

TITLE 2 Government and Administration – Village of Gays Mills

TITLE 2

Government and Administration

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CHAPTER 1

Village Government and Elections

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SEC. 2-1-1 VILLAGE GOVERNMENT.

The Village of Gays Mills is a body corporate and politic with the powers of a municipality at common law and governed by the provisions of Chapters 61 and 66, *Wis. Stats.*, laws amending those chapters, other acts of the legislature and the Constitution of the State of Wisconsin.

State Law Reference: Wis. Const., Art. XI, Sec. 3

SEC. 2-1-2 ELECTION POLL HOURS.

The voting polls in the Village of Gays Mills, Crawford County, Wisconsin, shall be opened from 7:00 a.m. to 8:00 p.m. for all elections.

SEC. 2-1-3 ELECTION OFFICIALS.

Election officials for each polling place shall be appointed pursuant to sections 7.30, 7.31 and 7.32 Stats. Such election officials shall have all of the powers and perform all of the duties prescribed for such officers by the statutes. The Village Clerk is hereby authorized to select alternate officials or

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two sets of officials to work at different times on election day, shall have the power to limit the number of election officials and establish different working hours for different officials. The Village Clerk shall determine, in advance of each election, whether the number of election officials for such election should be reduced from the number prescribed by the Wisconsin Statutes, and if such a reduction is so determined, the Village Clerk shall further redistribute duties among the remaining officials.

State Law Reference: Sec. 7.30, *Wis. Stats.*

SEC. 2-1-4 NON-PARTISAN PRIMARY FOR VILLAGE OFFICES.

Whenever three (3) or more candidates file nomination papers for the same position, candidates for elective Village offices shall be nominated by a non-partisan primary conducted pursuant to Section 8.05(4), *Wis. Stats.*, unless no primary is to be held pursuant to Section 8.05(5), *Wis. Stats.* Such candidate shall file with his/her nomination papers a declaration that he/she will qualify for the office to which he/she may be elected.

State Law Reference: Secs. 8.05(4) and 8.11, *Wis. Stats.*

SEC. 2-1-5 OFFICIAL NEWSPAPER.

When publication is used instead of legal posting, the official newspaper of the Village of Gays Mills shall be the Crawford County Independent -- Kickapoo Scout.

State Law Reference: Sec. 985.05, *Wis. Stats.*

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CHAPTER 2

Village Board

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SEC. 2-2-1 VILLAGE BOARD.

The Trustees of the Village of Gays Mills 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.

State Law Reference: Secs. 61.32 and 61.34, *Wis. Stats.*

SEC. 2-2-2 TRUSTEES.

- (a) **Election, Term, Number.** The Village of Gays Mills shall have six (6) Trustees in addition to the President, who is a Trustee by virtue of his/her office as President. The six (6) Trustees 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.

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- (b) **Appointment as President.** A Village Trustee shall be eligible for appointment as Village President to fill an unexpired term.

State Law Reference: Secs. 61.20 and 61.325, *Wis. Stats.*

SEC. 2-2-3 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/her office be a Trustee and preside at all meetings of the Board, have a vote as Trustee, and sign all ordinances, rules, bylaws, regulations, commissions, licenses, and permits adopted or authorized by the Board and all orders drawn on the treasury. The Village President 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/she shall deem necessary, who for the time being shall possess all the powers and rights of constables.
- (c) **Participation in Debate.** The Village President shall vote on all matters in the same way that other Trustees vote. The President has the power to make motions, and to introduce ordinances, resolutions and the like as any other Trustee.

State Law Reference: Sec. 61.24, *Wis. Stats.*

SEC. 2-2-4 Standing Committees

- (a) **Committee Appointments.** At the first regular board meeting in May, the Village President shall appoint each of the following committees, each composed of three (3) or more Trustees:
- (1) Public Works Committee.
 - (2) Public Utilities Committee.
 - (3) Finance Committee.
 - (4) Personnel Committee.
 - (5) Public Property and Cemetery Committee.
 - (6) Public Safety Committee.
- (b) **Appointment of Chairpersons.** The Village President shall be ex officio chairperson of the Committee on Finance and shall designate the chairperson of other standing committees. He/she shall appoint all special committees and designate the chairperson of each. All committee appointments except designation of chairperson shall be subject to confirmation by a majority vote of the Village Board.
- (c) **Committees-of-the-Whole; Special Committees.**
- (1) All Trustees shall serve on at least one standing committee. The Village President shall be an ex officio member of each standing committee, or 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.
 - (3) The Village President may, from time to time, appoint such special committee or

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committees as he deems advisable or as provided for by motion or resolution by the Board stating the number of members and object thereof to perform such duties as may be assigned to them. All special committees shall cease to exist after the April Board Meeting unless reappointed by the Village President or extended by the Village Board.

(d) **Committee Reports.**

- (1) All committees are subunits of the Village Board and perform no executive or administrative Village function other than as specifically authorized by ordinance or policy adopted by the Village Board.
- (2) Each committee shall give the full Board at the next regular Board meeting a verbal or written report on all matters referred to it. Such report shall recommend a definite action on each item and shall be approved by a majority of the committee. Each committee report shall include the date, time, and place of the meeting and the members attending. Each such committee report, verbal or written, is deemed to be the product of the entire committee, whether any item therein is approved unanimously or not. Each such report should provide all necessary historical background to familiarize the Board with the issue.
- (3) If a committee member in a particular committee disagrees with the position taken by the committee on an issue, such member may address the Board with the minority position. The Board shall permit one (1) committee member supporting the majority position equal time to address the Board on such issue.

(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 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.

SEC. 2-2-5 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, navigable waters 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, harbors, 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,

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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 to villages 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 villages to promote the general welfare, peace, good order and prosperity of the Village and its inhabitants.

State Law Reference: Wis. Const., Art. XI, Sec. 3; Sec. 61.34, *Wis. Stats.*

SEC. 2-2-6 COOPERATION WITH OTHER MUNICIPALITIES.

The Village Board, on behalf of the Village, may join with other villages or cities 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.

State Law Reference: Secs. 61.34(2) and 66.30, *Wis. Stats.*

SEC. 2-2-7 INTERNAL POWERS OF THE BOARD.

The Village Board has the power to preserve order at its meetings. Members of the Village Board shall be residents of the Village at the time of their election and during their terms of office.

State Law Reference: Sec. 61.32, *Wis. Stats.*

SEC. 2-2-8 SALARIES.

The Village President and other Trustees who make up the Village Board, whether operating under general or special law, may determine that an annual salary be paid the President and Trustees by a three-fourths (3/4) vote of all members of the Village Board and to other Village officials and

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employees by a majority vote of all members of the Village Board. The salaries and compensation to be paid hereunder shall be annually determined by resolution of the Village Board. Salaries heretofore established shall so remain until changed by ordinance and shall not be increased or diminished during terms of office.

