

TITLE 2

Government and Administration

Chapter 1	Village Government and Election
Chapter 2	Village Board
Chapter 3	Municipal Officers and Employees
Chapter 4	Boards, Commissions and Committees
Chapter 5	Ethics Code and Employment

CHAPTER 1

Village Government and Elections

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2-1-2	Election Poll Hours
2-1-3	Official Newspaper
2-1-4	Election Officials

SEC. 2-1-1 VILLAGE GOVERNMENT.

The Village of Colfax 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 of the Wisconsin Statutes, 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 Colfax, Dunn County, Wisconsin shall be opened from 9:00 a.m. to 8:00 p.m. for all elections.

SEC. 2-1-3 OFFICIAL NEWSPAPER.

The official Village newspaper shall be the Colfax Messenger, to be used for the publication of legal and/or official notices and documents when publication is used instead of posting as allowed by Wisconsin law.

SEC. 2-1-4 ELECTION OFFICIALS.

Pursuant to the Wisconsin Statutes, there is hereby established one (1) set of election officials to conduct all elections in the Village which shall consist of seven (7) election inspectors. However, the Village Clerk-Treasurer shall have the power to limit the number of election officials. The Clerk-Treasurer 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 Clerk-Treasurer shall further redistribute duties among the remaining officials.

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CHAPTER 2

Village Board

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2-2-2	Trustees
2-2-3	Village President
2-2-4	Standing Committees
2-2-5	General Powers of the Village Board
2-2-6	Cooperation With Other Municipalities
2-2-7	Internal Powers of the Board
2-2-8	Salaries
2-2-9	Meetings
2-2-10	Special Meetings
2-2-11	Open Meetings
2-2-12	Quorum
2-2-13	Presiding Officers
2-2-14	Meeting Agendas; Order of Business
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2-2-16	Publication and Effect of Ordinances
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2-2-19	Disturbances and Disorderly Conduct
2-2-20	Amendment of Rules
2-2-21	Suspension of Rules

SEC. 2-2-1 VILLAGE BOARD.

The Trustees of the Village of Colfax 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: Sections 61.32 and 61.34, Wis. Stats.

SEC. 2-2-2 TRUSTEES.

- (a) **Election, Term, Number.** The Village of Colfax shall have six (6) Trustees in addition to the President, who is a Trustee by virtue of his 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.
- (b) **Appointment as President.** A Village Trustee shall be eligible for appointment as Village President to fill an unexpired term.

State Law Reference: Sections 61.20 and 61.325, Wis. Stats.

Village of Colfax

Box 417 - Colfax, Wisconsin 54730 - Phone 715-962-3311
Fax 715-962-2221

Jean T. Olson, President
John A. Jahr, Clerk-Treasurer

AN ORDINANCE REGARDING THE CREATION OF AN AUDIT AND FINANCE COMMITTEE OF THE VILLAGE BOARD:

The Village Board of the Village of Colfax, Wisconsin, do ordain as follows:

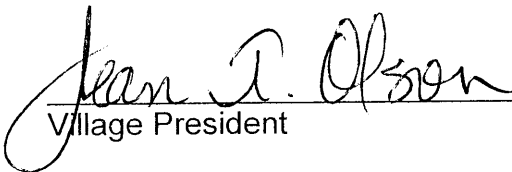
SECTION 1. Section 2-2-4(b)(8) of the Code of Ordinances of the Village of Colfax, Wisconsin, is hereby repealed and recreated as follows:

(8) Audit and Finance

SECTION 2. This ordinance shall take effect upon passage and publication as required by law.

Adopted: July 14, 2008

Published: July 23, 2008


Village President


Village Clerk-Treasurer

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 and commissions 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 shall deem necessary. who for the time being shall possess all the powers and rights of constables.

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

SEC. 2-2-4 STANDING COMMITTEES.

