

CHAPTER 1
GENERAL GOVERNMENT

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1.01 ELECTED OFFICIALS. (1) VILLAGE PRESIDENT. The Village President shall be elected at the regular spring election in odd-numbered years for a term of 2 years, commencing on the third Tuesday of April in the year of his election.

(2) TRUSTEES. There shall be 6 Village Trustees, 3 of whom shall be elected at the regular spring election in odd-numbered years and 3 in even-numbered years for 2 year terms, commencing on the third Tuesday of April in the year of their election.

1.02 APPOINTED OFFICIALS. The appointed officials of the Village shall be as follows:

	OFFICIAL	HOW APPOINTED	TERM
(1)	Ambulance Director	Village Board	Indefinite
(2)	Assessor	Village Board	Contract term
(3)	Building Inspector	Village Board	Indefinite
(4)	Clerk-Treasurer	Village Board	Indefinite
(5)	Director of Public Works	Village Board	Indefinite
(6)	Fire Chief (Am. Ord. #3-10)	Village Board	2 years
(6a)	Assistant Fire Chief (Cr. Ord. #4-10)	Village Board	2 years
(7)	Fire Inspector	Village Board	Indefinite
(8)	Utility Superintendent	Village Board	Indefinite
(9)	Village Attorney	Village Board	Indefinite
(10)	Weed Commissioner	Village President	One year
(11)	Zoning Administrator	Village Board	Indefinite

1.03 ETHICS STANDARDS. (1) DECLARATION OF POLICY. It is declared that high ethics standards among Village officers and employes are essential to the conduct of good representative government and that a code of ethics for the guidance of public officers and employes will help them avoid conflicts with improved standards of public service and will promote and strengthen the confidence of the residents of the Village in their public officers and employes. The purpose of this section is to establish guidelines for ethics standards of conduct for all such Village officers and employes by setting forth those acts or actions that are incompatible with the public interest and which compromise, or appear to compromise, public trust in the fairness, independence and integrity of Village officers and employes and their official actions.

(2) STATUTORY STANDARDS OF CONDUCT. The provisions of the following sections of the Statutes are made a part of this section and shall apply to all public officers and public employes whenever applicable, to wit:

- §946.10 Bribery of Public Officers and Employes
- §946.11 Special Privileges from Public Utilities
- §946.12 Misconduct in Public Office

§946.13 Private Interest in Public Contact Prohibited

(3) SPECIFIC CONFLICTS OF INTEREST. (a) *Use of Public Property*. No public officer or employe shall use or permit the use of Village vehicles, equipment, materials or prop-

erty 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 officer or employe in the conduct of official business, as authorized by the Village Board or authorized board, commission or committee.

(b) *Conflicts of Interest; Disclosure of Interest.* Except as provided herein, no public officer or public employe shall engage in any business transaction with the Village or have a financial or other personal interest, direct or indirect, which is incompatible with the proper discharge of his official duties or will tend to impair his independence or judgment or action in the performance of his official duties. Any public officer or employe who has a substantial financial interest, including employment, in any business entity entering into, proposing to enter into or bidding on any transaction with the Village, or as part of his official duties will be making an official decision or recommendation significantly affecting a business competitor, client or regular customer, shall disclose such interest to the Village Board, or committee, board or commission thereof, as appropriate, to be recorded in the minutes of that body. Upon such disclosure, it is advised that the public officer or employe abstain from voting on the matter and from participating in the discussion of the matter.

(c) *Representing Private Interests before the Village Board or Village Agencies.* No public officer or employe, including persons engaged to provide professional services to the Village, shall represent, for compensation, private interests before the Village Board or any Village board, commission or committee without disclosure of the private business relationship and explicit consent of the Village Board.

(d) *Disclosure of Confidential Information.* No public officer or employe shall, without proper authorization of the Village Board, disclose confidential information concerning the property, government or affairs of the Village nor shall he use such information to advance the financial or other private interest of himself or others.

(e) *Gifts and Favors.* No public officer or employe shall accept anything of value, whether in the form of a gift, service loan or promise, from any person who, to his knowledge, has a direct financial interest in any transaction or official business with the Village which may tend to impair his independence of judgment or action in the performance of his official duties. However, it is not a conflict of interest for any public officer or employe to receive a gift or gratuity that is an unsolicited item of nominal intrinsic value such as a meal up to \$10 in value.

(f) *Outside Employment.* No full time officer of the Village shall engage in any other remunerative employment within or without the Village provided that the Village Board may approve such outside employment or activity if it finds that it does not interfere or conflict with such ability of the officer or employe to perform his duties in an efficient and unbiased manner.

