

## CHAPTER 2

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#### **2.01 ELECTED OFFICIALS**

(1) Trustees. There shall be 2 Trustees of the Village of Boaz. One Trustee shall be elected at each annual spring election for a term of two years, commencing on the 3rd Tuesday of April in the year of their election.

(2) Election of Village President. The Village President for the Village of Boaz shall be chosen at the regular spring election in odd numbered years for a term of two years commencing on the 3rd Tuesday of April in the year of his/her election.

#### **2.02 CLERK-TREASURER**

(1) Pursuant to Charter Ordinance No. 1 of the Village of Boaz, the Village Clerk/Treasurer shall be appointed by the Village Board to serve an indefinite term at the pleasure of the Village Board.

(2) The duties of the Village Clerk/Treasurer include all those duties prescribed by Wis. Stat. secs. 61.25 and 61.26.

(3) In addition to the duties under paragraph (1), the Village Clerk/Treasurer is responsible for the following duties:

- (a) Collecting real estate, personal property, and special assessment taxes.
- (b) Collection of sewer, license and permit fees, and tax payments.
- (c) Issuance of municipal licenses.
- (d) Preparation of deposits and cash reconciliations.
- (e) Preparation of legal notices and publications.
- (f) Preserving all contracts, bonds, and oaths of office.
- (g) Publication or posting of all legal notices.

- (h) Filing and indexing of all proceedings of the Village Board of Trustees.
- (i) Sending out tax bills and delinquency notices.
- (j) Voter registration.
- (k) Timely prepare and file required forms/paperwork for various grant/aid programs (roads, recycling, etc.)
- (l) Timely prepare and file tax forms, reports and other documents required by federal, state or county government and/or agencies
- (m) Duties identified in the job description for the Village Clerk/Treasurer position.
- (n) Such other duties as may be assigned from time to time by the Village Board.
- (o) Inform the Village maintenance worker and cleaner of directives and communications from individual Trustees or the Village President.

(4) Evaluation. The performance of the Village/Clerk Treasurer shall be evaluated annually by the Board. All evaluations will be kept on file in the Village office.

(5) Removal from Office. Pursuant to Wis. Stat. sec. 17.13(1), any appointive officer may be removed at the pleasure of a majority of all the members of the Village Board.

### **2.03 APPOINTED OFFICIALS**

(1) The Village Board shall appoint an Attorney and an Assessor who shall serve at the pleasure of the Board.

(2) A Weed Commissioner may be appointed annually by the Village President.

### **2.04 EMERGENCY GOVERNMENT**

The Village shall adhere to the requirements of the current Richland County All Hazards Mitigation Plan upon adoption by resolution of the Village Board.

### **2.05 BOARD OF REVIEW**

(1) Composition. The Board Review shall be composed of the Village Board. The Assessor shall not be a member of the Board of Review.

(2) Alternates. On or before May 1 of each year, the Village Board shall appoint two citizens to act as alternate members of the Board of Review.

(3) Telephone Testimony.

- (a) In order for a property owner or property owner's representative to submit a request to testify by phone or submit a sworn written statement, he or she must first comply with the following procedures:
  - (i) The legal requirement to provide notice of intent to appear at BOR must be satisfied; and
  - (ii) An Objection Form for Real Property Assessment (PA-115A) must be completed and submitted to the BOR as required by law.
- (b) After the two requirements outlined above have been met, a Request to Testify by Telephone or Submit a Sworn Written Statement at Board of Review (Form PA-814) may be submitted to the village clerk. Such requests must be submitted in time to be considered by the board at the first meeting of the BOR.
- (c) Criteria to be Considered. The board may consider any or all of the following factors when deciding whether to grant or deny the request:
  - (i) The requester's stated reason(s) for the request as indicated on the PA-814
  - (ii) Fairness to the parties
  - (iii) Ability of the requester to procure in person oral testimony and any due diligence exhibited by the requester in procuring such testimony
  - (iv) Ability to cross examine the person providing the testimony
  - (v) The BOR's technical capacity to honor the request
  - (vi) Any other factors that the board deems pertinent to deciding the request

(4) The provisions of Wis. Stat. Sec. 70.46(2), (3) and (4) and Wis. Stat. sec. 70.47 are incorporated into this Code by reference.