State Law Reference: Sec. 61.32, *Wis. Stats.*

SEC. 2-2-9 MEETINGS.

- (a) **Regular Meetings.** Regular meetings of the Village Board shall be held on the first Monday of each calendar month at 7:00 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 Monday, or at such other date and time as the Village Board shall designate. The third Monday of each month is designated as an optional regular meeting date of the Village Board, to be utilized if necessary. When the Village Board designates a date and time for the regular Board Meeting, notice there of shall be posted at the Gays Mills Municipal Building in the Village of Gays Mills and otherwise given as required in Section 19.84(1), *Wis. Stats.*, at least twenty-four (24) hours prior to such rescheduled meeting. All meetings of the Board shall be held at the Gays Mills Municipal Building, unless specified otherwise in the minutes of the preceding meeting or by written notice posted at the regular meeting place at least twenty-four (24) hours prior to any meeting. In any event, all Board meetings shall be held within the boundaries of the Village and by such other notice required by Section 19.84(1), *Wis. Stats.* If for good cause any twenty-four (24) hour notice required hereunder is impossible or impractical, a shorter notice may be given, but in no case may the notice be provided less than two (2) hours in advance of the meeting.
- (b) **Annual Organizational Meeting.** The Village Board shall hold an annual organizational meeting on the third Tuesday in April or on the first regular meeting in May following the spring election for the purpose of organization.
- (c) **Board Meetings.** The Village Clerk-Treasurer shall keep a record of all Board proceedings and cause the proceedings to be published.

State Law Reference: Sec. 61.32, *Wis. Stats.*

SEC. 2-2-10 SPECIAL MEETINGS.

- (a) Special meetings of the Board may be called by two (2) Trustees filing a written request with the Village Clerk-Treasurer at least twenty-four (24) hours prior to the time specified for such meeting. The Village Clerk-Treasurer 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. However, an emergency meeting may be called with notice of a minimum of two (2) hours. The Village Clerk-Treasurer shall cause a record of such notice to be filed in his/her 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. Notice to the public of special meetings shall conform to the open meeting

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requirements of Section 61.32 and Chapter 19, Subchapter IV, *Wis. Stats.* The Village Clerk-Treasurer shall give notice immediately upon the call for such meeting being filed with him/her.

- (b) The request for any special meeting shall state the purpose for which the meeting is to be called and no business shall be transacted but that for which the meeting has been called. Non-governmental parties requesting a special meeting of the Village Board shall be required to pay a fee of One Hundred Fifty Dollars (\$150.00) for such meeting.

State Law Reference: Secs. 61.32 and 985.02(2)(a), *Wis. Stats.*; Ch. 19, Subch. IV, *Wis. Stats.*

SEC. 2-2-11 OPEN MEETINGS; ADJOURNMENT OF MEETINGS.

- (a) **Open Meeting Law Compliance.** All meetings of the Village Board and subunits thereof shall be open to the public as provided in Subchapter IV of Chapter 19, Sections 19.81 through 19.90, *Wis. Stats.* Public notice of all such meetings shall be given as provided in Section 19.84, *Wis. Stats.*
- (b) **Adjournment of Meetings.** An adjournment to a closed session may be only for a permitted purpose as enumerated in Section 19.85, *Wis. Stats.*, and must meet the other requirements of said Section 19.85, *Wis. 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.

State Law Reference: Sec. 61.32 and Ch. 19, Subch. IV, *Wis. Stats.*

SEC. 2-2-12 QUORUM.

- (a) **Quorum.** A majority of the members of the Village Board shall constitute a quorum, but a lesser number may adjourn from time to time. The Village President shall be counted in computing a quorum.
- (b) **Adjournment.** When the presiding officer shall have called the members to order, the Village Clerk-Treasurer 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.

State Law Reference: Sec. 61.32, *Wis. Stats.*

SEC. 2-2-13 PRESIDING OFFICERS.

- (a) **The Village President Shall Preside.** The Village President shall preside over meetings of the

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Village Board. In the absence of the Village President, the President Pro Tem shall preside over meetings of the Village Board. In case of absence of the Village President, and President Pro Tem, the Village Clerk-Treasurer shall call the meeting to order and the Trustees present shall elect one of their number as acting President.

- (b) **President Pro Tem.** Annually at the Board's organizational meeting, the Board shall elect from among its membership a President Pro Tem, who shall preside over meetings of the Village Board in the absence of the Village President.
- (c) **Duties.** The presiding officer shall preserve order and decorum, decide all questions of order, and conduct the proceedings of the meeting. In the event of a dispute regarding Board procedures, the matter shall be decided in accordance with the parliamentary rules contained in Robert's Rules of Order, unless otherwise provided by statute or by these rules and to the extent it is not in conflict with applicable law. Any member shall have the right to appeal from a decision of the presiding officer. Such appeal is not debatable and must be sustained by a majority vote of the members present excluding the presiding officer.

State Law Reference: Sec. 61.32, *Wis. Stats.*

SEC. 2-2-14 MEETING AGENDAS; ORDER OF BUSINESS.

- (a) **Agenda.**
 - (1) The order of business at all regular or special meetings shall be according to the agenda prepared by the Clerk-Treasurer. All matters to be presented at a Board meeting shall be filed with the Clerk-Treasurer, or his/her deputy, no later than 12:00 Noon on the Friday preceding the scheduled regular Board meeting to enable the Clerk-Treasurer to prepare the agenda and all attachments and distribute the same to the Village Board. Matters filed after 12:00 Noon on the Friday preceding the Board meeting will not be placed upon the agenda. The President may waive the filing deadline for emergency cause shown.
 - (2) A submitting department shall include copies of all material necessary to consider the agenda item.
 - (3) The Village President shall advise the Clerk-Treasurer whether to include an item on the agenda, except that the Trustees calling a special meeting shall decide which items shall be first considered at such special meeting.
 - (4) The Clerk-Treasurer 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) Discussion, correction and approval of the minutes of the previous meetings.
 - (4) Audit bills and discuss finances.
 - (5) Citizens and delegations.
 - (6) Reports from police and committees.
 - (7) Unfinished business from previous meetings.
 - (8) New business, including introduction of ordinances and resolutions.
 - (9) Miscellaneous business permitted by law.

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- (10) 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 and in the absence of any debate whatsoever.
- (d) **Recognition of Visitors.** In order to maintain and hold meetings in an orderly fashion the following procedure will be followed regarding visitors unless having previously made a request to be placed on the agenda for a specific item:
- (1) No discussion allowed from visitors during the course of the meeting unless requested by the Board.
 - (2) At the appropriate time, each visitor can be recognized and allowed to speak for no more than five (5) minutes. The presiding officer may allow for additional time.
- (e) **Procedure at Public Hearings.**
- (1) After opening the public hearing, the presiding officer shall then call on those persons who wish to speak for the proposition. Each person wishing to speak for the proposition shall give his or her name and address.
 - (2) Each person speaking on behalf of the proposition shall be limited in time to not more than five (5) minutes. The presiding officer may allow for additional time.
 - (3) The presiding officer shall then call on those persons who wish to oppose the proposition.
 - (4) Each such person wishing to speak in opposition to the proposition shall give his or her name and address and shall also be limited to five (5) minutes. The presiding officer may allow for additional time.
 - (5) Any person wishing to speak in rebuttal to any statements made may, with the permission of the presiding officer, do so, provided, however, such rebuttal statement shall be limited to three (3) minutes by any one (1) individual. The presiding officer may allow for additional time.
 - (6) When the presiding officer in his/her discretion is satisfied that the proposition has been heard, he/she shall announce the fact that the hearing is concluded.