(g) *Advisory Opinion.* Any questions as to the interpretation of any provisions of this section shall be referred to the Village Attorney for an advisory opinion.

1.04 BOARDS AND COMMISSIONS. (1) BOARD OF REVIEW. (a) *Membership.* The Board of Review shall consist of the Village President, the Clerk-Treasurer and a member of the Village Board. The Village Assessor shall attend all meetings of the Board of Review. The Clerk-Treasurer shall also serve as the Clerk of the Board.

(b) *Powers and Duties.* The Board of Review shall have the powers and duties prescribed in §70.47, Wis. Stats.

(2) PLAN COMMISSION. (a) *Membership.* The Plan Commission shall consist of 2 Village Board members appointed by the Village President, subject to confirmation by the Village Board, for one year terms, and 5 citizen members appointed by the Village President, subject to confirmation by the Village Board, for staggered 3 year terms. The Village President shall appoint the Commission Chairperson.

(b) *Powers and Duties.* The Plan Commission shall have the powers and duties prescribed in §§61.35 and 62.23, Wis. Stats., and such other powers and duties as shall be vested in the Commission, from time to time, by the Village Board.

(3) BOARD OF ZONING APPEALS. (a) *Membership.* The Board of Zoning Appeals shall consist of 5 citizens appointed by the Village President, subject to confirmation by the Village Board, for staggered terms of 3 years. Two alternate members shall be appointed by the Village President, subject to confirmation by the Village Board, for a term of 3 years and shall act only when a regular member is absent or refuses to vote because of interest.

(b) *Officers.* The Village President shall designate the Chairperson of the Board. The Clerk-Treasurer shall serve as Secretary to the Board.

(c) *Powers and Duties.* The Board shall have the powers and duties prescribed in §62.23(7) (e), Wis. Stats. See also Ch. 17 of this Code.

(4) BOARD OF PUBLIC WORKS. The Village Board shall be the Board of Public Works.

(5) LIBRARY BOARD. (a) *Membership.* The Wittenberg Library Board shall consist of 5 members, 3 from the Village and 2 from the Town of Wittenberg, appointed by the Village Board, for staggered 5 year terms.

(b) *Powers and Duties.* The Library Board shall have the powers and duties prescribed in §43.52, Wis. Stats.

(6) ADMINISTRATIVE REVIEW APPEALS BOARD. (a) *Membership.* The Administrative Review Appeals Board shall consist of the Village President, one Trustee and one citizen member. The Trustee shall be appointed by the Village President, subject to confirmation of the Village Board for one year term. The citizen member shall be appointed by the Village President, subject to confirmation by the Village Board, for 3 year terms.

(b) *Powers and Duties.* See ch. 6 of this Code.

1.05 EMERGENCY MANAGEMENT. Emergency Management is administered by Shawano County pursuant to County Resolutions #96-1963 and #75-1973.

1.06 ELECTIONS. (1) CLERK-TREASURER'S ELECTION DUTIES. As provided in §7.15, Wis. Stats., the Clerk-Treasurer shall have charge of and supervise all elections held in the Village.

(2) ELECTION OFFICIALS. (a) *Appointment.* Election officials shall be appointed pursuant to §7.30, Wis. Stats.

(b) *Number.* Except as provided in par. (c) below, there shall be 7 inspectors for each election.

(c) *Reduction of Number.* Pursuant to §7.32, Wis. Stats., the Clerk-Treasurer may reduce the number of election inspectors for any given election to not less than 3.

(3) **NOMINATION OF ELECTED VILLAGE OFFICIALS.** All candidates for elective Village office shall file nomination papers pursuant to §8.05(4) (b), Wis. Stats., and shall be nominated as provided in §8.05(4) (a), Wis. Stats.

(4) **VOTER REGISTRATION.** All electors for all elections shall be required to be registered. The Clerk-Treasurer shall receive applications for registration at his office during regular office hours throughout the year, except that registration may also be completed at Village polling places on election days upon presentation of proper identification and proof of residence.

(5) **POLLING HOURS.** The polls of the Village shall open at 7:00 A.M. and close at 8:00 P.M. for all elections.

(6) **WARDS.** The Village is divided into 2 wards. The Village Ward Map is on file in the office of the Clerk-Treasurer.

(7) **POLLING PLACE.** The polling place for the Village shall be the Wittenberg Community Building.

