

CHAPTER 1

GENERAL GOVERNMENT

(with amendments through 5-21-2019)

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1.01 ELECTED OFFICIALS.

(1) VILLAGE PRESIDENT. The Village President shall be elected at the regular spring election in odd-numbered years for a term of 2 years commencing on the 3rd Tuesday of April in the year of his election.

(2) TRUSTEES. There shall be 6 Village Trustees, 3 of whom shall be elected at the regular spring election each year for 2 year terms, commencing on the third Tuesday of April in the year of their election.

1.02 APPOINTED OFFICIALS.

(1) VILLAGE CLERK-TREASURER (Ch. Ord. #1). The Village Clerk-Treasurer shall be appointed by a majority vote of the members-elect of the Village Board for an indefinite term subject to removal by the Village Board pursuant to Wis. Stat. § 17.13(1). (Amended eff. 5/21/2019, Ch. Ord. #3)

(2) VILLAGE ATTORNEY. The Village Attorney shall be appointed annually by the Village President, subject to confirmation by the Village Board, for a two-year term commencing on May 1. (Amended eff. 5/21/2019, Ch. Ord. #3)

(3) VILLAGE ASSESSOR (Ch. Ord. #2). The Village Assessor shall be appointed by a majority vote of the members-elect of the Village Board for a two-year term commencing on May 1 following his appointment. (Amended eff. 5/21/2019, Ch. Ord. #3)

(4) DIRECTOR OF PUBLIC WORKS. The Director of Public Works shall be appointed by the Village President, subject to confirmation by the Village Board, for an indefinite term subject to removal by the Village Board pursuant to Wis. Stat. § 17.13(1). (Amended eff. 5/21/2019, Ch. Ord. #3)

(5) BUILDING INSPECTOR. The Building Inspector shall be appointed by the Village President subject to confirmation by the Village Board for an indefinite term, subject to removal by the Village Board pursuant to Wis. Stat. § 17.13(1). (Amended eff. 5/21/2019, Ch. Ord. #3)

(6) PLUMBING INSPECTOR. The Plumbing Inspector shall be appointed by the Village President, subject to confirmation by the Village Board, for an indefinite term, subject to removal by the Village Board pursuant to Wis. Stat. § 17.13(1). (Amended eff. 5/21/2019, Ch. Ord. #3)

(7) **ELECTRICAL INSPECTOR.** The Electrical Inspector shall be appointed by the Village President, subject to confirmation by the Village Board, for an indefinite term, subject to removal by the Village Board pursuant to Wis. Stat. § 17.13(1). (Amended eff. 5/21/2019, Ch. Ord. #3)

(8) **FIRE INSPECTOR.** See sec. 5.05 of this Code.

(9) **EMERGENCY GOVERNMENT.** The Village President shall act as the head of emergency management services. The Director of Public Works is designated as the deputy head of emergency management services and, in the absence of the Village President or at his or her directions, shall perform the same duties and have the same powers as the head of emergency management services. (Amended eff. 5/21/2019, Ch. Ord. #3)

(10) **WEED COMMISSIONER.** The Weed Commissioner shall be appointed by the Village President in May of each year for a term of one year.

1.03 **BOARDS AND COMMISSIONS.**

(1) **BOARD OF REVIEW.**

(a) **Membership.** The Board of Review shall consist of the Village President, the Clerk-Treasurer and 3 trustees. The Village Assessor shall attend all meetings of the Board of Review.

(b) **Powers and Duties.** The Board of Review shall have the powers and duties prescribed in S. 70.47, Wis. Stats.

(2) **PLAN COMMISSION**

(a)

i. **Membership.** The Plan Committee shall consist of seven members. All members shall be appointed by the Village President, who shall also appoint the presiding officer of the Commission. The Village President may appoint himself or herself to the Commission and may appoint other Village elected or appointed officials, except that the Commission shall have at least three citizen members who are not Village officials. Citizen members shall be persons of recognized experience and qualifications.

ii. **Term of Service.** The members of the Commission shall be appointed to hold office for a period of three years, with terms of the

members being staggered. Appointments shall be made by the Village President during the month of April for terms that expire in April or at any other time if a vacancy occurs during the middle of a term.

iii. Initial Appointment of Commission. In appointing the initial members of the Commission, two members shall be appointed to serve for a one-year term; two members shall be appointed to serve for a two-year term; three members shall be appointed to serve for a three-year term.