- (a) **Committee Appointments.** Standing committees of the Village are appointed by the Village President, subject to confirmation by the Village Board. The committees listed in Subsection (b) shall consist of three (3) members. The appointments to each committee shall be made at the annual organizational meeting of the Village Board. Standing committees shall review such matters as may be referred to them by the Village Board and shall submit recommendations for Board action.
- (b) **Committees Established.** The following standing committees are established:
 - (1) Public Works Committee.
 - (2) Street Department Committee.
 - (3) Public Property Committee.
 - (4) Public Safety Committee.
 - (5) Parks, Recreation and Cemetery Committee.
 - (6) Administration Committee (FKA Solid Waste Disposal Site Committee).
 - (7) Employee Relations Committee.
 - (8) Audit and Finance.
- (c) **President to Designate Chairpersons; Committees of the Whole; Special Committees.**
 - (1) The President shall be an ex officio member of each committee.
 - (2) The Village President shall designate the chairperson of standing committees, subject to Board confirmation. All committee appointments shall be subject to confirmation by a majority vote of the Board.
 - (3) 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.
 - (4) 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.
 - (5) The Village President may, from time to time, appoint such special committee or 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 a 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, 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. The Village Board may loan money to any school district located within the Village or within which the Village is wholly or partially located in such sums as are needed by such district to meet the immediate expenses of operating the schools thereof, and the Board of the district may borrow money from such Village accordingly and give its note therefor. No such loan shall be made to extend beyond August 30 next following the making thereof or in an amount exceeding one-half (1/2) of the estimated receipts for such district as certified by the State Superintendent of Public Instruction and the local School Clerk. The rate of interest on any such loan shall be determined by the Village Board.
- (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: Art. XI, Sec. 3, Wis. Const.; 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 counties, villages, cities, towns or other governmental entities 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: Sections 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 by majority vote of all the members of the Village Board determine that a salary be paid the President, Trustees, and other Village officials and employees. The salaries and compensation to be paid to Village officers and employees 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 their 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 second and fourth 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 day, or at such other date and time as the Village Board shall designate. When the Village Board designates a date and time for the regular Board Meeting, notice thereof shall be posted at the Municipal Building in the Village of Colfax prior to such rescheduled meeting date. All meetings of the Board shall be held at the Municipal Building, unless specified otherwise in the minutes of the preceding meeting or by written notice posted at the regular meeting place at least three (3) hours prior to any meeting. In any event, all Board meetings shall be held within the boundaries of the Village.
- (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 Minutes.** 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 the Village President, or by two (2) Trustees filing a request with the Village Clerk-Treasurer at least forty-eight (48) 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/her usual place of abode a minimum of twenty-four (24) hours prior to the meeting time, unless an emergency meeting. 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 requirements of Sec. 61.32 and Chapter 19, Subch. 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. Individuals requesting a special meeting of the Village Board shall be required to pay a fee of One Hundred Dollars (\$100.00) for such meeting.

State Law Reference: Sections 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, Secs. 19.81 through 19.89, Wis. Stats. Public notice of all such meetings shall be given as provided in Sec. 19.84, Wis. Stats.
- (b) **Adjournment of Meetings.** An adjournment to a closed session may be only for a permitted purpose as enumerated in Sec. 19.85, Wis. Stats., and must meet the other requirements of said Sec. 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) A majority of the members of the Village Board shall constitute a quorum, but a lesser number may adjourn or compel attendance of absent members if a majority is not present. The Village President shall be counted in computing a quorum.
- (b) 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.** Village President shall preside over meetings of the Village Board. In case of absence of the Village President, the Village Clerk-Treasurer shall call the meeting to order and the Trustees present shall elect one of their number acting President.
- (b) **Duties.** The presiding officer shall preserve order and decorum, decide all questions of order, and conduct the proceedings of the meeting, unless otherwise provided by statute or by these rules. 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 a Clerk-Treasurer no later than 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 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 may be observed in the conduct of all regular Board meetings:
 - (1) Call to order.
 - (2) Recording of attendance.
 - (3) Approval of minutes, and any corrections, of preceding regular and special meetings.
 - (4) Public appearances.
 - (5) New business, including the introduction of Ordinances and Resolutions.
 - (6) Communications and miscellaneous business as permitted by law.
 - (7) Unfinished business from the previous meeting.
 - (8) Committee reports.
 - (9) Reports of Village officers.
 - (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) All visitors will be recognized at the beginning of the meeting.
- (2) No discussion allowed from visitors during the course of the meeting unless requested by the Board.
- (3) Before the close of the regular meeting, each visitor can be recognized and allowed to speak for no more than three (3) minutes.

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 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. The Clerk-Treasurer or the Village Attorney may sponsor ordinances or resolutions when changes in state law make it necessary or desirable for the Village to act rapidly.
 - (3) Each ordinance or resolution may contain both a recommended referral to appropriate subunits of the board and a fiscal note showing the contemplated fiscal impact, if any, of the proposal.
 - (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 nondebtable.
 - (7) Unless requested by a Trustee before a final vote is taken, no ordinance, resolution or bylaw need be read in full.
 - (8) 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.
- (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, Communication, 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) All general ordinances of the Village and all regulations imposing any penalty shall be published in the official paper of the Village once or posted according to state law, and shall be immediately recorded by the Village Clerk-Treasurer in a book kept for that purpose and/or the Village Code of Ordinances. A printed copy of such ordinance or regulation in any book, pamphlet or newspaper and published or purporting to be published therein by direction of the Village Board shall be prima facie proof of due passage, publication and recording thereof.
- (b) All ordinances shall take effect and be in force from and after passage and publication/posting thereof, unless otherwise provided.

State Law Reference: Sections 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 noes 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.
- (c) **Parliamentary Procedure.**
 - (1) No Trustee shall address the Board until he has been recognized by the presiding officer. He/she shall thereupon address himself/herself to Board and confine his remarks to the question under discussion and avoid all personalities.
 - (2) When two (2) or more members simultaneously seek recognition, the presiding officer shall name the member who is to speak first.
 - (3) No person other than a member shall address the Board except under order of business, except the citizens may address the Board with permission of the presiding officer as to matters which are being considered by the Board at the time.

