

Village of Boyceville Municipal Code

Title 3 - FINANCE AND PUBLIC RECORDS

CHAPTER 1: FINANCE

Sec. 3-1-1 Preparation of tax roll and tax collections.

(a) *Content of tax roll.* Pursuant to Wis. Stats. § 70.65, the clerk-treasurer will prepare a tax roll and include the required contents as described in Wis. Stats. § 70.65.

(b) *Property tax collection.* Wis. Stat. § 74 is adopted and is incorporated into this chapter by reference.

Sec. 3-1-2. - Duplicate treasurer's bond not eliminated.

(a) *Duplicate Bond not eliminated.* The Village elects not to give additional bond on the Village clerk-treasurer pursuant to Wis. Stats. § 70.67(1).

(b) *Village liable for default of treasurer.* Pursuant to Wis. Stats. § 70.67(2), the Village must pay all state and county taxes required by law in the event the treasurer fails to do so.

Sec. 3-1-3 Village budget.

(a) *Departmental estimates.* When requested by the Village clerk-treasurer or Village Administrator, officers, departments, and committees must file an annual a Proposed Department Budget that includes the following: disbursements made to carry out the powers and duties during the preceding fiscal year; receipts and disbursements on account of any special fund; and detailed estimates of the same matters for the current fiscal year and for the ensuing fiscal year.

(b) *Consideration of estimates.* The Village Board must consult with the department head and develop a budget amount for the department and/or activity.

(c) *Form of proposed budget.*

- (1) The actual expenditures of each department and activity for the expired portion of the current year, and last preceding fiscal year, and the estimated expenses of conducting each department and activity of the Village for the remainder of the current year and ensuing fiscal year, with reasons for any proposed increase or decrease as compared with actual and estimated expenditures for the current year.
- (2) An itemization of all anticipated Village income from sources other than general property taxes with a comparative statement of the amounts received by the Village from same or similar sources for the last preceding, and current, fiscal year.
- (3) An estimate of the anticipated amount of money from general property taxes which, with income from other sources, are necessary to meet the proposed expenditures.
- (4) All existing indebtedness of the Village, including the amount of interest payable and principal to be redeemed on any outstanding general obligation bonds of the Village and any estimated deficiency in the sinking fund of any such bonds during the ensuing fiscal year.
- (5) Such other information required by the Board and state law.

(d) *Copies of budget.* The Village clerk-treasurer must make the entire fiscal budget available for public inspection.

(e) *Report and hearing.*

- (1) The report is due no later than the Board's first November meeting and must include the estimated costs of improvements, department operations, and interest charges for which money will have to be raised by taxation during the following year.
- (2) A budget summary and notice of the time and place of the budget hearing must be posted or announced to the public at least fifteen (15) days prior the public hearing.
- (3) At the hearing, any resident or taxpayer of the Village has an opportunity to be heard on the proposed budget. Following the public hearing, the proposed ordinance may be amended.

Village of Boyceville Municipal Code

Sec. 3-1-4 Changes in budget.

(a) *Approval.* Any changes in the budget after the approval of the budget must be upon the recommendation of a two-thirds vote of the Board members. Notice of changes must be announced within ten (10) days of the vote.

(b) *Authority.* The Village Board may amend the Village's budget pursuant to Wis. Stat. § 65.90(5).

Sec. 3-1-5 Village funds to be spent in accordance with appropriation.

After the fiscal year, any balance of an appropriation reverts to the general fund subject to designation by the Village Board. Appropriation requests may be made by the Board and paid out of the current year's income to further of improvements or other objects or works which will not be completed within the year, and any such appropriation will continue until the purpose for which it was made is accomplished or abandoned.

Sec. 3-1-6 Fiscal year.

The fiscal year is the calendar year.

Sec. 3-1-7 Public depositories.

The Village Board must designate a public depository in which Village funds are deposited. Village officials are not be liable for losses as defined by state law. The interest arising from the account must into the Village treasury. The designated public depository is required to pledge U.S. Treasury notes equal in amount to any uninsured balance of the Village's deposit. See Wis. Stat. §§ 34.07 and 62.12(7) for further detail.

