

CHAPTER 1

GENERAL GOVERNMENT

(CHAPTER AMENDED 7/2/01, 10/4/05, 10/14/09, 5/10/10, 3/9/15, 10/8/18)

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1.01 **ELECTED OFFICIALS.** (Amended 10/14/09)The elected officials of the Village shall be a Village President, who shall be elected in odd numbered years for a term of two years; and 4 Trustees, 2 to be elected each year for a term of two years.

1.02 **APPOINTED OFFICIALS.** The appointed officials of the Village shall be appointed by the Village President or the personnel committee and subject to approval of the Village Board, and such appointment shall be effective until repealed by the Village Board:

- (1) Clerk/Treasurer
- (2) Attorney
- (3) Assessor
- (4) Local Emergency Government Coordinator
- (5) Fire Chief
- (6) Building Inspector
- (7) Police Chief
- (8) Director of Public Works
- (9) Utility Clerk
- (10) EMS Director

1.03 **OATHS AND BONDS.** Elected and appointed officials shall take and file the official oath within 5 days after notice of their election or appointment as provided in § 61.21, Wis. Stats. and shall execute and file the official bond as required by State statutes and this Municipal Code.

1.04 **REMOVALS OF OFFICE.**

(1) **ELECTED OFFICIALS.** Elected officials may be removed by the Village Board as provided in §17.13(2), Wis. Stats. or by the judge of the Circuit Court for cause pursuant to §17.13(3), Wis. Stats., or as provided by §17.16, Wis. Stats.

(2) **APPOINTED OFFICIALS.** Appointed officials may be removed as provided in §17.13(1), 17.13(3), and 17.16, Wis. Stats.

1.05 **VACANCIES.**

(1) **HOW OCCURRING.** Vacancies in elective and appointive offices are caused as provided in §17.03 and 17.035, Wis. Stats.

(2) **HOW FILLED.** Vacancies in elective and appointive offices shall be filled as provided in §17.24, Wis. Stats.

1.06 **SALARIES.** (Section a & b created 10/4/05)

(1) **ELECTED OFFICIALS.** The salaries of elected officials shall be determined from time to time, provided the salary of the President and Trustees shall not be increased during their terms of office as defined in §61.32, Wis. Stats.

(a) Current Rates of Salary. (Amended-Effective for terms of office elected after April 2017.) Village President \$2,500 per year. Village Trustee \$1,500 per year. \$375 (15%) of each salary to be paid by Valders Public Utilities. All special & committee meetings. \$25.00 per meeting.

(b) Pay Periods. The salaries and any special meetings attended shall be prorated and paid the first payroll in April after the expiration of terms of office and the first payroll in December of each year.

(2) APPOINTED OFFICIALS. The salaries of all appointed officials and employees shall be as determined by a majority vote of the Village Board. The Village elects to include all eligible Village personnel under the Wisconsin Retirement Fund.

1.07 **CODE OF ETHICS.**

(1) Prohibited Conduct. The state ethics law for local officials, §19.59 Wis. Stats. prohibits the following conduct:

(a) Use of Office for Private Gain. Public officials are prohibited from using their offices to obtain financial gain or anything of substantial value for the private benefit of themselves, their immediate families, or organizations with which they are associated.

(b) Offering or Receiving Anything of Value. No person may give and no public official may receive "anything of value" if it could reasonably be expected to influence the local public official's vote, official action or judgment, or could reasonably be considered as a reward for any official's action or inaction.

(c) Taking Action Affecting a Matter in Which Official Has Financial Interest. Local officials may not take official action substantially affecting a matter in which the official, an immediate family member, or an organization with which the official is associated has a substantial financial interest. Nor may an official use his or her office in a way that produces or assists in the production of a substantial benefit for the official, immediate family member or organization with which the official is associated.

(d) Exceptions to the above.

1. A lawful payment of expenses, benefits or reimbursements, or prohibiting an official from taking action to modify an ordinance.
2. Items of insubstantial value, mere tokens and items or services of only nominal, insignificant, or trivial value.

(2) ABSTAINING FROM OFFICIAL ACTION. Local officials should not participate in a matter which comes before the board, commission or other body of which the official is a member, the official should leave that portion of the body's meeting involving discussion, deliberations, or votes related to the matter. When, because of a potential interest, an official withdraws from the body's discussion, deliberation and vote, the body's minutes should reflect the absence.