- (4) When a question is in debate, no action shall be in order except:
 - a. To adjourn;
 - b. To lay on the table;
 - c. The previous question;
 - d. To postpone to a certain date;
 - e. To refer to a standing, select or special committee;
 - f. To amend;
 - g. To postpone indefinitely;and these several motions shall have precedence in the order in which they stand.
- (5) The movant may request leave to withdraw a motion at any time prior to voting on the question. Such a request requires no second. If any member objects, the presiding officer shall put the question of granting the request to vote.
- (d) **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 "naye." In case of a vote requiring approval by more than a simple majority, an abstaining vote is considered an "aye."
- (e) **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/her 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.

CHAPTER 3

Municipal Officers and Employees

2-3-1	General Provisions
2-3-2	Appointed Officials
2-3-3	Village Clerk-Treasurer
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2-3-5	Village Attorney
2-3-6	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	Municipal Judge; Municipal Court
2-3-12	Clerk of Municipal Court
2-3-13	Building Inspector; Plumbing Inspector; Heating, Ventilating and Air Conditioning Inspector; Electrical Inspector
2-3-14	Eligibility for Office
2-3-15	Oaths of Office
2-3-16	Vacancies
2-3-17	Removal from Office
2-3-18	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 as are 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 of the Wisconsin Statutes, 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.** Whenever a Village official in his/her official capacity proceeded against or obliged to proceed before any civil court, board or commission, to defend or maintain his/her official position, or because of some act arising out of the performance of his/her official duties, and he/she has prevailed in such proceedings, or the Village Board has ordered the proceedings discontinued, the Board may provide for payment to such official such sum as it sees fit, to reimburse him for the expenses reasonably incurred for costs and attorney's fees.

**Village of Colfax
CHARTER ORDINANCE 2011-01
§66.010; Wis. Stats.**

**ORDINANCE CREATING THE POSITION, DUTIES AND RESPONSIBILITIES OF THE “OFFICE OF
VILLAGE ADMINISTRATOR/CLERK-TREASURER” AS CHAPTER 2-3-3. OF THE COLFAX VILLAGE
CODE**

The Board of Trustees of the Village of Colfax hereby ordains as follows:

Section 1. Chapter 2.3-3 of the Colfax Village Code is created to read as follows:

1A.01 Office of the Village Administrator/Clerk-Treasurer. In order to provide the Village of Colfax with an efficient, effective and responsible government under a system of a part-time president and part-time board of trustees (“Board”), at a time when Village government is becoming increasingly complex, hereby is created the Office of Village Administrator/Clerk-Treasurer (“Administrator”). This office is created pursuant to the authority of §66.010, Wis. Stats.

1A.02 Appointment, Term of Office and Removal. The Administrator shall be appointed on the basis of merit with regard to training, experience, administrative abilities and general fitness for the office, by a two-thirds vote of the Board. Upon completion of a two-year probation period, during which the Administrator may be dismissed without cause by a two-thirds vote of the Board, the Administrator shall hold office subject to removal at any time by a two-thirds vote of the Board. This section shall not preclude the Board from establishing other employment terms consistent with the Village’s ordinances.

1A.03 Residency. The Administrator shall become a resident of the Village of Colfax within one year following the date of appointment and shall maintain primary residency during the term of this appointment.

1A.04 Functions and Duties of the Administrator. The Administrator shall be the chief administrative officer of the Village, responsible for the administration of the business affairs of the Village, pursuant to the directives of the Board, with powers and duties including, but not limited to the following:

ADMINISTRATION. The Administrator shall be responsible for the administration of all day-to-day operations of the Village government, including but not limited to:

GENERAL

- carrying out the directives of the Board that require administrative implementation and regular reporting on the status of Village operational functions
- representing the Village in intergovernmental and legislative affairs as directed by the Board
- regularly informing the full Board of committee resolutions and actions, and actions by other governmental or quasi-governmental entities affecting the functioning of the Village
- promote the economic well-being and growth of the Village through cooperation with the public and private sectors
- all duties and responsibilities as set forth in Wisconsin Statutes and the Village Code
- other responsibilities as set forth in the Administrator’s position description

HUMAN RESOURCES

- administration, direction and coordination of all employees of the Village according to organization policies and procedures
- development, maintenance and modification of personnel policies and procedures, subject to Board review
- maintenance of personnel records
- evaluating the performance of employees who report directly to the Administrator and participating in the evaluation process of employees by their department head
- participation in labor contract negotiations and collective bargaining issues and assurance of compliance

CLERK

- administration of all election-related responsibilities required by the State of Wisconsin and other interested governmental entities

- preparation and maintenance of materials and records required by Wisconsin Statutes and Village Code for meetings of the Board and its committees, commissions and other entities under the authority of the Village
- maintenance of Village records according to Wisconsin Statute and Village Code requirements
- administration of issuance of licenses and permits pursuant to Wisconsin Statutes and Village Code, and annual review of fee schedules and recommendation to the Board of modifications for approval

TREASURER

- pursuant to Board guidance and direction, management of the investment portfolio of the Village
- development and presentation of monthly reports to the Board on the finances of the Village
- evaluation of insurance needs and recommendation of modifications in coverage, providers and other related issues to the Board
- administration of the budgeting process in accordance with State and municipal requirements, including but not limited to preparation of the annual budget in consultation with department heads and the Board; administering, monitoring and regular reporting on budget compliance throughout the year