Sec. 3-1-8 Claims against the Village; Outstanding Checks.

(a) *Legal claims against the Village.* Claims for money against the Village and/or its officers, officials, agents or employees arising out of acts done in their official capacity must be filed with the Village clerk-treasurer as provided under Wis. Stat. § 893.80(1)(b). The Village clerk-treasurer must immediately inform the Village president who will arrange a meeting for actions pursuant to Wis. Stat. § 893.80, to allow or disallow any claim. The Village clerk-treasurer, in consultation with the Village president must contact the Village attorney regarding the claim prior to the meeting of the Village Board. The Village Board will allow or disallow the claim. Notice of disallowance must be made per Wis. Stat. § 893.80(1)(b).

(b) *Regular accounts payable payment procedures.*

- (1) The Village Board authorizes the utilization of an alternative system of approving certain financial claims, invoices, or vouchers against the Village per Wis. Stat. § 66.0609.
- (2) Upon receipt for the purchase or acquisition of material, goods, or completion of a contract for services or construction, the Village clerk-treasurer or department supervisor must:
 - a. Verify the quantity, quality, or scope of services is as specified.
 - b. Attach to the claim, invoice, or voucher the packing slip and any other documentation.
 - c. Document any missing items or services with information on when the order will be complete.
 - d. Examine, validate, initial, and when appropriate, code before submitting to the Village clerk-treasurer for processing.
 - e. Obtain missing documentation for claims, invoices, or vouchers (responsibility of department supervisors).
 - f. If a claim, invoice, or voucher regarding a specific project requires a special budgetary or project account or tracking designation, the department supervisor must provide this information to the Village clerk-treasurer.
- (3) Payments may be made from the Village treasury after the Village clerk-treasurer audits and approves in writing each claim, invoice, or voucher after determining that the following conditions are met:
 - a. The funds are available under the budget approved by the Village Board.
 - b. The service covered by the claim, invoice, or voucher is authorized by the Village Board or other proper official.
 - c. The service was properly rendered or supplied in conformity with the authorization.

