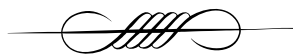


## Chapter 1

### GENERAL GOVERNMENT



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**1.01 Form of Government.** The Village of Shorewood Hills (herein referred to as the village) shall be governed by Chapters 61 and 66 of the Wisconsin Statutes and organized under Chapter 61 of the Wisconsin Statutes.

**1.02 Elected Officials.** The village will elect the following officers: **(1) VILLAGE PRESIDENT** (a) The president shall be by virtue of the office a trustee and shall have a two-year term, elected in odd numbered years.

(b) The powers and duties of the village president are those prescribed by the Wisconsin Statutes and delegated by the Village Board.

**(2) TRUSTEES.** (a) The village shall have six additional trustees, three of whom are elected in even-numbered years and three in odd-numbered years, each for two-year terms.

(b) The powers and duties of the trustees are those prescribed generally in the Wisconsin Statutes.

**(3) MUNICIPAL JUDGE.** (a) The

municipal judge shall be elected in even numbered years to a two-year term and shall be a resident of the village licensed to practice law in the State of Wisconsin.

(b) The powers and duties of the municipal judge are those prescribed by the Wisconsin Statutes.

(c) The municipal judge shall execute and file with the clerk of the circuit court for Dane County the oath and bond prescribed by Wis. Stats. §755.03. The amount of the bond shall be as set from time to time by the Village Board.

(d) The municipal judge may impose a forfeiture for contempt under the procedures established by state law. The municipal judge also may impose a jail sentence for the nonpayment of such a forfeiture and the associated assessments under the procedures established by state law. The forfeiture and the jail sentence may be any amount or length up to the maximum amount or length permitted by state law.

**1.03 Appointed Officials.** **(1)** The offices of village clerk, treasurer, and

assessor shall be filled by appointment of the Village Board for such terms as shall be determined by the board. (Charter Ordinance No. 3).

**(2) APPOINTMENT AND TERM.**

Officials shall be appointed on the basis of merit with due regard to training, experience, administrative ability and general fitness for the office, by a majority vote of the Village Board, pursuant to Wis. Stats. §61.197(c). This section, however, shall not preclude the Village Board from establishing other employment terms and conditions not inconsistent with the provisions of this code. The appointed officials shall hold an indefinite term of office unless specified by Wisconsin Statutes or specific provisions of this code.

**(3) TERMINATION.** Appointed village officials may be dismissed pursuant to the provisions of Wis. Stats. §17.13 unless otherwise stated in Wisconsin Statutes.

**(4) COMPENSATION.** Compensation for appointed officials may be set from time to time by the Village Board as required.

**(5) OFFICIALS.** The village shall have the following appointed officials with powers and duties as described herein.

(a) *Clerk* 1. Statutory Authority. The Clerk shall have the powers and duties set forth in Wis. Stat. §61.25. 2. Deputy Treasurer. The clerk shall act as deputy treasurer and shall:

a. Administer, with the treasurer, the receipts and deposits and appropriately invest all monies received; and

b. Draw and counter sign all orders on the Village treasury.

(b) *Treasurer.* The powers and duties of the treasurer shall be those outlined in Wis. Stats. §61.26. The treasurer is

authorized to have a facsimile made of his/her signature which is to be held in the custody of the Deputy Clerk who is not able to countersign draws on the Village Treasury.

(c) *Police Chief.* The police chief shall have the powers and duties prescribed in section 5.04 of this code.

(d) *Fire Chief/EMS Director.* (hereinafter called the fire chief). The fire chief shall have the powers and duties prescribed in section 4.04 and section 6.02 of this code. The fire chief shall also serve as the head of emergency government services according to Wis. Stats. §166.03(4) and (5).

(e) *Public Works Crew Chief.* (hereinafter called the crew chief). The crew chief shall have the powers and duties prescribed in chapter 11.01(2) of this code.

(f) *Village Assessor.* The assessor shall be appointed by the Village Board. The assessor shall have all of the powers and duties assigned by Wis. Stats. Chapter 70.

(g) *Village Attorney.* The attorney shall be licensed to practice law in the State of Wisconsin. The attorney shall have the powers and duties as specified from time to time by the Village Board.

(h) *Weed Commissioner.* The weed commissioner shall be appointed in accordance with Wis. Stats. §66.97 and have all of the powers and duties as prescribed by Wis. Stats. §66.98.

