



HERITAGE
COMMUNITY
OPPORTUNITY

VILLAGE OF MOUNT HOREB

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FINANCE AND PERSONNEL COMMITTEE WEDNESDAY, AUGUST 3, 2022

The Finance and Personnel Committee of the Village of Mount Horeb will meet in person at **5:30pm** on the above date in the Board Room of the Municipal Building, 138 E Main Street, Mount Horeb, WI. Agenda as follows:

- 1) Call to order-Roll call
- 2) Consider July 6, 2022 minutes
- 3) Personnel Update
- 4) 2022 Vendors Under Review Update
- 5) Village Administrator's Mid-Year Goal Check-In
- 6) Recommendation on Board and Committee Ethics Policy
- 7) Future Agenda Items
- 8) Meeting adjournment.

A QUORUM OF THE VILLAGE BOARD/VILLAGE COMMITTEE MEMBERS MAY BE PRESENT AT THIS MEETING. ONLY NOTICED AGENDA ITEMS WILL BE ACTED ON BY THE GOVERNMENTAL BODY SPECIFIED ABOVE.

UPON REASONABLE NOTICE EFFORTS WILL BE MADE TO ACCOMMODATE THE NEEDS OF DISABLED INDIVIDUALS THROUGH APPROPRIATE AIDS OR SERVICES. TO REQUEST THIS SERVICE CONTACT ALYSSA GAFFNEY, CLERK, AT (608) 437-9404.

**VILLAGE OF MOUNT HOREB
FINANCE/PERSONNEL COMMITTEE MINUTES
JULY 6, 2022**

The Finance/Personnel Committee met in regular session in-person with a virtual option.

Call to Order/Roll Call: Chair Scott called the meeting to order at 5:30pm. Present were Committee members Jason Fendrick and Ryan Czyzewski. Jones arrived shortly after roll call was complete. Hoffman arrived virtually at 5:55pm. Also present were Administrator Owen, Treasurer/Finance Director Joan Stuessy, and Village Clerk Gaffney.

Consider June 1, 2022 minutes: Czyzewski moved, Fendrick seconded to approve the minutes. Motion carried by unanimous voice vote.

Personnel Update: Human Resources Director Char Horsfall gave an update on personnel changes.

Review of Village Administrator Annual Evaluation form and procedures: Scott explained this item. The committee members gave their input on the form and procedures provided.

Discussion/recommendation of spending ideas for ARPA Funds: The committee discussed the submitted ideas and a timeline for spending the funds.

Future agenda items: Items mentioned: Ethics document, vendor review, education reimbursement update, residential grant discussion.

Adjourn: There being no further business before the Committee, Fendrick moved, Czyzewski seconded to adjourn the meeting at 6:10pm. Motion carried by unanimous voice vote.

Minutes by Alyssa Gaffney, Village Clerk

Village of Mount Horeb

Personnel Update

July 25, 2022

OPEN POSITIONS:

Part-time Production Assistant – Trollway TV

- Currently accepting applications/interviewing

Police Lieutenant

- Recruitment to begin in mid-August

RECENTLY FILLED POSITIONS:

Deputy Clerk/Office Assistant: Ana Schwenn started July 18, 2022

CONTINUING EDUCATION REIMBURSEMENT REPORT:

- Policy was effective 1/1/2022
- Year to date reimbursement requests: 1

ADMINISTRATOR EVALUATION FORM:

- Link to online survey will be emailed August 4, open through August 28
- Word document also available to those who prefer it
- Evaluation dates: August 1, 2021 – July 31, 2022
- Results compiled and shared prior to September 7, 2022 Board meeting

Village of Mount Horeb / Mount Horeb Utilities
Vendor Spending \$5,000+ in 2021 to Review (83 total)
*83=109 vendors listed(-)26 less than \$5K
2022 Vendors to Review (26)
2022 New Addition to List based on 2021 spending (14)

