

CHAPTER 2

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2.01 ELECTED OFFICIALS

(1) Trustees. There shall be 6 Trustees of the Village of Montfort. Three Trustees shall be elected at each annual spring election for a term of two years, commencing on the 3rd Tuesday of April in the year of their election.

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

2.02 APPOINTED OFFICIALS

(1) Clerk-Treasurer and Assessor. The Village Board of the Village of Montfort shall appoint a Clerk-Treasurer and an assessor who shall qualify, hold office and shall have such powers and duties as for forth in Wisconsin State Statute.

(2) Facilities Maintenance Supervisor. The facilities maintenance supervisor shall be appointed by majority vote of the Village Board on the basis of merit, training, experience, administrative ability, efficiency and general qualifications and fitness for performing the duties of the position. Proper licensure for water and wastewater treatment plant operation is also required. The supervisor shall have general charge and supervision of all public works in the Village.

2.03 EMERGENCY GOVERNMENT. This Joint Action Emergency Government ordinance between Grant County and the Village of Montfort is adopted to cope with emergencies resulting from enemy action and with emergencies resulting from natural disasters.

(1) County Ordinance Adopted by Reference. A joint action ordinance of the Board of Supervisors of Grant County providing for a county-municipal joint action emergency government plan of organization, adopted by said County Board, is made a part hereof, by reference, and is hereby ratified and accepted by the Village of Montfort. This ratification and acceptance of the Joint Action Ordinance shall constitute a mutual agreement between the Village of Montfort and Grant County, as provided by Sec. (4)(j) of said Joint Action Ordinance.

(2) Emergency Government Director. The County-Municipal Emergency Government Director, appointed and employed by the Grant County Board, as provided in the referred-to ordinance, is hereby designated and appointed Emergency Government Director for the Village of Montfort, subject to the conditions and provisions as set forth in the Wisconsin Statutes and the Grant County Joint Action Ordinance.

2.04 GENERAL REGULATIONS GOVERNING ALL VILLAGE OFFICERS

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

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

(3) Bonding and bond exemption

(a) Employee bonding. Per Wis. Stat. § 62.09(4)(b), the Village elects to maintain public officials' dishonesty insurance policy coverage in an amount as established by the Board, in lieu of requiring Village employees who collect and/or handle money as a requirement of their position duties to execute and file an official bond. Any Village employee collecting or handling any city money on a regular basis shall be included in this insurance policy coverage, and the cost of the dishonesty insurance policy shall be paid by the Village.

(b) County bond exemption. The Village elects not to give the bond on the treasurer, in his or her capacity as treasurer, provided for by Wis. Stat. § 70.67(1).

(c) Village liable for default of treasurer. Pursuant to Wis. Stat. § 70.67(2), the Village shall be obligated to pay, in case the treasurer shall fail to do so, all state and county taxes required by law to be paid by such treasurer to the county treasurer.

(4) Salaries. All officers of the Village shall receive such salaries as may be provided from time to time by the Village Board. No officer receiving a salary from the Village shall be entitled to retain any portion of any fee collected by him/her for the performance of his/her duties as such officer in the absence of a specific law or ordinance to that effect. The compensation paid to any elected official may not be increased or decreased during his or her term of office.

(5) Vacancies. Vacancies in elected and appointed offices may be filled by appointment by a majority of vote of the Village Board for the remainder of the unexpired term.

2.05 BOARD OF REVIEW

(1) The Board Review shall be composed of the President, the Clerk, and trustees. The Assessor shall not be a member of the Board of Review.

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

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

2.06 PLAN COMMISSION

(1) The Village Board of the Village of Montfort hereby establishes a (7) member Plan Commission under Wis. Stat. §§ 61.35 and 62.23. The Village Board elects to exercise the authority granted to it under Wis. Stat. § 62.23(1)(a) and determines that the membership of the Plan Commission shall be determined by this ordinance. The Plan Commission shall be considered the "Planning Agency" under Wis. Stat. §§ 236.02 and 236.45, which authorize, but do not require, Village adoption of a subdivision or other land division ordinance.

