standards of conduct for all such officials and employees by setting forth those acts or actions that are incompatible with the best interest of the Village of Wyocena and by directing disclosure by such officials and employees of private financial or other interests in matters affecting the Village. The Village Board believes that a Code of Ethics for the guidance of elected and appointed officials and employees will help them avoid conflicts between their personal interests and their public responsibilities, will improve standards of public service and will promote and strengthen the faith and confidence of the citizens of this Village in their elected and appointed officials and employees. The Village Board hereby reaffirms that each elected and appointed Village official and employee holds his or her position as a public trust, and any intentional effort to realize substantial personal gain through official conduct is a violation of that trust. The provisions and purpose of this Ethics Code and such rules and regulations as may be established are hereby declared to be in the best interest of the Village of Wyocena.

SECTION 2.51 Statutory Standards of Conduct.

There are certain provisions of the Wisconsin Statutes which shall, be considered an integral part of the Village Code of Ethics. Accordingly, the provisions of the following sections of the Wisconsin Statutes, as from time to time amended, are adopted by the Village and made part of this Code of Ethics and shall apply to public officials and employees whenever applicable:

- (a) **Sec. 946.10.** Bribery of Public Officers and Employees.
- (b) **Sec. 946.11.** Special Privileges from Public Utilities.
- (c) **Sec. 946.12.** Misconduct in Public Office.
- (d) **Sec. 946.13.** Private Interest in Public Contract Prohibited.

SECTION 2.52 Responsibilities of Public Office.

Public officials and employees are agents of public purpose and hold office for the benefit of the public. They are bound to uphold the Constitution of the United States and the Constitution of this State and carry out impartially the laws of the nation, state and municipality, to observe in their official acts the highest standards of morality and to discharge faithfully the duties of their office regardless of personal considerations, recognizing that the public interest must be their prime concern.

SECTION 2.53 Dedicated Service.

- (a) Officials and employees should adhere to the rules of work and performance established as the standard for their positions by the appropriate authority.
- (b) Officials and employees should not exceed their authority or breach the law or ask others to do so, and they should work in full cooperation with other public officials and employees unless prohibited from so doing by law or by officially recognized confidentiality of their work.
- (c) Members of the Village staff are expected to follow their appropriate professional code of ethics. Staff members shall file a copy of such professional ethics codes with the Village Administrator. The Village Board shall notify the appropriate professional ethics board of any ethics violations involving Village employees covered by such professional standards.

SECTION 2.54 Fair and Equal Treatment.

- (a) **Use of Public Property.** No official or employee shall use or permit the unauthorized use of Village-owned vehicles, equipment, materials or property for personal convenience or profit, except when such services are available to the public generally or are provided as Village policy for the use of such official or employee in the conduct of official business, as authorized by the Village Board or authorized board, commission or committee.

- (b) **Obligations to Citizens.** No official or employee shall grant any special consideration, treatment or advantage to any citizen beyond that which is available to every other citizen. No official or employee shall use or attempt to use his or her position with the Village to secure any advantage, preference or gain, over and above his rightful remuneration and benefits, for himself or for a member of his or her immediate family.
- (c) **Political Contributions.** No official shall personally solicit from any Village employee, other than an elected official, a contribution to a political campaign committee for which the person subject to this Chapter is a candidate or treasurer.

SECTION 2.55 Conflict of Interest.

- (a) **Financial and Personal Interest Prohibited.**
 - (1) No official or employee of the Village, whether paid or unpaid, shall engage in any business or transaction or shall act in regard to financial or other personal interest, direct or indirect, which is incompatible with the proper discharge of official duties in the public interest contrary to the provisions of this Chapter or which would tend to impair independence of judgment or action in the performance of official duties.
 - (2) Any member of the Village Board who has a financial interest or personal interest in any proposed legislation before the Village Board shall disclose on the records of the Village Board the nature and extent of such interest; such official shall not participate in debate or vote for adoption or defeat of such legislation. If the matter before the Village Board involves a member's personal interest with persons involved, the member may participate in debate or discussion and vote. on the matter following disclosure, unless an ordinance or contract is involved; if an ordinance or contract is involved, such official shall not participate in debate or discussion and vote on the matter.
 - (3) Any non-elected official, other than a Village employee, who has a financial interest or personal interest in any proposed legislative action of the Village Board or any board, commission or committee upon which the official has any influence or input or of which the official is a member that is to make a recommendation or decision upon any item which is the subject of the proposed legislative action shall disclose on the records of the Village Board or the appropriate board, commission or committee the nature and extent of such interest. Such official shall not participate in debate or discussion or vote for adoption or defeat of such legislation.
 - (4) Any Village employee who has a financial interest or personal interest in any proposed legislative action of the Village Board or any board, commission or committee upon which the employee has any influence or input, or of which the employee is a member, that is to make a