Village of Boyceville Municipal Code

- d. The claim, invoice, or voucher against the Village appears lawful. The Board may require submission of proof to support the above as the clerk-treasurer finds necessary. If there is uncertainty regarding a claim, invoice, or voucher, the clerk-treasurer should consult with the Village Board regarding payment.
 - (4) After determining that the payment requirements under Subsection (b)(2) above are met, the Village clerk-treasurer will indicate approval of the claim, invoice, or voucher by signing the statement, invoice, or voucher, or upon a list of claims, invoices, or vouchers prepared by the clerk-treasurer. Upon approval under this procedure, the Village clerk-treasurer will authorize payment pursuant to Sec. 66.0607, Wis. Stats. All payment checks must be signed and counter-signed by the proper designated Village officials.
 - (5) The Village clerk-treasurer must immediately process the following claims, invoices, or vouchers if proper by issuing payment checks or hold payment checks pending the approval of the Village Board:
 - a. Payroll and related payroll/compensation payments.
 - b. Fuel and utilities payments.
 - c. Tax settlements and overpayments.
 - d. Payments to county, state, or federal agencies.
 - e. Health, workers compensation and liability insurance payments.
 - f. Debt service payments as scheduled.
 - g. Fixed purchase/service contracts as scheduled.
 - h. Credit card and revolving accounts per specific agreements and the procedures of Section 3-1-24.
 - (6) The Village clerk-treasurer must process the following claims, invoices, or vouchers after approval from the proper official by issuing payment checks or hold payment checks pending the approval of the Village Board:
 - a. Employee expenses: Village Board review and approval.
 - b. Professional services (engineering, legal, auditing/accounting, planning, consulting, etc.): Village Board review and approval.
 - c. Construction projects payments: Village Board and the Village engineer review and approval.
 - d. Conferences, travel, training/meeting fees and tuitions: Village Board review and approval.
 - e. All other payments not specifically addressed in this Section: Village Board review and approval.
 - (7) Any claims, invoices, or vouchers filed with the Village clerk-treasurer after noon on the Friday preceding a regular Village Board meeting will be processed in the next approval cycle.
 - (8) The Village clerk-treasurer must file with the Village Board, at least monthly, a written disbursement summary of the claims, invoices, and vouchers approved and paid pursuant to this section indicating the date paid, name of the claimant, purpose, and amount.
- (c) *Outstanding check procedures.* The following procedures must be followed for outstanding checks:
- (1) The Village after carrying a vendor or other party's check for ninety (90) days, will:
 - a. Notify the payee.
 - b. If the check has been lost, a stop payment will be placed at the bank and a new check will be issued.
 - c. A stop payment will be issued on all vendor or other party's check dated over twelve (12) months.
 - (2) All payroll checks are automatically void if not cashed within ninety (90) days of issue.
- (d) *Withdrawals or Transfer of Funds from Depositories.*
- (1) Withdrawals of Village funds from designated public depositories will be a draft or check signed by the Village clerk-treasurer and other designated Village officials.
 - (2) Written transfer orders may be executed only for the purpose of transferring deposits to an authorized account with the designated public depository or another designated public depository. The transfer order must be made directly by the public depository from which the withdrawal is made. Transfer orders must be signed by the clerk-treasurer and other designated Village officials. Each transfer must include the following information:
 - a. Date transfer order is made.
 - b. Effective date of transfer.
 - c. Name, address, and account number of the public depository where funds are being transferred to.
 - d. Purpose of the transfer.
 - e. Signatures of the clerk-treasurer and other designated Village officials.

Sec. 3-1-9 Temporary disposition of funds not immediately needed.

Village of Boyceville Municipal Code

The Village clerk-treasurer may invest funds pursuant to Wis. Stat. §§ 66.0603 and 219.05.

Sec. 3-1-10 Receiving money; receipt for same.

(a) The Village clerk-treasurer and designees may not receive any money into the treasury from any source, except for taxes levied and collected during the fiscal year for which they may then be serving, without giving a receipt as specified by the Village Board.

(b) Upon the payment of any money, except for taxes as herein provided, the Village clerk-treasurer will make out a receipt in duplicate for the money received, charge the amount to the treasury, and credit the proper account. The payment to any receiving agent must be safeguarded as directed by the Village Board.

Sec. 3-1-11 Statement of real property status.

The Village clerk-treasurer and designees are authorized to prepare a statement of real property status form to provide information commonly requested for transfers of real property such as the amount of outstanding special assessments, deferred assessments, changes in assessments, amount of taxes, outstanding water and sewer bills, current water and sewer bills, contemplated improvements, and outstanding citations on building code violations. Any information must be provided to the requestor on the form. Requests for property statements must be made to the Village clerk-treasurer at least one business day in advance.

Sec. 3-1-12 Bidding procedures.

(a) *Adoption of city bidding procedures.* The Village hereby adopts Wis. Stats. § 66.0901 (Public Works, contracts, bids) and Wis. Stats. § 62.15 (Public Works), which are hereby adopted and incorporated by reference.

(b) *Construction by the Village.* Any class of public construction may be done directly by the Village without submitting the same for bids provided that the same is authorized by a vote of three-fourths of all members of the Village Board.

Sec. 3-1-13 Bid solicitation procedures.

(a) Definitions.

- (1) *Verbal quotation form.* The Village solicits verbal quotations on items the Village purchases which are less than twenty-five thousand (\$25,000.00). The results of the verbal quotations are recorded on a memorandum of verbal quotation form.
- (2) *Informal quotation.* An informal quotation is a written request for quotation sent to vendors. The informal quotation is used for the purchase of goods and services in an amount less than twenty-five thousand (\$25,000.00).
- (3) *Formal bid.* The formal bid procedure is used for purchasing goods and services in an amount of twenty-five thousand (\$25,000.00) and higher, and in some instances less. The formal bid procedure requires a legal public notice and contains detailed, written specifications regarding the goods and services to be purchased, and specific conditions associated with the purchase.