## **2.06 GENERAL REGULATIONS GOVERNING ALL VILLAGE OFFICERS**

(1) Effect. The provisions of this section shall apply to all officers of the Village, regardless of the time of creation of the office or selection of the officer unless otherwise specifically provided by ordinance or resolution of the Village Board.

(2) Oath of Office. The president, each trustee and the clerk and treasurer of the Village, before entering upon their duties and within 5 days of their election or appointment, shall take the oath of office prescribed by law and file said oath with the Village Clerk, except the Village Clerk/Treasurer who shall file his or her oath with the Village President. All oaths of office shall be filed in the office of the Village Clerk. Any person reelected and reappointed to the same office shall take and file an official oath for each term of service.

(3) Bond or Dishonesty Insurance. The Village Clerk/Treasurer shall not be required to execute and file an official bond provided the Village obtains a dishonesty insurance policy or other appropriate insurance policy that covers the clerk, in an amount determined by the board, in lieu of the bond requirement.

(4) Salaries.

(a) All officers of the Village shall receive such salaries as may be provided from time to time by the Village Board by amendment to this section. No officer receiving a salary from the Village shall be entitled to retain any portion of any fees collected by him or her for the performance of his or her duties as such officer in the absence of a specific law or ordinance to that effect. Payment of regular wages and salaries to employees shall be as established by the Board. Compensation established by this section from time to time shall only be effective with respect to the Village President and Trustees who are elected or appointed following the date of the adoption of this section or any amendment thereto provided that any such amendment is adopted prior to the date of the caucus preceding their election. The salary of the Village Clerk/Treasurer shall become effective upon the adoption of this section or any amendment thereto. The compensation paid to the Village President and Trustees may not be increased or decreased during their term of office.

(b) Salary/Compensation Schedule.

(i) The following salary schedule shall be set for the Village Board:

1. Village Trustee: The sum of \$40.00 per meeting each Trustee is required to attend and actually attends.
2. Village President: The sum of \$40.00 per meeting the Village President is required to attend and actually attends attended.

(ii) The salary of the Village Clerk/Treasurer shall be \$599.00 per month.

(5) Vacancies. Vacancies in elected and appointed offices may be filled by appointment by a majority of vote of the Village Board for the remainder of the unexpired term, if such office is for a specific term or for an unspecified term according to the provisions of this Code.

## **2.07 PLAN COMMISSION**

(1) Purpose. The purpose of this section is to establish a Village of Boaz Plan Commission and set forth its organization, powers and duties, to further the health, safety, welfare and wise use of resources for the benefit of current and future residents of the Village and affected neighboring jurisdictions, through the adoption and implementation of comprehensive planning with significant citizen involvement.

(2) Authority; Establishment. The Village Board of the Village of Boaz hereby establishes a five (5) member Plan Commission under secs. 61.35 and 62.23, Wis. Stats. The Village Board elects to exercise the authority granted to it under Wis. Stat. sec. 62.23(1)(a) and determines that the membership of the Plan Commission shall be determined by this section. The Plan Commission shall be considered the "Planning Agency" under secs. 236.02 and 236.45, Wis. Stats., which authorize, but do not require, Village adoption of a subdivision or other land division ordinance.

(3) Membership. The Plan Commission consists of one (1) member of the Village Board, who may be the Village President, and four (4) citizen members, who are not otherwise elected Village officials, and who shall be persons of recognized experience and qualifications.

(4) Appointments. The Village President shall appoint the members of the Plan Commission and designate a Plan Commission Chairperson during the month of April to fill any expiring term. The Village President may appoint himself or herself or one other Village Board member to the Plan Commission and may designate himself or herself or the other Village Board member, or a citizen member as Chairperson of the Plan Commission. All appointments are subject to the approval of the Village Board. In a year in which any Village Board member is elected at the spring election, any appointment or designation by the Village President shall be made after the election and qualification of the Village Board members elected. Any citizen appointed to the Plan Commission shall take and file the oath of office within five (5) days of notice of appointment, as provided under sec. 19.01, Wis. Stats.

