

**CHAPTER 1: RULES OF GOVERNMENT;
TOWN OFFICIALS, BOARDS, COMMISSIONS AND EMPLOYEES**

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1.01 TOWN BOARD AUTHORIZED TO EXERCISE VILLAGE POWERS

(1) The electors of the Town of Rhine, Sheboygan County, Wisconsin, grant, confer, and bestow upon the Town Board of the Town of Rhine, Sheboygan County, Wisconsin, the right, power, and privilege to exercise all powers relating to villages and conferred on Village Boards by Wis. Stat. Ch. 61.¹

(2) The Town Board shall consist of a Chairperson and five (5) Supervisors. The office of the Clerk and the Treasurer may be combined at the discretion of the Town Board.

1.02 LIABILITY OF TOWN BOARD MEMBERS AND APPOINTED MEMBERS OF COMMITTEES, COMMISSIONS, AND BOARD (OTHER THAN TOWN)

(1) No person shall be liable to the Town for any loss or damage suffered by it on account of any action taken or omitted to be taken by him as a Town Board member, officer, or appointed member of a Committee, Commission, or a Board (other than Town) of the Town, in good faith, if such person:

(a) Exercised and used the same degree of care and skill as a prudent man would have exercised or used under the circumstances in the conduct of his own affairs, or

(b) Took or omitted to take such action in reliance upon advice of counsel for the Town or upon such statements made or information furnished by officers or employees of the Town which he had reasonable grounds to believe to be true. The foregoing shall not be exclusive of other rights and defenses to which he may be entitled as a matter of law.

1.03 INDEMNITY OF TOWN BOARD MEMBERS, OFFICERS, EMPLOYEES, AND OTHER APPOINTED MEMBERS OF COMMITTEES, COMMISSIONS, AND BOARDS (OTHER THAN TOWN)

(1) Every person who is or was a Town Board member or officer of the Town, (together with the heirs, executors, and administrators of such person) shall be indemnified by the Town against all costs, damages, and expenses asserted against, incurred by, or imposed upon him in connection with or resulting from any claim, action, suit, or proceeding, including criminal proceedings, to which he is made or threatened to be made a party by reason of his being or having been such Town Board member or officer except in relation to matters as to which a recovery shall be had against him by reason of his having been finally adjudged in such action, suit, or proceeding to have been guilty of fraud in the performance of his duty as such Town Board member or officer. This indemnity shall include reimbursement of amounts and expenses incurred and paid in settling any such claim, action, suit, or proceeding. In case of criminal action, suit, or proceeding, a conviction or judgment (whether based on a plea of guilty or *nolo contendere* or its equivalent or after trial) shall not be deemed an adjudication that such Town Board member or officer is guilty of fraud in the performance of his duties if such Town Board member or officer was acting in good faith in what he considered to be the best interests of the Town and with no reasonable cause to believe that the action was illegal.

(2) The Town, by its Town Board, may indemnify in like manner, or with any limitations, any employee or former employee of the Town with respect to any action taken or not taken in his capacity as such employee.

¹ The Town Board was granted authority to exercise Village powers at the Annual Meeting on April 7, 1964.

(3) The Town, by its Town Board, may also indemnify in like manner, or with any limitations, any committee member, member of a commission or board (other than Town), or a former member of either appointed by the Town or with respect to any action taken or not taken in his capacity as such member of a Committee or Commission or Board (other than Town).

(4) The foregoing rights of indemnification shall be in addition to all rights to which the Town Board members, officers, employees, appointed members of Committees, Commissions, or Boards (other than Town), or former member of the same may be entitled as a matter of law.

1.04 TOWN LAW ENFORCEMENT²

(1) The Town Board is authorized to contract with a county or municipal law enforcement agency to provide law and ordinance enforcement, traffic safety, animal control, and similar services within the Town.

(2) Whenever reference is made elsewhere in this Municipal Code to a constable, such authority or action shall be that of the law enforcement agency with which the Town Board has contracted as set forth above.

1.05 SUPERVISORS

This Ordinance is adopted pursuant to Wis. Stat. § 60.21(2)(b). Inasmuch as the Town meeting pursuant to § 60.10(2)(b) has directed that the Town Board shall consist of a Chairperson and four (4) Supervisors of the Town, the election of such Supervisors and Chairperson shall be conducted so as to provide for elections in both odd-numbered and even-numbered years. The Town Chairperson shall be elected for a two-year term in each odd-numbered year. Each Supervisor shall be designated by number. Supervisors 1 and 2 shall be elected for a two-year term in April of the odd-numbered years. Supervisors 3 and 4 shall be elected for a two-year term in April of the even-numbered years. Each Supervisor shall represent the town-at-large and no supervisory district has any relation to a geographic area within the Town of Rhine.

1.06 TOWN CLERK/TREASURER³

(1) OFFICES COMBINED. The offices of town clerk and town treasurer are combined into the office of Town Clerk/Treasurer, pursuant to Wis. Stat. § 60.305(1)(a).

(2) APPOINTMENT, COMPENSATION, TERM OF OFFICE, AND REMOVAL. The Clerk/Treasurer shall be appointed on the basis of merit with due regard to training, experience, administrative ability and general fitness for the office, by a majority vote of the Town Board. The level of compensation shall be set by the Town Board, but shall not be reduced during the term to which the individual is appointed. The person shall hold office for a term of two (2) years, expiring on April 30 of odd-numbered years. The person may be reappointed and may be dismissed by the Board only for cause.