(b) Bid solicitation.

- (1) Competitive bids or quotations must be obtained before contracting to purchase articles, goods, wares, material services, or merchandise which amounts in bulk to more than \$1,000.00. Purchases of up to \$5,000.00 may be made by written quotation or telephone quotation without any public notice. Purchases of \$5,000.00 to \$24,999.00 may be made by written quotation, telephone quotation or formal bid, but a Class 1 notice must be published before the contract is awarded. Purchases of \$25,000.00 or greater may be made only by competitive bidding process conducted in accordance with state law.
- (2) Verbal quotations for goods and services must be secured from at least two qualified vendors, and the results of the quotations must be recorded on the "Memorandum of Verbal Quotation" form and signed by the person receiving the quotations.

Village of Boyceville Municipal Code

- (3) Informal requests for written quotations must be solicited from qualified bidders on the request for quotation form. All written requests for quotations must be issued by the applicable department heads and returned to and analyzed by the applicable department heads. Informal requests for written quotations may also be solicited by telephone. Vendors must be given a reasonable time to respond to the request for an informal, written quotation and will be given clear, concise specifications and informal bidding instructions to facilitate competitive bidding.
- (4) When a formal bid is required or deemed to be in the best interests of the Village, the bidding procedure must follow the legal requirements associated with a Class 1 notice under state statute and the procedures associated with the formal bid proposal.
- (5) The formal bid proposal must contain at least the following information:
 - a. The bid number.
 - b. A detailed description of the goods and services required, including enough information about the items or services required so that more than one vendor can meet the specifications.
 - c. The time, date, and place the bids will be opened.
 - d. The address to which the bids must be mailed or delivered. Instructions must include delivery dates, transportation charges, proposal prices, conditions for guaranteeing the proposal, payment terms, right of rejection of proposals, right to reject merchandise, insurance requirements, alternative proposal consideration, tax information, and other information regarding the awarding and execution of the contract and contract considerations.
 - e. The bid proposal must also include a section on special provisions including guarantees and service considerations, trade-in considerations, and other information relating to special conditions.
- (6) Specifications for all items purchased must be developed with the full involvement and participation of the using departments

Sec. 3-1-14 Accounts receivable billing procedures.

Billings by the Village may be paid within thirty (30) days without interest. Thereafter, interest may be charged at the rate of 1½ percent per month or any fraction thereof, until the following October 1.

Sec. 3-1-15 Annual audits.

The Village must employ a certified public accountant to conduct a detailed audit of the Village's financial transactions and to assist the clerk-treasurer in the management of the Village's financial affairs, including its public utilities. The auditor must be employed on a calendar-year basis. The books audited may, in addition to the Village financial records of the office of the clerk-treasurer, include the Village clerk-treasurer's books, the Village's public utilities, police department records, and any other books of any Boards, commission, officers or employees of the Village handling Village monies.

Sec. 3-1-16 Liability of the Village for acts of agents.

The Village Board must approve any binding agreement that subjects the Village to incur any indebtedness for which the Village may become liable for. Employment and/or purchase orders must be drawn against a specific appropriation, and the money available in the Village treasury must not subject to any prior labor claims or material purchase orders at the time when such employment is negotiated, or purchase order drawn. The Village clerk-treasurer will keep a record of employment and purchase orders and will charge them against the proper appropriation.

CHAPTER 2: SPECIAL ASSESSMENTS

Sec. 3-2-1 Village Board may levy special assessments.

(a) The Village, by resolution of its Village Board, may levy and collect special assessments upon property in a limited and determinable area for special benefits conferred upon such property by any municipal work or improvement and may provide for the payment of all or any part of the cost of the work or improvement.