(5) Terms of Office. The term of office for the Plan Commission Chairperson and each Commission member shall be for a period of 3 years, ending on April 30, or until a successor is appointed and qualified, except if the initial appointments to the Plan Commission are made during April, the citizen members shall be appointed for staggered terms as follows: one (1) person for a term that expires in one (1) year; two (2) persons for a term that expires in two (2) years; and two (2) persons for a term that expires in three (3) years. If the initial appointments are made after April, the first citizens appointed to the Plan Commission shall be appointed for staggered terms as follows: one (1) person for a term that expires one (1) year from the previous April 30; two (2) persons for a term that expires two (2) years from the previous April 30; and two (2) persons for a term that expires three (3) years from the previous April 30.

(6) Vacancies. A person who is appointed to fill a vacancy on the Plan Commission shall serve for the remainder of the term.

(7) Compensation; Expenses. A per diem allowance of \$40.00 per meeting is established for citizen and Village Board members of the Plan Commission, as allowed under sec. 66.0501(2), Wis. Stats. In addition, the Village Board may reimburse reasonable costs and expenses.

(8) Experts and Staff. The Plan Commission may, under sec. 62.23(1), Wis. Stats., recommend to the Village Board the employment of experts and staff, and may review and

recommend to the Village Board proposed payments under any contract with an expert.

(9) Rules; Records. The Plan Commission, under sec. 62.23(2), Wis. Stats., may adopt rules for the transaction of its business, subject to Village ordinances, and shall keep a record of its resolutions, transactions, findings and determinations, which shall be a public record under secs. 19.21-19.39, Wis. Stats.

(10) Chairperson & Officers

- (a) Chairperson. The Plan Commission Chairperson shall be appointed and serve a term as provided in paragraphs (4) and (5) of this section. The Chairperson shall, subject to Village ordinances and Commission rules:
  - (i) Provide leadership to the Commission;
  - (ii) Set Commission meeting and hearing dates;
  - (iii) Provide notice of Commission meetings and hearings and set their agendas, personally or by his or her designee;
  - (iv) Preside at Commission meetings and hearings; and
  - (v) Ensure that the laws are followed.
- (b) Vice Chairperson. The Plan Commission may elect, by open vote or secret ballot under sec. 19.88(1), Wis. Stats., a Vice Chairperson to act in the place of the Chairperson when the Chairperson is absent or incapacitated for any cause.
- (c) Secretary. The Plan Commission shall elect, by open vote or secret ballot under sec. 19.88(1), Wis. Stats., one of its members to serve as Secretary, or, with the approval of the Village Board, designate the Village Clerk or other Village officer or employee as Secretary.

(11) Commission Members as Local Public Officials. All members of the Plan Commission shall faithfully discharge their official duties to the best of their abilities, as provided in the oath of office, sec. 19.01, Wis. Stats., in accordance with, but not limited to, the provisions of the Wisconsin Statutes on: Public Records, secs. 19.21-19.39; Code of Ethics for Local Government Officials, secs. 19.42, 19.58 & 19.59; Open Meetings, secs. 19.81-19.89; Misconduct in Office, sec. 946.12; and Private Interests in Public Contracts, sec. 946.13. Commission members shall further perform their duties in a fair and rational manner and avoid arbitrary actions.

(12) General and Miscellaneous Powers. The Plan Commission, under sec. 62.23(4), Wis. Stats., shall have the power:

- (a) Necessary to enable it to perform its functions and promote Village planning.
- (b) To make reports and recommendations relating to the plan and development of the Village to the Village Board, other public bodies, citizens, public utilities and organizations.
- (c) To recommend to the Village Board programs for public improvements and the financing of such improvements.
- (d) To receive from public officials, within a reasonable time, requested available information required for the Commission to do its work.
- (e) For itself, its members and employees, in the performance of their duties, to enter upon land, make examinations and surveys, and place and maintain necessary monuments and marks thereon. However, entry shall not be made upon private land, except to the extent that the private land is held open to the general public, without the permission of the landowner or tenant. If such permission has been refused, entry shall be made under the authority of an inspection warrant issued for cause under sec. 66.0119, Wis. Stats., or other court-issued warrant.

