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Chapter 1 Board Action

Adopted December 20, 2011 as part of Village Incorporation
Revised June 4, 2012, Ordinance No. 2012-O-07
Revised April 8, 2013, Ordinance No. 2013-O-C4
Revised May 5, 2014, Ordinance No. 2014-O-09
Repealed & Recreated November 10, 2014, Ordinance No. 2014-O-17
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Revised April 13, 2015, Ordinance No. 2015-O-03
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Revised August 7, 2017, Ordinance No. 2017-O-06
Created Section 1.04(5) May 14, 2018, Ordinance No. 2018-O-02
Created Section 1.13, February 11, 2019, Ordinance No. 2019-O-02

1.01 RULES OF PROCEDURE.

- 1) **REGULAR MEETINGS.** Regular meetings of the Village Board shall be held on the second Monday of each calendar month at 6:00 p.m. or immediately following the Town of Bloomfield Board meeting, whichever is later. The Board may also change the meeting date for other good cause.
- 2) **SPECIAL MEETINGS.** Special meetings of the Village Board may be called by the Village President or two (2) Trustees by filing a request with the Village Clerk at least 24 hours prior to the time specified for such meeting unless for good cause, such notice is impossible or impractical, in which case shorter notice may be given, but in no case may the notice be provided less than two (2) hours in advance of the meeting. The Clerk shall immediately post a notice of the meeting together with the agenda and notify each Trustee of the time and purpose of such meeting.
- 3) **PLACE OF MEETINGS.** All meetings of the Village Board, including special and adjourned meetings shall be held in the Village Hall or a location designated by the Village Board. Notice of a substitute meeting place shall be given to the public by posting a written notice of the substitute meeting place and time thereof on the outer main entrance door of the Village Hall at least eight (8) hours prior to such meeting.
- 4) **ADJOURNMENT TO SPECIFIC DATE.**
 - a) Pursuant to A Guide to Parliamentary Procedure for Local Governments in Wisconsin, the Village Board may by majority vote to adjourn from time to time to a specific date and time.
 - b) If no quorum is present, those in attendance can:
 - i. fix a time to which to adjourn;
 - ii. adjourn;
 - iii. recess to take measure to obtain a quorum.
- 5) **OPEN MEETING LAW COMPLIANCE.** Notice of all Village Board Meetings as well as meetings of Village Boards, Commissions or Committees shall be given to the public, the official newspaper and to requesting news media as required under Sec. 19.84, Wis. Stats.
- 6) **QUORUM.** A majority of the Village Board, commission or committee shall constitute a quorum of such body.

- 7) **ORDER OF BUSINESS.** The business of the Village Board shall be conducted in substantially the following order:
1. Call to Order
 2. Roll Call
 3. Pledge of Allegiance
 4. Withdrawals from the Agenda
 5. Approval of the Agenda
 6. MINUTES FOR APPROVAL
 7. Special Presentations (if any)
 8. Public Comment
 9. OLD BUSINESS (if any, as specified)
 10. NEW BUSINESS (as specified, within format or provided for in consent agenda)
 - a. APPOINTMENTS
 - b. FINANCE & TREASURER'S REPORT
 - c. ORDINANCES
 - d. RESOLUTIONS
 - e. LICENSE & PERMITS
 - f. OTHER BUSINESS
 11. Reports & Correspondence
 12. Adjournment

8) **PRESIDING OFFICER.**

- a) Control of meetings. The Village President shall preserve order and conduct the proceedings of the meeting.
- b) Absence of Village President. If the Village President is absent at any meeting, the Village Clerk shall call the meeting to Order and preside until the Board selects a Trustee to preside for that meeting.
- c) Clerk pro-tem. In the absence of the Clerk, the President shall appoint a Clerk pro-tem, or Deputy Clerk.
- d) Presiding officer to vote. The presiding officer shall vote as a Trustee on all questions brought before the Village Board. The President may make Motions or second Motions before the Board and need not vacate the Chair to do so.

- 9) **ORDINANCES, RESOLUTIONS AND MOTIONS.** General. Ordinances, resolutions, communications, bylaws and other matters shall be submitted to the Village Board in writing. Unless requested by a Trustee before final vote is taken, no ordinance, resolution or bylaw need be read in full at that meeting. No ordinance, resolution or other Motion shall be discussed or acted upon unless it has been seconded.

10) GENERAL RULES.

- a) The deliberations of the Board shall generally be conducted in accordance with the Parliamentary Rules contained in A Guide to Parliamentary Procedure for Local Governments in Wisconsin (1998), or, if an issue is not addressed by this guide, then by Robert's Rules of Order, unless otherwise provided by statute or other rules. No person other than a member shall address the Board except by a vote of a majority of the members present. No ordinance, resolution or other Motion shall be discussed or acted upon unless it has been seconded.
- b) No Trustee shall address the Board until the Trustee has been recognized by the presiding officer. The Trustee shall thereupon address himself/herself to the President and combine his/her remarks to the question under discussion and avoid all personalities.
- c) When two or more members simultaneously seek recognition, the presiding officer shall name the member who is to speak first.
- d) Any Trustee may vote an aye or nay vote on any matter and such vote shall be entered in the proceedings. A majority vote of all members of the Board in favor of any proposed ordinance, resolution or appointment shall be necessary for passage or approval, unless a larger number is required by statute. Except as otherwise provided, a majority vote of those voting shall prevail in other cases.
- e) No member of the Board, whether a Trustee or the Village President, shall vote on any question involving his or her own character or conduct, his or her rights as a member or his or her pecuniary interests.
- f) Any member voting in the majority may move for a reconsideration of the vote on any question at that meeting or at the succeeding meeting as long as the item is placed upon the agenda. A motion to reconsider being put and lost shall not be renewed. A Trustee may not change his vote on any question after the result has been announced.