SEC. 2-2-15 INTRODUCTION OF BUSINESS, RESOLUTIONS AND ORDINANCES; DISPOSITION OF COMMUNICATIONS.

- (a) **Ordinances.** All ordinances and resolutions shall be prepared as follows:
- (1) Each ordinance or resolution shall include a note stating the purpose thereof prepared by the sponsor. All ordinances submitted to the Board shall be in writing and shall include at the outset a descriptive or 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.
 - (3) Ordinances shall have been considered by an appropriate committee except that the Board may, by a recorded vote of two-thirds (2/3) of the members present, suspend the effect of this ordinance and act immediately on such matter. No ordinance, resolution or bylaw shall be considered unless presented in writing by a Trustee or by a committee. Unless requested by a Trustee before final vote is taken, no ordinance, resolution or bylaw need be read in full.

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- (4) On ordinances or resolutions that require special handling, the Clerk-Treasurer shall assure that an editorial note is prepared showing compliance with such special handling.
 - (5) The Clerk-Treasurer may reject any ordinance or resolution from placement on the agenda which fails to comply with this Section.
 - (6) Resolutions shall be in writing at the request of one Trustee; such request shall be non-debatable. Resolutions may be referred to an appropriate standing committee for an advisory recommendation.
- (b) **Subject and Numbering of Ordinances.** Each ordinance shall be related to no more than one (1) subject. 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, and after a notice has been either published in the official newspaper or legally posted giving notice of the topic of the ordinance to be considered by the Village Board.
 - (d) **Effective Date.** Unless otherwise provided, all ordinances shall take effect and be in force from and after passage and publication; and published copies thereof shall have appended the date of first publication.
 - (e) **Disposition of Petitions, Communications, Etc.** Every petition or other correspondence from citizens addressed to the Village Board or to the Village Clerk-Treasurer or other Village officer for reference to the Village Board, shall be delivered by such other Village officer to the Village President or to the presiding officer of the Board 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.

SEC. 2-2-16 PUBLICATION AND EFFECT OF ORDINANCES.

- (a) **Publication/Posting.** All ordinances adopted by the Village Board other than this Code of Ordinances shall, at the discretion and direction of the Village Board, be published in the official newspaper for the Village of Gays Mills as a Class 1 Notice under Chapter 985, *Wis. Stats.*, or posted in three (3) public places within the Village.
- (b) **Penalty/Forfeiture.** Notwithstanding any provision herein, if any ordinance adopted by the Village Board for the Village of Gays Mills other than in this Code of Ordinances contains any penalty or forfeiture said ordinance shall be published as a Class 1 Notice under Chapter 985, *Wis. Stats.*
- (c) **Affidavit.** If an ordinance resolution, motion or other action is legally posted under this Section, the Clerk-Treasurer shall sign an affidavit attesting that the item was posted as

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required by this Section and stating the date and place of posting. The affidavit shall be filed with other records under the jurisdiction of the Clerk-Treasurer.

- (d) **Effective Date.** All ordinances shall take effect and be in force the day after publication or a later date if expressly prescribed, or the day after posting has been filed and recorded or a later date if expressly prescribed in the ordinance.

State Law Reference: Secs. 61.32 and 61.50, *Wis. Stats.*

SEC. 2-2-17 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. Any Trustee may demand a vote on any matter. The Clerk-Treasurer 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 Clerk-Treasurer shall record the ayes and nays on each vote.
- (c) **Parliamentary Procedure.** Except as provided below, the presiding officer, in the event of a dispute regarding procedure, shall in all other respects determine the rules of its procedure, which shall be governed by Robert's Rules of Order, Revised (1984), unless otherwise provided by ordinance or statute and to the extent it is not in conflict with applicable law.
- (d) **Motions Stated.** Prior to any debate on a matter, the members of the Village Board shall be entitled to a clear understanding of the motion before the Village Board. The person making the motion shall clearly state the motion. There shall be a second to any motion prior to any debate or discussion of the motion. The presiding officer may, if felt necessary, restate the motion prior to any debate and discussion. Any member of the Village Board, prior to a vote on the motion, may request that the motion and any amendments adopted to the motion be reduced to writing and submitted in writing to the members of the Village Board prior to the final vote on the matter.
- (e) **Change of Vote.** No member of the Village Board may change his or her vote on any action item, business item, motion or question after the final result has been announced.
- (f) **Motions With Preference.** During any meeting of the Village Board certain motions will have preference. In order of precedence they are:
- (1) Motion to Adjourn. This motion can be made at any time and has first precedence. This is a non-debatable motion.
 - (2) Motion to Lay on the Table. This motion may be made when the subject matter appropriate for tabling is to be debated or discussed. This motion is a non-debatable motion.
 - (3) Motion to Call Previous Question. This motion may be made at any time after the debate or discussion commences related to an action item, business item, motion or question that is properly before the Village Board. This motion is a non-debatable motion. This

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- motion, if adopted, ends the debate and discussion at the meeting on the action item, business item, motion or question. The motion, if adopted, brings the Village Board to a direct vote with the first vote on any amendments, if any, and then to the main action item, business item, motion or question.
- (4) Motion to Postpone to a Date Certain. This motion may be made at any time after the debate and discussion commences on an action item, business item, motion or question that is properly before the Village Board. This motion is debatable. This motion, if adopted, ends the debate and discussion at the meeting on the action item, business item, motion or question. This motion must establish a date and time certain when the debate and discussion before the Village Board will continue. The date and time established must be on a date and time for a regularly scheduled or special meeting of the Village Board.
- (5) Motion to a Committee. This motion may be made at any time after the debate and discussion commences on an action item, business item, motion or question that is properly before the Village Board. The motion is debatable. This motion, if adopted, ends the debate and discussion at the meeting on the action item, business item, motion or question. This motion, if adopted, forwards the action item, business item, motion or question to a committee for further review and discussion. The committee must be a committee of the Village Board.
- (6) Motion to Amend or Divide the Question. This motion may be made at any time after debate and discussion commences on the action item, business item, motion or question properly before the Village Board. The motion is debatable. This motion, if adopted, divides the main action item, main business item, main motion or main question pursuant to the method described and adopted in the motion to divide.
- (7) Motion to Postpone Indefinitely. This motion may be made at any time after debate and discussion commences on the action item, business item, motion or question properly before the Village Board. This motion is debatable. This motion, if adopted, ends the debate and discussion at the meeting on the action item, business item, motion or question.
- (8) Motion to Introduce a Matter Related to the Action Item, Business Item, Motion or Question. This motion may be made at any time after the debate and discussion properly before the Village Board. This motion is debatable. This motion, if adopted, expands or adds to the debate and discussion new items related to the main action item, main business item, main motion or main question pursuant to the method described and approved in the motion to introduce a matter related.
- (g) **Public Directory Votes.** No member of the Village Board shall request, at a meeting of the Village Board, a vote from the general public unless the proposed vote of the general public is so noted by the presiding officer of the meeting as strictly an advisory vote to the Board. Any vote taken by the general public at a meeting of the Village Board shall be considered by the Board only as an advisory vote and shall not be considered as a directory vote.
- (h) **Compelling Votes.** No member may be compelled to vote. When a member abstains from voting, the effect is the same as if the member voted on the prevailing side. The “prevailing side” is defined as the votes accumulated which resulted in carrying or defeating a question. In case of a tie vote (not including the abstention), the abstaining vote is considered a “nay.” In case of a vote requiring approval by more than a simple majority, an abstaining vote is