(13) Village Comprehensive Planning: General Authority and Requirements.

- (a) The Plan Commission shall make and adopt a comprehensive plan under secs. 62.23 and 66.1001, Wis. Stats., which contains the elements specified in sec. 66.1001(2), Wis. Stats, and follows the procedures in sec. 66.1001(4), Wis. Stats.
- (b) The Plan Commission shall make and adopt the comprehensive plan within the time period directed by the Village Board, but not later than a time sufficient to allow the Village Board to review the plan and pass an ordinance adopting it to take effect on or before January 1, 2010, so that the Village comprehensive plan is in effect by the date on which any Village program or action affecting land use must be consistent with the Village comprehensive plan under sec. 66.1001(3), Wis. Stats.
- (c) In this section the requirement to "make" the plan means that the Plan Commission shall ensure that the plan is prepared, and oversee and coordinate the preparation of the plan, whether the work is performed for the Village by the Plan Commission, Village staff, another unit of government, the regional planning commission, a consultant, citizens, an advisory committee, or any other person, group or organization.

(14) Comprehensive Plan Implementation and Administration.

- (a) Ordinance amendment. The Plan Commission, on its own motion, or at the direction of the Village Board by its resolution or motion, may prepare proposed amendments to the Village's ordinances relating to comprehensive planning and land use.
- (b) Non-regulatory programs. The Plan Commission, on its own motion, or at the direction of the Village Board by resolution or motion, may propose non-regulatory programs to implement the comprehensive plan, including programs relating to topics such as education, economic development and tourism promotion, preservation of natural resources through the acquisition of land or conservation easements, and capital improvement planning.
- (c) Subdivision review. Proposed plats under ch. 236, Wis. Stats, shall be referred to the Plan Commission for review and recommendation to the Village Board.
- (d) Consistency. Any ordinance, amendment or program proposed by the Plan Commission, and any Plan Commission approval, recommendation for approval or other action under Village ordinances or programs that implement the Village's comprehensive plan under secs. 62.23 and 66.1001, Wis. Stats, shall be consistent with that plan as of January 1, 2010. If any such Plan Commission action would not be consistent with the comprehensive plan, the Plan Commission shall use this as information to consider in updating the comprehensive plan.

(15) Referrals to the Plan Commission.

- (a) Required referrals under sec. 62.23(5), Wis. Stats. Matters described in Wis. Stat. sec. 62.23(5) shall be referred to the Plan Commission for report.
- (b) Required referrals under sections of the Wisconsin Statutes other than sec. 62.23(5), Wis. Stats. The following shall also be referred to the Plan Commission for report:
  - (i) An application for initial licensure of a child welfare agency or group home under sec. 48.68(3), Wis. Stats.
  - (ii) An application for initial licensure of a community-based residential facility under sec. 50.03(4), Wis. Stats.
  - (iii) Proposed designation of a street, road or public way, or any part thereof, wholly within the jurisdiction of the Village, as a pedestrian



mall under sec. 66.0905, Wis. Stats.

- (iv) Matters relating to the establishment or termination of an architectural conservancy district under sec 66.1007, Wis. Stats.
  - (v) Matters relating to the establishment of a reinvestment neighborhood required to be referred under sec. 66.1107, Wis. Stats.
  - (vi) Matters relating to the establishment or termination of a business improvement district required to be referred under sec, 66.1109, Wis. Stats.
  - (vii) A proposed housing project under sec. 66.1211(3), Wis. Stats.
  - (viii) Matters relating to urban redevelopment and renewal in the Village required to be referred under subch. XIII of ch. 66, Wis. Stats.
  - (ix) The adoption of a Village subdivision or other land division ordinance under sec. 236.45(4), Wis. Stats.
  - (x) Any other matter required by the Wisconsin Statutes to be referred to the Plan Commission.
- (c) Referral period. No final action may be taken by the Village Board or any other officer or body with final authority on a matter referred to the Plan Commission until the Commission has made its report, or thirty (30) days, or such longer period as stipulated by the Village Board, has passed since referral. The thirty (30) day period for referrals required by the Wisconsin Statutes may be shortened only if so authorized by statute. The thirty (30) day referral period, for matters subject to required or discretionary referral under the Village's ordinances, but not required to be referred under the Wisconsin Statutes, may be made subject by the Village Board to a referral period shorter or longer than the thirty (30) day referral period if deemed advisable.