Dept Head Notes											Reply Received
Vendor Name	Total 2018 Expense	Total 2019 Expense	Total 2020 Expense	Total 2021 Expense	Notes	Dept Head	Current agreement expires when? PROVIDE AGREEMENT TO AMY	Last negotiated when?	Recommendation for review: Frequency: When Next?	Notes	
AMAZON.COM LLC Total	28,835	36,565	23,111	56,598	library/PD supplies	Jessica Gretzinger / Doug Vierck	N/A	N/A	Every 3 years; 2022	When we use Amazon it's usually because we have price-checked everywhere else and they truly have the lowest rates. Also we take advantage of the business prime account to get free shipping. JG We use Amazon for the cheaper price, free shipping (in most cases), and they allow tax exempt. It is primarily used for computer equipment and clothing allowance items. DV	JG 5/25/22 DV 7/22/22
AQUAFIX INC Total	7,548	2,140	3,781	3,104		John Klein			Annually	Aqua fix is a Madison company we have worked with for years and buy enzyme products for use as LS degreaser and cleaners. We do get prices from other companies to compare individual items.	JK 6/29/22
BAKER & TAYLOR BOOKS Total	34,762	38,180	39,545	23,876	Library supplies	Jessica Gretzinger	N/A	N/A	Every 3 years; 2022	There are three major book distributors libraries work with: Baker & Taylor, Ingram Books, and Amazon. We primarily use Baker & Taylor because they give us free shipping. Baker & Taylor and Ingram Books provide state contract discounts that are basically the same, but Baker & Taylor provides better shipping rates. I did set all collection development staff up with Ingram accounts this year so they can review pricing. There are certain circumstances with Ingram where we could qualify for reduced shipping costs so it's something we will look at. We check prices in Amazon as well and if we can get items cheaper and/or faster, we sometimes use Amazon.	JG 5/25/22
BAKER TILLY VIRCHOW KRAUSE LLP Total	83,248	76,211	76,132	80,883	Audit	Amy Hall	2022 (for 2023 audit)	2018	Every 5 years; 2022	Used for audit purposes; required services	
BOLDTRONICS INC Total	7,737	-	2,180	10,210	Video surveillance	Doug Vierck / Jeff Gorman	N/A		Every 3 years 2022	Boldtronics supplied the initial equipment fo rour new building so they help with warranty items and repairs, they are very effcient and understanding when we need work done. They have equipment in the schools, other areas of the village, and other local businesses where they have good availability. DV	DV 7/22/22
CRACK FILLING SERVICE CORPORATION Total	7,300	32,500	38,000	53,000	street maintenance	Jeff Gorman			Annually	Annual bid-They do excellent work and are competitively priced. They have a long history of inspecting and knowledge of our Wells JK	JG 7/25/22
CTW CORPORATION Total	43,509	93,245	-	10,673		John Klein / Josh Hyndman	N/A		every 5 years; 2022	I would like to stay with CTW at this point. If we have problems I pick the phone up and usually have someone on site in a few hours. JH	JK 6/29/22 JH 7/18/22
ENERGIS HOLDINGS LLC Total	-	13,323	34,522	17,822	NE Substation	Jordan Schmitz / John Klein / Josh Hyndman			every 3 years; 2025	testing at substation Jordy will use this and I will need to cover the cost with our share. JH	JS 5/26/22 JH 7/18/22
ENGINEERING FOR KIDS Total	8,755	8,375	-	6,565	Rec program	Jill Dudley	Fall 2019	January of 2019	Annually	Contracted program, still do 80%/20% split	5/18/22 JD
FINKS CAFE LLC Total	18,846	19,380	16,692	10,746	Senior Center	Lynn Forshaug	N/A	Program began 3/1/2015	Funding is Reviewed Annually in November	Dane Cty determines amount received each year.	5/18/22 OK per LF
GENERAL ENGINEERING COMPANY Total	49,830	45,278	44,223	44,330	Building Inspection	Nic Owen	Auto-renews	2018	Every 2 years; 2022	Costs are inline. Continue contract-N.O.	NO 7/28/22
GENERAL HEATING & AIR CONDITIONING INC Total	8,112	5,555	169,877	16,056	service	Jeff Gorman / Jessica Gretzinger	2020	2018	Every 2 years; 2022	Service agreement for library and Municipal Building HVAC	Jessica G deferred to Jeff Gorman 5/25/22
JOHNSON'S NURSERY INC Total	26,473	22,631	18,373	14,575	trees	Jeff Gorman			every 5 years; 2022	Best nursery for price, quality and selection	JG 7/25/22
LITTLE STAR KICKERS LLC Total	10,000	15,295	-	13,645	Rec program	Jill Dudley	End of 2019	January of 2019	Annually; 2022	Contracted program, still do 80%/20% split	5/18/22 JD
MADISON TRUCK EQUIPMENT INC Total	2,376	6,674	1,059		Plow repair	Jeff Gorman			every 3 years; 2022		JG 7/25/22
MIDWEST TAPE LLC Total	10,293	14,596	22,353	16,371		Jessica Gretzinger	N/A	N/A	Every 3 years; 2022	The major sources for purchasing media (DVDs and CDs) for libraries is Midwest Tape, Amazon, and Baker & Taylor. We run into issues with Amazon because they often release streaming content before DVD content. Midwest Tape has proven to be the most reliable for shipping new release DVDs. The other reason we pay so much to this vendor -- they also provide the online streaming platfrom and content that we purchase for the Mount Horeb Community (Hoopla). There are a few major platforms for digital content for libraries. Overdrive -- which we already participate in through the State, Hoopla, which you can see the numbers reflected here, and Kanopy. Kanopy streams video content. We looked at adding it for this year, but felt the content did not justify the value it would bring to our community.	JS 5/26/22