² The position of Town Constable was abolished by a vote of the electors at the Annual Town Meeting on April 14, 2009.

³ Created by Ord. 2007-6, adopted June 5, 2007; referendum passed April 1, 2008.

(3) **RESIDENCY REQUIREMENT.** The Clerk/Treasurer shall become a resident of the Town of Rhine within one (1) year following the date of appointment, unless this requirement is specifically waived in writing by the Town Board.

(4) **STATUTORY DUTIES.** The Clerk/Treasurer shall perform the duties enumerated in Wis. Stats. §§ 60.33 and 60.34 (2005-06), including any amendments thereto, subject to the review, supervision and direction of the Town Board.

(5) **ADDITIONAL DUTIES.** In addition to the statutory duties set forth above, the Clerk/Treasurer shall act as the secretary for the Town Plan Commission and the Town Board of Appeals and shall perform the duties and meet the requirements of the "Town of Rhine Clerk/Treasurer Position Description", a copy of which is attached and which may be modified by the Town Board. *(Rev. 10/08)*

(6) **OFFICE HOURS.** The Clerk/Treasurer shall hold office hours at the Town Hall as directed by the Town Board.

(7) **TOWN OFFICE ASSISTANT.** The Town Office Assistant shall be appointed by the Town Board. The Assistant will perform duties as directed by the Clerk/Treasurer and/or Town Chair. Compensation shall be determined by the Town Board based on experience and performance. Residency is preferred, but not mandatory. *(Rev. 10/5/10)*

1.07 EXPENSE REIMBURSEMENT FOR TOWN OFFICIALS⁴

(1) **Reimbursement of Expenses.** If in the exercise of duties as an elected official expenses are incurred, the Town of Rhine will provide reimbursement. This may include mileage when conducting business or carrying out business on behalf of the Town (not including mileage to and from board or committee meetings), postal expenses, and telephone expense. A record and documentation must be provided to the Town Clerk/Treasurer with any request for reimbursement. . Mileage reimbursement shall be paid at the current Internal Revenue Service business rate. *(Rev. 04/07/10)*

(2) **Reimbursement for Educational Meetings.** Attendance by elected officials at meetings, other than the state convention, for the purpose of obtaining information or any necessary certification will be reimbursed if the meeting is organized by the Wisconsin Towns Association and the expense is limited to mileage and registration. Attendance at the state convention must receive Town Board approval. All meeting registrations shall be through the Town Clerk/Treasurer or designee.

(3) **Town Board Approval.** The Town Board may approve a request for reimbursement that varies from paragraph 1 and 2.

(4) **Per Diem.** Elected officials and the Clerk/Treasurer shall receive a per diem of \$10.00 for each posted meeting attended other than regular monthly Town Board meetings. *(Rev. 1/5/10; 9/6/11)*

⁴ Created by Ord. 2008-8, adopted September 2, 2008.

1.08 BOARD OF REVIEW; ASSESSOR⁵

(1) Membership. The Town Chairperson shall appoint, subject to confirmation by the Town Board, at least three and up to six regular members and up to three alternate members of the Board of Review. Membership shall consist of at least the Town Board Chair and two other Town Board Supervisors. Conduct and duties are defined in Wis. Stat. §§ 70.46, 70.47, 70.48, and 70.49.

(2) Compensation. Compensation for all Board of Review members shall be Seventy-five Dollars (\$75.00) for each half day [four (4) hours] or portion thereof, not to exceed One Hundred Fifty Dollars (\$150.00) per day. (Rev. 08/07/01)

(3) Confidentiality of Records.

(a) This section adopts by reference Wis. Stats. § 70.47(7)(af). Income and expense information provided by a property owner to an assessor for the purpose of establishing value for assessment purposes by the income method of valuation shall be confidential and not a public record open to inspection or copying under § 19.35(1), Wis. Stats.

(b) Exceptions. An officer may disclose such information under the following circumstances:

1. The assessor has access to such information in the performance of his/her duties;
2. The board of review may review such information when needed, in its opinion, to decide upon a contested assessment;
3. Another person or body has the right to review such information due to the intimate relationship to the duties of an office or as set by law;
4. The officer is complying with a court order;
5. The person providing the financial information has contested the assessment level at either the board of review or by filing a claim for excessive assessment under § 74.37, in which case the base records are open and public.

1.09 SEVERABILITY AND CONFLICTS⁶

If any provision of this Municipal Code, or if the application of this Code or any portion hereof to any person or circumstances, is held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the provisions or applications of this Code which can be given effect without the invalid or unconstitutional provision or application. If the provisions of the different chapters of this Code conflict with or contravene each other, the provisions of each chapter shall prevail as to all matters and questions arising out of the subject matter of such chapter.

⁵ Revised and renumbered by Ord. 2009-4, adopted July 7, 2009 (formerly Chapter 17).

⁶ Created by Ord. 2009-1, adopted May 5, 2009.

1.10 DISHONORED PAYMENTS⁷

During the normal course of operations, the Town may receive a small number of bank checks, drafts and similar instruments that are not honored due to insufficient funds and/or other reasons for which the Town may incur charges from financial institutions. In these instances, a \$50.00 penalty will be charged to the person issuing such dishonored payment.

⁷ Created by Ord. 2010-____, adopted October 5, 2010.