



APC Meeting

Agenda Item: Chapter 180 revision

Meeting Date: April 21, 2026

Referring Body:

Committee Contact: Trustee Sorensen

Staff Contact: Pete Wegner

Report Prepared by: Ken Charneski

AGENDA ITEM: Chapter 180 revision

OBJECTIVE(S): This ordinance change would clarify the public expectation of due diligence in Board members' voting decisions.

This proposed change provides transparency for the public to the decision-making thought process, and is expected to aid in public confidence that certain Village Board decisions have been made based on substantial, even though arguable reasons.

HISTORY/BACKGROUND

PROPOSAL:

This item was discussed at the February 17, and March 17, 2026 APC meeting and tabled pending the submission of a cover report explaining the purpose regarding this item.

This change is intended to grant clarity for the public as to the purpose of decisions made by the Kronenwetter Village Board.

While the majority of Board decisions have a clear though sometimes arguable purpose of being in the Village's best interest, there occasionally may come an item that cannot be justified by reasons other than ambiguous or arbitrary in nature, with some Board members making no comment at all, except to vote on the matter

If after discussion there is still ambiguity as to the public benefit of a proposed course of action, upon a challenge to this effect, the Board members would necessarily explain on the public record, the fact-based rationale of trustees holding a position for or against the current item before the Board.

The benefit of this change is to reduce the public perception that decisions are being made arbitrarily, and/or without due diligence as to actual knowledge of the subject matter. This requirement would apply only when invoked.

Proposed changes to the Village Code. Highlighted text to be added.

§ 180-2. - Powers and duties.

A. The village board shall have all of the powers and duties conferred upon it by Wis. Stats. § 61.34, which section is incorporated in this section by reference and made a part hereof as though fully set forth in this section.

B. General grant. Except as otherwise provided by law, the village board shall have the management and control of the village property, finances, highways, streets, navigable waters, and the public service, and shall have power to act for the government and good order of the village, for its commercial benefit and for the health, safety, welfare and convenience of the public, and may carry its powers into effect by license, regulation, suppression, borrowing, taxation, special

assessment, appropriation, fine, imprisonment, and other necessary or convenient means. The powers hereby conferred shall be in addition to all other grants and shall be limited only by express language.

C. The Kronenwetter Village Board has determined that it is an abuse of authority and violation of an elected official's oath of office to support or approve any contract, agreement, intergovernmental agreement, policy, expenditure, or special permit not specifically required by statute or Village Ordinance, and which is also apparent to an objective person to be inherently inequitable or against the best interests of the Village of Kronenwetter, or Village taxpayers.

D. During public meetings, upon request, decision makers shall provide on the record, fact or opinion-based reasoning for their position on the matter at hand.

180-2.1 Obligations (as quoted from 63C Am.Jur.2d, Public Officers and Employees, §247)

As expressed otherwise, the powers delegated to a public officer are held in trust for the people and are to be exercised in behalf of the government or of all citizens who may need the intervention of the officer.

[1] Furthermore, the view has been expressed that all public officers, within whatever branch and whatever level of government, and whatever be their private vocations, are trustees of the people, and accordingly labor under every disability and prohibition imposed by law upon trustees relative to the making of personal financial gain from a discharge of their trusts.

[2] That is, a public officer occupies a fiduciary relationship to the political entity on whose behalf he or she serves.

[3] and owes a fiduciary duty to the public.

[4] It has been said that the fiduciary responsibilities of a public officer cannot be less than those of a private individual.

[5] Furthermore, it has been stated that any enterprise undertaken by the public official who tends to weaken public confidence and undermine the sense of security for individual rights is against public policy. Fraud in its elementary common law sense of deceit-and this is one of the meanings that fraud bears [483 U.S. 372] in the statute. See United States v. Dial, 757 F.2d 163, 168 (7th Cir1985) includes the deliberate concealment of material information in a setting of fiduciary obligation. A public official is a fiduciary toward the public, including, in the case of a judge, the litigants who appear before him and if he deliberately conceals material information from them, he is guilty of fraud. McNally v United States 483 U.S. 350 (1987)

RECOMMENDED ACTION: As the committee decides.

FINANCIAL

Financial Consideration/Action: No direct financial impact.

FUNDING SOURCE: N/A

Account Number/Title:	#
Current Adopted Budget:	\$
Spent to Date:	\$
Remaining Budget:	\$
Requested Amount:	\$
Remainder of Budgeted Amount, if approved:	

ATTACHMENTS: