

CHAPTER 2 ADMINISTRATION

ARTICLE I. IN GENERAL

Sec. 2-1. Village powers adopted.

The village has adopted village powers conferred on village boards pursuant to the authority granted under Wis. Stats. § 61.34.

(Res. of 2-5-1990)

Secs. 2-2—2-09. Reserved.

ARTICLE II. ETHICS CODE

Sec. 2-10. 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 article, a code of ethics for all village 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 and by directing disclosure by such officials 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 official and employee holds their 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.

Sec. 2-11. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Anything of value means any gift, favor, loan, service or promise of future employment, but does not include reasonable fees and honorariums, or the exchange of seasonal, anniversary or customary gifts among relatives and friends.

Business means any corporation, partnership, proprietorship, firm, enterprise, franchise, association, organization, self-employed individual, or any other legal entity which engages in profit-making activities.

Financial interest means 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.

Personal interest means the following specific blood or marriage relationships:

1. A person's spouse, mother, father, child, brother or sister; or
2. A person's relative by blood or marriage who receives, directly or indirectly, more than one-half support from such person or from whom such person received, directly or indirectly, more than one-half of support.

Public employee means any person excluded from the definition of a public official who is employed by the village.

Public official means those people serving in statutory elected or appointed offices provided for in chapter 61 of the Wisconsin Statutes (Wis. Stats. § 61.187 et seq.), and all members appointed to boards, committees and commissions established or appointed by the village president and/or village board pursuant to this Code, whether paid or unpaid.

Significant interest means owning or controlling, directly or indirectly, at least ten percent or \$5,000.00 of the outstanding stock of at least ten percent or \$5,000.00 of any business.

Sec. 2-12. Statutory standards of conduct.

- a) *Statutory provisions.* There are certain provisions of state 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 state statutes, as from time to time amended, are made as part of this code of ethics and shall apply to public officials and employees whenever applicable, to wit:

1. Wis. Stats. § 946.10, bribery of public officers and employees.
2. Wis. Stats. § 946.11, special privileges from public utilities.
3. Wis. Stats. § 946.12, misconduct in public office.
4. Wis. Stats. § 946.13, private interest in public contract prohibited.

- b) *Compliance with state ethics law.*

(1) State law prohibits public officials from using their offices or positions to obtain financial gain or anything of substantial value for the private benefit of themselves, their immediate families, or organizations for which they are associated. No person may offer or give, directly

or indirectly, anything of value if it could be reasonably expected to influence the official's actions or be reasonably considered an award for the official's action or inaction;

(2) The terms "substantial value" and "anything of value" shall be deemed to exclude any item from a single source having a fair market value of \$100.00 or less during any calendar year from any source for which there is no contemplated village board action to be taken either 12 months before or 12 months following any such exchange;

(3) The terms "substantial value" and "anything of value" shall be deemed to include anything with a fair market value in excess of \$1.00 from any source for which the village board has taken action or is expected to take action within a 12-month period before or after the date of any such transfer;

(4) Any trustee or officer in need of further interpretation of state law or this article shall seek such interpretation from the village manager (at least seventy-two hours prior to a meeting in which the matter giving rise to a need for interpretation is agendaized), who, in turn, shall decide whether or not to obtain a written opinion of counsel regarding the ethics pertaining to either state law or the interpretation of this article; to the extent that an opinion of counsel is requested inside the above-referenced seventy-two hour window, or to the extent that an opinion is requested in good faith orally at a meeting, the affected trustee, officer, village president, or village counsel may request an adjournment of the subject matter until a future meeting to enable village counsel adequate time to research and prepare the subject opinion.

(5) Receipt of anything of substantial value or any other thing of value in excess of these restrictions under the circumstances provided herein shall be reported to the manager and the village board or officer involved on the earlier of five days or at least 24 hours prior to any board action to which a transfer may be related.

Sec. 2-13. Responsibility of public office.

Public officials and employees are agents of the village and hold office for the benefit of the public. They are bound to uphold the Constitution of the United States and the state constitution 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. 2-14. 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.

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Sec. 2-15. 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, as authorized by the village board, village manager, or department head.
- (b) *Use of village stationery.* Private correspondence written on village stationery is prohibited.
- (c) *Obligations to citizens.* No official or employee shall use or attempt to use their position with the village to secure any advantage, preference or gain, over and above their rightful remuneration and benefits, for themselves or for a member of their immediate family.
- (d) *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 article is a candidate or treasurer.

Sec. 2-16. 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 article 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 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 nonelected 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, who 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.* Except as required by Wisconsin Open Records Law, Open Meetings Law, judicial orders, and other Wisconsin laws, no official or employees 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. The village board or village counsel may, from time to time, designate certain information as confidential.