11) **SUSPENSION OF RULES.** Parliamentary rules or any part thereof may be temporarily suspended in connection with any matter under consideration by a recorded vote of two-thirds of the members voting.

12) **COMMITTEE REPORTS.** Each committee chairperson shall, at the next regular meeting, submit a report, in writing if requested, on all matters referred to it. Any committee may require any Village officer to confer with it and supply information in connection with any matter pending before it.

1.02 MUNICIPAL JUDGE AND MUNICIPAL COURT.

1) **MUNICIPAL COURT CREATED.** Pursuant to Chapter 755 of the Wisconsin Statutes, there is hereby created and established a joint Municipal Court to be designated "Bloomfield Municipal Court," said Court to become operative and function on December 20, 2011.

2) MUNICIPAL JUDGE.

- a) **Qualifications.** The joint Court shall be under the jurisdiction of and presided over by a Municipal Judge, who resides in one of the Municipalities that is a party to the agreement forming this joint Court.
- b) **Oath and Bond.** The Judge shall, after election or appointment to fill a vacancy, take and file the official oath as prescribed in §757.02(1), Wis. Stats., and at the same time execute and file an official bond in the amount of \$10,000.00. The Judge shall not act until the oath and bond have been filed as required by §19.01(4)(c) Wis. Stats., and the requirements of §755.03(2) have been complied with.
- c) **Salary.** The salary of the Municipal Judge shall be fixed by the Village Board and the Village Board of the Municipalities that are parties to the agreement which shall be in lieu of fees and costs. No salary shall be paid for any time during the term during which such Judge has not executed the official bond or official oath, as required by §755.03, Wis. Stats., and filed pursuant to §19.01(4)(c) Wis. Stats. The Municipalities may by separate ordinance allocate funds for the administration of the Municipal Court pursuant to §66.0301 Wis. Stats.

3) ELECTIONS.

- a) *Term:* The Municipal Judge shall be elected at large in the spring election for a term of four (4) years, consistent with Sec. 755.02, Wis. Stat., or as hereafter amended, or until his or her successor is elected and qualifies, commencing immediately after receiving the oath of office. All candidates for the position of Municipal Judge shall be nominated by nomination papers as provided in §8.11, Wis. Stats. The Walworth County Clerk shall serve as filing officer for the candidates.
 - b) *Electors:* Electors in all Municipalities that are parties to the agreement shall vote for Judge.
- 4) **JURISDICTION.** The Municipal Court shall have jurisdiction over incidents occurring on or after December 20, 2011, as provided in Article VII, §14 of the Wisconsin Constitution, §§755.045 and 755.05, Wis. Stats., and as otherwise provided by State Law. In addition, it shall have exclusive jurisdiction over actions in the Municipalities that are parties to the agreement seeking to impose forfeitures for violations of Municipal ordinances, resolutions and by-laws.

The Municipal Judge may issue civil warrants to enforce matters under the jurisdiction of the Municipal Court under §755.045(2), §66.0119, Wis. Stats.

The Municipal Court has jurisdiction over juvenile offenders when a Municipality that is party to the agreement enacts an ordinance under the authority of §938.17(2)(cm), Wis. Stats.

5) MUNICIPAL COURT.

- a) **Hours.** The Municipal Court shall be open as determined by order of the Municipal Judge.

- b) Location. The Municipal Judge shall keep his/her office and hold Court in the Village Hall.
 - c) Employees. The Judge shall, in writing, appoint such clerks and deputy clerks as authorized and funded by the Town and Village Boards of the Municipalities that are parties to the agreement. Their salaries shall be fixed by the Village and Town Boards. The Clerk(s) shall, before entering upon duties of office, take the oath prescribed by Sec. 19.01 and give a bond if required by the Village and Town Boards. The cost of bond shall be paid by the Village and Town. Oaths and bonds of the Clerk(s) shall be filed with the Municipal Clerk.
 - d) Procedure. The procedure in Municipal Court shall be as provided by this section and State law including, without limitation because of enumeration, Chs. 755 and 800, Wis. Stats., and Secs. 23.66 to 23.99, 345.20 to 345.53, 788.14, 788.15 and 788.18, Wis. Stats.
- 6) COLLECTION OF FORFEITURES AND COST. The Municipal Judge may impose punishment and sentences as provided by Chapters 800 and 938 Wis. Stats., and as provided in the ordinances of the Municipalities that are parties to the agreement.
- a) FUNDS AND LEDGERS TO MUNICIPAL TREASURER:
 - i. All forfeitures, fees, assessments, surcharges and costs shall be paid to the treasurer of the Municipality within which the case arose within thirty (30) days after receipt of the money by the Municipal Court or as such distribution as agreed to by the municipalities within the Joint Municipal Court per an Intergovernmental Agreement.
 - ii. At the end of the month, the Municipal Court shall report to the treasurer the name of each defendant, case number, and the amount of payment, in which such monies were collected along with a register of the activity in the court bond account and a reconciliation of the bond account to the bank statement.
 - iii. All forms of payment: cash, check, money order, credit or debit card, or collection agency deposits received by the court shall be deposited into the municipal court checking account and shall be recorded on and agree with the total indicated on the court spreadsheet. When the money is deposited, the bank deposit receipt should be maintained by the court. At the end of the month, the court spreadsheet, bank reconciliation and copies of the deposit receipts shall be provided to the Village Treasurer.
- 7) CONTEMPT OF COURT. The Municipal Judge, after affording an opportunity to the person to be heard in defense, may impose a sanction authorized under §800.12 Wis. Stats. and may impose a forfeiture therefore not to exceed two-hundred dollars (\$200.00) or upon nonpayment of the forfeiture and the assessment thereon, a jail sentence not to exceed seven (7) days.
- 8) ABOLITION. The Municipal Court hereby established shall not be abolished while the §755.01(4) agreement is in effect.