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considered an “aye.” (See also Section 2-5-7).

- (i) **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.

SEC. 2-2-18 RECONSIDERATION OF QUESTIONS.

Any member voting on the prevailing side may move for reconsideration of the vote on any question at that meeting or the next succeeding regular meeting. A Trustee may not change his vote on any question after the result has been announced.

SEC. 2-2-19 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.

SEC. 2-2-20 AMENDMENT OF RULES.

The rules of Sections 2-2-17 through 2-2-19 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.

SEC. 2-2-21 SUSPENSION OF RULES.

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

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CHAPTER 3

Municipal Officers and Employees

2-3-1	General Provisions
2-3-2	Appointed Officials
2-3-3	Village Clerk-Treasurer
2-3-4	Deputy Clerk-Treasurer
2-3-5	Village Attorney
2-3-6	Repealed 3/2/09 Chief of Police
2-3-7	Fire Chief
2-3-8	Weed Commissioner
2-3-9	Director of Public Works
2-3-10	Assessor
2-3-11	Zoning Administrator
2-3-12	Marshal
2-3-13	Village Forester
2-3-14	Building Inspector
2-3-15	Eligibility for Office
2-3-16	Oaths of Office
2-3-17	Vacancies
2-3-18	Removal from Office
2-3-19	Custody of Official Property

SEC. 2-3-1 GENERAL PROVISIONS.

- (a) **General Powers.** Officers shall have generally the powers and duties prescribed for like officers of towns and villages, except as otherwise provided, and such powers and duties are as prescribed by law and except as to the Village President, shall perform such duties as shall be required of him/her by the Village Board. Officers whose powers and duties are not enumerated in Chapter 61, *Wis. Stats.*, shall have such powers and duties as are prescribed by law for like officers or as are directed by the Village Board.
- (b) **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.
- (c) **Applicability of Ethics Statutes.** The general laws for the punishment of bribery, misdemeanors and corruption in office shall apply to Village officers.
- (d) **Legal Representation.** If a defendant in any action or special proceeding is a public officer or is proceeded against as an individual because of acts committed while carrying out duties as an officer or employee of the Village, regardless of the results of the litigation, the Village, if it does not provide legal counsel to him, shall pay reasonable attorneys' fees and costs of defending the action unless it is found by the court or jury that he did not act within the scope of his employment, but failure by the defendant to notify the Village as soon as reasonably possible, refusal by him of legal counsel, or refusal to cooperate in defense of the litigation are all bars to such mandatory recovery. The Village Board may also elect to provide for payment

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to an official of the Village in such sum as it sees fit, to reimburse him for the expenses reasonably incurred for costs and attorneys’ fees, or provide counsel to him, in an action or special proceeding against him which the Board concludes involved an act within the scope of his employment even if the same is not required by this Section.

State Law Reference: Sec. 895.46, *Wis. Stats.*

SEC. 2-3-2 APPOINTED OFFICIALS.

The Village officials hereinafter set forth shall be appointed:

<u>Official</u>	<u>How Appointed</u>	<u>Term</u>
Assessor	Village President subject to confirmation by the Village Board	One (1) Year
Attorney	Village President subject to confirmation by the Village Board	One (1) Year
Weed Commissioner	Village President subject to confirmation by the Village Board	One (1) Year
Chief of Police	Majority of Village Board	Indefinite
Director of Public Works	Village President subject to confirmation by the Village Board	Indefinite
Zoning Administrator	Majority of Village Board	Indefinite

SEC. 2-3-3 VILLAGE CLERK-TREASURER.

(a) SECTION 1. The Village of Gays Mills hereby proceeds pursuant to Wis. Stat. secs. 61.195 and 66.0101 to change the method of selection of the office of Village Clerk-Treasurer by hereby providing that such officer shall be selected by appointment by the Village Board as provided for in Wis. Stat. sec. 61.197(1)(c) and hereby elects that the first sentence of Section 61.19 of the Wisconsin Statutes is hereby made inapplicable to the Village of Gays Mills insofar as it provides for the election of Clerk-Treasurer in each odd-numbered year.

SECTION 2. Said Village further proceeds pursuant to said Sections to change the term or tenure of said office by hereby providing that said Clerk-Treasurer of the Village of Gays Mills shall hold office for an indefinite term. By such provisions said Village hereby elects that the term of the office of the Clerk shall not be provided for in Section 61.23 of the Wisconsin Statutes but shall be as provided in this Ordinance.

SECTION 3. The incumbent holder of the office of Village Clerk-Treasurer at the time this ordinance takes effect shall continue in office until the expiration of her term and such time

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thereafter to the time a successor Clerk-Treasurer is appointed and qualified.

SECTION 4. The person to hold said office shall be appointed by the Village Board after the effective date of this ordinance. At anytime thereafter when a vacancy occurs in said office said Board shall appoint a successor as soon as practical.

SECTION 5. Any person in holding such office and in performing the duties thereof shall perform all of the duties required of the Village Clerk-Treasurer and shall have all of the powers held by the Village Clerk and Village Treasurer as provided by Wisconsin law and particularly Wis. Stat. secs. 61.25 and 61.26. Such Clerk-Treasurer shall also have such further duties or power as may from time to time be lawfully provided by the Village Board of the Village of Gays Mills or such duties or powers which may have heretofore been provided for by the Village Board of the Village of Gays Mills in relation to the duties or powers of the Village Clerk-Treasurer.

SECTION 6. Such person so appointed to such office shall qualify for such office as provided for in Section 61.21 of the Wisconsin Statutes and shall before assuming the duties of such office file an official bond as set forth in Section 61.22 of the Wisconsin Statutes.