(c) *Gifts and favors.*

(1) No official or employee, personally or through a member of their immediate family, may solicit or accept, either directly or indirectly, from any person or organization, money or anything of value if it could be expected to influence the employee's official actions or judgments or be considered a reward for any action or inaction on the part of the official or employee.

(2) No official or employee personally, or through a member of their immediate family, shall accept any gift whether in the form of money, service, loan, thing or promise, from any person which may tend to impair their independence of judgment or action in the performance of duties or grant in the discharge of their duties any improper favor, service or thing of value.

(3) 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 subsection 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.

(4) Gifts received by an official or employee or their immediate family under unusual circumstances shall be referred to the village administrator within ten days of receipt for recommended disposition. Any person subject to this article who becomes aware that he is or has been offered any gift, the acceptance of which would constitute a violation of this subsection, shall, within ten days, disclose the details surrounding said offer to the village administrator. Failure to comply with this reporting requirement shall constitute an offense under this article.

(d) *Representing private interests before village agencies or courts.*

(1) Nonelected village officials and employees shall not appear on behalf of any private person (other than themselves, their 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) of this section shall be applicable to such appearances.

(e) *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.

(f) *Contracts with the village.* No village official or employee who, in capacity as such officer or employee, participates in the making of a contract in which he has a private pecuniary interest, direct or indirect, or performs in regard to that contract with some function requiring the exercise of discretion on part shall enter into any contract with the village unless, within the confines of Wis. Stats. § 946.13:

(1) The contract is awarded through a process of public notice and competitive bidding, or the village board waives the requirement of this section after determining that it is in the best interest of the village to do so.

(2) The provisions of this subsection shall not apply to the designation of a public depository of public funds.

(g) It shall not be a conflict of interest for Village Board Members that are members of Village of Harrison Fire Rescue to participate in debate or discussion and vote on various matters pertaining to the fire department, with the exception of any hourly wage changes that they are personally currently earning.

Sec. 2-17. Advisory opinions.

Any questions as to the interpretation of any provisions of this code of ethics article shall be referred for an advisory opinion from the village manager, who, in turn, shall decide whether or not to obtain a written opinion of counsel regarding the ethics pertaining to either state law or the interpretation of this article. Advisory requests and opinions shall be kept confidential, except when disclosure is authorized by the requestor, in which case the request and opinion may be made public.

Sec. 2-18. Hiring relatives.

(a) This section governs the proposed hiring of individuals for full-time or part-time work as village employees who are members of the immediate family of village employees or elected officials. The term "immediate family" includes those relatives by blood or marriage defined in section 2-11 definition of personal interests.

(b) Hiring an immediate family member of any current elected village official for any full time position is prohibited.

(c) Hiring an immediate family member of any current village employee is discouraged and will be considered only if that individual has the knowledge and skills, experience or other job-related qualifications that warrant consideration for the position. It is required that either the current employee or the relative seeking employment will make the personal interest relationship known to the hiring authority (department head, village administrator or village board) before a hiring decision is made; in every case, the decision to hire an immediate family member or former spouse will be subject

to village manager approval, with notice, before the new employee is permitted to begin work. Marriage between two individuals already employed by the village or their relatives will not be considered a violation of this policy.

(d) This section does not apply to nonelected officials who are asked to accept appointment as members of a village commission or committee; nonelected officials, however, will be expected to disqualify themselves from participation in matters under consideration which may affect the hiring, retention, classification or compensation of their immediate family if currently employed or being considered for employment by the village.

Secs. 2-19—2-20. Reserved.

ARTICLE III. LEGISLATIVE BODY¹

Sec. 2-21. The Village Board

A. *Constituted.* The Village Board shall consist of the Village President and six Trustees, all of whom shall be elected from the Village at large. Nomination papers shall be used for nomination to elective Village offices, pursuant to the procedures described in Wis. Stats. § 8.05(4).

B. *Term of Office.*

(a) The six trustees term of office shall be two (2) years with three (3) trustees being elected in even numbered years and three (3) trustees being elected in odd numbered years.

(b) The Village President shall be elected in odd numbered years for a term of two (2) years.

Sec. 2-22. Meetings

Meeting of the Village Board shall be held pursuant to Charter Ordinance Section 1.02

Secs. 2-23—2-49. Reserved.

¹State law reference(s)—Powers of village meeting, Wis. Stats. § 61.34;.

ARTICLE IV. OFFICERS AND EMPLOYEES

DIVISION 1. GENERALLY

Secs. 2-50. Appointed Officials

The Village shall appoint the following officials pursuant to Charter Ordinance Section 1.05;
Village Manager, Village Clerk, Villager Treasurer/Finance Director.