## **2.08 BOARD OF ZONING APPEALS**

(1) Establishment. A Board of Zoning Appeals is established to provide an appeal procedure for persons who deem themselves aggrieved by decisions of Village administrative officers, boards or commissions in the enforcement of the Floodplain Zoning Ordinance to the extent authorized by this section or the Wisconsin Statutes.

(2) Composition. The Board of Zoning Appeals shall consist of five (5) members and two (2) alternates appointed by the Village President, subject to approval by the Village Board. The President shall designate one member as chairperson.

(3) Terms. The members shall be appointed for staggered three-year terms. Initially, one member shall be appointed for a one-year term; two members shall be appointed for two-year terms and two members shall be appointed for three-year terms. Vacancies shall be filled for the unexpired term of the member whose seat becomes vacant.

(4) Alternates.

(a) The alternates shall also be appointed for staggered three-year terms. Initially, one alternate (the first alternate) shall be appointed for a two-year term and the other alternate (the second alternate) shall be appointed for a three-year term. Vacancies shall be filled for the unexpired term of an alternate whose seat becomes vacant.

(b) The Village President shall separately designate the alternates as first alternate and second alternate. The first alternate shall act with full power only when a member of the Board of Zoning Appeals refuses to vote because of a conflict of interest or when a member is absent. The second alternate shall act with full power only when the first alternate refuses to vote because of a conflict of interest or is absent or when two (2) or more members of the board refuse to vote because of a conflict of interest or are absent.

(5) Quorum. A quorum of the Board shall consist of three members or alternates who have not recused themselves from voting on a given matter.

(6) Adoption of Rules. The Board of Zoning Appeals shall adopt rules for its governance and procedure. Meetings shall be held at the call of the Chair and at such other times as the Board of Zoning Appeals shall determine. The Chair, or in his/her absence, the acting Chair, may administer oaths and compel the attendance of witnesses. All meetings shall be open to the public. The Village Clerk or his or her designee, shall be the secretary of the board.

(7) Records. The Board of Zoning Appeals 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 examinations and other official actions, all of which shall be immediately filed in the office of the Village Clerk and shall be a public record.

(8) Powers of the Board. The Board of Zoning Appeals shall have the following powers.

(a) Appeals. To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by a Village officer, department, commission or board in the interpretation, administration or enforcement of the floodplain zoning ordinance or any ordinance that may be adopted hereafter that constitutes zoning or other land use regulation.

- (b) Variances. To authorize upon appeal in specific cases such variance from the terms of the ordinance as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of the ordinance will result in practical difficulty or unnecessary hardship, so that the spirit of the ordinance shall be observed, public safety and welfare secured, and substantial justice done.
- (c) Public Utilities. The board may permit in appropriate cases, and subject to appropriate conditions and safeguards in harmony with the general purpose and intent of the ordinance, a building or premises to be erected or used for public utility purposes in any location which is reasonably necessary for the public convenience and welfare.
- (d) Scope of remedies. In exercising its powers, the board may, in conformity with the provisions of the Village's floodplain zoning ordinance, reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from, and may make such order, requirement, decision or determination as ought to be made, and to that end shall have all the powers of the officer, department, commission or board from whom the appeal is taken, and may issue or direct the issuance of a permit.
- (e) Non-conforming uses. Except as specifically provided, the Board of Zoning Appeals shall not grant variances or impose greater limits on nonconforming uses for existing legal non-conforming uses, nor shall the Board of Zoning Appeals exercise other regulatory actions over non-conforming uses.
- (f) The Board of Zoning Appeals shall have the power to call on any Village officer, official or department for assistance in the performance of its duties and it shall be the duty of such officer, official or department to render such assistance as may be reasonably required.