Section 2: In accord with § 61.195, Wis. Stats., this constitutes a Charter Ordinance, to be adopted in accord with and subject to the provisions of § 66.0101, Wis. Stats. As a Charter Ordinance, and in accord with § 66.0101 (2)(b), Wis. Stats., this ordinance amends a part of the charter of the Village by constituting an election on the part of the Village Board to modify §§ 61.25 and 61.26, Wis. Stats., as they apply to the Village by combining the offices of clerk-treasurer with the office of administrator, which election on the part of the Village Board is deemed to be a matter of and falling within the confines of a matter of local affair and government of the Village of Colfax. To this effect and to the extent that the Village is altering the previously combined offices of clerk and treasurer by further combining them with the office of Village Administrator, §§ 61.25 and 61.26, Wis. Stats., are made inapplicable but in all other respects, §§ 61.25 and 61.26, Wis. Stats., shall remain in full force and effect.

Section 3: That the Deputy Village Clerk shall publish this ordinance in its entirety as a Class 1 publication under Ch. 985, Wis. Stats., and this ordinance shall be recorded by said officer in a permanent book kept for that purpose, together with a statement of the manner of its adoption. Further, a certified copy of this ordinance shall be filed with the State of Wisconsin, Secretary of State.

Section 4: In accord with § 66.0101 (5), Wis. Stats., this ordinance shall not take effect until sixty (60) days after its passage and publication. If within the said sixty (60) day period, a petition conforming to the provisions of § 8.40, Wis. Stats., signed by a number of electors of the Village equal to at least 7 % of the votes cast in the Village for governor in the last general election is filed with the office of the Clerk-Treasurer of the Village demanding that the ordinance be submitted to a vote of the electors, it may not take effect until it is submitted to a referendum and approved by a majority of the electors voting in the referendum. In the event that no such petition is filed, it shall take effect sixty (60) days after its passage and publication.

Section 5: That § 2-3-3 of the Village Code is hereby repealed, effective upon the date that this Charter Ordinance takes effect under Section Six, below. That in the event that this Charter Ordinance is taken to a referendum vote and the adoption of this Charter Ordinance is defeated by the electors at such time, this repeal of § 2-3-3 shall be vacated as if this section had never been adopted.

Section 6: That Sections Three, Four, Five and Six of this Charter Ordinance need not be codified.

Date enacted: January 31, 2011.

Village of Colfax

1st Reading: January 31, 2011
 2nd Reading: [waived]
 Published: February 9, 2011
 Effective: April 10, 2011

SEC. 2-3-2 APPOINTED OFFICIALS.

The Village officials hereinafter set forth shall be appointed by the Village President, subject to confirmation by the Village Board; and one (1) or more of said offices may be held by the same person. The Village President shall not vote except in the case of the tie. Persons appointed to perform the duties of the following offices shall hold office for an indefinite term, subject to removal as provided by Sec. 17.12(1)(c) and (d), Wis. Stats.

- (1) Clerk-Treasurer.
- (2) Director of Public Works.
- (3) Building Inspector.
- (4) Chief of Police.
- (5) Civil Defense Director [one (1) year term].

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

- (a) **Consolidated Offices.** Pursuant to Sections 61.195, 61.197 and 66.01 of the Wisconsin Statutes, the Village of Colfax hereby elects not to be governed by those portions of Sections 61.19, 61.23 and 61.25(2), Wis. Stats., which relate to the selection and tenure of the Clerk and Treasurer, and which are in conflict with this Section.
- (b) **Appointment.** The office of Village Clerk-Treasurer shall be filled by appointment in the manner of other appointed officials as provided in Section 2-3-2.
- (c) **Duties.** The Village Clerk-Treasurer shall perform the statutory duties of Village Clerk and Treasurer and such other duties as required by the Village Board. (Charter Ordinance).

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

The Clerk-Treasurer may appoint a Deputy Clerk-Treasurer(s), subject to confirmation by a majority of all the members of 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 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 by the Village President, 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) The Village Attorney shall, when requested by Village officers, give written legal opinions, which shall be filed with the Village.
 - (3) The Village Attorney shall draft ordinances, bonds and other instruments as may be required by Village officers.

- (4) The Village Attorney 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.

(a) **Appointment.**

- (1) The Chief of Police shall be appointed by a majority vote of the members of the Village Board for an indefinite term, subject to removal pursuant to the procedures established in Sec. 61.65(1)(am), Wis. Stats. The Chief shall exercise the powers and duties of Village marshals and Village constables and any other powers and duties prescribed by the Village Board, Village ordinances or the Wisconsin Statutes. Upon a permanent vacancy, an officer designated by the Board shall temporarily replace the Chief until the vacancy is filled by the Village Board.
- (2) The compensation to be paid the Chief of Police for his/her services, the hours of active duty, rest days, vacation periods and other involvement of his employment shall be such as may be determined by the Village Board from time to time. In the event of vacation or temporary disability, the Chief of Police shall appoint an officer in charge to act in the Chief's absence, subject to approval of the Village Board.