Secs. 2-51—2-97. Reserved.

Secs. 2-77—2-97. Reserved.

ARTICLE IV. BOARDS, COMMISSIONS, AND COMMITTEES

DIVISION 1. GENERALLY

Secs. 2-98—2-122. Reserved.

DIVISION 2. PLAN COMMISSION²

Sec. 2-123. Village plan commission created.

- (a) Authority. A Village Plan Commission is hereby created and shall operate as an advisory board under the provisions of Wis. Stats. §62.23.
- (b) Composition. The Plan Commission shall consist of seven members; one village board member and six citizens. The members shall be people whose experience and qualifications are of such kind and nature as to prepare them to discharge the duties required of them. Desirable qualifications include strong analytical skills (ability to read maps and plan proposals and assess potential land use impacts) and knowledge of diverse fields such as land use laws, real estate, construction, natural resources, economic development, local government, policy development, and other related fields.
- (c) Village Board Member. A village trustee shall be appointed by the Village President and approved by a majority vote at the first meeting of the Village Board held after the Spring Election and shall serve for a one year term.
- (d) Citizen Members. The citizen members shall be appointed by the village president and confirmed by a simple majority vote of the Village Board. Citizen Members shall be citizens of the United States and residents of the Village of Harrison who are not Village elected or appointed officials. The terms shall be

staggered from the succeeding May 1, so that no more than two citizen member terms expire in the same year. Thereafter, appointments shall be made in April for each term expiring May 1 and shall be for a term of three years. (e) (f) (c).

(e) Presiding Officer. The Village President is not the presiding officer of the Plan Commission. The Village President selects the presiding officer of the planning commission, with input from the planning commission, as desired.

(f) Vice-chair and Secretary. The Plan Commission shall select a Vice-chair for a term of one year. The secretary shall be the Village Planner, Planning Assistant or their designee.

(g) Removal. Except as provided in Wis. Stat. sec. 60.30 (1e) (c) and (f), any appointed village officers may be removed, at pleasure, by a majority vote of all the members of the village board per Wis. Stat. sec. 17.13(1).

(h) Vacancy. Should any vacancy occur among the members by reason of death, resignation, disability, removal, or otherwise, immediate notice thereof shall be given to the President and the Village Board. A replacement to fulfill the unexpired term shall be appointed as soon as feasibly possible and a qualified individual is available.

The Village Plan Commission shall have all of the rights, duties and obligations established for it, pursuant to Wis. Stats. § 62.23 and shall operate within the rules of that statute and the interpretations thereof. (Ord. No. 76(Ser. 2001), 4-24-2001; Ord. No. 11-155, 4-26-2011; Ord. No. V17-14, 8-8-2017; Ord. No. V19-09, 9-24-2019) Ord No V25-05

Commented [C1]: If not selecting the vice-chair and secretary from the appointed commissioners:

1. Need to add that the Secretary is a non-voting member.

2. Except for the minutes (and that's only since 2021) the duties of the secretary have been the assistant planner's duties.

Sec. 2-124. Duties and powers of officers.

The duties and powers of the officers of the planning commission shall be as follows:

(a) *Presiding Officer.*

- (1) Preside at all meetings of the commission.
- (2) Call special meetings of the commission in accordance with the bylaws.
- (3) Sign documents authorized by the commission and the village board.
- (4) Conduct all commission meetings in accordance with Roberts Rules of Order.

(b) *Vice-chair.* During the absence, disability or disqualification of the chairman, the vice-chair shall exercise or perform all the duties and be subject to all responsibilities of the presiding officer.

(c) *Secretary.*

- (1) Keep the minutes of all meetings of the commission in an appropriate minute book and forward to the Village Clerk.
- (2) Give or serve all notices required by law or by the bylaws.
- (3) Prepare the agenda for all meetings of the commission in coordination with the Village Planner/Assistant Planner.
- (4) Be custodian of commission records.
- (5) Inform the commission of correspondence relating to business of the commission and distribute such correspondence.
- (6) Cosign official documents as required by the commission and the village board.

(Ord. No. 76(Ser. 2001), 4-24-2001; Ord. No. V17-14, 8-8-2017; Ord. No. V19-09, 9-24-2019)

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Secs. 2-125—2-130. Reserved.

DIVISION 3. COMMITTEE OF THE WHOLE

Sec. 2-131. Committee of the whole created.