- 9) **COURT AUTHORITY TO IMPOSE ALTERNATIVE JUVENILE DISPOSITIONS AND SANCTIONS.** For a juvenile adjudged to have violated an ordinance, a Court is authorized to impose any of the dispositions listed in Secs. 938.343 and 938.344, Wis. Stats., in accordance with the provisions of those statutes.

For a juvenile adjudged to have violated an ordinance which violates a condition of a dispositional order of the Court under Sec. 938.343 and 938.344, Wis. Stats., the Municipal Court is authorized to impose any of the sanctions listed in Sec. 938.355(6)(d), Wis. Stats., in accordance with the provisions of those statutes.

This Section is enacted under the authority of Sec. 938.17(2)(cm), Wis. Stats.

1.03.01 SALARIES.

The compensation of all elected and appointed officials, including members of boards, appointees and commissions, shall be as determined by the Village Board, provided salaries and compensation rates of elected officials shall not be increased or reduced during their terms of office, pursuant to Sec. 61.193, Stats.

1.03.02 OATHS OF OFFICE.

Every person elected or appointed to a Village office, including members of the Village boards and commissions, shall take and file the official oath within 5 days after notice of his appointment or as provided by law.

State law reference— Official oaths, Wis. Stats. § 19.01.

1.03.03 LEGAL COUNSEL.

- 1) **SELECTION.** Legal counsel selected pursuant to Section C.02 of this Code may be an individual or a law firm. If an individual is selected, the individual shall be referred to as the Village Attorney. If a law firm is selected, one member of the law firm shall be designated by the Village as Village Attorney.
- 2) **DUTIES.** The Village Attorney shall be the chief legal advisor to the Village Board and shall be responsible for preparing and drafting legal opinions, ordinances, rules and regulations as may be required for expediting Village matters. The Village Attorney shall also serve as prosecuting attorney for the Village and shall represent the Village in courts and commission hearings as directed.
- 3) **SPECIAL COUNSEL.** The Village Board may employ and compensate special counsel to assist in or take charge of any matter in which the Village is interested. The Village President or his/her designee shall inform the Village Attorney of the appointment of special counsel and the Village Attorney shall, upon request, provide special counsel with any available files and information. At times the Village Attorney may hire Special Counsel on behalf of the Village at the Village Attorney's current hourly rate in cases of conflict of

interest.

1.04 CREATION OF COMMISSIONS AND COMMITTEES.

1) **ESTABLISHMENT OF STANDING COMMITTEES.** The Village Board does hereby establish the following standing committees to serve in an advisory capacity to the Village Board of the Village of Bloomfield.

- a) Administrative Committee
- b) Finance Committee
- c) Joint Public Works/Safety & Utility Committee
- d) Joint Parks, Lakes, Recreation & Community Affairs Committee
- e) Joint Recycling Committee

2) **ESTABLISHMENT OF BOARDS AND COMMISSIONS.** The Village Board does hereby establish the following Boards and Commissions to serve in an advisory capacity to the Village Board of the Village of Bloomfield.

a) **Plan Commission.**

- i. **Purpose.** The purpose of the Plan Commission is to ensure the Property within the Village of Bloomfield is kept and developed in a way that is in conformity with the future goals of the Village.
- ii. **Membership.** Membership of the Planning and Zoning Commission shall include two Village Trustees and three citizen members, all of whom shall have voting power. The Village Engineer and the Village Attorney shall appear as necessary but shall have no voting power.
- iii. **Terms of Office.** The terms of office for the Plan Commission shall be as provided in Section 1.04(2).

(A) The Village Engineer shall serve so long as he/she continues to serve as Village Engineer for the Village of Bloomfield.