(3) PRIVATE INTERESTS IN PUBLIC CONTRACTS. All elected and appointed officials and employees shall sign a Conflict of Interest Statement, which outlines §946.13(1) (a) and (b), upon oath of office or date of hire.

(4) INCOMPATIBILITY DOCTRINE.

(a) Common law Prohibition. The same person cannot hold two offices or an office and a position where one post is superior to the other or where, from a public policy perspective, it is improper for one person to discharge the duties of both posts.

(b) Statutory Exception. Elected officers can serve as a volunteer firefighters or EMT's when annual compensation as an EMT or firefighter, including fringe benefits, does not exceed \$2,500 §66.0501, Wis. Stats.

(5) OTHER STATUTORY PROHIBITIONS

(a) Misconduct in Office as defined in §946.12, Wis. Stats.

(b) Bribery as defined in §946.10(2).

(c) Sale to Employees Prohibited as defined in §175.10, Wis. Stats.

(d) Sale to Licensees Prohibited as defined in §125.51(1) (b), Wis. Stats.

(6) PENALTY. The violation of this code chapter section is an applicable in §946.12, Wis. Stats. Such conduct shall also be punishable under § Chapter 25.04 of this Municipal Code.

1.10 **VILLAGE PRESIDENT AND TRUSTEES.**

(1) ELECTION AND TERM. See §1.01 of this Chapter.

(2) DUTIES AND POWERS.

(a) Village President. See §61.24, Wis. Stats.

(b) Village Board. The Village President and Trustees shall constitute the Village Board and shall have such duties and powers as are enumerating in §Chapter 61, Wis. Stats., and elsewhere in the statutes.

(c) Police Powers. See §4.05 of this Municipal Code.

(3) AUTHORITY. The Village Board shall have all powers of the Village not specifically given to some other body or officer. Except as otherwise provided by law, the Village Board shall have the management and control of the Village property, finances, highways, streets, utilities and the public service and may 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, regulations, suppression, borrowing, taxation, special assessment, appropriation, imposition of forfeitures, and other necessary or convenient means. The Village Board may appoint such officials from time to time as may be deemed necessary for the benefit of the community. In addition, the Village Board may appoint such officials from time to time as may be necessary for the benefit of the community.

In addition, the Village Board shall have the powers enumerated in §61.34, Wis. Stats. The powers hereby conferred shall be in addition to all other grants and shall be only by express language.

(4) OTHER PROVISIONS. See also §Chapter 2 of this Municipal Code.

1.11 **ASSESSOR.**

(1) APPOINTMENT AND TERM. See §1.02 of this Chapter.

(2) DUTIES AND POWERS. The Village Assessor shall have such duties and powers as are enumerated in §61.27 and §Chapter 70, Wis. Stats.

(3) CONFIDENTIALLY OF INFORMATION. Whenever the Assessor, in the performance of the Assessor's duties, requests or obtains income and expense information pursuant to §70.47(af), Wis. Stats., or any successor statute thereto, then, such income and expense information that is provided to the Assessor shall be held by the Assessor on a confidential basis, except, however, that the information may be revealed to and used by persons; in the discharging of duties imposed by law; in the discharge of duties imposed by office (including, but not limited to, use by the Assessor in performance of official duties of the Assessor's office and use by the Board of Review in performance of its official duties); or pursuant to order of a court. Income and expense information provided to the Assessor under §70.47(7) (af), unless a court determines that it is inaccurate, is per §70.47(7) (af), not subject to the right of inspection and copying under §19.35(1), Wis. Stats.

1.12 **VILLAGE ATTORNEY.**

(1) APPOINTMENT AND TERM. See §1.02 of this Chapter.

(2.) DUTIES. The Village Attorney shall conduct all of the legal business in which the Village is interested in and shall serve as legal advisor to the Village Board, and other Village officials.

1.13 **VILLAGE CLERK/TREASURER.**

(1) OFFICES COMBINED. The office of Village Clerk and Village Treasurer are hereby consolidated and the duties of both offices shall be performed by the person appointed by the Village Board.

(2) APPOINTMENT AND TERM. See §1.02 of this Chapter.