SECTION 7. All ordinances or parts-of ordinances in conflict with this charter ordinance are hereby repealed.

- (b) **Salary.** The Village Board shall establish compensation pursuant to the Village's personnel policies. Compensation shall be for the position of Clerk-Treasurer; in addition, compensation may also be established for office hours/duties performed by the Clerk-Treasurer beyond the scope of duties of the statutory office of Clerk-Treasurer.
- (c) **Duties.** The Village Clerk-Treasurer is expected to maintain regular office hours and shall perform all duties as set forth by statute, including Sections 61.25 and 61.26, *Wis. Stats.*, and in addition to those duties shall be required to perform the following:
 - (1) Receiving, depositing and disbursing all moneys received or disbursed for the Village of Gays Mills.
 - (2) Keeping journal and ledger accounts for General, Water, Sewer and any special accounts in accordance with established procedures.
 - (3) Keeping and filing official records of Village business including minutes of meetings, Village ordinances, correspondence, issuing cemetery deeds and maintaining burial records.
 - (4) Supervising elections and preparing ballots.
 - (5) Maintaining files, typing and performing clerical work to assist the Village President and Trustees and auditors in the performance of their duties.
 - (6) Maintaining payroll, social security, and other financial records.
 - (7) Attending Village Board Meetings and preparing minutes.
 - (8) Preparing and mailing water and sewer utility bills monthly.

SEC. 2-3-4 DEPUTY CLERK-TREASURER.

The Clerk-Treasurer may appoint a Deputy Clerk-Treasurer(s), when the position is authorized by the Village Board. The Deputy Clerk-Treasurer(s) shall have an indefinite term of office. The Deputy Clerk-Treasurer(s) shall act under the Village Clerk-Treasurer's direction and, during the temporary absence or disability of the Village Clerk-Treasurer or during a vacancy in such office, shall perform the duties of Village Clerk-Treasurer. The acts of the Deputy(s) shall be covered by

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official bond as the Village Board shall direct.

State Law Reference: Sec. 61.261, Wis. Stats.

SEC. 2-3-5 VILLAGE ATTORNEY.

- (a) **Appointment.** The Village Attorney is an appointed position. The Village Attorney shall be appointed pursuant to Section 2-3-2, except the Village Attorney shall serve at the pleasure of the Board.
- (b) **Duties.** The Village Attorney shall have the following duties:
 - (1) The Village Attorney shall conduct all of the legal business in which the Village is interested.
 - (2) He/she shall, when requested by Village officers, give written legal opinions, which shall be filed with the Village.
 - (3) He/she shall draft ordinances, bonds and other instruments as may be required by Village officers.
 - (4) He/she may appoint an assistant, who shall have power to perform his/her duties and for whose acts he/she 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.

SEC. 2-3-6 Chief of Police Repealed 3/2/09

SEC. 2-3-7 FIRE CHIEF.

- (a) **Selection.**
 - (1) Election. The office of Fire Chief shall be filled by election by the members of the Gays Mills Volunteer Fire Department for a term of one (1) year, and upon approval of the Village Board. The Fire Chief shall by virtue of his/her office hold the office of Fire Inspector.
 - (2) Chief -- Vacancy, Removal, Eligibility. Upon a creation of a vacancy of the office of Chief, the ranking officer of the Department shall perform the duties of the Chief until such vacancy has been filled by election of the members of the Department.
 - (3) Removal. The Fire Chief shall hold office for the term determined by the bylaws of the Department unless removed for cause, upon petition by twelve (12) members of the Department or on the motion of the Board, by action of three-quarters (3/4) of the members of the Village Board, or unless his/her services be sooner terminated by resignation, change of residence to outside of the Village limits or death.
- (b) **Qualifications.** The Fire Chief shall be a member in good standing, the majority of whose time is ordinarily spent within the Village and who has been a member of the Department for at least two (2) years.

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SEC. 2-3-8 WEED COMMISSIONER.

The Weed Commissioner shall be appointed by the Village President, subject to Village Board confirmation. The term of office of the Weed Commissioner shall commence on the first day of May following his/her appointment. The Weed Commissioner shall take the official oath, which oath shall be filed in the Office of the Village Clerk-Treasurer 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.

State Law Reference: Secs. 66.97 and 66.98, *Wis. Stats.*

SEC. 2-3-9 DIRECTOR OF PUBLIC WORKS.

- (a) **Appointment.** The Director of Public Works shall be appointed pursuant to Section 2-3-2. The Director of Public Works shall hold office for an indefinite term subject to removal for cause after a public hearing by a three-quarter (3/4) vote of the Village Board. Generally, the Village Board shall maintain, service, inspect and/or repair all Village equipment and property, including sewage equipment, water supply equipment, streets and street right-of-ways, Village parks, Village buildings and other items as determined by the Village Board.
- (b) **Duties and Powers.** The Director of Public Works shall have the following duties and powers:
- (1) General Duties.
 - a. He/she shall have general charge and supervision of certain public works in the Village.
 - b. He/she shall be responsible for the maintenance, repair and construction of parks, streets, alleys, curbs and gutters, sidewalks, bridges, street signs, water system, storm sewers, Village buildings and structures and all related machinery, equipment and property used in such activity.
 - c. He/she shall have charge of certain public services, including snow and ice removal, street cleaning, flushing, and sewer and water utilities.
 - d. He/she shall perform such other activities and duties as are imposed upon him/her from time to time by the Village Board, his/her job description or employment contract.
 - (2) Maintain Water Supply System. The Director of Public Works shall:
 - a. Inspect and maintain pumping equipment in working order as needed.
 - b. Repair water mains as needed to maintain water supply.
 - c. Test water daily for fluoride treatment to satisfy State requirements.
 - d. Keep water hydrants clear of obstruction and in good working condition.
 - (3) Maintain Sanitary Sewer System. The Director of Public Works shall:
 - a. Operate and inspect sewer plant.
 - b. Read flow chart and record results.
 - c. Inspect and maintain chlorine equipment as needed.
 - d. Collect samples and conduct tests as required by the Board and by the Wisconsin Department of Natural Resources.

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- e. Inspect and maintain lift stations.
- (4) Maintain, Clean and Repair Streets and Roads. The Director of Public Works shall:
 - a. Plow and remove snow as needed.
 - b. Clean and sweep streets.
 - c. Repair streets and roads with proper materials as needed.
 - d. Mow grass along roadsides as needed.
 - e. Assess street repair and replacement needs as directed by the Board.
- (5) Maintain Village Buildings and Equipment. The Director of Public Works shall:
 - a. Clean, maintain, paint and service Village buildings as needed and as directed by the Board.
 - b. Keep buildings in safe condition to meet all State and local building and safety code requirements.
 - c. Maintain and service all Village vehicles and machinery as needed and as directed by the Board.
 - d. Establish a yearly budget based on goals and objectives.

SEC. 2-3-10 ASSESSOR.