(9) Filing Appeals.

- (a) Appeals to the board of appeals may be taken by any person aggrieved or by any officer, department, board or bureau of the Village affected by any decision of an administrative officer.
- (b) An appeal must be filed within thirty (30) days of receipt by the appealing party of the determination from which the appeal is taken. An appeal shall be commenced by filing a Notice of Appeal with the officer, department, board or commission from whom the appeal is taken and with the Village Clerk who shall promptly forward the Notice of Appeal to the Board of

Zoning Appeals. A Notice of Appeal is considered filed when it is received by the Village Clerk.

- (c) The Notice of Appeal shall specify the grounds for the appeal and shall be made upon forms furnished by the Board of Zoning Appeals and shall be accompanied by all information requested on the appeal form and any additional information requested by the Board of Zoning Appeals.
- (d) All appeals shall be accompanied by the prepayment of the required fees. Failure to pay the required fee or supply such information as shall be requested by the Board of Zoning Appeals shall be grounds for dismissal of an appeal.
- (e) The officer, department, board or commission from whom the appeal is taken shall transmit to the Board of Zoning Appeals all papers constituting the record upon which the action appealed from was taken. The Board of Zoning Appeals shall fix a reasonable time for the hearing of each appeal and give public notice thereof as well as notice to the parties in interest as provided in Section (10) below.
- (f) Effect of Appeal. An appeal shall stay all legal proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies to the board of appeals after the notice of appeal shall have been filed with the officer, that by reason of facts stated in the certificate a stay would, in the officer's opinion, cause imminent peril to life or property. In such case proceedings shall not be stayed otherwise than by a restraining order which may be granted by the board of appeals or by a court of record on application, on notice to the officer from whom the appeal is taken, and on due cause shown.

(10) Hearing Procedure.

- (a) The Board of Zoning Appeals shall fix the date, time and place for the hearing of an appeal within a reasonable time after the Notice of Appeal is properly filed. The Board of Zoning Appeals shall give public notice of the time, place and purpose of such hearing by publication as a Class 1 Notice under the Wisconsin Statutes at least one week before the date of the hearing.
- (b) Notice of the date, time, place, and purpose of each hearing shall also be mailed at least ten (10) days before the hearing by first class mail to the appealing party and to the property owners of record as listed in the office of the Village Clerk/Treasurer who are owners of tax parcels of land situated, in whole or in part, within 100 feet of the boundaries of the property subject to the hearing. Failure to comply with the notice

requirements under this subsection (a), or the failure of a person to receive notice shall not, however, invalidate any previous or subsequent action of the Board of Zoning Appeals. Notice shall be sent to the Wisconsin Department of Natural Resources when such notice is required by the Wisconsin Statutes or by the Village's floodplain zoning ordinance.

- (c) A quorum of the Board of Zoning Appeals shall be sufficient to take action and a majority vote of the members present shall be necessary to reverse any order, requirement, decision or determination appealed from or to decide in favor of the applicant or appellant on any matter on which the Board is required to pass, or to grant any variance from the requirements of the floodplain zoning ordinance. All votes shall be by roll call and the minutes shall reflect the vote of each member.
- (d) The Board of Zoning Appeals shall decide all appeals and applications in writing within thirty (30) days after the final hearing and shall transmit a signed copy of the Board of Zoning Appeals' decision to the appellant or applicant and to the officer, department, commission or board from whom the appeal was taken. Conditions may be placed upon any variance or permit ordered or authorized by the Board of Zoning Appeals. Variances or permits granted by the Board of Zoning Appeals shall become null and void automatically within twelve (12) months after the date of the Board of Zoning Appeals decision unless substantial work has commenced pursuant to such grant or authorization.
- (e) The unexcused failure of the appealing party to appear personally, or by a representative, before the Board of Zoning Appeals at the time of a properly noticed hearing shall be sufficient grounds for the Board of Zoning Appeals to deny and dismiss the appeal or application.

(11) Review of Board of Zoning Appeal Decisions. Any person or persons aggrieved by any decision of the Board of Zoning Appeals may seek certiorari review of such decision by a circuit court as provided by the Wisconsin Statutes.

