



REPORTS OF VILLAGE OFFICIALS – VILLAGE ADMINISTRATOR REPORT

REPORT PREPARED BY: Paul F. Evert

REPORT DATE: September 22, 2011

It was brought to my attention that during a past Village Board meeting there was discussion regarding the authority of a Trustee to act on behalf of the Village. Specifically, reference was made to Section 1.03(10)(b) **Powers and Duties** of the Village Code which, in part, provides “Nothing herein grants any individual trustee, including the village president, the ability to act on behalf of the village without the express authorization of the village board at a duly noticed village board meeting.” This sentence reminds us that until action is taken by the Village Board at a properly noticed meeting, no single trustee (or staff person for that matter) can commit the Village to any obligation with a third party.

When the above language was adopted in February of 2007, the same ordinance included section Section 1.03(10)(d) **Economic Development Coordination**, which provides “For purpose of discussing economic development issues, the Village President and the trustee that represents any affected ward shall be notified of discussions regarding development by village staff.” I doubt that these two sections were adopted at the same time by coincidence.

It is important that staff keep trustees and the Village Board President informed on possible development in our various wards. It is also important that local officials do not, without authorization, promise to help residents and businesses with services the Village Board may not ultimately approve. However, both the U.S. Constitution and the Wisconsin Constitution provide that the people have a right to petition the government. In this regard, Trustees should be responsive when contacted by residents and businesses looking for information and wishing to share information about anything that affects the Village.

Attachment

I. Ordinance 2007-8

ORDINANCE NO. 2007 – 8

AN ORDINANCE CREATING SECTION 1.03(10)
OF CHAPTER 1, GENERAL GOVERNMENT, OF THE
MUNICIPAL CODE OF HOWARD RELATING TO
VILLAGE BOARD MEMBERSHIP, POWERS AND DUTIES,
OFFICE SPACE AND ECONOMIC DEVELOPMENT

THE VILLAGE BOARD OF THE VILLAGE OF HOWARD, BROWN COUNTY, WISCONSIN, DOES
ORDAIN THAT SECTION 1.03(10) BE CREATED TO READ AS FOLLOWS:

SECTION 1. 1.03 BOARD AND COMMISSIONS.

(10) VILLAGE BOARD.

- (a) Membership. The Village Board shall consist of the Village President, who is elected at-large and eight (8) Village Trustees, who are elected by wards.
- (b) Powers and Duties. The president shall be by virtue of the office a trustee and preside at all meetings of the board and have a vote as trustee, sign all ordinances, rules, bylaws, regulations, commissions, licenses and permits adopted or authorized by the board and all orders drawn on the treasury except as provided by the *Wisconsin Statutes*, as amended. The Village Board shall have all powers as granted in s. 61.34 of the *Wisconsin Statutes*, as amended. Nothing herein grants any individual trustee, including the village president, the ability to act on behalf of the village without express authorization of the village board at a duly noticed village board meeting.
- (c) Office Space. Due to the part-time nature of the elected positions, no individual trustee, including the village president, shall have an office at village hall nor shall receive a key to same.
- (d) Economic Development Coordination. For purposes of discussing economic development issues, the Village President and the trustee that represents any affected ward shall be notified of discussions regarding development by village staff.

SECTION 2. All ordinances or parts of ordinances, in conflict herewith are hereby repealed.

SECTION 3. This ordinance shall take effect upon its adoption and publication.

Approved and adopted this 12th day of February 2007.

Carlene Felmer, Village President

ATTEST:

Joshua A. Smith, Village Administrator/Clerk