(I) *Village Forester.* The village forester shall have the powers and duties as specified from time to time by the Village Board.

(j) *Inspector(s) for Building, Electrical, Plumbing, and Heating, Ventilating, Air Conditioning.* The various positions of inspector may be appointed

separately or as combined positions depending upon the qualifications of the candidates at the time of appointment. The duties of the inspector(s) shall be those prescribed by chapter 15.

(k) *Administrator* 1. Chief Administrative Officer. The administrator, subject to the limitations defined in resolutions and ordinances of the Village and Wisconsin Statutes, shall be the chief administrative officer of the Village, responsible only to the village president and the Village Board.

2. Position Description. The position description of the village administrator, as adopted and updated from time to time by the Village Board, is hereby incorporated by reference.

3. Zoning Administrator. The administrator shall act as zoning administrator pursuant to chapter 10 of this municipal code.

4. Deputy Treasurer The administrator shall act as an additional deputy treasurer with the power to draw and counter sign all orders on the Village Treasury.

**1.04 Boards and Commissions. (1)**

GENERAL RESPONSIBILITIES. Every board and commission of the village shall comply with open meeting laws and requirements as established by Wis. Stats. §19 for regular and special meetings, and keep minutes of its proceedings. The secretary of the board or commission shall file a copy of the minutes with the administrator.

(2) APPOINTMENTS AND TERMS OF THE OFFICE. The following terms will apply to all boards and commissions unless otherwise stated in the Wisconsin Statutes:

(a) The members of all commissions and boards shall be appointed by the village president, according to statutory guidelines, subject to confirmation by the Village Board;

(b) All members of village commissions and boards shall be residents of the village. Members who move from the village shall be removed from their official capacity, but may be appointed to serve in an advisory capacity;

(c) The members of all commissions and boards may be removed prior to the end of their terms according to the provisions of Wis. Stats. §17.13 and §17.14;

(d) Vacancies on village commissions and boards shall be filled in accordance with Wis. Stats. §17.24;

(e) The village president shall designate a chairperson of each commission and board unless the method of appointment is provided for by statute;

(f) Appointed members of commissions and boards shall serve without compensation.

(3) BOARDS ENUMERATED. The village shall have the following boards and commissions with powers and duties as described.

(a) *Board of Zoning Appeals*. The village hereby creates a Board of Appeals pursuant to Wis Stats. §62.23(7)(e) with all of the duties and functions prescribed therein.

1. Rules of Procedure. The board shall adopt its own rules of procedure not in conflict with this section or with applicable Wisconsin Statutes.

(b) *Board of Review*. 1. The Board of Review shall be composed of five village residents. Each member's term of office shall

be five years.

2. The duties and powers of the Board of Review shall be as prescribed in Wis. Stats. §70.46 and §70.47.

3. In accordance with Wis. Stats. §70.47(3)(b) the Village Board shall by resolution exercise its right to designate hours for the annual Board of Review proceedings other than those set forth in Wis. Stats. §70.47(3)(a).

4. Alternate members. Pursuant to Section 70.47(6m)(c) and Section 70.46(1) of Wis. Statutes, the Village Board provides for the appointment of up to two alternates to serve on the Village Board of Review in the event a standing member of the Board of Review is removed or unable to serve for any reason. Each alternate term of office shall be for five years.

(c) *Plan Commission.* 1. The Plan Commission shall consist of the village president who shall be its presiding officer, one trustee, and five citizens. The trustee shall be appointed in accordance with Wis. Stats. §62.23(1)(b). The citizen members shall be appointed in accordance with Wis. Stats. §62.23(1)(c).

2. Four members shall constitute a quorum. Unless otherwise provided by law, all actions taken shall require the affirmative approval of a majority of all commission members.

3. Meetings may be called only by the village president. The village administrator shall give notice of meetings called by the commission.

4. The powers and duties of the Plan Commission shall be as prescribed in the Wisconsin Statutes including §62.23 and Chapter 236 and in chapter 10 of this code.

(d) *Administrative Rules Appeals*

*Board.* 1. The administrative rules appeals board shall consist of the village president, one trustee, and one citizen. The trustee shall be appointed by the village president, subject to confirmation by the board. The citizen member shall be appointed for a three-year term by the village president, subject to confirmation by the board.