(b) **General Duties.**

- (1) The Chief of Police shall have command of the Police Department. He/she shall have general administration and control of the Department and shall be responsible for the Department's government, efficiency and general good conduct.
- (2) The Chief of Police shall perform all duties prescribed to him/her by the laws of the State and the Ordinances of the Village and shall obey all lawful written orders of the Village Board or appropriate Committee thereof.
- (3) The Chief of Police shall cause the public peace to be preserved and may arrest and with reasonable diligence take before the proper court every person found in the Village engaged in any disturbance of the peace or violating any law of the State or Ordinance of the Village. The Chief shall cooperate with other law enforcement officers in the arrest or apprehension of person charged with crime. He/she shall see that all laws and ordinances of the Village and State are enforced. Whenever any violation thereof shall come to his/her knowledge, he/she shall cause the requisite complaint to be made and see that the evidence is procured for the successful prosecution of the offender or offenders. He/she shall exercise supervisory control over all the personnel of his/her department and may adopt, subject to the approval of the Village Board, rules and regulations for the government, discipline, equipment and uniforms of the police officers. He/she shall be solely responsible for the care and condition of the equipment used by his/her Department. He/she shall keep an accurate

and complete record of all complaints, arrests, traffic violations, convictions and dispositions of the Department.

State Law Reference: Sec. 61.65(1)(am), Wis. Stats.

SEC. 2-3-7 FIRE CHIEF.

- (a) **Appointment.** The office of Fire Chief shall be filled by election by a majority vote of the members of the Fire Department in accordance with the rules of the Department. The Chief shall hold office until removed for cause after a hearing by action of three-quarters (3/4) of the members of the Department, unless his services are sooner terminated by resignation, death or change of residence to outside the Village limits. Upon occurrence of a vacancy in the office of Fire Chief, the ranking officer of the Department shall perform the duties of the Chief until such vacancy is filled. The Fire Chief shall be virtue of his/her office hold the office of Fire Inspector.
- (b) **Powers and Duties of Chief.**
- (1) The Chief shall have general supervision of the Department, subject to this Chapter and the bylaws of the Department and shall be responsible for the personnel and general efficiency of the Department.
 - (2) It shall be the duty of the Chief or ranking officer of the Department to be present at all fires, to have complete command of and entire responsibility for all firefighting operations, to plan the control of the same, to direct the action of the company when they arrive at a fire, to observe that the Department does its duty, to grant leaves of absence at a fire when he/she may deem it proper and to see that the fire apparatus is kept in proper condition at all times.
 - (3) The Fire Chief shall enforce all fire prevention ordinances of this Village and state laws and regulations pertaining to fire prevention and shall keep citizens informed on fire prevention methods and on the activities of the Department.

Cross Reference: Title 5, Chapter 2.

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 year. The Weed Commissioner shall hold office pursuant to and fulfill the duties set out in state law.

State Law Reference: Sections 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.
- (b) **Duties and Powers.** The Director of Public Works shall have the following duties and powers:
 - (1) The Director of Public Works shall have general charge and supervision of public works and public utilities in the Village.
 - (2) The Director of Public Works shall be responsible for the maintenance, repair and construction of streets, alleys, curbs and gutters, sidewalks, bridges, street signs, storm sewers, Village buildings and structures and all related machinery, equipment and property used in such activity.
 - (3) The Director of Public Works shall have charge of certain public services, including snow and ice removal, street cleaning and flushing.
 - (4) The Director of Public Works 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.

SEC. 2-3-10 ASSESSOR.

- (a) Pursuant to Sections 61.195, 61.197 and 66.01 of the Wisconsin Statutes, the Village hereby elects not to be governed by those portions of Sections 61.19 and 61.23 of the Statutes which relate to the selection and tenure of the Village Assessor, and which are in conflict with this Section.
- (b) Hereafter, 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 Sec. 19.01, Wis. Stats., and sign the affidavit of the Assessor attached to the assessment roll under Sec. 70.49, Wis. Stats. No person may be designated by any corporation or independent contractor unless he has been granted the appropriate certification under Sec. 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, Sections 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.

AN ORDINANCE REGARDING THE ELECTION OF MUNICIPAL JUDGE OF THE VILLAGE OF COLFAX.

The Village Board of the Village of Colfax, Wisconsin, do ordain as follows:

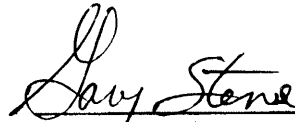
SECTION 1. Section 2-3-11(c) of the Code of Ordinances for the Village of Colfax is hereby repealed and recreated as follows:

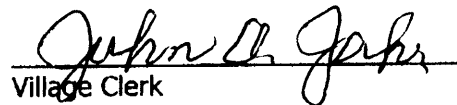
- (c) **Election; Term.** The Municipal Judge shall be elected at large at the spring election on the even-numbered years for a term of two (2) years commencing on May 1 succeeding the election. The Municipal Judge shall be subject to the Wisconsin Code of Judicial Ethics and shall file an annual financial statement.

SECTION 2. This ordinance shall take effect upon passage and publication as required by law.

Adopted: April 26, 2004

Published May 5, 2004


Village President


Village Clerk

SEC. 2-3-11 MUNICIPAL JUDGE; JOINT MUNICIPAL COURT.