(B) The three (3) citizen members shall be appointed initially, member number one (1) for one (1) year, member number two (2) for two (2) years, member number three (3) for three (3) years. Members one through three shall be appointed for a term of office of three years and shall serve until their successor has been sworn in. Each member's term shall begin and expire in the month of April.

b) **Zoning Board of Appeals Commission.**

- i. **Purpose.** The purpose of the Zoning Board of Appeals is to consider relevant facts, applicable law, and when appropriate, make special exceptions to the terms of the zoning ordinance in harmony with the zoning ordinances general purpose and intent, and in accordance with general or specific rules therein contained.
- ii. **Membership.**

- (A) The membership of the Zoning Board of Appeals shall consist of five (5) members appointed by the Village President, subject to confirmation of the Village Board. The Village President shall designate the member to be the Chairperson of the Zoning Board of Appeals.
 - (B) The Village President shall appoint two (2) alternate members, subject to the Village Board approval. The 1st alternate shall act, with full power, only when a member of the Board refuses to vote because of interest, or when a member is absent. The 2nd alternate shall so act only when the 1st alternate so refuses, is absent, or when more than one member of the board so refuses or is absent.
- iii. Term of office. The five (5) members and two(2) alternate members shall serve a three (3) year term. However, the initial appointment shall be for the following terms:
- (A) Member number one (1) shall serve one (1) year, members number two (2) and three (3) shall serve for two (2) years, and members number four (4) and five (5) shall serve for three (3) years.
 - (B) Alternate number one (1) shall serve for two (2) years, and alternate number two (2) shall serve for three (3) years. The Village President shall annually designate alternate number one (1) or two (2) as the first and second alternate.

3) APPOINTMENTS

- a) COMMITTEES. Appointments to all standing committees shall be made by the Town Chairman or Village President, respectively, for a period of two years concurrent with their term(s) in office, subject to the approval of the Town Board or Village Board, respectively. Members shall serve until their successors are appointed. Each member's term shall begin and expire in the month of April.
 - b) BOARDS AND COMMISSIONS. Appointments to all standing boards and commissions shall be made by the Village President for a term of office, subject to the approval of the Village Board. Members shall serve until their successors are appointed. Each member's term shall begin and expire in the month of April.
- 4) REMOVALS FROM COMMITTEES OR COMMISSIONS. Any person serving on a standing committee or commission, except those who mandatorily serve by virtue of their position pursuant to this ordinance, may be removed at any time by a majority vote of the municipality who appointed them.
- 5) AD HOC COMMITTEES. The Village Chair may establish certain ad hoc committees which shall report to the Village Board. Further ad hoc committees may be established by a majority vote of the Village Board. Such ad hoc committees shall be of limited duration and shall limit their actions to the specific purpose for which said committee was established. In lieu of reporting to the Village Board, any ad hoc committee may, if permitted by the Village Board, report to a standing committee or commission of the Village of Bloomfield and would thereby become an ad hoc sub-committee of that committee or commission.

1.04(5) ESTABLISHMENT OF BOARD OF REVIEW.

1) Organization/Compensation.

- a) Organization. The Board of Review of the Village shall consist of the Village President, Village Clerk, and Village Board members and have alternate citizen members per list on file in the Clerk's Office, as appointed from time to time.
- b) The alternate member shall act with full power when a member of the Board of Review refuses to vote because of a conflict of interest or is unable to vote due either to absence from a scheduled meeting of the Board or removal under Section 70.47 of the State Statutes.
- c) A majority of the Board shall constitute a quorum.
- d) There shall be no compensation for service for officials or staff on the Board of Review. All other members on the Board of Review shall be paid \$25.00 per meeting.

2) Clerk.

The Village Clerk shall be the Clerk of the Board of Review and shall keep an accurate record of its proceedings.

3) Meetings, Procedures. Governed by Wis. Stat. § 70.47.

- a) The Board of Review shall meet annually, as directed by the Wisconsin State Statutes at the Village Municipal Building, or another Village facility.
- b) At least fifteen (15) days before the first session, notice of such meeting shall be published as a Class 1 notice, posted on the Village Hall door and posted in three (3) other public places. If the assessment roll is not completed at the time of the first meeting, the Board of Review will adjourn, and a written notice shall be posted on the Village Hall door stating the date and time to which the meeting is adjourned.
- c) The Board of Review may adjourn from time to time until its business is complete. If an adjournment is for more than one (1) day, written notice shall be posted on the Village Hall door stating the date and time to which the meeting is adjourned.
- d) The duties and functions of the Board of Review shall be as prescribed by the Statutes of the State of Wisconsin.

4) Assessment Sessions.

After the Village Assessor has laid before the Board of Review his/her assessment roll of real estate with the sworn statement and valuation of personal property as provided by the Wisconsin State Statutes, the Board of Review shall remain in session one (1) day for taxpayers to appear and examine such assessment roll, sworn statements and valuations, and to be heard in relation thereto, and, upon reasonable cause being shown therefor, shall

hold at least one (1) adjourned session upon a subsequent day.

5) Confidentiality of Information.

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

6) Procedures and Criteria for Waiving Board of Review Requests.

a) Procedure: Before the Board of Review can consider a request from a taxpayer or assessor, or at its own discretion, to waive the hearing of an objection, the taxpayer must first complete and file with the Clerk of the Board of Review the following documents:

- i. A fully completed and timely Notice Intent to appear at Board of Review, and
- ii. A fully completed and timely Objection Form for Real Property Assessment (Form PA-115A).