recommendation or decision upon any item which is the subject of the proposed legislative action shall disclose on the records of the Village Board or the appropriate board, commission or committee the nature and extent of such interest.

- (b) **Disclosure of Confidential Information.** No official or employee shall, without proper legal authorization, disclose confidential information concerning the property, government or affairs of the Village, nor shall such information be used to advance the financial or other private interests of the official or employee or others.

SECTION 2.56 Advisory Opinions.

Any questions as to the interpretation of any provisions of this Code of Ethics shall be referred to the Village Board, which, if it deems necessary or appropriate, may request an advisory opinion from the Village Attorney.

SECTION 2.58 Sanctions.

A determination that an employee's actions constitute improper conduct under the provisions of this Chapter shall constitute a cause of suspension, removal from office or employment or other disciplinary action. Sanctions, including any disciplinary action, which may affect employees covered under a labor agreement will be consistent with the terms and conditions set forth in the applicable labor agreement.

SECTION 2.59 Outside Employment.

The Village Board may approve outside employment or activity of any full-time officer or employee of the Village engaged in other ongoing, significant remunerative employment, within or without the Village, if it finds that it does not interfere or conflict with such officer's ability to perform his duties in an efficient and unbiased manner. Violation of this provision shall be grounds for removal from office of any such officer or employee.

SECTION 2.60 Duty to Maintain Records.

- (a) Except as provided under Section 2.64, each officer and employee of the Village shall safely keep and preserve all records received from his or her predecessor or other persons and required by law to be filed, deposited or kept in his or her office or which are in the lawful possession or control of the officer, employee or his or

her deputies, or to the possession or control of which he or she or they may be lawfully entitled as such officers or employees.

- (b) Upon the expiration of an officer's term of office or an employee's term of employment, or whenever the office or position of employment becomes vacant, each such officer or employee shall deliver to his or her successor all records then in his or her custody and the successor shall receipt therefore to the officer or employee, who shall file said receipt with the Village Administrator. If a vacancy occurs before a successor is selected or qualifies, such records shall be delivered to and receipted for by the Village Administrator, on behalf of the successor, to be delivered to such successor upon the latter's appointment, election or approval.

SECTION 2.61 Legal Custodian(s).

- (a) Each elected official is the legal custodian of his or her records and the records of his or her office, but the official may designate the Village Administrator to act as the legal custodian.
- (b) Except as provided in Subsection (a), the Village Administrator or the Village Administrator's designee shall act as legal custodian for the Village and for any committees, commissions, boards, or other authorities created by ordinance or resolution of the Village Board.
- (c) Each legal custodian shall name a person to act as legal custodian in his or her absence or in the absence of his or her designee, and each legal custodian shall send notice of the designated deputy to the Village Administrator.
- (d) The Village Administrator shall establish criteria for establishing the records system and shall cause the department/office records system to be reviewed on an annual basis.

SECTION 2.62 Public Access to Records.

- (a) Except as provided in Section 2.64 any person has a right to inspect a record and to make or receive a copy of any record as provided in Sec. 19.35(1), Wis. Stats.
- (b) Records will be available for inspection and copying during all regular office hours.
- (c) If regular office hours are not maintained at the location where records are kept, the records will be available for inspection and copying upon at least forty-eight (48) hours' advance notice of intent to inspect or copy.
- (d) A requester shall be permitted to use facilities comparable to those available to Village employees to inspect, copy or abstract a record.
- (e) The legal custodian may require supervision during inspection or may impose other reasonable restrictions on the manner of access to an original record if the record is irreplaceable or easily damaged.