(2) The Plan Commission consists of the Village Board, Village Clerk-Treasurer and such other citizen member or members as may be appointed pursuant to s. (3) below.

(3) 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. 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. § 19.01.

(4) The term of office for the Plan Commission Chairperson and each Commission member shall be for a staggered three-year term, ending on April 30, or until a successor is appointed and qualified.

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

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

(a) An application for initial licensure of a child welfare agency or group home under Wis. Stat. § 48.68(3).

(b) An application for initial licensure of a community-based residential facility under Wis. Stat. § 50.03(4).

(c) 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. § 66.0905.

(d) Matters relating to the establishment or termination of an architectural conservancy district under Wis. Stat. § 66.1007.

(e) Matters relating to the establishment of a reinvestment neighborhood required to be referred under Wis. Stat. § 66.1107.

(f) Matters relating to the establishment or termination of a business improvement district required to be referred under Wis. Stat. § 66.1109.

(g) A proposed housing project under Wis. Stat. § 66.1211(3).

(h) Matters relating to urban redevelopment and renewal in the Village required to be referred under subch. XIII of ch. 66, Wis. Stats.

(i) The adoption of a Village subdivision or other land division ordinance under Wis. Stat. § 236.45(4).

(j) The creation and adoption of a comprehensive plan under Wis. Stat. §§62.23 and 66.1001.

(k) Any other matter required by the Wisconsin Statutes to be referred to the Plan Commission.”

2.07 ZONING BOARD OF APPEALS

(1) Establishment. A zoning board of appeals shall be appointed as specified in Wis. Stats. § 62.23(7)(e). The zoning board of appeals shall consist of five members and two alternate members, appointed by the Village President, subject to confirmation by the Village Board for staggered three-year terms 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 chair. The zoning board of appeals shall annually, elect a secretary. Vacancies shall be filled for unexpired terms of members whose terms become vacant. The alternates shall act in accordance with Wis. Stats. § 62.23(7)(e)2. The above provisions with regard to removal and the filling of vacancies shall apply to such alternates.

(2) Powers. The zoning board of appeals shall have the powers as provided Wis. Stat. § 62.23(7)(e).

2.08 COMMITTEES. The following committees and appointments shall be made by the President at the beginning of his or her term and shall last for 2 years.

- (1) Weed Commissioner
- (2) Committee on Finances and Audit (including licenses)
- (3) Committee on Public Property
- (4) Committee on Water Works and Sewers.
- (5) Committee on Street and Sidewalk
- (6) Committee on Fire, Police & Civil Defense
- (7) Pool Committee
- (8) Library Board

2.09 ASSESSMENT CONFIDENTIALITY

(1) Records to be Held Confidential. Whenever the Assessor, in the performance of the Assessor’s duties, requests or obtains income and expense information pursuant to Wis. Stat. § 70.47(7)(af), or any successor statute thereto, then, such income and expense information that is

provided to the Assessor shall be held by the Assessor on a confidential basis, except, however, that said information may be revealed to and used by persons: in the discharging of duties imposed by law; in the discharge of duties imposed by office (including, but not limited to, use by the Assessor in performance of official duties of the Assessor's office and use by the Board of Review in performance of its official duties); or pursuant to order of a court. Income and expense information provided to the Assessor under § 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 Wis. Stat. § (1). If any portion of this section shall be declared by a court of competent jurisdiction to be invalid, unlawful or unenforceable, such decision shall apply only to the specific section or portion thereof directly specified in the decision, and shall not affect the validity of any other provisions of this section. The remainder of this section shall remain in full force and effect. Any other ordinances whose terms are in conflict with the provisions of this section are hereby repealed as to those terms that conflict.

(2) Penalty for Violation. Any person, partnership, corporation, or other legal entity that fails to comply with the provisions of this ordinance shall, upon conviction, pay a forfeiture of not less than \$10.00 nor more than \$100.00, plus the applicable surcharges, assessments, and costs for each violation. Each day a violation exists or continues constitutes a separate offense under this ordinance. In addition, the town board may seek injunctive relief from a court of record to enjoin further violations.