If the owner fails to file the aforementioned documents as required, no hearing will be scheduled on the objection. If the owner files the aforementioned documents as required and a request from a taxpayer or assessor, or at its own discretion, is made to waive the hearing of an objection, the Board of Review shall use the following criteria when making its decision.

b) Criteria: The Board of Review may consider any or all of the following factors when deciding whether to waive the hearing:

- i. The benefits or detriments of the Board of Review process
- ii. The benefits or detriments of having a record for court review
- iii. Avoidance of unruly, lengthy, burdensome appeals
- iv. Ability to cross-examine the person providing the testimony
- v. Any other factors that the Board of Review deems pertinent to deciding whether to waive the hearing

7) Procedures and Criteria for Allowing Alternative Forms of Sworn Testimony at Board of Review Hearings.

- a) Procedure: In order for a property owner or property owner's representative to submit a request to testify by phone or submit a sworn written statement, he or she must first comply with the following procedures:
 - i. The legal requirement to provide notice of intent to appear at BOR must be satisfied; and
 - ii. An Objection Form for Real Property Assessment (PA-115A) must be completed and submitted to the BOR as required by law.

After the two requirements outlined above have been met, a Request to Testify by Telephone or Submit a Sworn Written Statement at Board of Review (Form PA-814) may be submitted to the Village clerk. Such requests must be submitted in time to be considered by the board at the first meeting of the BOR.

- b) Criteria to be Considered: The board may consider any or all of the following factors when deciding whether to grant or deny the request:
 - i. The requester's stated reason(s) for the request as indicated on the PA-814
 - ii. Fairness to the parties
 - iii. Ability of the requester to procure in person oral testimony and any due diligence exhibited by the requester in procuring such testimony
 - iv. Ability to cross examine the person providing the testimony
 - v. The BOR's technical capacity to honor the request
 - vi. Any other factors that the board deems pertinent to deciding the request

1.05 CODE OF ETHICS.

- 1) PURPOSE. Pursuant to Sec. 19.59(1), Wis. Stats., the purpose of this Code of Ethics is to enable public officials and employees, both appointive and elective, to conduct themselves in a manner that will tend to preserve public confidence and respect for the government of the Village and to treat all citizens with courtesy, impartiality, fairness, and equality under the law.
- 2) DEFINITIONS. The terms used in this Code are hereby defined as follows:
 - a) Official or Employee. Any person elected or appointed to, or employed or retained by, any public office or public body of the municipality, whether paid or unpaid and whether part time or full time and including all committee and commission members.
 - b) Public Body. Any agency, board, body, commission, committee, department or office of the municipality.

- c) **Financial Interest.** Any interest which shall yield, directly or indirectly, a monetary or other material benefit (other than the duly authorized salary or compensation for his or her services to the municipality) to the official or employee or to any person employing or retaining the services of the official or employee.
 - d) **Personal Interest.** Any interest arising from blood or marriage relationships or from close business or political association whether or not any financial interest is involved.
 - e) **Immediate Family Member.** An individual's spouse and an individual's relative by marriage, lineal descent or adoption who receives, directly or indirectly, more than one-half of his or her support from the individual or from whom the individual receives, directly or indirectly, more than one-half of his or her support.
 - f) **Candidate for Local Public Office.** A candidate for local public office means any individual who files nomination papers and a declaration of candidacy or any individual appearing as a write-in candidate who has filed a declaration of candidacy.
- 3) **APPLICATION.** This ordinance shall be applicable to all officials defined under Sec. (2)(a) herein, the immediate family members of the aforestated official, and candidates for public office.
- 4) **FAIR AND EQUAL TREATMENT.**
- a) **Impartiality.** No official or employee shall request, use or permit the use of, any consideration, treatment, advantage or favor beyond that which it is the general practice to grant or make available to the public at large.
 - b) **Use of Public Property.** No official or employee shall request, use or permit the use of, any publicly owned or publicly supported property, vehicle, equipment, material, labor or service for the personal convenience or the private advantage of himself or herself or of any other person. This rule shall not be deemed to prohibit an official or employee from requesting, using or permitting the use of such publicly owned or publicly supplied property, vehicle, equipment, material, labor or service which it is the general practice to make available to the public at large or which are provided as a matter of stated public policy for the use of officials and employees in the conduct of official business.
- 5) **CONFLICT OF INTEREST.** Except as otherwise provided in Paragraph (c), no local official or employee may:
- a) **Financial or Personal Interest.** Take any official action substantially affecting a matter in which the official, employee, or a member of his or her immediate family, or an organization with which the official or employee is associated has a substantial financial interest.
 - b) **Use his or her office or position in a way that produces or assists in the production of a substantial benefit, direct or indirect, for the official or employee, one or more members of the official's or employee's immediate family either separately or together, or an organization with which the official or employee is associated.**