(b) Powers and Duties. The Plan Committee shall have the powers and duties prescribed in §62.23, Wisconsin Statutes, and such other powers and duties as shall be vested in the Commission from time to time by the Village Board.

(c) Reimbursement. Citizen members to the Commission shall be reimbursed for meetings at the same rate then applicable for elected officials attending meetings.

(3) BOARD OF ZONING APPEALS.

(a) The membership, appointment, authority, meetings and other matters relating to the Board of Zoning Appeals are as set forth in Chap. 17.

(b) Powers and Duties. The Board of Zoning Appeals shall have the powers and duties prescribed in S. 62.23(7)(e), Wis. Stats., and Chap. 17 of these ordinances.

(4) WEST BARABOO SEWER AND WATER UTILITY COMMISSION.
The Village Board shall constitute the West Baraboo Water Utility Commission.

(5) BOARD OF HEALTH. The Village Board shall constitute the Board of Health.

(6) ADMINISTRATIVE REVIEW APPEALS BOARD.

(a) Membership. The Administrative Review Appeals Board shall consist of the Village President and 2 citizen members. The citizen members shall be appointed by the Village Board for 3 year terms.

(b) Powers and Duties. See ch. 6 of this Code.

(7) ECONOMIC DEVELOPMENT AND TOURISM COMMISSION

(a) Membership.

i. The Commission shall consist of six members, one of whom shall represent the Wisconsin hotel and motel industry.

ii. Appointment. The members of the Commission shall be appointed by the Village President and shall be confirmed by a majority of the Village Board who are present when the vote is taken.

iii. Term of Service. Commissioners shall serve for a one-year term, at the pleasure of the Village President, and may be reappointed.

iv. Officers. The Commission shall elect a chairperson, vice chairperson and secretary from among its members. The Chairperson may vote only in the case of a tie vote by the other commissioners present when a vote is taken.

(b) Powers and duties.

i. The Commission shall have all the powers and duties prescribed by section 66.0615, Wis. Stats., and such other powers and duties as shall be vested in the Commission from time to time by the Village Board.

ii. The Commission shall use the room tax revenue that it receives from the Village for tourism promotion and tourism development in the Village.

iii. The Commission shall contract with the Baraboo Area Chamber of Commerce to obtain staff, support services and assistance in developing and implementing programs to promote the Village to visitors.

iii. The Commission shall monitor the collection of room taxes and report any delinquencies or inaccurate reporting to the Village.

iv. The Commission shall report annually to the Village the purposes for which the revenues were spent.

(c) Reimbursement. Citizen members to the Commission shall be reimbursed for meetings at the same rate then applicable for elected officials attending meetings.

(8) STANDING JOINT REVIEW BOARD (Adopted 3-8-2018; Ord. 18-02)

(a) Membership.

i. The Joint Review Board shall consist of 5 persons appointed as follows:

1. One representative appointed by the school district that has power to levy taxes on the property within the TID.
2. One representative appointed by the technical college district that has power to levy taxes on the property within the TID.
3. One representative appointed by the county that has power to levy taxes on the property within the TID.
4. One representative appointed by the Village. This representative shall be appointed by the Village President subject to confirmation by the Village Board.
5. One member of the general public. This member shall be appointed by majority vote of the other four members at the first meeting of the Joint Review Board, and shall be selected before the public hearing held at the Joint Review Board's annual meeting

ii. If more than one school district, more than one union high school district, more than one elementary school district, more than one technical college district, or more than one county has the power to levy taxes on the property within the TID, the unit in which is located property of the tax incremental district that has the greatest value shall appoint that representative to the Board.

iii. Each entity identified in paragraphs 1-3 above shall be allowed to appoint a primary representative and one or more alternates to attend meetings of the Joint Review Board. Any alternate member shall have the same voting authority as the primary member.