Village of Boyceville Municipal Code

(b) The amount assessed against any property for any work or improvement that does not represent an exercise of the police power must not exceed the value of the benefits to the property. For those representing an exercise of the police power, the assessment is determined by the Village Board.

Sec. 3-2-2 Resolutions and report required.

(a) Prior to making any special assessments, the Village Board will declare its intention to exercise its powers for a stated municipal purpose, which will describe generally the contemplated purpose, the limits of the proposed assessment district, number of installments in which the special assessments may be paid (or that the number of installments will be determined at the hearing required under section 3-2-5), and direct the proper officer or employee to make a report. The resolution may limit the proportion of the assessed costs.

(b) The report required by subsection (a) of this section must consist of:

- (1) Preliminary or final plans and specifications.
- (2) An estimate of the entire cost of the proposed work or improvement.
- (3) An estimate, as to each parcel of property affected, of:
 - a. The assessment of benefits to be levied.
 - b. The damages to be awarded for property taken or damaged.
 - c. The net amount of such benefits over damages or the net amount of damages over benefits.
- (4) A statement that the property against which the assessments are proposed is benefited, where the work or improvements constitute an exercise of the police power. If estimates are required under subsection (b)(3) of this section, they will be replaced by a schedule of the proposed assessments.
- (5) A copy of the completed report must be filed with the Village clerk-treasurer for public inspection.

(c) If the Village Board determines that the hearing on the assessments needs to be held after the completion of the work, the report required by Wis. Stats. § 66.0703(5) and subsections (a) and (b) of this section must contain a statement of the final cost of the work in lieu of an estimate of the cost.

Sec. 3-2-3 Costs that may be paid by special assessment.

(a) The cost of any work or improvement to be paid in whole or in part by special assessment on property may include:

- (1) The direct and indirect cost thereof;
- (2) The damages occasioned thereby;
- (3) The interest on bonds or notes issued in anticipation of the collection of the assessments;
- (4) A reasonable charge for the services of the administrative staff of the Village and the cost of any architectural, engineering, and legal services; and
- (5) Any other item of direct or indirect cost which may reasonably be attributed to the proposed work or improvement.

(b) The amount to be assessed against all property for any such proposed work or improvement will be apportioned among the individual parcels in the manner designated by the Village Board.

Sec. 3-2-4 Exemptions

If property is exempt from assessment, the Village will pay for the assessment.

Sec. 3-2-5 Notice of proposed or approved project.

(a) On the completion and filing of the report required in section 3-2-2(b)(5), the Village clerk-treasurer will give notice stating the nature of the proposed or approved work or improvement, the general boundary lines of the proposed assessment district, the place and time at which the report may be inspected and the place and time at which all interested persons, their agents or attorneys may appear before the Village Board or committee thereof and be heard concerning the matters contained in the preliminary resolution and report.

Village of Boyceville Municipal Code

(b) Such notice must be given either by publication in the official Village newspaper or posted in not less than three public places within the Village and a copy of the notice must be mailed to each interested person whose post office address is known.

(c) The hearing must occur between ten (10) and forty (40) days after notice is given.

Sec. 3-2-6 Board actions after hearing.

(a) After the hearing, the Village Board may approve, disapprove, modify, or re-refer the report to the designated officer or employee with directions necessary to change the plans and specifications to accomplish a fair and equitable assessment.

(b) If an assessment is made and an award of compensation or damage is in favor of the property, the Village Board will assess only the difference between the assessment of benefits and the award of compensation or damage.

(c) If the work or improvement has not been previously authorized or approved, the Village Board will approve the work or improvement and by resolution direct that the same be done and paid for in accordance with the report finally approved.

(d) If the work or improvement is approved by the Village Board or work commenced or completed prior to the filing of the report or prior to the hearing, then the Village Board will by resolution confirm the report as made or modified and provide for payment in whole or in part by assessment.

(e) The Village clerk-treasurer will publish the final resolutions as required in section 3-2-5.