- c) Paragraphs (a) and (b) do not prohibit a local public official from taking any action concerning the lawful payment of salaries or employee benefits or reimbursement of actual and necessary expenses or prohibit a local public official from taking official action with respect to any proposal to modify a municipal ordinance.
- d) Disclosure. Elected officials and members of the Plan Commission shall disclose any legal and/or equitable interest, which they might have in any real estate subject to the deliberation of the Commission.
- e) Incompatible Employment. No official or employee shall engage in private employment with, or render service for, any private person who has business transactions with any public body of the municipality, unless he shall first make full public disclosure of the nature and extent of such employment or services.
- f) Representation of Private Persons. No official or employee shall use or attempt to use his official position to secure special privileges or exemptions for himself or others except as may be otherwise provided by law.
- g) Compensation, Gift, Reward or Gratuity. No officer or employee of the Village shall directly solicit, receive or agree to receive any compensation, gift, reward or gratuity from any source for any matter or proceeding connected with or related to the duties of such officer or employee, unless otherwise provided for by law. This provision is not intended to restrict usual social amenities or to refer to unsubstantial advertising gifts. Compensation, gifts, reward or gratuities within the meaning of this subsection which practically cannot be returned shall immediately be turned over to the Village and be considered by it as Village property.
- h) Confidential Information. No official or employee shall, without prior formal authorization of the public body having jurisdiction, disclose any confidential information concerning any other official or employee, or any person, or any property or governmental affairs of the municipality or information received or discussed in closed session until such record is deemed public under the open records law.
- i) No official or employee may use his or her public position or office to obtain financial gain or anything of substantial value for the private benefit of himself or herself or his or her immediate family, or for an organization with which he or she is associated. This paragraph does not prohibit a local public official from using the title or prestige of his or her office to obtain campaign contributions that are permitted and reported as required by Chapter 11, Wisconsin Statutes.
- j) No person may offer or give to an official or employee, directly or indirectly, and no official or employee may solicit or accept from any person, directly or indirectly, anything of value if it could reasonably be expected to influence the official's or employee's vote, official actions or judgment, or could reasonably be considered as a reward for any official action or inaction on the part of the official or employee. This subsection does not prohibit an official or employee from engaging in outside employment.

k) No official or employee may use or attempt to use his or her public position to influence or gain unlawful benefits, advantages or privileges for himself or others.

6) Reserved.

7) ETHICS OPINION FROM VILLAGE ATTORNEY. Any Village Board member, or any elected or appointed Village employee may ask the Village Attorney, in writing, to provide an ethical opinion regarding any issue that is specifically related to this Section. By publication of this Section, any person requesting such an opinion is hereby given notice that the Village Attorney represents the Village Board and not the requesting party, and that any such communications are confidential as to any other person or entity with the exception of the Village Board. Any request for an ethics opinion, or any given by the Village Attorney in response to such a request, shall be made in a timely manner, in writing, and shall simultaneously be provided to the requester and to the Village Board. Any such communication to the Village Board shall be presumed for all purposes to be a confidential attorney-client privileged communication, pursuant to SCR 20:1.6 and Sec. 905.03, Stats., between the Village Attorney and the Village Board. The Village Attorney shall not be deemed for any purposes or proceedings to represent the person or entity requesting an ethical opinion, due to the Village Attorney receiving such a request, or responding to such a request. The Village Board shall not be obligated to act in accordance with any ethical opinion, but any such opinion shall only be considered advisory. Any individual or entity authorized herein may request an ethical opinion, but only during such time as that individual is elected or appointed to office. Any information obtained by the Village Attorney in order to prepare an ethics opinion shall be confidential in accordance with the limitations herein.

It is *prima facie* evidence of intent to comply with this section, or any ordinance enacted under this section, when a person or entity refers a matter to the Village Attorney and abides by the opinion so given, if the material facts are as stated in the request.

The Village Attorney may, with the consent of the Village Board, make public any information related to an ethics opinion, including the identity of the requesting party. The consent of the party requesting an opinion shall not be required to make that party's identity public, nor shall it be required to make the ethical opinion public.

The Village Attorney may refuse to respond to any request for an ethics opinion if the Village Attorney determines, in his or her sole discretion, that providing a response is not in the best legal interests of the Village of Bloomfield.

8) PENALTIES.

a) Any person who shall violate this section shall be subject to a penalty as provided in Sec. 25.04 of this Municipal Code.

b) Any violation of this section may act as grounds for removal of office for all elected and appointed official. Wis. Stats. 17.13 (2015-2016) or thereafter amended.

1.06 ELECTIONS.

- 1) **POLLING PLACES.** All primary, general, special and other elections of the Village shall be held in the Town Hall.
- 2) **POLLING HOURS.** The polls for all elections in the Village, unless otherwise provided by law, shall be opened at 7:00 a.m. and closed at 8:00 p.m. each election day.
- 3) **REGISTRY OF ELECTORS.**
 - a) The Village Clerk shall prepare, continue and revise a Registry of Electors and shall have control of such Registry for the Village under Sec. 6.26 to 6.56, Wis. Stats.
 - b) The Village Clerk shall procure the necessary registration affidavit forms as set forth in Sec. 6.33, Wis. Stats.
- 4) **USE OF AUTOMATED TABULATING EQUIPMENT OR ELECTRONIC VOTING SYSTEM.** If authorized under Sec. 5.91, Wis. Stats., the Village may use automated tabulating equipment or electronic voting system.
- 5) **ELECTION OFFICIALS: VOTING.**
 - a) **Appointment of Inspectors and Clerks.** Except as otherwise provided by the Wisconsin Statutes or this Code, there shall be three (3) inspectors, two (2) clerks and two (2) ballot clerks at each poll at every election held within the Village, each of whom shall be a qualified elector in the Village and able to read and write the English language understandingly and not a candidate to be voted for at such election. At elections where voting machines are used, ballot clerks shall not be employed.