(b) Terms. The Joint Review Board shall remain in existence for the entire time that any TID exists in the Village. Each entity required to appoint a member to the Joint Review Board shall be responsible for creating its own procedure to appoint a representative to the Joint Review Board. On or before June 1 of each year, each entity shall notify the Village Clerk in writing in order to identify the person that will be representing the entity at the upcoming annual meeting of the Joint Review Board. That person shall be the person designated to receive notice of future Joint Review Board meetings until the Village Clerk is notified in writing that an entity has appointed a different person.

(c) Powers and Duties.

i. The Joint Review Board shall meet annually on July 1, or as soon as the annual report for any TID become available, in order to review the annual report(s) and to review the performance and status of each TID governed by the Joint Review Board.

ii. The Joint Review Board shall meet at any time the Village desires to create a new TID, amend an existing project plan, have an existing TID incremental base re-determined or incur project costs as described in Section 66.1105(2)(f)1.n for an area that is outside of the TID's boundaries.

iii. In addition to the procedures set forth in paragraphs (a) and (b) above, a meeting of the Joint Review Board may be called upon the call of any member.

iv. The Joint Review Board shall have all other powers and duties prescribed by section 66.1105, Wis. Stats.

1.04 GENERAL REGULATIONS GOVERNING ALL VILLAGE OFFICERS.

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

(2) OATH OF OFFICE. Every officer of the Village, including members of the Village Boards and Commissions, shall, before entering upon his duties and within 5 days of his election or appointment or notice thereof, take the oath of office prescribed by law.

(3) BOND. Every officer shall, if required by law or the Village Board upon entering the duties of his office, give a bond in such amount as may be determined by the Village Board with such sureties as are approved by the Village President, conditioned upon the faithful performance of the duties of his office.

(4) SALARIES. The Village President and the Village Trustees ("officer") shall be compensated on a per diem basis in the amount of Forty Dollars (\$40) for actual attendance at a Village Board meeting and Thirty-five Dollars (\$35) for actual attendance at a meeting of either a committee established by the Village Board of which the officer is a member or a committee to which the officer is appointed by the Village Board or Village President. No officer receiving a per diem payment from the Village shall be entitled to retain any portion of any fees collected by him for the performance of his duties as such officer in the absence of a specific law or ordinances to that effect. Payment shall be by payroll, as provided in sec. 3.04 of this Code. The regular pay days shall be the 1st and the 16th of each month. (Amended 9-14-2017; Ord. 17-2)

(5) **OUTSIDE EMPLOYMENT.** No full-time officer or employee of the Village shall engage in any other 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 or employee's ability to perform his duties in an efficient and unbiased manner. Violation of this provision shall be grounds for removal from the office of any such officer or the dismissal of any such employee.

(6) **REASSIGNMENT OF DUTIES.** Nothing in this chapter shall be construed as preventing the Village Board from appointing the same person to two or more compatible offices.

1.05 RECEIPT OF GIFTS AND GRATUITIES PROHIBITED.

(1) No employee or official of the Village shall receive or offer to receive, either directly or indirectly, any gift, gratuity or anything of value in excess of \$15.00 which he is not authorized to receive from any person, if such person:

(a) Has or is seeking to obtain contractual or other business or financial relationship with the Village or Village Board; or

(b) Conducts operations or activities which are regulated by the Village or Village Board; or

(c) Has interests which may be substantially affected by the Village or Village Board.

(2) The receipt of any gift, gratuity or anything of value, as denoted above, is contrary to the public policy of the Village.

1.06 DISCLOSURE OF INTEREST IN LEGISLATION.

(1) 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.

(2) Any other Village official or employe who has a financial or personal interest in any proposed legislative action of the Village Board and who participates in discussion with or gives an official opinion or recommendation to the Village Board shall disclose on the records of the Village Board the nature and extent of such interest.

1.07 ELECTIONS.

(1) POLLING PLACE; HOURS. There shall be one polling place in the Village which shall be located in the Village Hall. The polls shall be open from 7:00 a.m. to 8:00 p.m. on all election days.

(2) REDUCTION OF NUMBER OF ELECTION OFFICIALS. Pursuant to S. 7.32, Wis. Stats., the Clerk-Treasurer may reduce the number of election officials for any given election to no less than 3 and redistribute the duties of such remaining election officials.