- (f) A requester shall be charged a fee as set by Village resolution and included in the Village Fee Schedule to defray the cost of copying records.
 - (1) If the form of a written record does not permit copying, the actual and necessary cost of photographing and photographic processing shall be charged.
 - (2) The actual full cost of providing a copy of other records not in printed form on paper, such as films, computer printouts and audio- and video-tapes, shall be charged.
 - (3) If mailing or shipping is necessary, the actual cost thereof shall also be charged.
 - (4) There shall be no charge for locating a record unless the actual cost therefore exceeds fifty dollars (\$50.00), in which case the actual cost shall be determined by the legal custodian and billed to the requester.
 - (5) The legal custodian shall estimate the cost of all applicable fees and shall require a cash deposit adequate to assure payment, if such estimate exceeds five dollars (\$5.00).
 - (6) Elected and appointed officials of the Village shall not be required to pay for public records they may reasonably require for the proper performance of their official duties.
 - (7) The legal custodian may provide copies of a record without charge or at a reduced charge where he or she determines that waiver or reduction of the fee is in the public interest.
- (g) Pursuant to Sec. 19.34, Wis. Stats., and the guidelines therein listed, each authority shall adopt, prominently display and make available for inspection and copying at its offices, for the guidance of the public, a notice containing a description of its organization and the established times and places at which, the legal custodian from whom, and the methods whereby, the public may obtain information and access to records in its custody, make requests for records, or obtain copies of records, and the costs thereof. This Subsection does not apply to members of the Village Board.

SECTION 2.63 Access Procedures.

- (a) A request to inspect or copy a record shall be made to the legal custodian. A request shall be deemed sufficient if it reasonably describes the requested record or the information requested. However, a request for a record without a reasonable limitation as to subject matter or length of time represented by the record does not constitute a sufficient request. A request may be made orally, but a request must be in writing before an action to enforce the request is commenced under Section 19.37, Wis. Stats. Except as provided below, no request may be refused because the person making the request is unwilling to be identified or to state the purpose of the request. No request may be refused because the request is

received by mail unless prepayment of a fee is required under Section 2.62(f). A requester may be required to show acceptable identification whenever the requested record is kept at a private residence or whenever security reasons or federal law or regulations so require.

- (b) A custodian, upon request for any record, shall, as soon as practicable and without delay, either fill the request or notify the requester of the authority's determination to deny the request in whole or in part and the reasons therefore. If the legal custodian, after conferring with the Village Attorney, determines that a written request is so general as to be unduly time consuming, the party making the request may first be required to itemize his or her request in a manner which would permit reasonable compliance.
- (c) A request for a record may be denied as provided in Section 2.64. If a request is made orally, the request may be denied orally unless a demand for a written statement of the reasons denying the request is made by the requester within five (5) business days of the oral denial. If a written request is denied in whole or in part, the requester shall receive a written statement of the reasons for denying the request. Every written denial of a request shall inform the requester that, if the request for the record was made in writing, then the determination is subject to review upon petition for a writ of mandamus under Section 19.37(1), Wis. Stats., or upon application to the attorney general or a district attorney.

SECTION 2.64 Limitations on Right to Access.

- (a) As provided in Section 19.36, Wis. Stats., the following records are exempt from inspection under this Chapter.
 - (1) Records specifically exempted from disclosure by state or federal law or authorized to be exempted from disclosure by state law;
 - (2) Any record relating to investigative information obtained for law enforcement purposes if federal law or regulations require exemption from disclosure or if exemption from disclosure is a condition to receipt of aids by the state;
 - (3) Computer programs and files, although the material used as input for a computer program/file or the material produced as a product of the computer program is subject to inspection; and
 - (4) Pursuant to Section 905.08, Wis. Stats., a record or any portion of a record containing information qualifying as a common law trade secret. "Trade secrets" are defined as unpatented, secret, commercially valuable plans, appliances, formulas, or processes which are used for making, preparing, compounding, treating or processing articles, materials or information which are obtained from a person and which are generally recognized as confidential.