Instead of being elected, the Assessor or assessing firm, shall be appointed by the Village President, subject to confirmation by a majority vote of the members-elect of 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 corporation or an independent contractor may be appointed as the Village Assessor. The corporation or independent contractor so appointed shall designate the person responsible for the assessment. The designee shall file the official oath under Section 19.01, *Wis. Stats.*, and sign the affidavit of the Assessor attached to the assessment roll under Section 70.49, *Wis. Stats.* No person may be designated by any corporation or independent contractor unless he/she has been granted the appropriate certification under Section 73.09, *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.

State Law Reference: Public Official’s oaths and bonds, Sec. 19.01, *Wis. Stats.*; corporation as assessor, Secs. 61.197 and 61.27, *Wis. Stats.*; affidavit of assessor, Sec. 70.49, *Wis. Stats.*; assessor certification, Sec. 73.02, *Wis. Stats.*; assessors in cities, Sec. 70.05, *Wis. Stats.*

SEC. 2-3-11 ZONING ADMINISTRATOR.

A zoning administrator shall be appointed by the Village Board for an indefinite term pursuant to the provisions of Title 13 of this Code of Ordinances.

SEC. 2-3-12 MARSHAL.

- (a) **Appointment.** The Village President subject to confirmation by the Village Board may also

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appoint a marshal for an indefinite term.

- (b) **Powers.** A marshal shall possess the powers, enjoy the privileges and be subject to the liabilities conferred or imposed by law on constables.

State Law Reference: Secs. 61.28 and 61.29, *Wis. Stats.*

SEC. 2-3-13 VILLAGE FORESTER.

The Village President subject to confirmation by the Village Board may also annually appoint a village forester pursuant to the provisions of Chapter 4 of Title 6 of this Code of Ordinances.

SEC. 2-3-14 BUILDING INSPECTOR

The Village Board may retain a qualified building inspector as a consultant on a as needed basis.

State Law Reference: Secs. 61.35, 62.23, and 66.05, *Wis. Stats.*

SEC. 2-3-15 ELIGIBILITY FOR OFFICE.

- (a) **Eligibility.** No person shall be elected by the people to a Village office, who is not at the time of his/her election, a citizen of the United States and of this State, and an elector of the Village, and in case of a ward office, of the ward, and actually residing therein.
- (b) **Board Rejection.** 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.

State Law Reference: Sec. 62.09(2), *Wis. Stats.*

SEC. 2-3-16 OATHS OF OFFICE.

- (a) **Oath of Office.** Every officer of the Village, including members of Village boards and commissions, shall, before entering upon his/her duties and within five (5) days of his/her election or appointment or notice thereof, take the oath of office prescribed by law and file such oath in the office of the Village Clerk-Treasurer. 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 Chapter 19, Subchapter I, *Wis. Stats.*

State Law Reference: Ch. 19, Subch. I, *Wis. Stats.*

SEC. 2-3-17 VACANCIES.

- (a) **How Occurring.** Except as provided in Subsection (c) below, vacancies in elective and appointive

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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 Section 17.24, *Wis. Stats.*
- (c) **Temporary Incapacitation.** If any officer be absent or temporarily incapacitated from any cause, the Board may appoint some person to discharge his/her duties until he/she returns or until such disability is removed.

State Law Reference: Sec. 61.23, *Wis. Stats.*

SEC. 2-3-18 REMOVAL FROM OFFICE.

- (a) **Elected Officials.** Elected officials may be removed by the Village Board as provided in Sections 17.13(2) and 17.16, *Wis. Stats.*
- (b) **Appointed Officials.** Appointed officials may be removed as provided in Sections 17.13(1) and 17.16, *Wis. Stats.*

State Law Reference: 62 Atty. Gen. Op. 97.

SEC. 2-3-19 CUSTODY OF OFFICIAL PROPERTY.

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

State Law Reference: Sec. 19.21, *Wis. Stats.*

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CHAPTER 4

Boards, Commissions and Committees

2-4-1	Board of Review
2-4-2	Zoning Board of Appeals
2-4-2.5	Plan Commission
2-4-3	Library Board
2-4-3.5	Tree Board
2-4-4	General Provisions Regarding Meetings and Public Notice
2-4-5	Residency Required for Service on Citizen Boards or Commissions; Attendance Standards
2-4-6	Committee and Commission Rules

SEC. 2-4-1 BOARD OF REVIEW.

- (a) **Composition.** The Board of Review shall be composed of three (3) members including the Village President, the Village Clerk-Treasurer and one (1) member of the Village Board to be appointed by the Village President subject to the approval of the full Village Board. The Village Clerk-Treasurer 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 shall receive compensation as determined by resolution of the Village Board.
- (c) **Duties.** The duties and functions of the Board of Review shall be as prescribed in Sections 70.46 and 70.47, *Wis. Stats.*
- (d) **Meetings.** In accordance with Section 70.47(3)(b), *Wis. Stats.*, the Village Board do hereby exercise their right to designate hours for the annual Board of Review proceedings other than those set forth in Section 70.47(3)(a), 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 Gays Mills 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.
- (d) **Confidentiality of Certain Income and Expense Information.** Whenever the Village Assessor is provided with income and expense information pursuant to Section 70.47(7)(af), *Wis. Stats.*, or any successor statute thereto, such information shall be held on a confidential basis; provided, however, that such information may be revealed to and used by the following: persons using the information in the discharge of duties imposed by law or of the duties of their office or by order of a court. Pursuant to Section 70.47(7)(af), *Wis. Stats.*, income and expense information provided to the Village Assessor under Section 70.47(7)(af), *Wis. Stats.*, is not subject to the right of inspection and copying under Section 19.35(1), *Wis. Stats.*, unless a court determines that it is inaccurate.

State Law Reference: Secs. 70.46 and 70.47, *Wis. Stats.*

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SEC. 2-4-2 ZONING BOARD OF APPEALS.

(a) **Establishment.** A Zoning Board of Appeals shall be appointed and governed by the State zoning enabling law as contained in Section 62.23, *Wis. Stats.*, the Village Zoning Code and ordinances and this Section. The Zoning Board of Appeals shall consist of five (5) citizen members and two (2) alternate members, 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 chairperson.