## **2.09 APPOINTMENT OF ELECTION INSPECTORS**

There shall be no fewer than three (3) election officials at each polling place at each election. There may be up to, but no more than, seven (7) election officials appointed where it appears that additional officials are necessary. Similarly, where it appears necessary, there may be alternate officials selected or two sets of officials selected to work at different times on a given election day. Election officials, inspectors and tabulators shall be qualified, appointed and selected in accordance with Wis. Stat. secs. 7.30 and 7.32.

## **2.10 ASSESSMENT CONFIDENTIALITY**

Records to be Held Confidential. Whenever the Assessor, in the performance of the Assessor's duties, requests or obtains income and expense information pursuant to Section 70.47(7)(af), Wis. Stats., or any successor statute thereto, then, such income and expense information that is provided to the Assessor shall be held by the Assessor on a confidential basis, except, however, that said information may be revealed to and used by persons: in the discharging of duties imposed by law; in the discharge of duties imposed by office (including, but not limited to, use by the Assessor in performance of official duties of the Assessor's office and use by the Board of Review in performance of its official duties); or pursuant to order of a court. Income and expense information provided to the Assessor under Section 70.47(7)(af), unless a court determines that it is inaccurate, is, per Section 70.47(7)(af), not subject to the right of inspection and copying under Section 19.35(1), Wis. Stats. If any portion of this section shall be declared by a court of competent jurisdiction to be invalid, unlawful or unenforceable, such decision shall apply only to the specific section or portion thereof directly specified in the decision, and shall not affect the validity of any other provisions of this section. The remainder of this section shall remain in full force and effect. Any other ordinances whose terms are in conflict with the provisions of this section are hereby repealed as to those terms that conflict.

## **2.11 CODE OF ETHICS**

### (1) 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 in this section a Code of Ethics for all Village of Boaz 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 declarations of candidacy or campaign finance registration statements 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 interests of the Village of Boaz 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 interests of the Village of Boaz.

- (2) Definitions. The following definitions shall be applicable in this section:
- (a) **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, whether paid or unpaid.
  - (b) **Public Employee.** Any person excluded from the definition of a public official who is employed by the Village.
  - (c) **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 forth in Sec. 19.56, Wis. Stats., campaign contributions as regulated by law, or hospitality extended for a purpose unrelated to Village business by a person or firm, corporation, partnership, or joint venture.
  - (d) **Business.** Any corporation, partnership, proprietorship, firm, enterprise, franchise, association, organization, self-employed individual or any other legal entity which engages in profit-making activities.
  - (e) **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.
  - (f) **Significant Interest.** Owning or controlling, directly or indirectly, at least ten percent (10%) or Five Thousand Dollars (\$5,000.00) of the outstanding stock of at least ten percent (10%) or Five Thousand Dollars (\$5,000.00) of any business.
  - (g) **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.
- (3) Statutory Standards Of Conduct. There are certain provisions of the Wisconsin

Statutes which should, while not set forth herein, be considered an integral part of any Code of Ethics. Accordingly, the provisions of the following sections of the Wisconsin Statutes, as from time to time amended, are made a part of this Code of Ethics and shall apply to public officials and employees whenever applicable, to wit:

- (a) Sec. 19.59. Ethics
- (b) Sec. 946.10. Bribery of Public Officers and Employees.
- (c) Sec. 946.11. Special Privileges from Public Utilities.
- (d) Sec. 946.12. Misconduct in Public Office.
- (e) Sec. 946.13. Private Interest in Public Contract Prohibited.

(4) Responsibility 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.

(5) 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.

(6) 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) Use of Village Letterhead. Copies of any correspondence written on Village letterhead shall be filed with the Village Clerk-Treasurer, or his or



her designee.

- (c) **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 herself for a member of his or her immediate family.
- (d) **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 Section is a candidate or treasurer.

(7) Conflict Of Interest.

- (a) **Financial and Personal Interest Prohibited.**
  - (i) 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 Section or which would tend to impair independence of judgment or action in the performance of official duties.
  - (ii) 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.
  - (iii) 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.