1.07 PUBLIC RECORDS. (1) DEFINITIONS. As used in this section:

(a) “Authority” means any Village entity having custody of a Village record including an office, elected official, agency, board, commission, committee, council, department or public body corporate and politic created by constitution, law, ordinance, rule or order; or a formally constituted subunit of the foregoing.

(b) “Custodian” means that officer, department head, division head or employe of the Village designated under Sub. (3) below or otherwise responsible by law to keep and preserve any Village records or file, deposit or keep such records in his office, or is lawfully in possession or entitled to possession of such public records and who is required by this section to respond to requests for access to such records.

(c) “Record” means any material on which written, drawn, printed, spoken, visual or electromagnetic information is recorded or preserved, regardless of physical form or characteristics, which has been created or is being kept by an authority. “Record” includes, but is not limited to, handwritten, typed or printed pages, maps, charts, photographs, films, recordings, tapes (including computer tapes), and computer printouts. “Record” does not include drafts, notes, preliminary computations and like materials prepared for the originator’s personal use or prepared by the originator in the name of a person for whom the originator is working; materials which are purely the personal property of the custodian and have no relation to his office; materials to which access is limited by copyright, patent or bequest; and published materials in the possession of an authority other than a public library which are available for sale, or which are available for inspection at a public library.

(2) **DUTY TO MAINTAIN RECORDS.** (a) Except as provided under sub. (8) below, each officer and employe of the Village shall safely keep and preserve all records received from

his predecessor or other persons and required by law to be filed, deposited or kept in his office or which are in the lawful possession or control of the officer or employe or his deputies, or to the possession or control of which he may be lawfully entitled as such officer or employe.

(b) Upon the expiration of an officer's term of office or an employe's term of employment, or whenever the office or position of employment becomes vacant, each such officer or employe shall deliver to his successor all records then in his custody and the successor shall receipt therefor to the officer or employe, who shall file said receipt with the Clerk-Treasurer. If a vacancy occurs before a successor is selected or qualifies, such records shall be delivered to and receipted for by the Clerk-Treasurer, on behalf of the successor, to be delivered to such successor upon the latter's receipt.

(3) LEGAL CUSTODIANS. (a) Each elected official is the legal custodian of his records and the records of his office, but the official may designate an employe of his staff to act as the legal custodian.

(b) Unless otherwise prohibited by law, the Clerk-Treasurer shall act as legal custodian for the Village Board and for any committees, commissions, boards or other authorities created by ordinance or resolution of the Village Board.

(c) For every authority not specified in pars. (a) or (b) above, the authority's chief administrative officer is the legal custodian for the authority, but the officer may designate an employe of his staff to act as the legal custodian.

(d) Each legal custodian shall name a person to act as legal custodian in his absence or the absence of his designee. This paragraph shall not apply to the Village Board.

(e) The legal custodian shall have full legal power to render decisions and to carry out the duties of an authority under Ch. 19, Subch. II, Wis. Stats., and this section. The designation of a legal custodian does not affect the powers and duties of an authority under this subsection.

(4) PROCEDURAL INFORMATION. Pursuant to §19.34, Wis. Stats., and the guidelines therein listed, each authority shall adopt, prominently display and make available for inspection and copying at its offices, for the guidance of the public, a notice containing a description of its organization and the established times and places at which the legal custodian from whom and the methods whereby, the public may obtain information and access to records in its custody, make requests for records, or obtain copies of records, and the costs thereof. Each authority shall also prominently display at its offices, for the guidance of the public, a copy of this section. This section does not apply to members of the Village Board.

(5) PUBLIC ACCESS TO RECORDS; FEES. (a) Except as provided in sub. (7) below, any person has a right to inspect a record and to make or receive a copy of any record as provided in §19.35(1), Wis. Stats.

(b) Records shall be available for inspection and copying during all regular office hours.

(c) If regular office hours are not maintained at the location where records are kept, the records shall be available for inspection and copying upon at least 48 hours' advance notice of intent to inspect or copy.

(d) A requester shall be permitted to use facilities comparable to those available to Village employees to inspect copy or abstract a record. This subsection does not authorize or require the purchase or lease of equipment nor does it require the provision of a separate room for inspection, copying or abstracting of records.

(e) The authority may require supervision during inspection or may impose other reasonable restrictions on the manner of access to an original record if the record is irreplaceable or easily damaged.

(f) A requester shall be charged a fee to defray the cost of locating and copying records as follows:

1. A cost per page of photocopying, as determined by the Clerk-Treasurer, shall be charged. Said cost shall not exceed the actual, necessary and direct costs to the authority of reproduction, and such charges shall be prominently displayed and made available for inspection by the authority at his office.