(b) **Powers.** The Zoning Board of Appeals shall have the following powers:

- (1) To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by an administrative official in the enforcement of any Village Zoning Code or any ordinance adopted under Sections 62.23, 61.35 or 61.351 (wetlands), 87.30 (flood plains) or Chapter 91 (farmland preservation), *Wis. Stats.*
- (2) To authorize, upon appeal in specific cases, such variance from the terms of the Village zoning regulations as will not be contrary to the public interest, where owing to special conditions, a literal enforcement will result in practical difficulty or unnecessary hardship not self-created by the property owner, so that the spirit of the Zoning Code shall be observed, public safety and welfare secured and substantial justice done. No use variance shall be granted unless the applicant has first petitioned for a zoning amendment or a conditional use permit, if applicable, and upon a showing that no lawful and feasible use of the subject property can be made in the absence of such variance. Any use variance granted shall be limited to the specific use described in the Board's decision.
- (3) The Zoning Board of Appeals may reverse or affirm wholly or in part or may modify any order, requirement, decision or determination as in its opinion ought to be made in the premises. The concurring vote of a majority of the members of the Zoning Board of Appeals present at any meeting or hearing (provided a quorum of the Board is present at said meeting or hearing) shall be necessary to reverse any order, requirement, decision or determination appealed from or to decide in favor of the applicant on any matter on which it is required to pass, or to effect any variation in the requirements of the Zoning Code. The grounds of every such determination shall be stated and recorded. No order of the Zoning Board of Appeals granting a variance shall be valid for a period longer than six (6) months from the date of such order unless the land use permit is obtained within such period and the erection or alteration of a building is started or the use is commenced within such period.

(c) **Meetings 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

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- two (2) members. Notice of a special meeting shall be mailed or delivered to each member so as to be received by each member not less than twenty-four (24) hours prior to the time set for the meeting.
- (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 three (3) members..
 - (5) The Board 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 Clerk-Treasurer 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 Chairperson 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, and no such member may be counted in determining whether a quorum is present for the transaction the item or items of business in which the Board member has a financial interest.
- (d) **Offices.** The Village Board shall provide a suitable location for holding hearings and the presentation of records, documents, and accounts.”

SECTION 2-4-2.5 PLAN COMMISSION

- (a) The Village Board of the Village of Gays Mills hereby establishes a seven (7) member Plan Commission under Wis. Stat. secs. 61.35 and 62.23.
- (b) The Plan Commission consists of up to three (3) members of the Village Board, one of whom may be the Village President, up to one (1) other Village official, and not less than three (3) citizen members, who are not otherwise Village officials, and who shall be persons of recognized experience and qualifications.
- (c) 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 and two other Village Board members to the Plan Commission and may designate himself or herself, one of the other Village Board members, 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 Wis. Stat. sec. 19.01.
- (d) The term of office for the Plan Commission Chairperson and each Commission

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member shall be for a period of 3 years, ending on April 30, or until a successor is appointed and qualified, except:

Initial Terms. 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; one (1) person for a term that expires in two (2) years; and one (1) person 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; one (1) person for a term that expires two (2) years from the previous April 30; and one (1) person for a term that expires three (3) years from the previous April 30. If there are more than three (3) citizen members, the term of the additional citizen member shall expire in three (3) years or three (3) years from the previous April 30, whichever is applicable.

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

(f) The Village Board hereby sets a per diem allowance of \$0 per meeting for citizen and Village Board members of the Plan Commission, as allowed under Wis. Stat. sec. 66.0501(2). In addition, the Village Board may reimburse reasonable costs and expenses.

(g) The Plan Commission shall have all the powers specified under Wis. Stat. sec. 62.23(4). Matters described in Wis. Stat. sec. 62.23(5) and the following matters shall be referred to the Plan Commission for report:

- (1) An application for initial licensure of a child welfare agency or group home under sec. 48.68(3), Wis. Stats.
- (2) An application for initial licensure of a community-based residential facility under sec. 50.03(4), Wis. Stats.
- (3) 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 Wis. Stat. sec. 66.0905.
- (4) Matters relating to the establishment or termination of an architectural conservancy district under Wis. Stat. sec. 66.1007.
- (5) Matters relating to the establishment of a reinvestment neighborhood required to be referred under Wis. Stat. sec. 66.1107.
- (6) Matters relating to the establishment or termination of a business improvement district required to be referred under Wis. Stat. sec. 66.1109.
- (7) A proposed housing project under Wis. Stat. sec. 66.1211(3).

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- (8) Matters relating to urban redevelopment and renewal in the Village required to be referred under subch. XIII of ch. 66, Wis. Stats.
- (9) The adoption of a Village subdivision or other land division ordinance under Wis. Stat. sec. 236.45(4).
- (10) The creation and adoption of a comprehensive plan under Wis. Stat. secs. 62.23 and 66.1001.
- (11) Any other matter required by the Wisconsin Statutes to be referred to the Plan Commission.”

Section II: This ordinance shall be effective upon its passage and publication as required by law.

SEC. 2-4-3 LIBRARY BOARD.

- (a) **Membership and Terms.** Pursuant to Section 43.54, *Wis. Stats.*, the Library Board shall consist of five (5) members appointed by the Village President, subject to confirmation by the Village Board, to serve three (3) year terms; provided, however, that the Village Board may appoint two (2) additional members to the Library Board. One (1) member shall be a school district administrator or his/her representative, and not more than one (1) member of the Village Board shall serve on the Library Board at any one (1) time. Members shall be residents of the municipality, except that not more than two (2) members may be residents of other municipalities.
- (b) **Powers and Duties.** The Library Board shall have the powers and duties prescribed by Section 43.58, *Wis. Stats.*
- (c) **Budget and Report.** The Library Board shall present to the Village Board an annual report and budget by September 1 along with goals and objectives.

SEC. 2-4-3.5 TREE BOARD

- (a) **Establishment.** The Tree Board shall consist of five (5) members including the Village Forester, who shall be appointed by the Village President with the approval of the Village Board.
- (b) **Term of Office.** The term of the five persons to be appointed by the Village President shall be two years except that the term of two of the members appointed to the first board shall be only one year and the term of two members of the first board shall be two years. In the event that a vacancy shall occur during the term of any member, his successor shall be appointed for the unexpired portion of the term.
- (c) **Compensation.** The members of the Tree Board shall serve without compensation.
- (d) **Duties and Responsibilities.** It shall be the responsibility of the Tree Board to study, investigate, council and develop and/or update annually, and administer a written plan for the care, preservation, pruning, planting, replanting, removal, or disposition of trees and shrubs in parks, along streets and in other public areas. Such plan will be presented to

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the Village Board for approval. The Tree Board, when requested by the Village Board, shall consider, investigate, make finding, report and recommend upon any special matter of question coming within the scope of its work.

- (e) **Operation.** The Tree Board shall choose its own officers, make its own rules and regulations and keep a journal of its proceedings. A majority of the members shall be a quorum for the transaction of business.

SEC. 2-4-4 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; and/or
 - (3) Post an agenda of the matters to be taken up at such meeting.
- (b) **Form of Notice.** Such notice shall set forth the time, date, place and subject matter of the meeting, including that intended for consideration at any contemplated closed session which may be authorized by law, and may be in the following form:

NOTICE OF MEETING

VILLAGE OF GAYS MILLS, WISCONSIN

(commission)

Please take notice that a meeting of the (commission) of the Village of Gays Mills will be held on (date), 19__, at (time) p.m., at the Gays Mills Community Building, in Room __ to consider the following:

- 1. (Agenda items set forth).
- 2. Such other matters as authorized by law.