- (b) As provided by Section 43.30, Wis. Stats., public library circulation records are exempt from inspection under this Section.
- (c) In responding to a request for inspection or copying of a record which is not specifically exempt from disclosure, the legal custodian, after conferring with the Village Attorney, may deny the request, in whole or in part, only if he or she determines that the harm to the public from disclosure would outweigh the public interest in full access to the requested record. Examples of matters for which disclosure may be refused include, but are not limited to, the following:
 - (1) Records obtained under official pledges of confidentiality which were necessary and given in order to obtain the information contained in them.
 - (2) Pursuant to Sec. 19.85(1)(a), Wis. Stats., records of current deliberations after a quasi-judicial hearing.
 - (3) Pursuant to Sec. 19.85(1)(b) and (c), Wis. Stats., records of current deliberations concerning employment, dismissal, promotion, demotion, compensation, performance, or discipline of any Village officer or employee, or the investigation of charges against any Village officer or employee, unless such officer or employee consents to such disclosure.
 - (4) Pursuant to Sec. 19.85(1)(d), Wis. Stats., records concerning current strategy for crime detection or prevention.
 - (5) Pursuant to Sec. 19.85(1)(e), Wis. Stats., records of current deliberations or negotiations on the purchase of Village property, investing of Village funds, or other Village business whenever competitive or bargaining reasons require nondisclosure.
 - (6) Pursuant to Sec. 19.85(1)(f), Wis. Stats., financial, medical, social or personal histories or disciplinary data of specific persons which, if disclosed, would be likely to have a substantial adverse effect upon the reputation of any person referred to in such history or data.
 - (7) Pursuant to Sec. 19.85(1)(g), Wis. Stats., communications between legal counsel for the Village and any officer, agent or employee of the Village, when advice is being rendered concerning strategy with respect to current litigation in which the Village or any of its officers, agents or employees is or is likely to become involved, or communications which are privileged under Sec. 905.03, Wis. Stats.
 - (8) Pursuant to Sec. 19.85(1)(h), Wis. Stats., requests for confidential written advice from an ethics board, and records of advice given by such ethics board on such requests.
- (d) If a record contains information that may be made public and information that may not be made public, the custodian of the record shall provide the information that may be made public and delete the information that may not be made public from the record before release. The custodian shall confer with the Village Attorney prior to releasing any such record and shall follow the guidance of the Village Attorney when separating out the exempt material.

SECTION 2.65 Destruction of Records.

- (a) Village officers may destroy the following non-utility financial records of which they are the legal custodians and which are considered obsolete, after completion of any required audit by the Department of Revenue or an auditor licensed under Chapter 442 of the Wisconsin Statutes, but not less than seven (7) years after payment or receipt of any sum involved in the particular transaction, unless a shorter period has been fixed by the State Public Records Board pursuant to Sec. 16.61(3)(e), Wis. Stats., and then after such shorter period:
 - (1) Bank statements, deposit books, slips and stubs.
 - (2) Bonds and coupons after maturity.
 - (3) Canceled checks, duplicates and check stubs.
 - (4) License and permit applications, stubs and duplicates.
 - (5) Payrolls and other time and employment records of personnel included under the Wisconsin Retirement Fund.
 - (6) Receipt forms.
 - (7) Special assessment records.
 - (8) Vouchers, requisitions, purchase orders and all other supporting documents pertaining thereto.
- (b) Village officers may destroy the following utility records of which they are the legal custodians and which are considered obsolete after completion of any required audit by the bureau of municipal audit or an auditor licensed under Chapter 442 of the Wisconsin Statutes, subject to State Public Service Commission regulations, but not less than seven (7) years after the record was effective unless a shorter period has been fixed by the State Public Records Board pursuant to Sec. 16.61(3)(e), Wis. Stats., and then after such a shorter period, except that water stubs, receipts of current billings and customers' ledgers may be destroyed not less than two (2) years after payment or receipt of the sum involved or the effective date of said record:
 - (1) Contracts and papers relating thereto.
 - (2) Excavation permits.
 - (3) Inspection records.
- (c) Village officers may destroy the following records of which they are the legal custodian and which are considered obsolete, but not less than seven (7) years after the record was effective unless another period has been set by statute, and then after such a period, or unless a shorter period has been fixed by the State Public Records Board pursuant to Sec. 16.61(3)(e), Wis. Stats., and then after such a shorter period:
 - (1) Contracts and papers relating thereto.
 - (2) Correspondence and communications.
 - (3) Financial reports other than annual financial reports.
 - (4) Justice dockets.
 - (5) Oaths of office.