2. If the form of a written record does not permit copying, the actual and necessary cost of photographing and photographic processing shall be charged.

3. The actual full cost of providing a copy of other records not in printed form on paper such as films, computer printouts and audio or video tapes shall be charged.

4. If mailing or shipping is necessary, the actual cost thereof shall also be charged.

5. There shall be no charge for locating a record unless the actual cost therefor exceeds \$50, in which case the actual cost shall be determined by the authority and billed to the requester.

6. The authority shall estimate the cost of all applicable fees and may require a cash deposit adequate to assure payment if such estimate exceeds \$5.

7. The authority may provide copies of a record without charge or at a reduced charge where he determines that waiver or reduction of the fee is in the public interest.

8. Elected and appointed officials of the Village shall not be required to pay for public records they may reasonably require for the proper performance of their official duties.

(6) ACCESS PROCEDURES. (a) A request to inspect or copy a record shall be made to the authority. A request shall be deemed sufficient if it reasonably describes the requested record or the information requested. However, a request for a record without a reasonable limitation as to subject matter or length of time represented by the record does not constitute a sufficient request. A request may be made orally, but a request must be in writing before an action to enforce the request is commenced under §19.37, Wis. Stats. Except as provided below, no request may be refused because the person making the request is unwilling to be identified or to state the purpose of the request. No request may be refused because the request is received by mail unless prepayment of a fee is required under sub. (5)(f) 6 above. A requester may be required to show acceptable identification whenever the requested record is kept at a private residence or whenever security reasons or Federal law or regulations so require.

(b) Each custodian, upon request for any record, shall, as soon as practicable and without delay, either fill the request or notify the requester of the authority's determination to deny the request in whole or in part and the reasons therefor. When the legal custodian has doubts as to whether the requested records are exempt from disclosure, in whole or in part, he shall have 3 working days to confer with the Village Attorney prior to making a determination. If the legal custodian, after conferring with the Village Attorney, determines that a written request is so general as to be unduly time consuming, the party making the request may first be required to itemize his request in a manner which would permit reasonable compliance.

(c) A request for a record may be denied as provided in sub. (7) below. If a request is made orally, the request may be denied orally unless a demand for a written statement of the reasons denying the request is made by the requester within 5 business days of the oral denial. If a written request is denied in whole or in part, the requester shall receive a written statement of the reasons for denying the request. Every written denial of a request shall inform the requester that if the request for the record was made in writing, then the determination is subject to review upon petition for a writ of mandamus under §19.37(1), Wis. Stats., or upon application to the Attorney General or a district attorney.

(7) LIMITATIONS ON RIGHT TO ACCESS. (a) As provided by §19.36, Wis. Stats., the following records are exempt from inspection under this section:

1. Records specifically exempted from disclosure by state or Federal law or authorized to be exempted from disclosure by State law.
2. Any record relating to investigative information obtained for law enforcement purposes if Federal law or regulations require exemption from disclosure or if exemption from disclosure is a condition to receipt of aids by the State.
3. Computer programs, although the material used as input for a computer program or the material produced as a product of the computer program is subject to inspection.
4. A record or any portion of a record containing information qualifying as a common law trade secret.

(b) Except as provided in the Federal Patriot Act, as provided by §43.30, Wis. Stats., public library circulation records are exempt from inspection under this section.

(c) In responding to a request for inspection or copying of a record which is not specifically exempt from disclosure, the legal custodian, after conferring with the Village Attorney, may deny the request, in whole or in part, only if he determines that the harm to the public interest resulting from disclosure would outweigh the public interest in full access to the requested record. Examples of matters for which disclosure may be refused include, but are not limited to, the following:

1. Records obtained under official pledges of confidentiality which were necessary and given in order to obtain the information contained in them.
2. Records of current deliberations after a quasi-judicial hearing.
3. Records of current deliberations concerning employment, dismissal, promotion, demotion, compensation, performance or discipline of any Village officer or

employe, or the investigation of charges against a Village officer or employe, unless such officer or employe consents to such disclosure.

4. Records concerning current strategy for crime detection or prevention.

5. Records of current deliberations or negotiations on the purchase of Village property, investing of Village funds or other Village business whenever competitive or bargaining reasons require nondisclosure.

6. Financial, medical, social or personal histories or disciplinary data of specific persons which, if disclosed, would be likely to have a substantial adverse effect upon the reputation of any person referred to in such history or data.