- (a) *Composition.* The committee of the whole shall be comprised of the village president as chair ~~man~~ ^{man} and the entire village board. The village clerk and village manager shall be required to attend all committee of the whole meetings.
- (b) *Quorum.* Four trustees, including the village president, shall constitute a quorum of the committee of the whole, but a lesser number may adjourn from time to time to compel the attendance of absent members.
- (c) *Nonofficial action.*
 - (1) The committee of the whole shall meet for the purpose of discussing all matters pertinent to the Village of Harrison. Unless it may be noticed and recorded as a special meeting of the village board of trustees, a meeting of the committee of the whole shall not have the power or be construed to be official action of the village board of trustees.
 - (2) All actions of the committee of the whole, be they deliberations, recommendations or formal actions, shall be thereafter voted upon at regular or special meeting of the village board of trustees.

(Ord. No. 07-126, § 1, 6-26-2007; Ord. No. V14-01, 1-14-2014)

Secs. 2-132—2-140. Reserved.

DIVISION 4. BOARD OF REVIEW

Sec. 2-141. Board of review created.

- (a) *Membership.* The board of review shall consist of:
 - (1) Three village trustees. Additional trustees will be appointed as alternatives,.
 - (2) In addition to the three members, the village clerk shall serve as a non-voting member of the board.
 - (3) The village assessor shall attend all meetings of the board of review.
- (b) *Training.* No board of review may be constituted unless it includes at least one voting member who, within one year of the board's first meeting, has attended a training session under Wis. Stats. § 70.46. The village clerk shall provide an affidavit to the department of revenue stating whether the requirement has been fulfilled.
- (c) *Duties.* The duties and functions of the board of review shall be in accordance with Wis. Stats. § 70.47.
- (d) *Confidentiality of information.* Any information provided by a taxpayer about income and expenses to the assessor under Wis. Stats. § 70.47 shall be confidential information and is not subject to inspection and copying under section 19.35(1) unless ordered by a court of competent jurisdiction. Said information may be revealed to and used by persons in the discharge of duties imposed by law; in 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.

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(Ord. No. V13-04, 5-14-2013)

Secs. 2-142—2-150. Reserved.

DIVISION 5. FIRE COMMISSION

Sec. 2-151. Fire commission created.

- (a) The Village of Harrison Board of Fire Commissioners, also known as the Village of Harrison Fire Commission, is hereby established pursuant to Wis. Stats. § 61.65(2)(b)(1).
- (b) *Commission membership.* The Village of Harrison Fire Commission shall consist of five citizen members, none of whom may simultaneously be elected or appointed officials of the village, nor may the members be employees of the village. Three members shall constitute a quorum.
- (c) *Appointment and terms of members.* The village president shall appoint, subject to confirmation of the village board, the members of the commission. The village president shall annually, at the April Village Board meeting, appoint in writing to be filed with the secretary of the Fire Commission, one member per year for the term of five years. All terms shall expire on their appointed year, on the date that the village president appoints new members. Members of the commission shall be compensated for their service with paid per diem as per village policy. All vacancies shall be filled by appointment by the village president for the unexpired term subject to confirmation by the village board.
- (d) *Meetings.* The members of the commission shall meet within 30 days of the village president's regularly scheduled annual appointment of a new member, for the selection of officers. The commission shall meet at least one time per year as required herein for its organizational meeting and may meet more frequently thereafter as necessary to discharge its duties. The commission may adopt rules as allowed by law to more effectively conduct its affairs. All commission meetings shall be open to the public, except as provided by the Wisconsin Open Meetings Law, Wis. Stats. § 19.84 et seq., and Wis. Stats. § 62.13. The commission shall have the powers and duties as provided herein or otherwise provided by law, including Wis. Stats. § 62.13, with the exception of the optional powers enumerated in Wis. Stats. § 62.13(6).
- (e) *Officers.* Officers shall be elected by and from among the sitting commission members for a one-year term. There shall be a chairperson, a vice-chairperson and a secretary. Each of the five commission members shall have an equal vote for all matters brought before the commission for consideration. The commission members may appoint a non-commission person to act as assistant secretary, to assist in the duties of secretary.

(Ord. No. V13-05, 7-9-2013)

Sec. 2-152. Officers duties and responsibilities.

Board officers shall have the following duties and responsibilities:

(a) (1) *Chairperson.* The chairperson shall:

- a. Preside over all meetings and hearings and ensure their orderly conduct;
- b. Accept filing of written charges against chiefs and subordinates;
- c. Issue subpoenas for the attendance of witnesses at hearings pursuant to Wis. Stats. § 62.13(5)(d);

