

# CHAPTER 2

## OFFICIALS

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### 2.01 ELECTED OFFICIALS

- (1) President. The president shall be by virtue of his office a trustee and preside at all meetings of the board and have a vote as trustee, sign all ordinances, rules, bylaws, regulations, commissions, licenses and permits adopted or authorized by the board and all orders drawn on the treasury except as provided by s. 66.042 Wis. Stats. The President shall maintain peace and good order, and see that the ordinances of the village are faithfully obeyed. In all other respects the President shall by this ordinance have all the powers conferred on a village president by Wisconsin Statutes.
- (2) Trustees. There shall be an additional three (3) trustees of the Village of North Bay. One trustee shall be elected at each annual spring election for a term of two years, commencing on the third Tuesday of April in the year of their election. The election of trustees shall be staggered with one trustee to be elected every two years with the other Trustees to be elected during alternate years. The trustees shall see that the ordinances of the village are faithfully obeyed.<sup>4</sup>
- (3) Clerk. The village clerk shall execute and file an official bond. It shall be the village clerk's duty:
  - (a) To perform any duties prescribed by law relative to elections, to keep subject to inspection all election returns required to be filed in the clerk's office, and to notify persons elected or appointed to village offices.
  - (b) To transmit to the County Clerk, within 10 days after election or appointment and qualification, a certified statement of the name and term for which elected or appointed, of the president, clerk, treasurer and assessor; and to the clerk of the circuit court immediately after their election or appointment and qualification, a like statement of time and

term for which elected or appointed of every municipal judge, chief of police, marshal or constable of the village.

- (c) To attend all meetings of the village board; to record and sign the proceedings thereof and all ordinances, rules, bylaws, resolutions and regulations adopted, and to countersign and keep a record of all licenses, commissions and permits granted or authorized by them, and for such purpose to keep the following books: A minute book, in which shall be recorded in chronological order full minutes of all elections, general or special, and the statements of the inspectors thereof; full minutes of all the proceedings of the board of trustees; the titles of all ordinances, rules, regulations and bylaws, with reference to the book and page where the same may be found. An ordinance book, in which shall be recorded at length, in chronological order, all ordinances, rules, regulations and bylaws. A finance book, in which shall be kept a full and complete record of the finances of the village, showing the receipts, the date, amount and sources thereof, and the disbursements, with the date, amount and object for which paid out; and to enter in either such other matters as the board prescribes, and such other books as the board directs.
- (d) To countersign and cause to be published or posted every ordinance, by-law or resolution as required by law, and to have proper proof thereof made and filed.
- (e) To be the custodian of the corporate seal and to file as required by law and to safely keep all records, books, papers or property belonging to, filed or deposited in the clerk's office, and deliver the same to the clerk's successor when qualified; to permit any person with proper care to examine and copy any of the same, and to make and certify a copy of any thereof when required, on payment of the same fees allowed town clerks therefor.
- (f) To draw and countersign all orders on the village treasury ordered by the board and none other.
- (g) To stamp or endorse street trade permits at the request of an employer under s. 103.25(3m)(b).
- (h) In consultation with the village treasurer, complete a tax roll and transmit to the county treasurer, on blanks provided by the Department of Revenue, a statement showing the total amount of all taxes levied therein.
- (i) To perform all other duties required by law or by any ordinance or other direction of the village board.
- (j) To notify the treasurer of the county in which the village is located, by February 20, of the proportion of property tax revenue and of the credits under s. 79.10 that is to be disbursed by the taxation district treasurer to each taxing jurisdiction located in the village.

- (4) Treasurer. The village treasurer shall:
- (a) Receive all moneys belonging or accruing to the Village or directed by law to be paid to the treasurer.
  - (b) Deposit upon receipt the funds of the Village in the name of the Village in the public depository designated by the board. Failure to comply with this subsection shall be prima facie grounds for removal from office. When the money is deposited, the treasurer and bonders are not liable for the losses defined by s. 34.01(2), and the interest shall be paid into the village treasury.
  - (c) Pay money only on the written order of the president, countersigned by the clerk and specifying the number thereof, the payee and the amount of the object for which drawn.
  - (d) Keep just and accurate detailed accounts of all transactions under sub. (4), showing when, to whom and for what purpose all payments are made, in books provided by the village board and preserve all vouchers filed in the office.
  - (e) Render an account and settlement of all official transactions to the board at its last meeting prior to the annual election, and at all other times when required by the board.
  - (f) Deliver to the successor when qualified all books of account, papers and property of the office and all money on hand as treasurer.
  - (g) Perform other duties as are required by law or the village board.
  - (h) Keep but one fund in the treasury, except as otherwise provided.
  - (i) On receipt of the tax roll, and while acting as collector of taxes, exercise the same powers and perform the same duties as are by law conferred upon and required of town treasurers while acting in that capacity, and be subject to the same penalties and liabilities.
  - (j) The Village of North Bay elects not to require the Treasurer's bond provided for by 70.67(1), Wisconsin Statutes and shall be liable for default of Treasurer. Pursuant to 70.67(2), Wisconsin Statutes, the Village of North Bay 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 Village Treasurer to the Racine County Treasurer. (Adopted by Ord. 2012-01 on 06/11/12).
- (5) Other Elected Officials. The following officers of the Village of North Bay shall be elected at the regular spring election in odd-numbered years for terms of two years commencing on the third Tuesday of April in the year of their election: Village President, Constable (Trustee 3), and Clerk. The following officers shall be elected at the regular spring election in even-numbered years: Treasurer and Trustees 1 and 2. (Amended by Ord. 2012-04 on 08-13-12)
- (6) Elected Officials Must Be Electors. All elected officials shall be electors of the Village.