7. Communications between legal counsel for the Village and any officer, agent or employe of the Village when advice is being rendered concerning strategy with respect to current litigation in which the Village or any of its officers, agents or employes is, or is likely, to become involved, or communications which are privileged under §905.03, Wis. Stats.

(d) If a record contains information that may be made public and information that may not be made public, the custodian of the record shall provide the information that may be made public and delete the information that may not be made public from the record before release. The custodian shall confer with the Village Attorney prior to releasing any such record and shall follow the guidance of the Attorney when separating out the exempt material. If, in the judgment of the custodian and the Attorney, there is no feasible way to separate the exempt material from the nonexempt material without unreasonably jeopardizing nondisclosure of the exempt material, the entire record shall be withheld from disclosure.

(8) ASSESSOR'S RECORDS. Whenever the Assessor, in the performance of his duties, requests or obtains income and expense information pursuant to §70.47(7)(af), Wis. Stats., such income and expense information shall be held by the Assessor on a confidential basis, except, however, that said information may be revealed to and used by persons in the discharging of duties imposed by law; in the discharge of duties imposed by office, including, but not limited to, use by the Assessor in performance of official duties of the office and use by the Board of Review in performance of its official duties; or pursuant to order of a court.

(9) DESTRUCTION OF PUBLIC RECORDS. (a) *Financial Records.* Village officers may destroy the following nonutility records of which they are the legal custodian and which are considered obsolete after completion of an audit by State auditors or an auditor licensed under Ch. 442, Wis. Stats., but not less than 7 years after payment or receipt of any sum involved in the particular transaction unless a shorter period has been fixed or will, in the future, be fixed by the committee on public records, pursuant to §16.61(3)(e), Wis. Stats., and then after such shorter period:

1. Bank statements, deposit books, slips and stubs.
2. Bonds and coupons after maturity.
3. Cancelled checks, duplicates and check stubs.
4. License and permit applications, stubs and duplicates.
5. Payrolls and other time and employment records of personnel included under the Wisconsin Retirement Fund.
6. Receipt forms.
7. Special assessment records.

8. Vouchers, requisitions, purchase orders and all other supporting documents pertaining thereto.

(b) *Utility Records.* Village officers may destroy the following utility records of which they are the legal custodians and which are considered obsolete after completion of any required audit by the Bureau of Municipal Audit or an auditor licensed under Ch. 442, Wis. Stats., subject to State Public Service Commission regulations, but not less than 7 years after the record was effective unless a shorter period has been fixed by the State Public Records Board pursuant to §16.61(3)(e), Wis. Stats., and then after such a shorter period, except that water stubs, receipts of current billings and customers' ledgers may be destroyed after 2 years:

1. Water and sewer stubs and receipts of current billings.
2. Customers' ledgers.
3. Vouchers and supporting documents pertaining to charges not included in plant accounts.
4. Other utility records after 7 years with the written approval of the State Public Service Commission.

(c) *Other Records.* Any Village officer may destroy the following records of which he is the legal custodian and which are considered obsolete, but not less than 7 years after the record was effective, unless another period has been set by Statute, or by the State Public Records Board pursuant to §16.61(3)(e), Wis. Stats., and then after such a shorter period:

1. Assessment rolls and related records, including Board of Review minutes.
2. Contracts and papers relating thereto.
3. Correspondence and communications.
4. Financial reports other than annual financial reports.
5. Insurance policies.
6. Oaths of office.
7. Reports of boards, commissions, committees and officials duplicated in the Village Board minutes.
8. Resolutions and petitions.
9. Voter record cards.

(d) *Notice Required.* Unless notice is waived by the State Historical Society, at least 60 days' notice shall be given the State Historical Society prior to the destruction of any record as provided in §19.21(4)(a), Wis. Stats.

(e) *Tape Recordings.* Any tape recording of a governmental meeting of the Village may be destroyed, erased or reused no sooner than 90 days after the minutes of the meeting have been approved and published if the purpose of the recording was to make minutes of the meeting.

(f) *Limitation.* This section shall not be construed to authorize the destruction of any public record after a period less than prescribed by statute or State administrative regulations.

(g) *Preservation through Microfilm.* Any Village officer or the head of any department or division of Village government may keep and preserve public records in his possession by means of microfilm or other photographic reproduction method. Such records shall meet the standards for photographic reproduction set forth in §16.61(7) (a) and (b), Wis. Stats.,

and shall be considered original records for all purposes. Such records shall be preserved along with other files of the department or division and shall be open to public inspection and copying according to the provisions of State law and this Code.