- (a) **Established.** Pursuant to the authority granted by Chapter 755, Wis. Stats., there is hereby established a Municipal Court for the Village of Colfax.
- (b) **Office of Municipal Judge Created.** Pursuant to the authority granted by Chapter 755, Wis. Stats., there is hereby created the office of Municipal Judge for the Municipal Court for the Village of Colfax. Mid-term vacancies in the office of Municipal Judge shall be filled by special election to be held not less than fifty-five (55) nor more than seventy (70) days after the order of the Village Board therefore.
- (c) **Election; Term.** The Municipal Judge shall be elected at large at the spring election on the odd-numbered years for a term of two (2) years commencing on May 1 succeeding the election. The Municipal Judge shall be subject to the Wisconsin Code of Judicial Ethics and shall file an annual financial statement.
- (d) **Salary.** The salary of the Municipal Judge may be increased for a new term prior to the beginning of the term for the Judge, or for the second year of a term before the start of the second year of the term of the Judge, but the salary shall not be decreased during the term of the Judge. Salaries may be paid annually or in equal installments as determined by the Village Board, but no Judge may be paid a salary for that portion of any term during which portion the Judge has not executed the official bond or official oath as required by Sec. 755.03, Wis. Stats., and filed under Sec. 19.01(4)(c), Wis. Stats., as amended. The salary shall be as established by the Village Board.
- (e) **Bond; Oath.** The Municipal Judge shall execute and file with the Clerk of the Circuit Court for Dunn County the oath prescribed by Sec. 755.03, Wis. Stats., and an official bond in such an amount of One Thousand Dollars (\$1,000.00).
- (f) **Jurisdiction.** The Municipal Judge shall have jurisdiction as provided by law and Sec. 755.045, Wis. Stats., and exclusive jurisdiction of violations of Village ordinances and resolutions.
- (g) **Procedure in Municipal Court.**
 - (1) The Municipal Judge shall keep his office and hold court in the Colfax Municipal Building.
 - (2) If the Municipal Judge is temporarily absent, sick, or disabled, the provisions of Sec. 800.06(1), Wis. Stats., shall apply, and if the Municipal Judge becomes incompetent, unable, or fails to act, or in the event of a vacancy, the provisions of Sec. 800.06(2), Wis. Stats., shall apply. Any substitute Municipal Judge designated or assigned hereunder shall be compensated as authorized by the Village Board. The Municipal Judge shall satisfy all continuing education requirements for municipal judges.
 - (3) Upon the proper and timely written request for substitution of the Municipal Judge, the provisions of Sec. 800.05, Wis. Stats., shall apply.
 - (4) The procedure in Municipal Court for the Village shall be as provided by this Section and state law, including, without limitation because of enumeration, Chapters 300, 755, 800 and Sec. 23.66 to Sec. 23.99, 288.14, 288.15, 288.18 and 345.20 to 345.53, Wis. Stats. The Court shall abide by the Wisconsin Rules of Evidence and shall abide by the Uniform State Traffic Deposit Schedule. In non-traffic matters, the Municipal Judge shall draft a bond schedule, which shall become effective upon approval by the Village Board. No bond shall exceed the maximum penalty which could be imposed for the ordinance violation.

- (h) **Fees.**
 - (1) Bonds for appearance, partial payments, and other funds collected by the Court shall be treated as escrow funds and deposited with the Village Clerk-Treasurer.
 - (2) The Clerk of the Municipal Court shall collect all forfeitures and costs in any action or proceeding before him and shall pay over such moneys to the Village Clerk-Treasurer not later than the seventh (7th) business day succeeding his receipt thereof. At the time of payment, the Municipal Court Clerk shall report to the City Clerk-Treasurer the title of the action, the offense for which the forfeiture was imposed and the total amount of the forfeiture, fees, penalty assessments and costs, if any. The Village Clerk-Treasurer shall disburse the fees as provided in Sec. 824.65, Wis. Stats., and disburse any penalty assessments pursuant to Sec. 66.12(1)(b), Wis. Stats.
- (i) **Board May Abolish Municipal Court.** The Village Board may, by ordinance or by law, abolish the Municipal Court at the end of any term for which the Judge has been elected.
- (j) **Statutes Adopted by Reference.** Chapters 755 and 800, Wis. Stats., are hereby adopted by reference.
- (k) **Contempt of Court.**
 - (1) The Municipal Judge may punish for contempt of Municipal Court for the Village of Colfax persons guilty of either of the following acts:
 - a. Intentional misconduct in the presence of the court which interferes with a court proceeding or with the administration of justice, or which impairs the due respect for the Court.
 - b. Intentional disobedience, resistance or obstruction of authority, process or order of the Municipal Court.
 - (2) No person may be punished for contempt before a Municipal Judge until an opportunity has been given the person to be heard in his or her defense. If the contempt alleged involves disrespect or criticism of a Municipal Judge, that judge is disqualified from presiding at the trial of contempt unless the person charged consents to the judge presiding at the trial. For the purpose of hearing a person's defense, the Municipal Judge may, if the alleged defendant does not appear for trial, issue a warrant for the person to be brought before the Municipal Judge.
 - (3) The Municipal Judge may upon finding any person guilty of contempt, under the provisions of Sec. 800.12, Wis. Stats., order such person to pay a forfeiture plus the penalty assessment under Sec. 165.87, Wis. Stats., and assessment under Sec. 53.46, Wis. Stats. Upon non-payment of the forfeiture and assessments the person found guilty of contempt may be sentenced to the County jail not to exceed seven (7) days.
- (l) **Stipulations and Deposits in Municipal Court.**
 - (1) The Municipal Judge shall establish and submit to the Village Board for approval a schedule of deposits for violations of Village ordinances, resolutions and bylaws, except traffic regulations which are governed by Sec. 345.27, Wis. Stats. When approved by the Board, such deposit schedule shall be posted in the office of the Municipal Court Clerk and the Police Department.
 - (2) Persons cited for violations of City ordinances, resolutions or bylaws for which a deposit has been established under this Subsection shall be permitted to make a stipulation of no contest and a deposit in lieu of court appearance as provided by State law.

