

CHAPTER 4
MUNICIPAL OFFICERS AND EMPLOYEES

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MUNICIPAL OFFICERS AND EMPLOYEES

Sec. 4.01 General Provisions

- 1) Officers shall have generally the powers and duties prescribed for like officers of towns and villages, except as otherwise provided, and such powers and duties as prescribed by law and except as to the Village President, shall perform such duties as shall be required of him by the Village Board. Officers, whose powers and duties are not enumerated in Chapter 61 of the Wisconsin Statutes, shall have such powers and duties as are prescribed by law for like officers or as are directed by the Village Board.
- 2) All officers and departments may make the necessary rules for the conduct of their duties and incidental proceedings.
- 3) The general laws for the punishment of bribery, misdemeanors and corruption in office, shall apply to Village officers.
- 4) Whenever a Village official in his official capacity proceeded against or obliged to proceed before any Court, Board or Commission, to defend or maintain his official position, or because of some act arising out of his official duties, and he has prevailed in such proceedings, or the Village Board has ordered the proceedings discontinued, the Board may provide for payment to such official such sum as it sees fit, to reimburse him for the expenses reasonably incurred for costs and attorney's fees.

Sec. 4.02 Eligibility For Office

- 1) No person shall be elected by the people to a Village office, who is not at the time of his election, a citizen of the United States and of this State, and an elector of the Village, and in case of a ward office, of the ward, and actually residing therein.
- 2) An appointee by the Village President, requiring to be confirmed by the Village Board, who shall be rejected by the Board, shall be ineligible for appointment to the same office for one year thereafter.

Sec. 4.03 Oaths Of Office

- 1) REQUIREMENT. Within five days after the election or appointment of any statutory Village officers, the Village Clerk-Treasurer shall notify the person so selected thereof. Every person elected or appointed to the office of Village President or Clerk-Treasurer shall within five days after election or notice thereof, when required, take and file the official oath.
- 2) FORM, PROCEDURE. The form, filing, and general procedure for the taking of oaths shall be governed by Ch. 19, subchapter I, Wis. Stats.

Sec. 4.04 Vacancies

- 1) HOW OCCURRING. Except as provided in Subsection (c) below, vacancies in elective positions occur as provided in Sections 17.03 and 17.035, Wis. Stats.
- 2) HOW FILLED. Vacancies in elective offices shall be filled by appointment by a majority vote of the Village Board for the remainder of the unexpired term. Vacancies in appointive offices shall be filled in the same manner as the original appointment for the residue of the unexpired term unless the term for such office is indefinite.
- 3) TEMPORARY INCAPACITATION. If any officer be absent or temporarily incapacitated from any cause, the Board may appoint some person to discharge his duties until he returns or until such disability is removed.

Sec. 4.05 Removal From Office

- 1) ELECTED OFFICIALS. Elected officials may be removed by the Village Board as provided in Sections 17.12(1)(a) and 17.16, Wis. Stats.
- 2) APPOINTED OFFICIALS. Appointed officials may be removed as provided in Section 17.12(1)(c) and 17.16, Wis. Stats.

Sec. 4.06 Custody Of Official Property

Village officers must observe the standards of care imposed by section 19.21, Wis. Stats., with respect to the care and custody of official property.

Sec. 4.07 Official Bonds: Officers Not To Be Sureties.

Every bond required of a Village officer shall be executed with sufficient sureties in a sum fixed by the Village Board when not otherwise prescribed, and be approved by the Village President.

Sec. 4.08 Village Clerk-Treasurer

- 1) **DECLARATION OF EXEMPTION FROM CERTAIN STATUTES.** Pursuant to Sections 61.195, 61.197 and 66.0101(4) of the Wisconsin Statutes, the Village of Whiting elects not to be governed by Section 61.19 and subsection (2) of Section 61.25, Wis. Stats., insofar as they relate to the selection and tenure of the Clerk-Treasurer by election, to the extent that such sections are in conflict with this Chapter.
- 2) **CREATION OF CONSOLIDATED OFFICE.** The Village of Whiting hereby elects, pursuant to Sec. 61.195, Wis. Stats., that the offices of Village Clerk and Village Treasurer of the Village of Whiting shall be combined and that the official to perform the duties of such office after its combination and merger shall be selected as herein provided.
- 3) **APPOINTMENT; TERM.** The office of Clerk-Treasurer shall be an appointive office. The Clerk-Treasurer shall be appointed by the Village President at the first regular meeting of the Board in May in odd-numbered years, subject to confirmation by the members of the Village Board.
- 4) **DUTIES.**
 - (a) Such person appointed to perform the duties of the combined offices shall perform all duties required of both offices as provided by law, and such other duties as are requested to be executed by such person by the Village Board from time to time, as well as such other and further duties with reference to the time to time, as well as such other and further duties with reference to the operation of and administration of the water and sewer facilities of the Village.
 - (b) In addition to the duties enumerated in Section 61.25 of the Wisconsin Statutes, the Village Clerk-Treasurer shall keep such books as shall be deemed necessary by the Public Service Commission of Wisconsin and the Village Board, for the records of the sewer and water utilities of the Village.
 - (c) The Village Clerk-Treasurer shall collect the sum of five (\$5.00) Dollars for each parcel of tax-exempt property reported pursuant to Wisconsin Statutes 70.337, Tax Exemption Reports.