Dated: _____

_____ (Commission)

By _____

The Gays Mills Community Building is accessible to the physically disadvantaged. If special

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accommodations for visually or hearing impaired individuals are needed, please contact the Gays Mills Clerk-Treasurer at 735-4341. Members of the Gays Mills Village Board may be in attendance.

- (c) **Notice to Members.** Every member of any Board, Commission or Committee of the Village of Gays Mills 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.
- (d) **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 Clerk-Treasurer within one (1) week of the meeting date. The Village Clerk-Treasurer shall furnish a copy of all minutes filed with him to each member of the Village Board. All such minutes shall be public records.
- (e) **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 through 19.90, *Wis. Stats.*

SEC. 2-4-5 RESIDENCY REQUIRED FOR SERVICE ON CITIZEN BOARDS OR COMMISSIONS; ATTENDANCE STANDARDS.

- (a) **Residency.** Except for the Library Board, no person not a resident of and not residing in the Village of Gays Mills shall be appointed in a voting capacity to any citizen Village Board, Committee or Commission listed in this Chapter. Any Board or Commission member who moves from the Village shall be removed from such Board or Commission, but may be appointed to serve in an ex officio capacity.
- (b) **Attendance Standard.** Members of Boards, 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 majority vote of the membership of their body. Failure to comply with this Subsection shall result in the removal and replacement of the official found to be in noncompliance by majority vote of the Village Board.

SEC. 2-4-6 COMMITTEE AND COMMISSION RULES.

- (a) **Rules of Procedure.** Except as provided herein, the provisions of Sections 2-2-17 through 2-2-21 of this Code of Ordinances relating to rules of procedure for the Village Board shall as far as applicable, also apply to committee board and commission meetings.
 - (b) **Quorum.** A simple majority of the members of a Committee or Commission shall constitute a quorum.

CHAPTER 5

Ethics Code and Employment

2-5-1	Authority and Statement of Purpose
2-5-2	Definitions
2-5-3	State Statutes Adopted
2-5-4	Responsibility of Public Office
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2-5-6	Fair and Equal Treatment
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SEC. 2-5-1 AUTHORITY AND STATEMENT OF PURPOSE.

- (a) **Authority.** The Ethics Code is adopted under the authority granted by Section 19.59 of the Wisconsin Statutes.
- (b) **Goals.** 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 Chapter a Code of Ethics for all Village of Gays Mills 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.
- (c) **Purpose.** 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 Gays Mills and by directing disclosure by such officials and employees of private financial or other interest 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 Gays Mills.

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SEC. 2-5-2 DEFINITIONS

The following definitions shall be applicable in this Chapter:

- (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 Section 19.56, *Wis. Stats.*, campaign contributions as regulated by Section 2-5-7(k) of this Chapter, or hospitality extended for a purpose unrelated to Village business by a person other than a 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 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.

SEC. 2-5-3 STATE STATUTES ADOPTED.

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. 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.

SEC. 2-5-4 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.

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SEC. 2-5-5 DEDICATED SERVICE.

- (a) **Adherence to Standard.** Public officials and employees should adhere to the rules of work and performance established as the standard for their positions by the appropriate authority.
- (b) **Exceeding Authority/Cooperation.** Public 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) **Professional Ethics.** 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 Clerk-Treasurer. The Village Board shall notify the appropriate professional ethics board of any ethics violations involving Village employees covered by such professional standards.

SEC. 2-5-6 FAIR AND EQUAL TREATMENT.

- (a) **Use of Public Property.** No public 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 public 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/her rightful remuneration and benefits, for himself/herself or for a member of his or her immediate family.
- (c) **Political Contributions.** No public 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.

SEC. 2-5-7 CONFLICT OF INTEREST.

- (a) **Financial and Personal Interest Prohibited.**
 - (1) No public 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 or which would tend to impair independence of judgment or action in the performance of official duties. Such prohibited conduct includes, subject to the exceptions stated in Section 19.59(1) of the Wisconsin Statutes:
 - a. A public official or employee using his/her public position or office to obtain financial gain or anything of substantial value for the private benefit of himself/herself or his/her immediate family or for an organization with which he/she is associated.
 - b. A public official or employee taking any official action substantially affecting a matter in which the official or employee, a member of his/her immediate family, or

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- an organization with which the official or employee is associated has a substantial financial interest; and
- c. A public official or employee using his/her office or position in a way that produces or assists in the production of a substantial benefit, direct or indirect, for the official or employee, one (1) or more of the members of his/her immediate family either separately or together, or an organization in which he/she is associated.
- (2) Any member of the Village Board who has a financial interest or personal interest in any pro-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 public official, other than a public employee, who has a financial interest or per-sonal 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 public 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 public 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 public 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.**
- (1) No public official or employee shall solicit, accept, or offer to accept, directly or indirectly, any-thing 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.
- (2) No public official or employee shall solicit, accept, or offer to accept, directly or

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- indirectly, any-thing of value that could reasonably be expected to influence the vote, official actions, or judgment of the official or employee, or that could reasonably be considered as a reward for any official action or inaction on the part of the official or employee, provided, however, that this paragraph does not prohibit a public official or employee from engaging in outside employment.
- (3) Gifts received under unusual circumstances should be referred to the Village Board within ten (10) days for recommended disposition.
 - (4) A public 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 public 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 or Courts.**
- (1) Non-elected public officials and employees shall not appear on behalf of any private person (other than himself 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.
 - (2) Elected public 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 appearance.
- (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 public 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:
- (1) The contract is awarded through a process of public notice and competitive bidding;
 - (2) The contract or activity is exempt from or otherwise deemed appropriate by Section 946.13, *Wis. Stats.*; or
 - (3) The Village Board waives this requirement after determining that it is in the best interest of the Village to do so.
- (h) **Disclosure of Interest in Legislation.**
- (1) 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.
 - (2) Any other public official or employee who has a financial interest or personal interest in

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any proposed legislative action of the Village Board or any Board, Commission or Committee upon which the official or employee has any influence or input or of which the official or 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.

State Law Reference: Sec. 19.59, *Wis. Stats.*

SEC. 2-5-8 ADVISORY OPINIONS.

The procedures regarding advisory opinions on the propriety of any matter under the provisions of this Code of Ethics shall be as prescribed in Section 19.59(5) of the Wisconsin Statutes.

SEC. 2-5-9 EMPLOYEES COVERED BY COLLECTIVE BARGAINING AGREEMENTS.

In the event a public employee, covered under a collective bargaining agreement, is allegedly involved in an Ethics Code violation, the terms and conditions set forth in the applicable collective bargaining agreement shall prevail in the administration and interpretation of Sections 2-5-1 through 2-5-10.

SEC. 2-5-10 SANCTIONS.

A determination that a public 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, that may affect employees covered under a labor agreement will be consistent with the terms and conditions set forth in the applicable labor agreement.