- (3) The deposit schedule established by the Wisconsin Board of County Judges and the procedures set forth in Chapters 23 and 345, Wis. Stats., shall *apply to stipulations and deposits for violations of traffic regulations enacted in accordance with Sec. 345.27, Wis. Stats.*

State Law Reference: Chapters 755 and 800, Wis. Stats.

SEC. 2-3-12 CLERK OF THE MUNICIPAL COURT.

- (a) **Appointment.** The Municipal Judge shall, in writing, appoint a Clerk of the Municipal Court. The Clerk's salary shall be fixed by the Village Board. The Clerk of the Municipal Court shall hold office for an indefinite term of office. The Clerk shall, before entering upon the duties of his/her office, take the oath provided by Sec. 19.01, Wis. Stats., and give such bond as the Board may require. The oath and bond of the Clerk of Municipal Court shall be filed with the Village Clerk-Treasurer. The cost of such bond shall be paid by the Village.
- (b) **Duties.** The Court Clerk shall:
 - (1) File and review citations and complaints, assuring their correctness;
 - (2) Reply to departmental mail concerning routine matters as prescribed by the Municipal Judge;
 - (3) Assign docket numbers to citations and complaints, type the docket sheets and gather all material pertinent to cases;
 - (4) Determine and schedule Court dates and facilities;
 - (5) Communicate with law officers, attorneys and defendants regarding court proceedings;
 - (6) Balance dockets at the conclusion of court proceedings;
 - (7) Prepare and mail warrants and summons;
 - (8) Prepare monthly report of financial activities;
 - (9) Assist in the collection of traffic bonds;
 - (10) Prepare necessary communications for jury trials and transfers to Circuit Court;
 - (11) Perform such other duties as may be required by the Municipal Judge and Village Board.

SEC. 2-3-13 ELIGIBILITY FOR OFFICE.

- (a) 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) 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. 2-3-14 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 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, provided that the Municipal Judge shall take his/her official oath within ten (10) days after his/her election and file it with the Dunn County Clerk of Circuit Court prior to acting as Judge. 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 Ch. 19, Subchapter I, Wis. Stats.

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

SEC. 2-3-15 VACANCIES.

- (a) **How Occurring.** Except as provided in Subsection (c) below, vacancies in elective and appointive 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 Sec. 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 duties until he returns or until such disability is removed.

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

SEC. 2-3-16 REMOVAL FROM OFFICE.

- (a) **Elected Officials.** Elected officials may be removed by the Village Board as provided in Sections 17.12(1)(a) and 17.16, Wis. Stats.
- (b) **Appointed Officials.** Appointed officials may be removed as provided in Sections 17.12(1)(c) and 17.16, Wis. Stats.

Annotation: 62 Atty. Gen. Op. 97.

SEC. 2-3-17 CUSTODY OF OFFICIAL PROPERTY.

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

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

CHAPTER 4

Boards, Commissions and Committees

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

SEC. 2-4-1 BOARD OF REVIEW.

- (a) **Composition.** The Board of Review of the Village of Colfax shall be composed of the Village President, Clerk-Treasurer and all Village Trustees. 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 Sec. 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 Sec. 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 Colfax 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.

State Law Reference: Sections 70.46 and 70.47, Wis. Stats.

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 Sec. 62.23, Wis. Stats., the Village Zoning Code and ordinances and this Section. The laws of the State or Village and local ordinances shall prevail in that order. 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 chairman.

- (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 62.231 (wetlands), 87.30 or 144.26 (flood plains) or Chapter 91 (farmland preservation), Wis. Stats.
 - (2) To hear and decide special exceptions to the terms of the Village zoning and floodplain zoning regulations upon which the Board of Appeals is required to pass.
 - (3) 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, so that the spirit of the Zoning Code shall be observed, public safety and welfare secured and substantial justice done; provided, however, that no such action shall have the effect of establishing in any district a use or uses not permitted in such district. The Zoning Board of Appeals shall not grant use variances in floodplain or wetland and conservancy districts. In all other districts, 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 and shall not permit variances in yard, area or other requirements of the district in which located.
 - (4) To permit the erection and use of a building or premises in any location subject to appropriate conditions and safeguards in harmony with the general purposes of the Zoning Code, for such purposes which are reasonably necessary for public convenience and welfare.
 - (5) 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 four (4) members of the Zoning Board of Appeals 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) **Meeting and Rules.**
- (1) All meetings and hearings of the Zoning Board of Appeals shall be open to the public, except that the Board may go into executive session to deliberate after a hearing or an appeal. 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 two (2) members. Notice of a special meeting shall be mailed to each member at least forty-eight (48) hours prior to the time set for the meeting, or announcement of the meeting shall be made at any meeting at which all members are present.