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- d. Administer oaths to witnesses appearing before the board;
 - e. Formally read the charge(s) to the accused at any hearing, including the provisions alleged to have been violated;
 - f. Ask question and control questions asked by other board members during any hearing;
 - g. Ensure standards for procedural due process are afforded the accused at any hearings; and
 - h. Adjourn commission proceedings.
- (2) *Vice-chairperson.* The vice-chairperson shall act in the capacity of chairperson whenever the chairperson is unavailable to act for any reason.
- (3) *Secretary.* The secretary shall:
- a. Conduct all correspondence of the commission, send all notices required by law, ordinance or these rules, or as otherwise requested by the commission;
 - b. Cause to be published such official notices as are required;
 - c. Attend and keep a record of all commission proceedings, including the preservation of testimony and any evidence received by the commission at any hearings in a permanent record and to certify such record to the Circuit Court when required by law;
 - d. Maintain the minutes of each meeting and hearing, with said minutes being signed by the secretary and chairperson upon approval by the commission;
 - e. Provide copies of all commission minutes to each commission member as soon as possible and file a copy of said minutes with the village clerk;
 - f. Accept filing of all appointments under Wis. Stats. § 62.13(1); and
 - g. Accept for filing all findings and determinations of the commission relative to disciplinary actions and commission orders, all of which shall be filed within three (3) days of their adoption pursuant to Wis. Stats. § 62.13(5)(f).
- (b) *Appointment of chiefs.* The Fire Commission shall appoint the chief of the fire department subject to confirmation by the village board, who shall hold office during good behavior, subject to suspension or removal by the commission for just cause.
- (c) *Subordinates, re-employment, disciplinary actions against subordinates and dismissals.*
- (1) The provisions of Wis. Stats. §§ 62.13(4) and 62.13(5) and all actions amendatory thereto so far as the same are applicable are hereby incorporated herein and shall be effective in the same manner as if set forth full herein.
 - (2) The chief of the fire department shall have the right to summarily suspend or remove any subordinate who is on probationary status without the necessity of granting said subordinate a hearing. In addition, thereto, the commission may suspend or remove the chief summarily in the same manner, if said chief is employed on a probationary status.
- (d) *Removal of commissioners.* Commissioners may be removed by three-fourths majority vote of the village board at any time with cause. Any commission vacancy created by removal or resignation shall be filled by appointment by the village president, subject to confirmation by the village board, for the remainder of the unexpired term.

(Ord. No. V13-05, 7-9-2013)

Secs. 2-153—2-160. Reserved.

DIVISION 6. STANDING JOINT REVIEW BOARD

Sec. 2-161. Standing joint review board created.

(a) *How constituted.*

- (1) The joint review board shall consist of five people appointed as follows:
 - a. One representative appointed by the school district that has power to levy taxes on the property within the TID.
 - b. One representative appointed by the technical college district that has power to levy taxes on the property within the TID.
 - c. One representative appointed by the county that has power to levy taxes on the property within the TID.
 - d. One representative appointed by the village. This representative shall be appointed by the president subject to confirmation by the village board.
 - e. 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 standing joint review board.
- (2) 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 choose that representative to the board.
- (3) Each entity identified in paragraphs (a)(1)a. and b. above shall be allowed to appoint a primary representative and one or more alternate 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 meeting until the village clerk is notified in writing that an entity has appointed a different person.

(c) *Duties.*

- (1) The joint review board shall meet annually on or before July 1, or as soon as the annual report for any TID becomes 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.
- (2) 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 Wis. Stats. § 66.1105(2)(f)(1)(n) for an area that is outside of the TID's boundaries.
- (3) In addition to the procedure set forth in paragraphs (c)(1) and (2) above, a meeting of the joint review board may be called upon by any member.

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- (4) The joint review board shall appoint the public member and elect a chairperson at the first meeting of the standing joint review board. Subsequent appointments to fill vacancies of the public member or to re-elect a chairperson shall occur at the annual meeting or prior to the public hearing described under Wis. Stats. § 66.1105(4)(a) or (h)1. is held.

(Ord. No. V13-05, 7-9-2013; Ord. No. V17-15, 8-29-2017)

Secs. 2-162—2-165. Reserved.

ARTICLE V. FINANCE

Sec. 2-166. Purchasing and Disposal Policy.

A Purchasing and Disposal Policy to provide an efficient procurement process while maintaining the appropriate oversight of taxpayer funds shall be approved by the Village Board and is filed in the Finance Director/Treasurer's Office. The provisions of Wisconsin State Statute Section 61.54 and 62.15 shall take precedence over any portion of the policy if there is a conflict.