1.08 PUBLIC RECORDS.

(1) DESIGNATION OF LEGAL CUSTODIAN OF THE RECORDS OF THE VILLAGE. The Village Board hereby designated the Clerk-Treasurer as the official legal custodian of the public records of the Village. It shall be the responsibility of the Clerk-Treasurer to carry out all duties and responsibilities imposed upon the Village and the legal custodian by the Wisconsin Public Records and Property Law, as set forth in Sections 19.31 to 19.39, Wis. Stats. The Clerk-Treasurer shall be responsible for the timely response to any request for access to the public records, the release of the public records of the Village, the conditions under which records may be inspected and the collection of costs for the location and reproduction of such records.

(2) DESIGNATION OF DEPUTY LEGAL CUSTODIAN. The Village President is hereby designated as deputy legal custodian to act as legal custodian in the absence of the Clerk-Treasurer.

(3) NOTICE TO ALL EMPLOYEES. It is directed that all employees of the Village be informed in writing of the designation of the legal custodian and the deputy legal custodian of the public records of the Village. Employees shall be further informed of the duties of the official legal custodian and shall also be made aware of the other requirements and provisions of this section.

(4) POWERS AND DUTIES OF THE OFFICIAL LEGAL CUSTODIAN. All requests for the release, inspection and/or reproductions of public records of the Village shall be directed or referred to the Clerk-Treasurer who is hereby vested with full legal power to make all necessary decisions relative to the release, inspection and reproduction of public records and is further granted all authority necessary to carry out all duties and responsibilities required by either the Wisconsin Public Records and Property Law or this section. The Clerk-Treasurer shall prepare and post a notice to the public regarding access to public records, pursuant to S. 19.34, Wis. Stats.

(5) FEE SCHEDULE REGARDING THE COSTS OF LOCATING AND/OR REPRODUCING RECORDS AND PROPERTY OF THE VILLAGE. The cost of photocopying shall be \$.25 per page. It is intended that this fee schedule shall cover the payment of the actual, necessary and direct costs incurred in locating a document or in providing any person with a reproduction of any of the records of the Village.

(6) DESTRUCTION OF PUBLIC RECORDS.

(a) Non-utility Village records may be destroyed in accordance with the *Wisconsin Municipal General Records Schedule*, approved by the Wisconsin Public Records Board on August 27, 2018, as the same may be amended from time to time. (Amended 3/14/2019; Ord. 19-04)

(b) Village officers may destroy the following utility records of which they are the legal custodians and which are considered obsolete after completion of any required audit by the Bureau of Municipal Audit or any auditor licensed under Ch. 442, Wis. Stats., subject to State Public Service Commission regulations, but not less than 7 years after the record was effective unless a shorter period has been fixed by the State Public Records Board, pursuant to S. 16.61(3)(e), Wis. Stats., and then after such a shorter period, except the water stubs, receipts of current billings and customers' ledgers may be destroyed after 2 years:

1. Contracts.
2. Excavation permits.
3. Inspection records.

(c) Village officers may consult other records schedules published by the Wisconsin Public Records Board and the Public Service Commission including, but not limited to, the *Budget and Related General Record Schedule*, the *Fiscal & Accounting Related Records General Schedule*, and the *Purchasing & Procurement General Schedule* in evaluating whether or not a record is subject to destruction. (Amended 3/14/2019; Ord. 19-04)

(d) Unless notice is waived by the State Historical Society, at least 60 days' notice shall be given the State Historical Society prior to the destruction of any record, as provided by S. 19.21(4)(e), Wis. Stats.

(e) Any tape recordings of a governmental meeting of the Village may be destroyed, erased or reused no sooner than 90 days after the minutes of the meeting have been approved and published if the purpose of the recording was to make minutes of the meeting. [Ref. Note. Wis. Stat. § 19.21(7)]

1.09 EMERGENCY GOVERNMENT. The Sauk County Joint Action Emergency Government Ordinances and amendments thereto, previously adopted by the Sauk County Board, are hereby adopted by reference and made a part hereof.