## **2.02 APPOINTED OFFICIALS**

Attorney, Building Inspector, Electrical Inspector, Plumbing Inspector, Emergency Government Coordinator, Assessor. The Village officials hereinafter set forth shall be appointed at the first regular meeting of the Village Board in May of odd-numbered years by the Village President, subject to confirmation by a majority vote of the members of the Board: Attorney, Building Inspector, Electrical Inspector, Plumbing Inspector, Emergency Government Coordinator, Assessor. The Village President shall not vote on the confirmation of such appointments except in case of a tie. The term of office of each official so appointed shall be for two years, provided however, that appointed officers' terms shall continue until successors are appointed. (Amended by Ord. 2012-04 on 08-13-12). All terms shall commence on the fifteenth day of May following appointment.

## **2.03 TRUSTEE APPOINTMENTS**

Recreated by Ord. 2012-04 on 08-13-12.

- (1) Appointment. The Village Board may appoint one or more of the Trustees to take the responsibility to oversee the areas of 1) public works and 2) water and wastewater.
- (2) Term. Trustees appointed by the Village Board to oversee public works or water and wastewater shall serve at the pleasure of the Village Board, and may be removed from such appointive posts (but not removed as a Trustee) without any cause being required.
- (3) Duties. The Trustees assigned to oversee public works or water and wastewater shall have such duties as the Board may, from time to time, determine.

## **2.04 EMERGENCY GOVERNMENT COORDINATOR**

There is hereby created the office of Emergency Government Coordinator for the Village of North Bay, who shall be appointed as provided by Section 2.02(1) of this Code. The emergency government coordinator shall coordinate all emergency government activities and shall report directly to, and follow the direction of, the Village President.

## **2.05 BOARD OF HEALTH; HEALTH OFFICER**

Deleted by Ordinance No. 2013-02 on 08-12-13. Refer to Chapter 13.

## **2.06 BOARD OF REVIEW.**

The Board of Review of the Village shall be composed of the Village Board. The Board of Review shall have the duties and powers prescribed by Section 70.47 of the Wisconsin Statutes. The Board of Review shall meet annually on the second Monday of May or as provided by applicable Wisconsin Statutes, and shall meet at the Village Hall.

## **2.07 PLANNING COMMISSION**

- (1) How Constituted. The Village Planning Commission shall consist of seven (7) members as follows: The Village President, who shall be the presiding officer, the Village Trustees and three citizens appointed by the Village Board.
- (2) Appointment.
  - (a) Trustee Member. The Trustee members of the Commission shall, upon election as a Trustee of the Village, automatically be members of the Planning Commission.
  - (b) Citizen Members. The citizen members shall be appointed by the Village President and approved by the Village Board at the first regular meeting of the Village Board in May of odd-numbered years for a term of two years.
- (3) Powers and Duties. It shall be the function and duty of the Commission to make and adopt a master plan for the physical development of the Village including, but not limited to street, public places and areas, water ways, the general location and extent of sewer, water conduit, utilities, abandonment or changes of uses of any of the foregoing, grounds, places, spaces, buildings properties, utilities routes or terminals, location character and extent of community centers, neighboring unit, and comprehensive zoning and planning. In addition thereto, the Planning Commission shall have all the powers enumerated in Section 62.23 of the Wisconsin Statutes, and all powers granted to it in other sections of the Village Code of Ordinances.

## **2.08 BOARD OF APPEALS**

There shall be a Board of Appeals whose duties are set forth in Chapter 8 of these ordinances.

The Board of Appeals shall consist of five members appointed by the Village President subject to confirmation by the Board of Trustees for terms of three years, except that of those first appointed one shall serve for one year, two for two years, and two for three years. The members of the Board shall serve under such terms and conditions as fixed by Ordinance. The Village President shall designate one of the members as chairperson. The Village President shall also appoint two alternate members. (Ord. 2012-04 on 08-13-12). Annually the Village President shall designate one of the alternate members as first alternate and the other as second alternate. A first alternate shall act, with full power, only when a member of the Board refuses to vote, because of

interest or when a member is absent. The second alternate shall so act only when the first alternate refuses or is absent, or when more than one member of the Board so refuses, or is absent. The provisions of the Village Ordinances and Wisconsin Statute §62.23(7)(e) apply to all activities conducted by the Board of Appeals.