- (6) Reports of boards, commissions, committees and officials duplicated in the Village Board proceedings.
 - (7) Election notices and proofs of publication.
 - (8) Canceled voter registration cards.
 - (9) Official bonds.
 - (10) Police records other than investigative records.
 - (11) Resolutions and petitions, providing the text of the same appears in the official Village minutes.
- (d) Notwithstanding the above provisions appearing in this Section, it is intended hereby that election materials may be destroyed according to lesser time schedules as made and provided in Sec. 7.23, Wis. Stats.
- (e) Unless notice is waived by the State Historical Society, at least sixty (60) days notice shall be given the State Historical Society prior to the destruction of any record as provided by Sec. 19.21(4)(a), Wis. Stats.
- (f) Any tape recordings of a governmental meeting of the Village may be destroyed, erased or reused no sooner than ninety (90) days after the minutes of the meeting have been approved and posted/published, if the purpose of the recording was to make minutes of the meeting.

SECTION 2.66 Preservation Through Other Means.

The Village Administrator may keep and preserve public records in his or her possession by means of photographic or electronic reproduction method. Such records shall meet the standards for reproduction set forth in Sec. 16.61(7)(a) and (b), Wis. Stats., and shall be considered original records for all purposes. Such records shall be preserved along with other files of the department or division and shall be open to public inspection and copying according to the provisions of state law and of Sections 2.60 through 2.66 of this Chapter.

SECTION 2.67 Wyocena Cemetery

- (a) State Laws Adopted. The statutory provisions, as set forth in Ch. 157, Wis. Stats., describing and defining regulations with respect to the operation of public cemeteries are hereby adopted and by reference made a part of this section as if fully set forth herein. Any act required to be performed or prohibited by any statute incorporated herein by reference is required or prohibited by this section.
- (b) The Wyocena Cemetery located in the Village became the property of the Village on June 15, 1964, by motion duly made and passed.

- (c) Operation. The Wyocena Cemetery shall be operated by the Village as a public burial grounds, the operation hereof being subject to rules and regulations set forth herein.
- (d) Cemetery Committee. There shall be appointed by the Village President, subject to the approval of the Village Board, a Cemetery Committee consisting of 3 members.
- (e) Care of Records. The Village shall require the Clerk-Treasurer to keep all records and reports relating to the Cemetery.
 - (1) The Clerk-Treasurer shall be paid regular hourly wages to cemetery work, as determined by the Village Board.
 - (2) The Clerk-Treasurer shall keep an accurate record of all receipts and disbursements. He shall and is hereby authorized to sell graves to all persons at prices established by the Village Board. He shall keep an accurate plat of all burial grounds showing thereon all lots available for sale.
- (f) Sale Of Graves. Burial plots may be sold as lots providing burial space for 8 graves or as half or quarter lots.
 - (1) All graves in the Cemetery shall be sold at competitively current rates which shall be reviewed and adjusted accordingly each year and set by resolution of the Village Board.
 - (2) All graves sold in the Cemetery shall be subject to the restriction that no owner may transfer such grave, except by devolution to heirs, with profitable consideration. The Cemetery reserves the right to repurchase the grave at the original purchase price.
- (g) Perpetual Care. The Village shall provide for the perpetual care of all burial lots. Payment for this care shall be determined by the Village Board.
 - (1) 50% of all grave sales shall be deposited in the perpetual care account.
 - (2) No grave shall be sold in the cemetery after January 29, 1991, without the assessment for perpetual care in par. (1) above.
 - (3) All cemetery graves sold previous to January 29, 1991, upon which perpetual care has not been paid, shall be subject to perpetual care fees of \$75 per single grave, to be paid by the grave owner or heirs. If not paid upon notification, all unused graves owned by original purchaser or heirs shall revert to the cemetery.