2.10 APPOINTMENT OF ELECTION INSPECTORS

There shall be three (3) election inspectors at each polling place at each election. Pursuant to Wis. Stat. § 7.30(1), the Village of Montfort hereby allows for the selection of two (2) or more sets of officials to work at different times on election day and hereby permits the Clerk or his/her designee to establish different working hours for different officials assigned at the same polling place.

2.11 CODE OF ETHICS

(1) Statement Of Purpose

(a) The proper operation of democratic government requires that public officials and employees be independent, impartial and responsible to the people; that government decisions and policy be made in proper channels of the governmental structure; that public office not be used for personal gain; and that the public have confidence in the integrity of its government. In recognition of these goals, there is hereby established in this section a Code of Ethics for all Village of Montfort officials and employees, whether elected or appointed, paid or unpaid, including members of boards, committees and commissions of the Village, as well as any individuals who are candidates for elective office as soon as such individuals file declarations of candidacy or campaign finance registration statements with the Village.

(b) The purpose of this Ethics Code is to establish guidelines for ethical standards of conduct for all such officials and employees by setting forth those acts or actions that are incompatible with the best interests of the Village of Montfort and by directing disclosure by such officials and employees of private financial or other interests in matters affecting the Village. The Village Board believes that a Code of Ethics for the guidance of elected and appointed officials and employees will help them avoid conflicts between their personal interests and their public responsibilities, will improve standards of public service and will promote and strengthen the faith and confidence of the citizens of this Village in their elected and appointed officials and employees. The Village Board hereby reaffirms that each elected and appointed Village official and employee holds his or her position as a public trust, and any intentional effort to realize substantial personal gain through official conduct is a violation of that trust. The provisions and purpose of this Ethics Code and such rules and regulations as may be established are hereby declared to be in the best interests of the Village of Montfort.

(2) Definitions. The following definitions shall be applicable in this section:

(a) **Public Official.** Those persons serving in statutory elected or appointed offices provided for in Chapter 61 of the Wisconsin Statutes, and all members appointed to boards, committees and commissions established or appointed by the Village President and/or Village Board pursuant to this Code of Ordinances, whether paid or unpaid.

(b) **Public Employee.** Any person excluded from the definition of a public official who is employed by the Village.

(c) **Anything of Value.** Any money or property, favor, service, payment, advance, forbearance, loan, or promise of future employment, but does not include compensation or expense reimbursement paid by the Village, honorariums, fees and expenses under the standards and reporting requirements set forth in Sec. 19.56, Wis. Stats., campaign contributions as regulated by law, or hospitality extended for a purpose unrelated to Village business by a person or firm, corporation, partnership, or joint venture.

(d) **Business.** Any corporation, partnership, proprietorship, firm, enterprise, franchise, association, organization, self-employed individual or any other legal entity which engages in profit-making activities.

(e) **Personal Interest.** Any interest arising from blood or marriage relationships or from close business or political associations, whether or not any financial interest is involved.

(f) **Significant Interest.** Owning or controlling, directly or indirectly, at least ten

percent (10%) or Five Thousand Dollars (\$5,000.00) of the outstanding stock of at least ten percent (10%) or Five Thousand Dollars (\$5,000.00) of any business.

(g) **Financial Interest.** Any interest which shall yield, directly or indirectly, a monetary or other material benefit to the officer or employee or to any person employing or retaining the services of the officer or employee.

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

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

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

(5) **Dedicated Service.**

(a) Officials and employees should adhere to the rules of work and performance established as the standard for their positions by the appropriate authority.

(b) Officials and employees should not exceed their authority or breach the law or ask others to do so, and they should work in full cooperation with other public officials and employees unless prohibited from so doing by law or by officially recognized confidentiality of their work.

(6) **Fair And Equal Treatment.**

- (a) **Use of Public Property.** No official or employee shall use or permit the

unauthorized use of Village-owned vehicles, equipment, materials or property for personal convenience or profit, except when such services are available to the public generally or are provided as Village policy for the use of such official or employee in the conduct of official business, as authorized by the Village Board or authorized board, commission or committee.

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

(c) Obligations to Citizens. No official or employee shall grant any special consideration, treatment or advantage to any citizen beyond that which is available to every other citizen. No official or employee shall use or attempt to use his or her position with the Village to secure any advantage, preference or gain, over and above his rightful remuneration and benefits, for himself or herself for a member of his or her immediate family.