## **2.09 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. Every officer of the Village, including members of the Village Board and Commissions, shall before entering upon his duties and following his election or appointment or notice thereof 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 oath in the office of the Village Treasurer. Any person re-elected or re-appointed to the same office shall take and file an official oath for each term of service
- (3) Bond. Every officer shall, if required by law or the Village Board, upon entering upon the duties of his office, give a bond in such amount as may be determined by the Village Board with such sureties as are approved by the Village President, conditioned upon the faithful performance of the duties of his office. Official bonds shall be filed as are oaths as provided in subsection (2) of this section. The premiums for such bonds shall be paid by the Village.
- (4) Salaries. All officers of the Village shall receive quarterly salaries as may be provided by the Village Board by ordinance. No officer receiving a salary from the Village shall be entitled to retain any portion of any fees collected by him for the performance of his duties as such officer in the absence of a specific law or ordinance to that effect.
- (5) Vacancies. Vacancies in elective offices shall be filled by appointment by a majority vote of the Village Board for the remainder of the unexpired term. Vacancies in appointive offices shall be filled in the same manner as the original appointment for the residue of the unexpired term unless the term for such office is indefinite.

## **2.10 ETHICAL STANDARDS**

*Passed 10/26/2020 Effective 11/6/2020*

- (1) Definitions.
  - (a) Public Officer. Any person serving in an elected or appointed office provided for in Wisconsin Statutes, and also any person who is appointed to a Village board, committee, or commission, whether paid or unpaid.

- (b) Public Employee. Any person excluded from the definition of a public officer who is employed by the Village.
- (2) Declaration of Policy. It is declared that high ethical standards among Village public officers and public employees are essential to the conduct of good representative government and that a code of ethics for the guidance of public officers and public employees will help them avoid conflicts with improved standards of public service and will promote and strengthen the confidence of the residents of the Village in their public officers and public employees. The purpose of this Section is to establish guidelines for ethical standards of conduct for all the Village's public officers and public employees by setting forth specific acts or actions that are incompatible with the public interest and which compromise, or appear to compromise, public trust in the fairness, independence, and integrity of public officers and public employees and their official actions.
- (3) Statutory Standards of Conduct. Without limitation by enumeration, the provisions of the following sections of the Wisconsin Statutes, as from time to time amended, are made a part of this Section and shall apply to all public officers and public employees whenever applicable:
  - (a) Sec. 946.10 Bribery of Public Officers and Employees.
  - (b) Sec. 946.11 Special Privileges from Public Utilities.
  - (c) Sec. 946.12 Misconduct in Public Office.
  - (d) Sec. 946.13 Private Interest in Public Contract Prohibited.
- (4) Specific Conflicts of Interests.
  - (a) Use of Public Property. No public officer or public employee shall use or permit the use of Village 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 public officer or public employee in the conduct of official business, as authorized by the Village Board or the authorized board, commission, or committee.
  - (b) Conflicts of Interest; Disclosure of Interest. Except as provided herein, no public officer or public employee shall engage in any business transaction with the Village, or have a financial or other personal interest, direct or indirect, which is incompatible with the proper discharge of his or her official duties or will tend to impair his or her independence or judgment or action in the performance of his or her official duties. Any public officer or public employee who has a substantial financial interest, including employment, in any business entity entering into, proposing to enter into or moving on any transaction with the Village, or as part of his or her official duties will be making an official decision or recommendation significantly affecting a business competitor, client or regular customer, shall disclose such interest to the membership of the Village Board (or committee, board or commission thereof, as appropriate) to be recorded in

the minutes of that body. Upon such disclosure, it is advised that the public officer or public employee abstain from voting on the matter and from participating in the discussion of the matter.

- (c) Representing Private Interests Before the Village Board or Village bodies. No public officer or public employee, including persons or firms engaged to provide professional services to the Village, shall represent, for compensation, private interests before the Village Board or any Village board, commission, or committee without disclosure of the private business relationship and explicit consent of the Village Board.
- (d) Disclosure of Confidential Information. No public officer or public employee shall, without proper authorization of the Village Board, disclose confidential information concerning the property, government or affairs of the Village, nor shall he or she use such information to advance the financial or other private interest of himself or herself or others.
- (e) Gifts and Favors. No public officer or public employee shall accept anything of value whether in the form of a gift, service loan or promise from any person, who, to his or her knowledge, has a direct financial interest in any transaction or official business with the Village, which may tend to impair his or her independence of judgment or action in the performance of his or her official duties. However, it is not a conflict of interest for any public officer or public employee to receive a gift of gratuity that is an unsolicited item of nominal intrinsic value, such as a meal up to Ten Dollars (\$10.00) in value.
- (f) Outside Employment. No full-time public officer or public employee of the Village shall engage in any other remunerative employment within or without the Village, provided, however, that the Village Board may approve such outside employment or activity if it finds that it does not interfere or conflict with such ability of the public officer or public employee to perform his or her duties in an efficient and unbiased manner.
- (g) Advisory Opinion. Any questions as to the interpretation of any provisions of this Ethical Standards Chapter shall be referred to the Village Attorney for an advisory opinion.”