(f) After the publication of the final resolution, any work, improvement, or awards of compensation or damage, not yet authorized, will be deemed authorized, subject to the right of appeal by Wis. Stats. § 66.0703(12) or any other applicable provision of law.

Sec. 3-2-7 Board's power to amend, cancel or confirm special assessment.

The Board may amend, cancel, or confirm special assessment after giving notice as required in section 3-2-5 and 3-2-6, if after completion or after the receipt of bids one of the following occurs:

- (1) the actual cost of any work or improvement varies materially from the original estimate,
- (2) the assessment is void or invalid, or
- (3) the Village Board determines to reconsider an assessment.

Sec. 3-2-8 Where cost of improvement is less than assessment.

If the cost of the work or improvement is less than the assessment levied, the Village Board, without notice or hearing, will reduce each assessment proportionately. If the assessment was paid either in part or in full, the Village will refund the overpayment to the property owner.

Sec. 3-2-9 Appealed assessments payable when due.

Pursuant to Wis. Stats. § 66.0703(12)(f), a condition to the maintenance of any appeal is that the assessment appealed will be paid when due and payable and, upon default in payment, any appeal will be dismissed.

Sec. 3-2-10 Special assessment a lien on property.

Pursuant to Wis. Stats. § 66.0703, any special assessment levied under this chapter will be a lien on the property against which it is levied on behalf of the Village. The Village Board will provide for the collection of assessments and may establish penalties for late payment. The Village Board may decide that all unpaid assessments not paid by the date specified be extended upon the tax roll as a delinquent tax against the property and all proceedings in relation to the collection of such delinquent taxes will apply to such assessment, except as otherwise provided by statute.

Village of Boyceville Municipal Code

Sec. 3-2-11 Special charges permissible.

(a) In addition to all other methods provided by law, special charges for current services may be imposed by the Village Board by allocating all or part of the cost of the property served. Special charges may include snow and ice removal, nuisance grass and weed elimination, street sprinkling, oiling or tarring, repair of sidewalks or curb and gutter, garbage and refuse disposal, water and sewer service, tree care or removal, and nuisance abatement. Notice for charges are optional except for street, sidewalk, curb or gutter repair in which a twenty-day (20) notice published in the Village newspaper, or by posting such notice in three places in the Village and a copy of such notice mailed to every interested person whose post office address is known at least ten days before the hearing or proceeding. Notice must specify the date and time of a hearing that will be held by the Village Board as to whether the service in question will be performed. Amounts less than \$100.00 must be paid in one installment.

(b) Special charges are not payable in installments. If not paid within the period fixed by the Village Board, the delinquent charge becomes a lien as provided in section 3-2-10.

(c) Section 3-2-2(a) is not applicable to proceedings under this section.

Sec. 3-2-12 Miscellaneous provisions.

(a) If any assessment or charge levied under this chapter is invalid because statutes are found unconstitutional, the Village Board may thereafter reassess the assessment or charge pursuant to the provisions of any applicable law.

(b) The Village Board may, without notice or hearing, levy and assess all or any part of the cost of any work or improvement upon the property benefited if the affected property owners waive the hearing, in writing.

(c) Notwithstanding any other provision of law or this Code, the Village may levy special assessments for work or improvement against the property benefited either before or after the approval of the work plans and specifications, contracting for the work, or completing the work or improvement.

(d) Upon Village Board approval, the property owner may contract the work to be completed and the Village Board may agree to pay a portion of the bill.

Sec. 3-2-13 Special assessment B bonds.

As an alternative to any other financing method, the Village Board may provide for the payment of the initial cost of any public improvement from the proceeds of special assessment "B" bonds issued under Wis. Stats. § 66.0713(4) and (5). Special assessments to retire such bonds and pay the interest thereon will be levied under Wis. Stats. § 66.0703, payable in such installments at a rate to be determined by the Board based upon borrowed money rates at the time of the special assessment.

CHAPTER 3: PUBLIC RECORDS

Sec. 3-3-1 Definitions.