Sec. 4.09 Deputy Clerk-Treasurer

The Village President may appoint, in odd-numbered years, a Deputy Clerk-Treasurer subject to confirmation by a majority of all the members of the Village Board. The Deputy Clerk-Treasurer shall have a two-year term of office. The Deputy Clerk-Treasurer shall act under the Clerk-Treasurer's direction and who during the temporary absence or disability of the Clerk-Treasurer or during a vacancy in such office shall perform the duties of Clerk-Treasurer. The acts of the Deputy shall be covered by official bond, as the Village Board shall direct.

Sec. 4.10 Village Attorney

- 1) **ELECTION.** The office of Village Attorney is an appointed position. The Village President shall appoint a Village Attorney at the first regular meeting of the Board in May in odd-numbered years, subject to confirmation by a majority of the members of the Village Board. The Village Attorney's term shall commence on the first day of May succeeding his appointment
- 2) The Village Attorney shall have the following duties:
 - (a) The Attorney shall conduct all of the law business in which the Village is interested.
 - (b) He shall, when requested by Village officers, give written legal opinions, which shall be filed with the Village.
 - (c) He shall draft ordinances, bonds and other instruments as may be required by Village officers.
 - (d) He may appoint an assistant, who shall have power to perform his duties and for whose acts he shall be responsible to the Village. Such assistant shall receive no compensation from the Village, unless previously provided by ordinance.
- 3) The Village Board may employ and compensate special counsel to assist in or take charge of any matter in which the Village is interested.
- 4) The Village Attorney shall perform such other duties as provided by State law and as designated by the Village Board.

Sec. 4.11 Building Inspector

- 1) The Building Inspector shall issue or cause to be issued all proper permits for such work after payment of the fees required therefore. He shall process all applications, make all inspections and have the authority to issue or cause to be issued a certificate of completion.
- 2) Upon determining any violation of the ordinances the Building Inspector shall issue a Notice and Order for Correcting Violations setting forth the violation to the property owner, occupant, operator, or agent.
- 3) A service charge of \$10.00 shall be levied against the property owner for the inspection and preparation of any such Notice and Order for Correcting Violations. In the event corrective action is not taken within the reasonable time for compliance, any subsequent notice shall have a \$25.00 service charge levied against the property owner. In the event the property owner fails to pay this service charge within 30 days, the fee shall be assessed as a special charge levied against the property.
- 4) RIGHT OF ENTRY. The Building Inspector and Deputy Building Inspector shall have the power to make or cause to be made an entry into any building or premises where the work of altering, repairing or constructing any building or structure is going on, including plumbing and electrical work.

Sec. 4.12 Weed Commissioner

- 1) The Weed Commissioner shall be the Chairperson of the Public Works Committee. The term of office of the Weed Commissioner shall commence on the first day of May following his or her appointment.
- 2) The Weed Commissioner shall take the official oath, which oath shall be filed in the Office of the Clerk-Treasurer, and shall hold office for one year. The Weed Commissioner shall hold office pursuant to and fulfill the duties set out in state law.

Sec. 4.13 Assessor

- 1) Whenever the Assessor, in the performance of the Assessor's duties, requests or obtains income and expense information pursuant to law, then such income and expense information that is provided to the Assessor shall be held by the Assessor on a confidential basis, except, however, that the information may be revealed to and used:
 - (a) By persons in the discharging of duties imposed by law,
 - (b) In the 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)
 - (c) Pursuant to order of a court.
- 2) Income and expense information provided to the Assessor's Office under any requirements of law, unless a court determines that it is inaccurate, is not subject to the right of inspection and copying under the Wisconsin open records statute.