Nominations. Pursuant to Sec. 7.30, Wis. Stats., the Village President shall nominate to the Village Board at the first regular meeting in December of each year in which a general election is to be held three (3) persons for inspectors, two(2) persons for clerks, two (2) persons for ballot clerks and at least one alternate for each position. The Village Board shall immediately approve or disapprove the nominees and, if disapproved, the Village President shall submit other names.

Notice, Compensation and Tenure. The Village Clerk shall thereupon notify the inspectors and clerks of their appointments and the confirmation thereof by the Village Board informing each that they shall file an oath of office within ten (10) days after the mailing of such notice. The persons so qualified as inspectors and clerks shall receive as compensation such amounts as set from time to time by the Village Board and shall hold office for two (2) years as such officers at every primary, general, municipal and special election following their appointment held within their districts during such term.

Vacancies and Duties of Election Officials. Vacancies in the offices of election inspectors or clerks shall be filled in the manner provided in Sec. 7.30, Wis. Stats., together with such additional duties as prescribed by the Village Board.

- b) **Voting.** All the provisions of Ch. 6, Wis. Stats., as the same pertain to any and all

Village elections or any election held within the Village are hereby incorporated by reference. The Village Clerk, upon notifying each inspector and clerk, shall instruct each official as to their duties and responsibilities.

- 6) **REDUCTION OF NUMBER OF ELECTION OFFICIALS AND HOURS.** Pursuant to Sec. 7.32, Wis. Stats., the Village Clerk is hereby authorized to reduce the number of election officials for any given election to not less than three (3) and redistribute the duties of such remaining election officials. Election officials are authorized to work split shifts or full day shifts as scheduled by the Village Clerk.
- 7) **CREATION OF WARDS.** The Village of Bloomfield does hereby establish five (5) wards, per legal descriptions on file in the office of the Village Clerk and map created and maintained by the Village Engineer, which shall be modified from time to time as annexations are granted.
 - a) Wards 1, 2, 3, 4 and 5 as established above are hereby combined for voting purposes, so as to share a common polling place at the Village Hall, Village of Bloomfield, Wisconsin.

1.07 POSTING AND PUBLICATION.

- 1) **POSTING.** The Village Board shall, pursuant to Sec. 61.32 and Ch. 985, Wis. Stats, shall keep a record of all its proceedings and shall include the substance of every official action taken by the governing body and shall cause to post Village Board action and notices which are not legally required to be published in at least three places in the Village likely to give notice to the public.
- 2) **PUBLICATION.** Ordinances and notices required by law to be published and such other notices as the Village Board may direct to be published shall be published in the newspaper having general circulation in the Village and eligible to publish legal notices.

1.08 GRIEVANCE PROCEDURE FOR HANDICAPPED PERSONS.

- 1) **DEFINITION.** A handicapped person is defined as any person who has a physical or mental impairment that substantially limits one or more major life activities, has a record of such impairment, or is regarded as having such impairment, all as set forth in 31 Code of Federal Regulations part 51.55 (31CFR51.55) (a) (1-6) is hereby adopted and made part of this Ordinance in the same manner as if set forth in full.
- 2) **PROCEDURE.** Any person who shall feel aggrieved by any act of the Village Board of the Village of Bloomfield, its elected officials, officers, agents, employees or departments, shall have the right to make such grievance known to the Village in the following manner.

A handicapped grievant shall make such a grievance known to the Village Clerk either verbally or in writing except that if the grievance shall be verbal the Village Clerk shall immediately reduce the grievance to writing.

The Clerk shall, within five days, refer the matter to the President of the Village Board who shall appoint a member of the Village Board to hear the complaint and all interested parties and to make a recommendation to the Village Board for resolution and disposal of the grievance. The member of the Village Board shall act as an independent examiner and shall schedule a hearing on the matter within fifteen (15) days of appointment. Notice of such hearing shall be provided to all persons of interest by first class mail and all persons of interest may appear and be heard. After receipt of all evidence and statements, the examiner shall render a decision within fifteen (15) days, which decision shall be in writing. The Village Clerk shall be present at said hearing and shall make a record of all proceedings (which may be by recording) and mark all exhibits. The record made at such hearing shall be a public record and subject to Sec. 19.32-19.36, Wis. Stats. The member of the Village Board who shall be acting as examiner shall endeavor to resolve the grievance in an amicable manner and any such informal resolution shall be reduced to writing and made part of the record of such grievance.

If the Village Board examiner is unable to resolve the matter to the satisfaction of the parties, any person dissatisfied with the examiner's decision may appeal within fifteen (15) days to the Village Board.

The Village Board shall review the record in its entirety and the Village Board acting as an appeal board may in its discretion hold its own hearing at which time all interested parties may appear and be heard. The Village Board shall render its decision within fifteen (15) days and any person who is aggrieved with the Village Board decision may, within thirty (30) days, appeal said decision to the Circuit Court by Writ of Certiorari as set forth in Sec. 68.13, Wis. Stats.