2. The duties and powers of the board shall be those described in chapter 23 of this code.

**1.05 Elections.** The annual village election shall be held according to Wis. Stats. Chapter 8. **(1) POLLING PLACES.** All elections shall be held at the village hall or place to be determined from time to time by resolution of the Village Board.

**(2) FORM OF NOMINATION** Pursuant to Wis. Stats. §8.05(1), the village elects to use the caucus form of nomination.

**(3) POLLING HOURS.** Polling hours shall be from 7:00 AM to 8:00 PM each election day.

**(4) REDUCTION IN NUMBER OF ELECTION OFFICIALS.** Pursuant to Wis. Stats. §7.32 the Village Board may by resolution reduce the number of election officials for any given election and redistribute the duties of the remaining election officials. No such action may reduce the number of officials at a polling place to less than three.

**(5)** Pursuant to Wis. Stats. §7.30(1) and Wis. Stats. §7.32, the clerk may, as necessary, authorize the selection of two sets of election officials to work at different times on election day.

**1.06 Village Boundaries.** The Village boundaries, including future annexations and detachments, shall at all

times be recorded on the official map of the Village as defined by section 11.02 of this code, and annexation ordinances adopted after the effective date of the code, shall be added to this section.

**1.07 Legal Notices. (1) POSTING PLACES.** According to Wis. Stats. §985.02(2), the bulletin boards at the following locations are designated as the legal posting places of the Village : (a) Village Hall at 810 Shorewood Boulevard; (b) The intersection of Shorewood Boulevard and Harvard Drive; and (c) The intersection of Shorewood Boulevard, Edgehill Drive, and Blackhawk Drive.

(2) **POSTING.** Any notice, ordinance or other writing which by law or ordinance shall be directed to be posted in the Village of Shorewood Hills, shall be posted by affixing the notices upon the bulletin boards.

(3) **DEFACING NOTICES.** No person may destroy or deface said bulletin boards or who shall remove, deface or destroy any notice posted there, except Village officials exercising their official duty.

(1) **1.08 Ethics Code.** The Village subscribes to Wis. Stats. §19.59, code of ethics for local government officials, employees, and candidates. This code shall apply to all employees and officials of the Village as well as prospective candidates for local office. In addition, no local official shall participate, in an official capacity, in the discussions, negotiations or votes on a matter in which he/she has a direct personal interest not common to other citizens of the Village.

## COMMITTEE COMMENTS

The committee provides the following interpretive comments:

(1) In section 1.08 of the Village ordinances, the meanings of the terms “financial gain”, “substantial value” and “substantial benefit,” adopted from sections 19.59(1)(a) and (c) of the Wisconsin Statutes, include anything of pecuniary worth of more than token or inconsequential value.

(2) As used in section 1.08 of the Village ordinances (as amended above), “direct personal interest” encompasses non-pecuniary interests such as church membership, swimming pool membership, marina participation, and other affiliations such as UW employment and Blackhawk Country Club membership. It includes family relationships, significant others, or even close friendships.

(3) “Official” includes “elected officials” “appointed officials” and “members of the Plan Commission” as defined in Village ordinances §1.02 and §1.03 and 1.04

(4) If the benefit to the official is sufficient to influence the way in which he/she carries out his/her official duties, or sufficient to lead a fair and reasonable person to perceive that such influence might exist, the official may not participate in an official capacity in discussions or vote on a matter.

(5) If the benefit to the official that may result from official participation or vote is so indirect, attenuated or remote that it could not be perceived by a fair and reasonable

person as sufficient to influence the decision, the official may participate in an official capacity in discussions and vote on a matter.

In determining whether he/she should participate in an official capacity in a matter, an official should consider the following questions: **(A)** Do I, a family member, close friend or associate stand to gain or lose anything of substantial value or substantial benefit not common to other citizens of the Village from the decision or action on this matter? **(B)** Have I received a benefit or hospitality from someone who stands to gain or lose from the decision or action? **(C)** Am I a member of an association, church, club or professional organization, or do I have particular ties and affiliations with an organization or individual who stands to gain or lose from the consideration or action on the matter? **(D)** Could there be benefits for me in the future that could cast doubt on my objectivity? **(E)** Would a fair and reasonable person perceive that I was influenced by personal interest in performing my duties?