Sec. 2-167. Claims against Village

- a) Payments may be made from the Village treasury after the Treasurer or Clerk of the Village audits and approves each claim as proper charge against the treasury, and endorses his or her approval on the claim after having determined that all of the following conditions have been complied with:
- (1) Funds are available pursuant to the budget.
 - (2) The item or service was duly authorized by the proper official or agency and has been received or rendered in accordance with the local procurement policy.
 - (3) The claim is accurate in amount, and a proper charge against the treasury.
- b) Village Board approval of claims.
- (1) No claim or demand against the Village, except as provided in Subsection (c) of this section, shall be paid until it has been approved by the Village Board and an order drawn by the Village Director of Finance. Every claim shall be itemized and certified as provided in Subsection (a).
 - (2) After auditing, the Village Board shall approve or disapprove each claim. The approval of the claims shall show to whom, for what purpose and the amount of every claim approved and shall be on record with the Director of Finance.
- c) Special processing of claims.
- Many times due to the timing of Village Board meetings, claims may need to be settled prior to the next Village Board meeting. Additionally, many of the below-listed items are routine in nature, such as an electric bill. Due to these facts, the Finance Department is authorized to issue payment for the below-listed items. The Village Board shall be provided with a list of the claims at its next regularly scheduled Village Board meeting.
- (a) Bond payments.
 - (b) Court-related payments.
 - (c) Debt service payments.
 - (d) Escrow releases.

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- (e) Mobile home and hotel/motel tax payments.
 - (f) Payroll/payroll liabilities.
 - (g) Postage.
 - (h) Refunds.
 - (i) Sewage treatment plant expenses.
 - (j) Tax liabilities, including settlements.
 - (k) Utility bills (ex. telephone, electric, water, etc).
 - (l) Insurance payments, such as workers' compensation or property insurance.
 - (m) Miscellaneous purchases as determined in the Village Purchasing Policy.
 - (n) Emergency purchases as determined by the Purchasing Policy
- d) Timely processing. Since the processing of claims needs to occur within the vendor's requirements to not incur penalty or interest on the outstanding claim, the Finance Department is authorized to process the necessary checks to ensure the Village does not incur finance charges on Village accounts or to take advantage of discounts. The Finance Department shall be required to submit a listing of all bills paid in this manner at the next Village Board meeting. The amount of the claims processed shall not be limited to the above dollar amounts.
- e) Method of incurring claims. All actions which result in the appropriation of money or creating a charge against the Village, unless previously authorized by the Board through the budget process, including any claim that exceeds the budgeted amount, shall require a two-thirds vote of the entire membership of the Board. Additionally, all actions which result in a cost to the Village shall be discussed with the initial action and need to meet the aforementioned requirements. The action taken needs to incorporate the necessary budget transfer/amendment in the resolution appropriating the funds/charge.

Sec. 2-168. Monthly report required.

The village clerk shall file, at least monthly, with the village board a written list of bills and claims approved, the date paid, the name of the claimant, the purpose and amount of the claim. The village clerk can demand proof of compliance with the provisions of section 2-167, noted prior to approval.

(Ord. No. 38, § 2, 4-11-1996)

Sec. 2-169. Retention of nominal overpayments absent demand and discharge of nominal underpayments.

- (a) For purposes of this section a "nominal" overpayment or underpayment shall be an amount which does not exceed a \$5.00 difference toward any tax, fee, or other obligation to the village or utility.
- (b) As an administrative convenience, the village or utility shall retain any nominal overpayment and shall not process a refund of the same absent appropriate demand for refund by the payer of the overpayment.
- (c) As an administrative convenience, the village or utility may opt to not pursue any nominal underpayment owed by a resident or utility customer or vendor.
- (d) A nominal overpayment or underpayment pursuant to the provisions of this section shall be credited or debited to the General Fund for village transactions and to the customer accounts funds for utility transactions pursuant to any regulations by the public service commission.

(Ord. No. V22-21, § 1, 12-13-2022)

ARTICLE VI. ACCESS TO AND MAINTENANCE AND DESTRUCTION OF PUBLIC RECORDS²

Sec. 2-190. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Authority means the Harrison Village Board as the authority responsible for village governmental records.

Custodian means that officer, department head or employee of the village designated under section 2-192, or otherwise responsible by law, to file, deposit, keep and preserve any village records in their office; or who is lawfully in possession or entitled to possession of such public records and who is required by this article to respond to requests for access to such records.

Record means any material on which written, drawn, printed, spoken, visual or electromagnetic information is recorded or preserved, regardless of physical form or characteristics, which has been created or is being kept by an authority.

- (a) The term "record" includes, but is not limited to, handwritten, typed or printed pages, e-mails, maps, charts, photographs, films, recordings, tapes, including computer tapes and computer printouts.
- (b) The term "record" does not include drafts, notes, preliminary computations and like materials prepared for the originator's personal use or prepared by the originator in the name of a person for whom the originator is working; materials which are purely the personal property of the custodian and have no relation to their office; materials to which access is limited by copyright, patent or bequest; and published materials in the possession of an authority other than a public library which are available for sale, or which are available for inspection at a public library.