Vendor Name	Total 2018 Expense	Total 2019 Expense	Total 2020 Expense	Total 2021 Expense	Notes	Dept Head	Current agreement expires when? PROVIDE AGREEMENT TO AMY	Last negotiated when?	Recommendation for review: Frequency; When Next?	Notes	Reply Received
MOST DEPENDABLE FOUNTAINS INC. Total	7,930	-	-		fountain	Jeff Gorman			every 5 years; 2022	Good products and parts availability. Competetively priced.JG	JG 7/25/22
POMP'S TIRE SERVICE INC Total	9,927	7,465	17,886	15,459	tires	Jeff Gorman			every 3 years; 2022		
PREMIER COOPERATIVE Total	24,083	19,015	17,501	20,030	various supplies	Jordan Schmitz / Jeff Gorman / Josh Hyndman / John Klein		2022-elec.	Annually	tools,truck work-elec. Wastewater purchases items from all of the hardware stores in the village. JK Water uses when needing parts in a hurry. We also get day to day supplies from them. JH	JS 5/26/22 JK 6/29/22 JH 7/18/22
SLOAN IMPLEMENT COMPANY INC Total	36,132	18,603	13,893	86,075	equipment sales/service	Jeff Gorman / Josh Hyndman / John Klein		2021-Elec.	Every 3 years; 2022	Oil/parts-Elec. Wastewater only buys JD parts and the occasional mower. JK Water uses when needing parts in a hurry. JH	JS 5/26/22 JK 6/29/22 JH 7/18/22
STRAND ASSOCIATES INC Total	676,507	387,578	159,597	44,035	WWTP	John Klein	Several contracts	2016	every 5-7 years; 2022	Strand is who we are comfortabe to work with on the WPCF that they designed. We are also using them on some lift station projects. Long history with them.	JK 6/29/22
SYMDON MOTORS INC Total	6,610	7,898	51,156	27,452	vehicle maintenance	Doug Vierck / Jeff Gorman	N/A		Every 3 years; 2022	Police car & Truck Maintenance	DV 7/22/22
THE MCCLONE AGENCY INC Total	100,408	145,771	137,675	131,113	P&C Insurance	Amy Hall	12/31/2019	2014/2015	Every 7-10 years; 2022	Used for property and casualty insurance, required business purpose	
TOP PACK DEFENSE Total	649	8,577	22,992	8,601	Police Dept uniforms	Doug Vierck			Every 3 years; 2022	Competetive pricing, very customer oriented, and have not found any better pricing for our current uniform items. DV	DV 7/22/22
VANDEWALLE & ASSOCIATES INC Total	29,008	24,797	58,767	57,713	planning	Nic Owen	12/31/2019	2002?	None, if satisfied	Long time planner retired, send out for RFP for planning services-N.O.	NO 7/28/22
i90 ENTERPRISES LLC Total				10,579		Jordan Schmitz / Jeff Gorman		2021	Every 3 years; 2025	Mini Trailer	JS 5/26/22
J & C FLOOR SHOP INC Total				10,626		Jeff Gorman		2021		Low bidder for flooring project-JG	JG 7/25/22
JONES EXCAVATING SOLUTIONS, LLC Total				7,408		Josh Hyndman				Dig our water main breaks in a hurry. JH	JH 7/18/22
MICHELS POWER INC Total				36,188		Jordan Schmitz		2021	every 3 yrs; 2025	Only have done substation work(Military Ridge Sub this fall?)	JS 5/26/22
MIDDLETON MOTORS INC				142,409		Doug Vierck / Jeff Gorman		2021		Low bidder for truck purchase-JG	JG 7/25/22
MID-STATE EQUIPMENT				6,650		Jeff Gorman		2021		Low bidder for mower purchase-JG	JG 7/25/22
MIDWEST PUBLIC SAFETY LLC				34,245		Doug Vierck					
MILLENNIUM COMM & ELECTRICAL PRODUCTS Total				12,793		Jordan Schmitz		2022	every 3 yrs; 2025	WPPI pipe bid contract	JS 5/26/22
MULCAHY SHAW WATER INC Total				6,454		John Klein				They are our rep for Vulcan, Trojan etc. We must buy parts through them. Recent Trojan UV parts purchased.	JK 6/29/22
S.T. & ASSOCIATES OF MT. HOREB Total				6,089		Nic Owen					
SCOTT CONSTRUCTION INC Total				69,150		Jeff Gorman		2021		Low bidder for sealcoating-JG	JG 7/25/22
SJ ELECTRIC SYSTEMS LLC Total				7,099	Electrical controls and pump, lift station repair. Commonly know as LW Allen. Name change for billing is fairly recent.	John Klein				This company(AKA LW Allen) is a Madison company that is the Rep for much of our equipment.	JK 6/29/22
SOUTH TOWN REFRIGERATION-CONTROL WORKS Total				7,535		Jordan Schmitz / Josh Hyndman				Controls for our shop heating an cooling. They work with our contractor to keep air and heat. We only use this company when we need controls. Its not an everyday company. JH	JH 7/18/22
TRI HOLDINGS, LLC Total			61,500	45,127		Nic Owen					
A-1 SEWER SERVICE INC Total	5,395	2,890	1,340	-	catch basins & supplies	Jeff Gorman			every 5 years; 2022	Remove from list(?): 3 years less than \$5000--ds	