(d) Political Contributions. No official shall personally solicit from any Village employee, other than an elected official, a contribution to a political campaign committee for which the person subject to this Section is a candidate or treasurer.

(7) Conflict Of Interest.

(a) Financial and Personal Interest Prohibited.

(i) No official or employee of the Village, whether paid or unpaid, shall engage in any business or transaction or shall act in regard to financial or other personal interest, direct or indirect, which is incompatible with the proper discharge of official duties in the public interest contrary to the provisions of this Section or which would tend to impair independence of judgment or action in the performance of official duties.

(ii) Any member of the Village Board who has a financial interest or personal interest in any proposed legislation before the Village Board shall disclose on the records of the Village Board the nature and extent of such interest; such official shall not participate in debate or vote for adoption or defeat of such legislation. If the matter before the Village Board involves a member's personal interest with persons involved, the member may participate in debate or discussion and vote on the matter following disclosure, unless an ordinance or contract is involved; if an ordinance or contract is involved, such official shall not participate in debate or discussion and vote on the matter.

(iii) Any non-elected official, other than a Village employee, who has a financial interest or personal interest in any proposed legislative action of the Village Board or any board, commission or committee upon which the official has any influence or input or of which the official is a member that is to make a recommendation or decision upon any item which is the subject of the proposed legislative action shall disclose on the records of the Village Board or the appropriate board, commission or committee the nature and extent of such interest. Such official shall not participate in debate or discussion or vote for adoption or defeat of such legislation.

(iv) Any Village employee who has a financial interest or personal interest in any proposed legislative action of the Village Board or any board, commission or committee upon which the employee has any influence of input, or of which the employee is a member, that is a make to recommendation or decision upon any item which is the subject of the proposed legislative action shall disclose on the records of the Village Board or the appropriate board, commission or committee the nature and extent of such interest.

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

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

(d) Gifts and Favors.

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

(ii) No official or employee shall accept or offer to accept

anything of value that may tend to influence such official or employee in the discharge of his or her duties or grant in the discharge of his or her duties any improper favor, service, or thing of value.

(iii) An official or employee is not to accept hospitality if, after consideration of the surrounding circumstances, it could reasonably be concluded that such hospitality would not be extended were it not for the fact that the guest, or a member of the guest's immediate family, was a Village official or employee. Participation in celebrations, grand openings, open houses, informational meetings and similar events are excluded from this prohibition. This paragraph further shall not be construed to prevent candidates for elective office from accepting hospitality from citizens for the purpose of supporting the candidate's campaign.

(e) Representing Private Interests Before Village Agencies.

(i) Non-elected Village officials and employees shall not appear on behalf of any private person (other than him or herself, his or her spouse or minor children) before any Village agency, board, commission or the Village Board if the official or employee or any board, commission or committee of which the official or employee is a member has any jurisdiction, discretion or control over the matter which is the subject of such representation.

(ii) Elected Village officials may appear before Village agencies on behalf of constituents in the course of their duties as representatives of the electorate or in the performance of public or civic obligations. However, the disclosure requirements of Subsection (a) above shall be applicable to such appearances.

(f) Ad Hoc Committee Exceptions. No violation of the conflict-of-interest restrictions of this Section shall exist, however, where an individual serves on a special ad hoc committee charged with the narrow responsibility of addressing a specific issue or topic in which that individual, or the employer or a client of that individual, has an interest so long as the individual discloses to the Village Board that such interest exists.

(g) Contracts with the Village. No official or employee who, in his or her capacity as such officer or employee, participates in the making of a contract in which such officer or employee has a private pecuniary interest, direct or indirect, or performs in regard to that contract some function requiring the exercise of discretion on the part of such official or employee, shall enter into any contract with the Village unless:

(i) The contract or activity is exempt from or otherwise deemed appropriate by Sec. 946.13, Wis. Stats.;

(ii) The Village Board waives this requirement after determining that it is in the best interest of the Village to do so and the Village Board determines that no law prohibits the making of such a contract.

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

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

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