(3) DUTIES. (Rev. 10/8/18) The Village Clerk/Treasurer shall be responsible for the duties as defined in §61.25 and 61.26, Wis. Stats. In addition all other applicable duties and powers as defined by this Municipal Code; and by order of the Village Board. The Village shall obtain dishonesty insurance policies or other appropriate insurance policies that covers the Clerk/Treasurer, in amount determined by the board, in lieu of bond requirements.

1.14 **LOCAL EMERGENCY GOVERNMENT COORDINATOR.**

(1) APPOINTMENT AND TERM. See §1.02 of this Chapter.

(2) DUTIES. See § Chapter 6 of this Municipal Code.

1.15 **FIRE CHIEF.**

(1) RECOMMENDATION. Fire Chief to be recommended to the Village Board by the Fire Department.

(2) APPOINTMENT AND TERM. See §1.02 and 5.05(3) (b) of this Code.

(3) DUTIES. See § Chapter 5 of this Municipal Code.

1.16 **BUILDING INSPECTOR.**

(1) APPOINTMENT AND TERM. See §1.02 of this Chapter.

(2) DUTIES. See § Chapters 14, 15, and 17 of this Municipal Code, and by order of the Village Board.

1.17 **POLICE CHIEF.**

(1) APPOINTMENT AND TERM. See §1.02 of this Chapter.

(2) DUTIES. See §Chapter 4 of this Municipal Code and by order of the Village Board.

1.18 **DIRECTOR OF PUBLIC WORKS.**

(1) APPOINTMENT AND TERM. See §1.02 of this Chapter.

(2) DUTIES. As defined by subsections of this Municipal Code and by order of the Village Board.

1.19 **UTILITY CLERK.**

(1) APPOINTMENT AND TERM. See §1.02 of this Chapter.

(2) DUTIES. As defined by subsections of this Municipal Code, the State Public Service Commission and by order of the Village Board.

1.20 **EMS DIRECTOR.**

(1) APPOINTMENT AND TERM. See §1.02 and 19.05(3) (b) of this Code.

(2) DUTIES. See § Chapter 19 of this Municipal Code.

1.25 **BOARD OF HEALTH.**

(1) ORGANIZATION. The Village Board shall serve as the Board of Health.

(2) POWERS AND DUTIES. See § 11.01 of this Municipal Code.

1.26 **BOARD OF PUBLIC UTILITY COMMISSIONERS.**

(1) PURPOSE. For the purpose of providing nonpartisan management of the Waterworks Utility and any other public utility acquired by the Village.

(2) COMPOSITION. The Village Board shall assume the duties and responsibilities of the Utility Board, with compensation. (Effective 4/16/96).

(3) COMPENSATION. The Village President and Village Trustees shall receive \$250 for Utility Board work, which is part of the trustee's annual base salary.

(4) POWERS AND DUTIES. The Board shall have such power as provided by law and order of the Village Board as defined in § Chapter 61.

1.27 **PLAN COMMISSION.** (Rep. & recr. 4/16/91)

(1) ESTABLISHMENT. There is hereby established a Village Plan commission in accordance with §61.35 and 62.23, Wis. Stats.

(2) MEMBERSHIP. The Village Plan Commission shall consist of 7 members who shall serve without compensation or with compensation as set by the Village Board. One member shall be the Village President. One member shall be a trustee elected by a 2/3 vote of the Village Board upon the creation of the Commission and during each April thereafter or the first board meeting following the spring general election. The other members shall be citizen members of recognized experience and qualifications appointed by the Village President, subject to confirmation by the Village Board.

(a) Chairperson. The chairperson shall be the Village President.

(b) Secretary. The secretary shall be the Village Clerk/Treasurer.

(c) Engineer/Planner. Appointed by Village Board.

(d) Official Oaths. Official oaths shall be taken by all members in accordance with §19.01, Wis. Stats., within 10 days of receiving notice of their appointments.

(e) Term. Four citizen members shall be appointed to hold office for a period of two years, from preceding May 1, with alternating expiring dates.

(3) ORGANIZATION. The Plan Commission shall organize and adopt rules for its own government in accordance with the provisions of this section.

(a) Meetings shall be held a minimum of once a quarter or as needed at the call of the chairperson or a majority of the full membership of the Commission and shall be open to the public.

(b) Special and standing committees may be appointed by the chairperson.