Ethics Code

1. 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 Code of Ethics for all Village of Mount Horeb 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 of Mount Horeb and by directing disclosure by such officials and employees 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 Village official and employee holds his or her 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 of Mount Horeb.

2. Definitions.

The following definitions shall be applicable in this Chapter:

- (a) **Public Official.** Those persons serving in statutory elected or appointed offices provided for in Chapter 62 of the Wisconsin Statutes, and all members appointed to boards, committees and commissions established or appointed by the Village President and/or Village Board pursuant to this Code of Ordinances, whether paid or unpaid.
- (b) **Public Employee.** Any person excluded from the definition of a public official who is employed by the Village.
- (c) **Anything of Value.** 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.
- (d) **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.
- (e) **Personal Interest.** 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 ($\frac{1}{2}$) support from such person or from whom such person receives, directly or indirectly, more than one-half ($\frac{1}{2}$) of his support.
- (f) **Significant Interest.** Owning or controlling, directly or indirectly, at least ten percent (10%) or Five Thousand Dollars (\$5,000.00) of the outstanding stock of at least ten percent (10%) or Five Thousand Dollars (\$5,000.00) of any business.

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- (g) **Financial Interest.** 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.
 - (h) **Staff.** Any full- or part-time employee of the Village.

3. Statutory Standards of Conduct.

There are certain provisions of the Wisconsin 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 the Wisconsin Statutes, as from time to time amended, are made a part of this Code of Ethics and shall apply to public officials and employees whenever applicable, to wit:

- (a) **Sec. 19.59.** State Ethics Law.
- (b) **Sec. 946.10.** Bribery of Public Officers and Employees.
- (c) **Sec. 946.11.** Special Privileges from Public Utilities.
- (d) **Sec. 946.12.** Misconduct in Public Office.
- (e) **Sec. 946.13.** Private Interest in Public Contract Prohibited.