The following words, terms, and phrases, when used in this chapter, will have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

(a) *Actual cost* means the total cost of personnel including wages, fringe benefits and all other benefits and overhead related to the time spent in search of records.

(b) *Authority* means any of the following Village entities having custody of a Village record: 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.

Village of Boyceville Municipal Code

(c) *Custodian* means that officer, department head, division head, or employee of the Village designated under section 3-3-3 or otherwise responsible by law to keep and preserve any Village records or file, deposit or keep such records in the 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.

(d) *Direct cost* means the actual cost of personnel plus all expenses for paper, copier time, depreciation and supplies.

(e) *Record*.

- (1) The term "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.
- (2) The term "record" includes, but is not limited to, handwritten, typed or printed pages, maps, charts, photographs, films, recordings, tapes (including computer tapes), and computer printouts.
- (3) The term "record" does not include:
 - a. 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;
 - b. Materials which are purely the personal property of the custodian and have no relation to the office;
 - c. Materials to which access is limited by copyright, patent or bequest; and
 - d. 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.

Sec. 3-3-2 Duty to maintain records.

(a) Except as provided under section 3-3-7, each officer and employee of the Village must safely keep and preserve all records received from any predecessors or other persons and required by law to be filed, deposited or kept in the office or which are in the lawful possession or control of the officer or employee or deputies, or to the possession or control of which who may be lawfully entitled as such officers or employees.

(b) Upon the expiration of an officer's term of office or an employee's term of employment, or whenever the office or position of employment becomes vacant, each officer or employee must provide the successor with all records in custody and the successor must provide a receipt therefor to the officer or employee, who must file the receipt with the Village clerk-treasurer. If a vacancy occurs before a successor is selected or qualifies, such records must be delivered to and receipted for by the Village clerk-treasurer, who will deliver to the successor.

(c) Pursuant to Wis. Stat. § 19.21(4)(c), any record required to be kept and preserved under this section may keep and preserve such record through the use of microfilm or another reproductive device, optical imaging, or electronic formatting provided that such means meets any applicable standards established under Wis. Stat. §§ 16.61(7) and 16.612. Any photographic reproduction of a record authorized to be reproduced under this paragraph is deemed an original record for all purposes if it meets the applicable standards. Records must be preserved along with other files of the department or division and be open to public inspection and copying according to the provisions of State law and this Code.

Sec. 3-3-3 Legal custodian.

(a) Elected officials are the legal custodian of their records, but they may designate the Village clerk-treasurer to act as their legal custodian.

(b) Unless provided in subsection (c) of this section, the Village clerk-treasurer or designee will act as legal custodian for the Village and for any committees, commissions, Boards, or other authorities created by ordinance or resolution of the Village Board. The following offices or authorities will have as a legal custodian of records the individual so named:

Records Type/Department

General Village records – including Board records
Police records
Public Works records

Designated Legal Custodian

Village Clerk-Treasurer
Chief of Police
Director of Public Works

Village of Boyceville Municipal Code

(c) For authorities not specified in subsections (a) and (b) of this section, the authority's chief administrative officer is the legal custodian for the authority, but the officer may designate an employee to act as the legal custodian.

(d) Legal custodians must name a person to act as legal custodian in their absence, and each legal custodian must send notice of the designated deputy to the Village clerk-treasurer.

(e) The Village clerk-treasurer must establish criteria for establishing the records system and ensure the department/office records is reviewed annually.

Sec. 3-3-4 Public access to records.

(a) Except as provided in section 3-3-6, any person has a right to inspect a record and to make or receive a copy per Wis. Stats. § 19.35(1).

(b) Records are available for inspection and copying during regular office hours.

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

(d) A requester is permitted to use facilities comparable to those available to Village employees to inspect, copy, or abstract a record.

(e) The legal custodian 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 is charged a fee in the amount provided in the Village fee schedule.

(g) Pursuant to Wis. Stats. § 19.34, each authority will 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. This subsection does not apply to members of the Village Board.

Sec. 3-3-5 Access procedures.