(iv) 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 of input, or of which the employee is a member, that is a make to 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.

(c) Incompatible Employment. No official or employee shall engage in or accept private employment or render service, for private interest, when such employment or service is incompatible with the proper discharge of his or her official duties or would tend to impair such official or employee's independence of judgment or action in the performance of his or her official duties, unless otherwise permitted by law and unless disclosure is made as hereinafter provided.

(d) Gifts and Favors.

(i) No official or employee shall accept or offer to accept anything of value from any person who, to his or her knowledge, is interested directly or indirectly, or is seeking an interest, directly or indirectly, in any manner whatsoever in business dealings with the Village, or from any person who conducts activities which are regulated by the Village, or from any person who has interests which may be substantially affected by actions of the Village.

(ii) No official or employee shall accept or offer to accept anything of value that may tend to influence such official or employee in the discharge of his or her duties or grant in the discharge of his or her duties any improper favor, service, or thing of value.

(iii) An official or employee is not to accept hospitality if, after consideration of the surrounding circumstances, it could reasonably be concluded that such hospitality would not be

extended were it not for the fact that the guest, or a member of the guest's immediate family, was a Village official or employee. Participation in celebrations, grand openings, open houses, informational meetings and similar events are excluded from this prohibition. This paragraph further shall not be construed to prevent candidates for elective office from accepting hospitality from citizens for the purpose of supporting the candidate's campaign.

- (e) Representing Private Interests Before Village Agencies.
  - (i) Non-elected Village officials and employees shall not appear on behalf of any private person (other than him or herself, his or her spouse or minor children) before any Village agency, board, commission or the Village Board if the official or employee or any board, commission or committee of which the official or employee is a member has any jurisdiction, discretion or control over the matter which is the subject of such representation.
  - (ii) Elected Village officials may appear before Village agencies on behalf of constituents in the course of their duties as representatives of the electorate or in the performance of public or civic obligations. However, the disclosure requirements of Subsection (a) above shall be applicable to such appearances.
- (f) Ad Hoc Committee Exceptions. No violation of the conflict of interest restrictions of this Section shall exist, however, where an individual serves on a special ad hoc committee charged with the narrow responsibility of addressing a specific issue or topic in which that individual, or the employer or a client of that individual, has an interest so long as the individual discloses to the Village Board that such interest exists.
- (g) Contracts with the Village. No official or employee who, in his or her capacity as such officer or employee, participates in the making of a contract in which such officer or employee has a private pecuniary interest, direct or indirect, or performs in regard to that contract some function requiring the exercise of discretion on the part of such official or employee, shall enter into any contract with the Village unless:
  - (i) The contract or activity is exempt from or otherwise deemed appropriate by Sec. 946.13, Wis. Stats.;
  - (ii) The Village Board waives this requirement after determining that it is in the best interest of the Village to do so and the Village Board determines that no law prohibits the making of such a contract.

- (h) **Disclosure of Interest in Legislation.** To the extent known, any member of the Village Board who has a financial or personal interest in any proposed legislation before the Board shall disclose on the record of the Board the nature of and extent of such interest. Any other official or employee who has a financial or personal interest in any proposed legislative action of the Board and who participates in discussion with or gives official opinions or recommendations to the Board shall disclose on the record of the Board the nature of and extent of such interest.

(8) **Advisory Opinions.** When an official or employee has doubt as to the applicability of a provision of this Section, such official or employee may apply to the Village Attorney for an advisory opinion. The official or employee shall have the opportunity to present his or her interpretation of the facts at issue and of the applicability of provisions of this Section before such advisory decision is made. This Section shall be operative in all instances covered by its provisions, except when superseded by an applicable statutory provision and statutory action is mandatory, or when the application of a statutory provision is discretionary but determined to be more appropriate or desirable. The Village Attorney shall maintain the confidentiality of such requests to the same extent as is provided under Wis. Stat. Sec. 19.59(5).

(9) **Sanctions.** A determination that an official's or employee's actions constitute improper conduct under the provisions of this Section shall constitute a cause of suspension, removal from office or employment or other disciplinary action.