4. Responsibility of Public Office.

Public officials and employees are agents of public purpose and hold office for the benefit of the public. They are bound to uphold the Constitution of the United States and the Constitution of this State 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. Their conduct in both their official and private affairs should be above reproach so as to foster respect for government.

5. 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. Staff members shall file a copy of such professional ethics codes with the Village Clerk. The Village Clerk may notify the appropriate professional ethics board of any ethics violations involving Village employees covered by such professional standards.

6. 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 in the conduct of official business, as authorized by the Village Board or authorized board, commission or committee.
- (b) **Use of Village Stationery.** No official or employee shall use, or permit the unauthorized use of, Village stationery for personal use.

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- (c) **Obligations to Citizens.** No official or employee shall grant any special consideration, treatment or advantage to any citizen beyond that which is available to every other citizen. No official or employee shall use or attempt to use his or her position with the Village to secure any advantage, preference or gain, over and above his rightful remuneration and benefits, for himself or for a member of his or her 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 Chapter is a candidate or treasurer.

7. 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 Chapter 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 non-elected official 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 of input, or of which the employee is a member, that is a make to 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.** No official or employee 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.

(c) Gifts and Favors.

- (1) No official or employee, personally or through a member of his 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 his immediate family, shall accept any gift, whether in the form of money, service, loan, thing or promise, from any person which could reasonably be expected to impair his independence of judgment or action in the performance of his duties or grant in the discharge of his duties any improper favor, service or thing of value. However, it is not a

conflict of interest for any public official or employee to receive hospitality that is unsolicited and unrelated to government business, such as a meal, and that is not intended to influence the official.

- (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 paragraph further shall not be construed to prevent candidates for elective office from accepting hospitality, as a properly reported political contribution, from citizens for the purpose of supporting the candidate's campaign. (The State Ethics Board has interpreted "hospitality" as it applies to state officials as including meals, beverages and lodging which a person offers at his residence and would have been offered if the recipient was not an official).
- (4) Gifts received by an official or employee or his immediate family under unusual circumstances shall be referred to the Village Board within ten (10) days of receipt for recommended disposition. Any person subject to this Chapter 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 (10) days, disclose the details surrounding said offer to the Village Board. Failure to comply with this reporting requirement shall constitute an offense under this Chapter.

(d) **Representing Private Interests Before Village Agencies or Courts.**

- (1) Non-elected Village officials and employees shall not appear on behalf of any private person (other than him or herself, his or her 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) above 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 their 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 his part shall enter into any contract with the Village unless, within the confines of Sec. 946.13, Wis. Stats.:

- (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.

8. Advisory Opinions.

When an official, employee or the Ethics Board has doubt as to the applicability of a provision of this Ethics Code to a particular situation or definition of terms used in this Chapter, he should apply to the Village Attorney for an advisory opinion and will be guided by that opinion when given. The official or employee shall have the opportunity to present his interpretation of the facts at issue and of the applicability provisions of this Chapter before such advisory decision is made. This Chapter shall be operative in all instances covered by its provisions

except when superseded by an applicable statutory provision and statutory action is mandatory, or when the application of a statutory provision is discretionary, but determined by the Village Attorney to be more appropriate or desirable. 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.

9. 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. "Immediate family" includes those relatives by blood or marriage defined in Section 2(e) as personal interests.
- (b) Hiring an immediate family member of any current Village employee or elected Village official will be considered only if that individual has the knowledge and skills, experience or other job-related qualifications that warrant consideration for the position. A person cannot be hired for either full-time or part-time employment in a position immediately supervised by a member of that person's immediate family.
- (c) This Section does not apply to non-elected officials who are asked to accept appointment as members of a Village Board, commission or committee; non-elected 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.

10. Employees Covered by Collective Bargaining Agreements.

In the event an employee, covered under a collective bargaining agreement, is allegedly involved in an Ethics Code violation, the terms and conditions set forth in the applicable collective bargaining agreement shall prevail in the administration and interpretation of this Ethics Code Chapter.

