

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 a period of one calendar year.

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 elected or appointed. Every person elected or appointed to the office of Village President, Clerk-Treasurer, or Trustee 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 (3) 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 a majority vote 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 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 sign all orders drawn on the Village Treasury.
 - d. After review by the Village President, the Clerk-Treasurer will compile, distribute, and publish all official Village meeting agendas. The Clerk-Treasurer will take minutes for any committee/board meetings she is part of, and receive the minutes taken by committees which have an appointed secretary, then compile, distribute, and publish all minutes.
 - e. As noted in the ordinances on the makeup of committees, the Clerk-Treasurer is a member of the Board of Review and an ex-officio member of the Finance/Budget Committee. The Clerk-Treasurer is to attend and take the minutes for all Plan Commission meetings and all Village Board meetings.

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 vote 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 vote of the Village Board. The Village Attorney's term shall commence on the first day of June 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.
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.

5. Access to the Village Attorney, without prior approval, is limited to the Village President, Village Clerk-Treasurer, and Village Director of Public Works and Utilities. With prior approval by the Village President, Village Trustees and Committee Members may also have access to the services of the Village Attorney regarding Village business.

Sec. 4.11 Building Inspector

1. The office of Village Building Inspector is an appointed position. The Village President shall appoint the Village Building Inspector at the first regular meeting of the Board in May in odd-numbered years, subject to confirmation by a majority vote of the Village Board. The Village Building Inspector's term shall commence on the first day of June succeeding his appointment.
2. The Building Inspector shall issue or cause to be issued all proper permits for applicable work performed within the Village of Whiting, after payment of the fees required. He shall process all applications, make all inspections and have the authority to issue or cause to be issued a certificate of completion.
3. The Village Clerk-Treasurer shall be available to provide information about the permit application process and fees for services related to activities of the Village Building Inspector. The Village's official website provides a section for preparing and submitting online permit applications.
4. In addition, the Village Building Inspector is tasked with determining when violations of Village ordinances related to his area of responsibility have occurred. In the case of such violations, the Building Inspector shall issue a Notice and Order for Correcting Violations, describing the violation(s) to the property owner, occupant, operator, or agent. See Section 34.03 for fees charged for preparation of the Notice and Order for Correcting Violations. In the event corrective action is not taken within 30 days, any subsequent notice made shall result in an additional service charge levied against the property owner. See Section 34.03 for the amount of this charge. In the event the property owner fails to pay any of these fees or service charges within 30 days, the amount still owed shall be assessed as a special charge levied against the property.
5. RIGHT OF ENTRY. The Building Inspector and any authorized Deputy Building Inspector(s) 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 occurring. This includes, but is not limited to plumbing, HVAC, and electrical work.

Sec. 4.12 Village Assessor

1. The office of Village Assessor is an appointed position. The Village President shall appoint the Village Assessor at the first regular meeting of the Board in May in odd-numbered years, subject to confirmation by a majority vote of the Village Board. The Village Assessor's term shall commence on the first day of June succeeding his appointment.
2. 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.
3. 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.