- (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 four (4) members, but a lesser number may meet and adjourn to a specified time.
- (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 Chairman 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, but such member may be counted in determining whether a quorum is present for the transaction of business.
- (d) **Offices.** The Village Board shall provide suitable offices for holding hearings and the presentation of records, documents, and accounts.

State Law Reference: Sec. 62.23(7)(e), Wis. Stats.

SEC. 2-4-3 LIBRARY BOARD.

- (a) **Organization; Terms.**
 - (1) There is hereby created, pursuant to Chapter 43 of the Wisconsin Statutes, a municipal Library Board for the Village consisting of five (5) members. Membership shall consist of one (1) Village Trustee and four (4) citizens appointed by the Village President, subject to confirmation by the Village Board. Pursuant to Sec. 43.54(1), Wis. Stats., up to two (2) members of the Library Board may be residents of towns adjacent to the Village.
 - (2) Terms of such members shall be from May 1st in the year of their appointment and thereafter each regular appointment shall be for a term of three (3) years. Not more than one (1) member of the Village Board shall at any one time be a member of the Library Board. Citizen members shall be appointed by the Village President, subject to confirmation by the Village Board. The Trustee member shall be appointed annually by the Village President, subject to confirmation by the Village Board. The Village President shall appoint as one of the Library Board members the school district administrator, or his representative, to represent the public school district or districts in which the library is located.
 - (3) A majority of the membership of the Board shall constitute a quorum.
 - (4) As soon as practicable after the first appointments, at a date and place fixed by the appointing officer, and annually thereafter, within thirty (30) days after the time designated in this Section for the beginning of terms, the members of the Library Board shall organize by election from among their number a President and such other offices that they deem necessary to prescribe and adopt rules and regulations for the operation of the library.

- (b) **Duties and Powers.** The Library Board shall have the duties and powers as prescribed by Chapter 43, and more particularly set forth in Sec. 43.58 of the Wisconsin Statutes.

State Law Reference: Sections 43.54 and 43.58, Wis. Stats.

**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, thereof; 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 COLFAX, WISCONSIN

(commission)

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

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

Dated: _____

_____(Commission)_____

By _____

The Colfax Municipal Building is accessible to the physically disadvantaged. If special accommodations for visually or hearing impaired individuals are need, please contact the Colfax Clerk-Treasurer at (telephone).

- (c) **Notice to Members.** Every member of any board, commission or committee of the Village of Colfax 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 and 19.89, Wis. Stats.

SEC. 2-4-5 RESIDENCY REQUIRED FOR SERVICE ON 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 Colfax shall be appointed in a voting capacity to any Village board, committee or commission. 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 board, 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 the membership of their body. Failure to comply with this Subsection may result in the removal and replacement of the official found to be in noncompliance.

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

- (a) 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, together with Robert's Rules of Order, shall as far as applicable, also apply to committee board and commission meetings.
- (b) A simple majority of the members of a committee or commission shall constitute a quorum.

CHAPTER 5

Ethics Code and Employment

2-5-1	Statement of Purpose
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2-5-3	Statutory Standards of Conduct
2-5-4	Responsibility of Public Office
2-5-5	Dedicated Service
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2-5-9	Employees Covered by Collective Bargaining Agreements
2-5-10	Sanctions
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SEC. 2-5-1 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 Chapter a Code of Ethics for all Village of Colfax 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.
- (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 Colfax 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 Colfax.

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 Sec. 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 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.

SEC. 2-5-3 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. 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.

SEC. 2-5-5 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.
- (c) 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 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 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 for a member of his or her immediate family.
- (c) **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 Chapter is a candidate or treasurer.

SEC. 2-5-7 CONFLICT OF INTEREST.

- (a) **Financial and Personal Interest Prohibited.**
 - (1) 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 Chapter or which would tend to impair independence of judgment or action in the performance of official duties.
 - (2) 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.

- (3) 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.
 - (4) 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 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 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.**
- (1) 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.
 - (2) 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.
 - (3) Gifts received under unusual circumstances should be referred to the Village Board within ten (10) days for recommended disposition.
 - (4) 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 or Courts.**
 - (1) 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.
 - (2) 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:
 - (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 Sec. 946.13, Wis. Stats.;
 - (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.** 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.

SEC. 2-5-8 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.

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

In the event an 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 2-5-11.

SEC. 2-5-10 SANCTIONS.

A determination that an 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.

SEC. 2-5-11 OUTSIDE EMPLOYMENT.

No full-time officer or employee of the Village shall engage in other ongoing, significant remunerative employment within or without the Village, provided that the Village Board may approve such outside employment or activity if it finds that it does not interfere or conflict with such officer's ability to perform his/her duties in an efficient and unbiased manner. Violation of this provision shall be grounds for removal from office of any such officer or employee.