Requester means any person who requests inspection or copies of a record.

(Ord. No. 07-124, § 1, 5-29-2007)

Sec. 2-191. Duty to maintain public records.

- (a) Except as provided under section 2-196, each officer and employee of the village shall safely keep and preserve all records received from their predecessor or other persons and required by law to be filed, deposited or kept in their office or which records are in the lawful possession or control of the officer or employee or their deputies or to the possession or control of which he or they may be lawfully entitled as such officers or employees.
- (b) Upon the expiration of an officer's term of office, or an employee's term of employment, or whenever the office or position of employment becomes vacant, each such officer or employee shall deliver to their successor all records then in their custody and the successor shall receipt therefore to the officer or employee, who shall file said receipt with the village clerk. If a vacancy occurs before a successor is selected

²State law reference(s)—Public records and property, Wis. Stats. §§ 19.21—19.39.

or qualifies, such records shall be delivered to and receipted for by the clerk on behalf of the successor to be delivered to such successor upon the latter's receipt.

(Ord. No. 07-124, § 2, 5-29-2007)

Sec. 2-192. Legal custodians.

- (a) Each elected official is the legal custodian of their records and the records of their office, but the official may designate an employee of the village to act as the legal custodian of said records.
- (b) Unless otherwise prohibited by law, the village clerk or his designee shall act as legal custodian for the village board and for any committees, commissions, boards, or other authorities created by ordinance or resolution of the village board.
- (c) In all other cases, the village manager, village attorney and each village department head shall be the legal custodian for all public records emanating from, deposited with, and relating to the work of said office or department.
- (d) Each legal custodian shall name a person to act as legal custodian in his absence or the absence of his designee.
- (e) The legal custodian shall have full legal power to render decisions and to carry out the duties of an authority under Wis. Stats. §§ 19.21 through 19.39, and under this article. The designation of a legal custodian does not affect the powers and duties of an authority under this article.
- (f) Public records may be requested, inspected and copies obtained during the regular business hours of the various departments where the record is maintained.

(Ord. No. 07-124, § 3, 5-29-2007)

Sec. 2-193. Public access to records.

- (a) Except as provided in section 2-195, any person has a right to inspect a record and/or to receive a copy of any record as provided in Wis. Stats. § 19.35(1).
- (b) Notwithstanding par (c), the legal custodian shall impose upon the requestor a; applicable fees for a requested record as permitted in Wis. Stats. 19.35(3), and as determined by the Village Fee and Penalty Schedule.
- (c) The legal custodian may require supervision during inspection or may impose other reasonable restrictions on the manner of access to an original record, if the record is irreplaceable or easily damaged.
- (d) Pursuant to Wis. Stats. § 19.34, and the guidelines therein listed, the authority shall adopt, prominently display, and make available for inspection and copying at its offices for the guidance of the public, a notice containing a description of its organization and the established times and places at which the legal custodian from whom, and the methods whereby, the public may obtain information and access to records in its custody, make request for records or obtain copies of records and the cost thereof. Each authority shall prominently display said notice in a public space within each of its buildings.

(Ord. No. 07-124, § 4, 5-29-2007)

Sec. 2-194. Access procedures.

- (a) A request to inspect or copy a record shall be made to the legal custodian of the records affected by the request. A request shall be deemed sufficient if it reasonably describes the requested record or the information requested. A request for a record without a reasonable limitation as to the subject matter or length of time represented by the record does not constitute a sufficient request. A request may be made orally, but a request must be in writing before an action to enforce the request is commenced under Wis. Stats. § 19.37. Except as provided hereinafter, no request may be refused because the person making the request is unwilling to be identified or to state the purpose of the request. No request may be refused because the request is received by mail, unless prepayment of a fee is required. A requester may be required to show acceptable identification whenever the requested record is kept at a private residence or whenever security reasons or federal law or regulations so require.
- (b) Each custodian, upon request for any records, shall as soon as practicable and without delay, either fill the request or notify the requester of the authority's determination to deny the request in whole or in part and the reasons, therefore. If the legal custodian, after conferring with the village attorney, determines that a written request is so general as to be unduly time consuming, the party making the request may first be required to itemize his request in a manner which would permit reasonable compliance.
- (c) A request for a record may be denied as provided in section 2-195. If a request is made orally, the request may be denied orally unless a demand for a written statement of the reasons denying the request is made by the requester within five business days of the oral denial. If a written request is denied in whole or in part, the requester shall receive a written statement of the reasons for denying the request. Every written denial of a request shall inform the requester that if the request for the record was made in writing, then the determination is subject to review upon petition for a writ of mandamus under Wis. Stats. § 19.37(1), or upon application to the attorney general or the district attorney.