(c) Quorum shall be 4 members, but all actions shall require approval of a majority of the full Commission, except a motion to adjourn.

(d) A written record shall be kept showing all actions taken, resolutions, findings, determinations, transactions and recommendations made and a copy shall be filed with the Village Clerk as a public record.

(4) COMPENSATION. Members of the Plan Commission shall receive the same per meeting rate of special meeting pay as set for the Village trustees. Any full time employee or officer of the Village shall receive additional compensation for services on the board beyond their regular salary or compensation.

(5) POWERS. The Plan Commission shall have such powers as may be necessary to enable it to perform its functions and duties and promote municipal planning. Such powers include the following:

(a) Employ experts and a staff and to pay for their services, supplies, equipment and such other expenses as may be necessary and proper, not to exceed the appropriations and regulations made by the Village Board.

(b) Recommend public improvement programs and financing thereof to the Village Board.

(c) Request available information from any public official to be furnished within a reasonable period of time.

(d) The Plan Commission, its members and employees may enter upon any land in the performance of its functions, make examinations and surveys and place and maintain necessary monuments and marks thereon.

(6) DUTIES. The Plan Commission shall have the following functions and duties as defined in § Chapter 62.23, Wis. Stats:

(a) Make and adopt a master plan for the physical development of the Village including any areas outside of it's' boundaries.

(b) Make and recommend an official map to the Village Board.

(c) Prepare and recommend a zoning district plan and regulations to the Village Board.

(d) Prepare and recommend land division regulations to the Village Board in accordance with §236.45, Wis. Stats.

(e) Make any changes to the master plan they deem necessary or desirable and recommend any changes or amendments to the Village Board that they may deem necessary or desirable concerning the official map, zoning and land division ordinances.

(f) Consider, report and recommend a zoning district plan and regulations to the Village Board.

(g) Consider, report and recommend on all matters referred to them.

(7) REFERRALS. The Village Board or other public body or officer of the Village having final authority thereon shall refer to the Plan Commission for its consideration and recommendation before final action is taken on the following matters:

(a) Location and architectural design of any publically owned building.

(b) Location of any statue or other memorial.

(c) Location, acceptance, extension, alteration, vacation, abandonment, change of use, sale, acquisition or lease of land of any street, alley or other public way, park, playground, airport, parking area or other memorial or public grounds.

(d) Location, extension, abandonment or authorization for any public utility, whether publicly or privately owned.

(e) Location, character and extent or acquisition, leasing or sale of lands for public or semi-public housing, slum clearance, relief of congestion or vacation camps for children.

(f) Proposed fire prevention regulations.

(g) All annexations, incorporations or consolidations affecting the Village.

(h) All proposed or requested changes and amendments to the master plan, official zoning map, zoning or land division ordinances.

(8) **ADDITIONAL POWERS AND DUTIES.** The Plan Commission shall have all additional powers and duties granted or assigned by the Village Board, by ordinances. All the powers and duties granted or assigned by the Wisconsin Statutes to city plan commissioners and any amendments thereto are hereby granted or assigned to the Plan Commission and such statutes are hereby adopted by reference.

1.28 **BOARD OF ZONING APPEALS.**

(1) **ORGANIZATION.** The Board of Zoning Appeals shall consist of 5 electors of the Village appointed by the Village President and confirmed by the Village Board for three year terms.

(2) **COMPENSATION.** Members of the Board of Zoning Appeals shall receive the same per meeting rate of special meeting pay as set for the Village trustees. Any full time employee or officer of the Village shall receive additional compensation for services on the board beyond their regular salary or compensation.

(2) **POWERS AND DUTIES.** The Board of Zoning Appeals shall have the powers and duties as enumerated in §62.23, Wis. Stats.

1.29 **BOARD OF REVIEW.** (Cr. 4/16/91)(Am 5/10/10)

(1) **ORGANIZATION.** The Board of Review shall be composed of the Village President, the Chair of Finance Committee, and Village Clerk/Treasurer. An annual ordinance shall be adopted at the May meeting to appoint alternate members, which shall be selected from the remaining trustees serving on the Village Board.

(2) **COMPENSATION.** The members of the Board of Review shall receive the same per meeting rate of special meeting pay as set for the Village Trustees. Any full time employee or officer of the Village shall receive additional compensation for services on the board beyond their regular salary or compensation.