1.09 PERSONNEL POLICY.

- 1) PERSONNEL HANDBOOK. The Village Board shall adopt written policies for personnel to govern the administration of pay, benefits, and other personnel actions. Additions, deletions, amendments, or modifications may be made from time to time with the approval of the Village Board.
- 2) EFFECT. To the extent that the personnel of the Village of Bloomfield may be governed by separate policies, laws, collective bargaining agreements, or other regulations, the policies adopted herein shall not be pre-emptive. However, unless otherwise pre-empted, the policies adopted hereunder shall serve as a condition of continued employment with the Village of Bloomfield.

1.10 USE OF VILLAGE EQUIPMENT, TOOLS AND FURNISHINGS.

Village equipment, including trucks, tractors, movers, etc., and other property of the Village shall not be rented, lent or otherwise made available for use to Village residents, commercial or nonprofit enterprises or the general public without the written consent of the Village Board.

1.11 OFFICIAL MAP.

- 1) The Village Clerk or designee shall keep and maintain an official map of the Village of Bloomfield. Said map shall be approved by the Village Board. Street names appearing on said map shall be official street names pursuant to this ordinance.
- 2) Any modification of the official map may be made by the Village Board. Modifications shall be made to coincide with street name changes, annexations, boundary adjustments, or such other matters as may be deemed advisable by the Village Board and as permitted by law. Once a change is made, the Clerk shall cause said change to be incorporated into said official map.

1.12 FACSIMILE SIGNATURES.

- 1) **AUTHORITY.** The Village Board of the Village of Bloomfield, pursuant to Sec. 60.24(1)(c), Stats., authorizes the use of a facsimile signature by the Village Clerk or Treasurer for the Village President to sign or countersign all checks, drafts, or other orders for the payment of money.
- 2) **DEFINITION.** Facsimile means an exact copy preserving all the marks of the original, including a “facsimile” signature or stamp-type replication.
- 3) **FACSIMILE SIGNATURE.** The Village Clerk shall retain the custody and control of any facsimile signature or exemplar of same.

1.13 AGENDA POLICY.

- 1) **PURPOSE.** It is the intent of this section to protect the exchange of ideas between the elected and appointed officials of the Village. Open debate in the decision-making process strengthens our democracy and helps assure the correct and best action is taken for the betterment of the Village. In compliance with Wisconsin’s Open Meetings Law the decision-making process begins with the formation and publication of an agenda. It therefore follows that the agenda can become a door that shuts down the exchange of valuable ideas and opinions. This door must remain open if the Village Trustees are to properly act in representative capacity for its citizens. Therefore, it is the policy of the Village of Bloomfield to have an open agenda policy between all Village officers.
- 2) **INTRODUCTION OF BUSINESS.**
 - a) **Village Board agenda.** Any action or discussion the Village Board is to take or have must first be identified and itemized on the Village Board’s agenda. The process of placing an item on the Village Board’s agenda is limited to the following:
 - i. All items approved by a Village Committee or Commission,
 - ii. Village President may place any item that office feels necessary for discussion or action,

- iii. Village Administrator may only place items on the agenda that are required by legal process, state or federal law, or proper petition/application,
 - iv. Two (2) Trustees may place any item that the trustees' feel necessary for discussion or action by the Village Board, this does not apply to action for reconsideration or rescission, and
 - v. One (1) Trustee may only place an item on the agenda if the Trustee wants the Village Board to reconsider or rescind a previous action of the Village Board and that trustee voted with the prevailing party in the last action.
- b) Committee and Commission agendas. Any action or discussion by any Village Committee or Commission is to be taken or had must first be identified and itemized on the respective committee's or commission's agenda. The process of placing an item on its agenda is limited to the following:
- i. The Village Board may send any matter it decides needs to be considered to any committee or commission of its choosing,
 - ii. Village Administrator may send any matter the administrator decides needs to be considered to any committee or commission of the administrator's choosing,
 - iii. Village President may send any matter the President decides needs to be considered to any committee or commission of the President's choosing,
 - iv. Any Committee or Commission member may send any matter that member decides needs to be considered to only that member's committee or commission, and
 - v. Any department head may send any matter that department head decides needs to be considered to any committee or commission of the department head's choosing.
- c) Notice of agendas. All agendas of the Village shall be posted, published or circulated no later than the following:
- i. Seven (7) calendar days before the meeting for any normal action or discussion business,
 - ii. 24 hours before any meeting for all business that will be considered in closed session, any item raised in closed session may be added to the agenda for action or discussion in open session on the same day despite not being presented seven (7) calendar days before the meeting.
 - iii. Two (2) hours before any meeting for all business that are emergency items and comply with the Wisconsin Open Meetings Law.
- d) Delivery of agenda items. All business intended to be placed on an agenda shall be delivered to the Village Clerk's office as follows:
- i. Normal action or discussion business – eight (8) calendar days before the meeting,

- ii. Closed session business – 36 hours before the meeting,
 - iii. Emergency business – 2 ½ hours before the meeting.
- e) Documentation. No business may be placed on the agenda if the business requires the review or otherwise consideration of documentation that is not furnished to the clerk's office at the time specified in this section.
 - f) Reconsideration. Motions to reconsider will reopen the consideration of the action and therefore must be made within 30 days of the action and must be made by a member that voted with the prevailing party.
- 3) **DESCRIPTION OF BUSINESS**. All descriptions shall be short, concise and will put the public on notice of the business the sponsor reasonably expects to arise.