(Ord. No. 07-124, § 5, 5-29-2007)

Sec. 2-195. Limitations on right to access.

- (a) As provided by Wis. Stats. § 19.36, the following records are exempt from inspection under this article:
 - (1) Records specifically exempted from disclosure by state or federal law or authorized to be exempted from disclosure by state law.
 - (2) Any record relating to investigative information obtained for law enforcement purposes, if federal law or regulations require exemption from disclosure or if exemption from disclosure is a condition to receipt of aids by the state.
 - (3) Computer programs, although the material used as input for a computer program, or the material produced as a product of the computer program is subject to inspection.
 - (4) A record or any portion of a record containing information qualifying as a common-law trade secret.
- (b) In responding to a request for inspection, or copying of a record which is not specifically exempt from disclosure, the legal custodian, after conferring with the village attorney, may deny the request in whole or in part only if he determines that the harm to the public interest resulting from disclosure would outweigh the public interest in full access to the requested record. Examples of matters for which disclosure may be refused include but are not limited to the following:
 - (1) Records obtained under official pledges of confidentiality which were necessary and given in order to obtain the information contained in them.

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- (2) Records of current deliberations after a quasi-judicial hearing.
 - (3) Records of current deliberations concerning employment, dismissal, promotion, demotion, compensation, performance or discipline of any village officer or employee or the investigation of charges against a village officer or employee, unless such officer or employee consents to such disclosure.
 - (4) Records concerning current strategy for crime detection or prevention.
 - (5) Records of current deliberations or negotiations on the purchase of village property, investing of village funds, or other village business whenever competitive or bargaining reasons require nondisclosure.
 - (6) Financial, medical, social or personal histories or disciplinary data of specific persons which, if disclosed, would be likely to have a substantial adverse effect upon the reputation of any person referred to in such history or data.
 - (7) Communications between legal counsel for the village and any officer, agent, or employee of the village, when advice is being rendered concerning strategy with respect to current litigation in which the village or any of its officers, agents, or employees is or is likely to become involved or communications which are privileged under Wis. Stats. § 905.03.
- (c) If a record contains information that may be made public and information that may not be made public, the custodian of the records shall provide the information that may be made public and redact the information that may not be made public from the record before release. The custodian shall confer with the village attorney prior to releasing any such records and shall follow the guidance of the village attorney when separating out the exempt material. If, in the judgment of the custodian and the village attorney, there is no feasible way to separate the exempt material from the nonexempt material without unreasonably jeopardizing nondisclosure of the exempt material, the entire record shall be withheld from disclosure.

(Ord. No. 07-124, § 6, 5-29-2007)

Sec. 2-196. Destruction of records.

- (a) *Scope of authority.* As provided by Wis. Stats. § 19.21(4), the provisions of this section provide direction for the destruction of obsolete public records, except that no records may be destroyed:
- (1) After a request for inspection or copying a record has been received under section 2-193 and until the request is granted or until at least 90 days after the request is denied; or
 - (2) After written notice has been received that an action relating to a record has been commenced under Wis. Stats. § 19.37 and until all litigation and appeals regarding that action have concluded.
 - (3) Without providing at least sixty (60) days' notice in writing to the Wisconsin Historical Society (WHS), unless the requirement is waived per WHS in writing, or per Wis Stats. 19.21 (5) (d), or as noted by the Wisconsin Public Records Board in its General and Municipal Records Schedule.
- (b) *Village records.* The village clerk, custodian or their designee, may destroy the following public records after the expiration of the designated retention periods. Except for village board minutes, ordinances and resolutions which are to be retained permanently, the state historical society has waived the required statutory notification prior to destruction of records per Wis. Stats. § 19.21(5)(d) for the records listed below:
- (1) Wisconsin municipal and related records;
 - (2) Administrative and related records;
 - (3) Budget and related records;
 - (4) Financial and accounting and related records;

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- (5) Fleet and aircraft and related records;
 - (6) Human resources and related records;
 - (7) Payroll and benefits and related records;
 - (8) Purchasing and procurement and related records.

(Ord. No. 07-124, § 7, 5-29-2007)

Sec. 2-197. Preservation through electronic measures.

Any village officer or the director of any department or division of village government may, subject to the approval of the village board, keep and preserve public records in their possession by means of microfilm or other electronic measures. Such records shall meet the standards for reproduction of public records set forth in Wis. Stats. § 16.61(7)(a), (b), and shall be considered original records for all purposes. Such records shall be preserved along with other files of the department or division and shall be open to public inspection and copying, according to the provisions of state law and of sections 2-193 and 2-194.

(Ord. No. 07-124, § 8, 5-29-2007)