### EXAMPLES

*A Trustee's spouse is employed as an associate professor in the UW Department of Economics when a matter involving the expansion of the UW Waisman Center comes before the Board of Trustees. May the Trustee participate in an official capacity and vote? Yes, because the benefit or loss, if any, to the Trustee is so remote and indirect that no fair or reasonable person could perceive that this relationship is sufficient to influence the way the Trustee's official duties would be performed.*

*The Village President is an active member and contributor to a religious organization in the Village when a conditional use issue affecting the church comes before the Board of Trustees. May the President participate in an official capacity in the discussions and vote? No, because a fair and reasonable person might perceive that the President's membership and support is sufficient to influence his/her decision-making, and therefore the President must not participate in an official capacity in the discussions and vote because of this personal interest.*

*A Trustee has rented a boat slip at the Village marina. The matter comes before the Board of Trustees whether to raise the fees to a more market level. May the Trustee participate in an official capacity in the discussions and vote? No, because something worth more than token or inconsequential value to the Trustee is at stake.*

*A Trustee is also a member of the Blackhawk Country Club when the issues of lease renewal and the terms thereof come before the Board of Trustees. May the Trustee participate in an official capacity in the discussions or negotiations or vote? No. The Trustee pays dues to the club, enjoys access to the services of the club, and might feel a personal loyalty to the club. A fair and reasonable person could perceive that the Trustee's membership in the club is sufficient to influence his/her decision-making, and therefore the Trustee must not participate in an official capacity in any discussions, negotiations, or vote because of this personal interest.*

*A Trustee resides on Tally Ho Lane. The Village budget to be debated and voted on contains a provision to seal coat various streets including Edgehill, Columbia, Western, and Tally Ho. May the Trustee participate in an official capacity and vote on the budget?* Yes, even though there may be some benefit because the road will be improved in front of the Trustee's residence, his/her interest is in common with a great number of other citizens, including not only similarly situated property owners, but also other citizens who drive or walk upon the road; so there is no special advantage to him/her.

*A Trustee decides that he/she cannot participate in an official capacity in the discussion and vote on an issue before the Board of Trustees. May that Trustee sit in the audience and offer citizen input to the Board of Trustees?* Yes, because a member of the audience does not participate in an official capacity, and the Trustee retains all his/her participation rights as a Village resident.

*A Trustee has an account at the University of Wisconsin Credit Union and receives dividends. The credit union is seeking a conditional use permit for an expansion. May the Trustee participate in an official capacity in the discussions or negotiations or vote?* Yes. The Trustee might receive dividend income from the credit union, but that income will not be directly or significantly affected by the proposed expansion. Any benefit to the Trustee from this decision would be perceived by a reasonable person as indirect, attenuated, or remote, and therefore

insufficient to influence the decision. Consequently, the Trustee may fully participate in the decision.

*The Pool Committee submits to the Board of Trustees a list of prospective employees to work at the pool next summer. May a Trustee who is a member of the pool discuss these recommendations and vote on them?* Yes, provided that the list of prospective employees does not include a relative or close friend of the Trustee.

*The Pool Committee has studied the salaries of swimming coaches in Dane County and recommends to the Board of Trustees that the salaries of Village swimming coaches be adjusted to a competitive level. This could involve an increase in the cost of membership. May a Trustee who is a member of the pool discuss and vote on this recommendation?* Yes, because the swimming pool is self-sustaining with regard to its operating expenses. Board approval of budget recommendations from the Pool Committee is typically non-controversial and has no financial impact on Village residents as a whole. Therefore, the ethics code does not come into play.

*The Board is considering doubling the annual rent paid by the swimming pool to the Village. May a Trustee or President who is a member of the pool discuss and vote on the issue?* No. The Trustee or President has a financial interest in this issue that is not shared by all Village residents. An increase in the rent will produce an increase in membership fees. This is an issue in which the interests of the Village as a whole

do not coincide with the interests of pool members.

**1.09 Referendum for Blackhawk Country Club (1)** Any future lease, an amendment to the current lease or any disposition of the land currently occupied by the Blackhawk Country Club Corporation, shall be submitted to the electorate in an advisory referendum prior to the Board of Trustees taking an action to approve said future lease or amendment to the current lease or any disposition of the land currently occupied by the Blackhawk Country Club Corporation.

(2) The form of such advisory referendum question shall be reviewed and approved by the Village attorney.