- (4) During the period from April 1 to October 1 all artificial flowers shall be in containers or urns or may be placed directly in the ground. Any discolored or worn artificial flowers or dead fresh flowers shall be removed from the cemetery grounds or they will be removed by the caretaker. No glass shall be allowed in the cemetery.
- (h) Opening Of Graves. No grave shall be opened for burial purposes without notifying the Clerk-Treasurer or the Chairman of the Cemetery Committee, either of whom shall arrange for the opening of said grave.
 - (1) A Burial fee shall be assessed.
 - (2) No vehicles, including vault trucks, monument trucks and funeral coaches, will be allowed off the main roads of the cemetery.
- (i) Grave Markers. All grave markers (monuments) placed in the Wyocena Cemetery shall be placed on a concrete base, the surface of which shall be level with the ground, and on center within the monument aisle. Such base shall be at least 8 inches wider than the stone or marker placed thereon and at least 4 inches thick. No person shall plant any trees or shrubs on cemetery property, except that the Village Board may authorize replacement of existing trees or shrubs.
- (j) Rules for Unused Portions Of Cemetery And Any Future Additions Or New Developments.
 - (1) The cemetery maintains ownership of all monument aisles.
 - (2) All monuments must be on center within the monument aisle.
 - (3) The cemetery reserves the right to prohibit the installation of monument bases by anyone other than cemetery personnel or those individuals so designated by the Cemetery Committee.
 - (4) Maximum of only one full size vault burial allowed per grave site with the addition of up to 2 cremated remains burials on the same grave site. Each cremated remains must be in an ash vault if not protected by the grave site's monument.
 - (5) Only 4 cremations shall be permitted per full size grave site or 2 cremations per cremation site (4' x 4'). All cremations shall be buried in the ground or in a sealed compartment permanently attached to a grave marker which was designed specifically for such purpose.
 - (6) Maintenance costs of all monuments shall be the sole responsibility of each grave or grave lot owner or remaining direct relatives.
 - (7) Monuments are required and must be erected within one year of the date of death.
 - (8) All caskets shall be enclosed in an appropriate vault for burial.

- (k) Destruction or Theft. Any person who shall destroy, mutilate or remove any monument, grave stone, building or other structure placed in the cemetery, or who shall destroy or injure any tree or shrub, or who shall be guilty of the theft of any plant, flower or other decoration from any cemetery grave other than his own shall be subject to a forfeiture of not less than \$100 not more than \$1,000 for each offense.

SECTION 2.68 Rental Of Facilities.

- (a) Reservation. Reservations for the use of the Community Center shall be made with the Clerk-Treasurer.
- (b) Fees. The Village Board shall, by resolution, set a fee for the use of the Community Center. Any person or organization using the Community Center shall pay the fee to the Clerk-Treasurer at the time the facility is reserved, or the reservation is approved.
- (c) Waiver of Fees. The Village Board may waive or reduce the rental fee and/or deposit for Village and youth organizations. When the deposit is waived, a key deposit shall be required for each key provided. The deposit shall be returned when the key is returned or forfeited if the key is not returned.
- (d) Rental Deposit. All renters shall pay a deposit for each rental area used to the Clerk-Treasurer at the time the facility is reserved, or the reservation is approved. Said deposit shall be returned if the facility is satisfactorily cleaned up and no damage has been done or may be withheld to cover damage and cleanup costs. Any deposit paid shall be forfeited in accordance with the rental agreement. The Village Board may waive the deposit for special requests.
- (e) Rules and Regulations.
 - (1) The person or organization using a Community Center facility shall be responsible for the destruction or defacing of any Center property.
 - (2) The person or organization using such facility shall be responsible for any janitorial service necessitated by such use; failure to clean up after such use may jeopardize future use of the Community Center.