~~11. Ethics Board.~~

- ~~(a) **Appointment.** There is created a six (6) member Village of Mount Horeb Ethics Board. All members of the Ethics Board shall be appointed by the Village President, subject to confirmation by the Village Board, and who shall serve without compensation or compensatory time off.~~
- ~~(b) **Membership.** The membership of the Ethics Board shall consist of three (3) citizen members; one (1) designee of the Village President; one (1) member of the Village Board; and one (1) Village employee. The Ethics Board shall elect its own chairman, vice chairman and secretary. The Village Clerk shall provide needed staff assistance and the Village Attorney shall provide needed legal advice and assistance.~~
- ~~(c) **Terms of Office.** Terms of office for members of the Ethics Board shall be three (3) years except that when initial appointments are made following the board's creation, two (2) of the members shall be appointed for three (3) years, two (2) members for two (2) years, and two (2) members for one (1) year. The term of a Board member appointed as the designee of the Village President shall expire with the expiration of the Village President's term in office; the term of a Board member representing the Village Board shall expire with the expiration of the member's term as a member of the Village Board; the term of a Board member representing Village employees shall expire with the member's termination of employment as a Village employee.~~
- ~~(d) **Rule Making Authority.** The Ethics Board shall develop and adopt reasonable rules of procedure.~~
- ~~(e) **Responsibilities and Duties.** The Ethics Board shall:
 - ~~(1) Administer and enforce the provisions of this Ethics Code.~~~~

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- (2) ~~Make declarations of economic interest filed with the Board available for public inspection and copying during normal Village office hours and compile an index of all statements on file with the Board to facilitate public access.~~
 - (3) ~~Issue advisory opinions regarding the propriety of any matter to which an individual subject to this Ethics Code is or may become a party. An advisory opinion may be requested by the individual or, in the case of an individual under consideration for appointment as a Village official or employee, by the appointing officer or authority with the consent of the prospective appointee. Village officials and employees shall be afforded an opportunity to appear before the Board and present facts at issue in the interpretation and administration of the Code of Ethics established by provisions in this Chapter before an advisory opinion is issued.~~
 - (f) ~~**Optional Powers.**~~ The Ethics Board may:
 - (1) ~~Issue subpoenas, administer oaths and investigate any violation of the ordinance on its own motion or upon complaint by any person.~~
 - (2) ~~Develop and make recommendations to the Village Board with respect to amendments to this Chapter.~~
 - (g) ~~**Records Closed.**~~ Records of the Board's opinions, requests for opinions and investigations of alleged ordinance violations may, at the Board's discretion, be closed in whole or in part to public inspection.

12. Sanctions.

- (a) ~~A determination that a public official's or public employee's actions constitute improper conduct under the provisions of this Chapter may constitute a cause for removal from office, termination of employment, suspension, reprimand, or other appropriate disciplinary action. As an alternative or in addition to sanctions imposed herein, any individual violating the Ethics Code shall be subject to a non-reimbursable forfeiture of not less than Ten Dollars (\$10.00) nor more than Two Hundred Dollars (\$200.00) as determined by the Village of Mount Horeb Ethics Board.~~
- (b) ~~Sanctions, including any disciplinary action, that may affect employees covered under a labor agreement will be consistent with the terms and conditions set forth in the labor agreement.~~
- (c) ~~Sanctions, including any disciplinary action that may affect employees covered by the Police and Fire Commission jurisdiction, will be consistent with both applicable Police and Fire Commission statutes and Commission rules and regulations.~~

13. Employee Protection.

No appointing authority, agent of an appointing authority or supervisor may initiate or administer, or threaten to initiate or administer, any retaliatory action against a Village employee following an employee's disclosure of information related to the violation of any federal or state law, rule or regulation, the mismanagement or abuse of authority, a substantial waste of public funds, or a danger to public health and safety. Nothing in this Section restricts the right of the Village as an employer to take appropriate disciplinary action against an employee who knowingly makes an untrue statement or discloses information, the disclosure of which is specifically prohibited by federal or state law, rule or regulation.