(a) A request to inspect or copy a record must be made to the legal custodian. A request is sufficient if it reasonably describes the requested record or the information requested and with a reasonable limitation as to subject matter and length of time represented by the record. An oral request may be made, but a request must be in writing before an action to enforce the request is commenced under Wis. Stats. § 19.37. Except as provided in this section, no request may be refused because the person making the request refuses to provide identification 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 section 3-3-4(f). 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 require.

(b) Custodians, upon request for any record, must, 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. 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 the request in a manner that permits reasonable compliance.

(c) A record's request may be denied as provided in section 3-3-6. If the request is made orally, the request may be denied unless a demand for a written statement of the reasons denying the request is made by the requester within five business days of the oral denial. If a written request is denied in whole or in part, the requester will receive a written statement of the reasons for denying the request. The written denial will also

Village of Boyceville Municipal Code

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 Wis. Stats. § 19.37(1) or upon application to the attorney general or a district attorney.

Sec. 3-3-6 Limitations on right to access.

(a) The limitations on access identified in Wis. Stat. § 19.36 are incorporated herein by reference.

(b) 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) Pursuant to Wis. Stats. § 19.85(1)(a), records of current deliberations after a quasi-judicial hearing.
- (3) Pursuant to Wis. Stats. § 19.85(1)(b) and (c), records of current deliberations concerning employment, dismissal, promotion, demotion, compensation, performance, or discipline of any Village officer or employee, or the investigation of charges against a Village officer or employee, unless such officer or employee consents to such disclosure.
- (4) Pursuant to Wis. Stats. § 19.85(1)(d), records concerning current strategy for crime detection or prevention.
- (5) Pursuant to Wis. Stats. § 19.85(1)(e), 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) Pursuant to Wis. Stats. § 19.85(1)(f), 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) Pursuant to Wis. Stats. § 19.85(1)(g), communications between legal counsel for the Village and any officer, agent or employee 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 employees is or is likely to become involved, or communications which are privileged under Wis. Stats. § 905.03.
- (8) Pursuant to Wis. Stats. § 19.85(1)(h), requests for confidential written advice from an ethics Board, and records of advice given by such ethics Board on such requests.

(c) If a record contains information that may be made public and information that may not be made public, the records' custodian must 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 will confer with the Village attorney prior to releasing any such record and will follow the guidance of the Village attorney when separating out the exempt material. If, in the judgment of the custodian and the Village 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 will be withheld from disclosure.

Sec. 3-3-7 RETENTION AND DESTRUCTION OF RECORDS.

(a) The Village adopts the General Records Schedule for Wisconsin Municipal and Related Records (the "Wisconsin Municipal Records Schedule" or "WMRS") promulgated by the Wisconsin Public Records Board. A copy of the currently effective Wisconsin Municipal Records Schedule should be kept on file in the office of the Village Clerk. Unless a different retention period is required by law, any record kept and preserved under this section which is considered obsolete may be destroyed pursuant to the schedule established in the WMRS. For any obsolete record which is not specifically identified in the WMRS, destruction must occur not less than 7 years after the record was effective.

(b) Unless notice is waived by the state historical society, at least 60 days' notice must be given to the state historical society prior to the destruction of any record as provided by Wis. Stats. § 19.21(4)(a).

Village of Boyceville Municipal Code

(c) Any tape recordings 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 posted/published, if the purpose of the recording was to make minutes of the meeting.

(d) Police records, other than investigative records, must be retained for 7 years. However, unless the records are subject to a pending open records request or in any way relate to a matter pending before a court or quasijudicial body, the following exceptions apply:

- (1) Videotape and audio cassette recordings utilized for purposes related to law enforcement may be destroyed, erased, or reused after 120 days.
- (2) Recordings made of radio dispatches and telephone calls to and from the dispatch operator may be destroyed, erased, or reused after 120 days.

CHAPTER 4: LOST, ABANDONED, AND SURPLUS PROPERTY

Sec. 3-4-1 Disposal of surplus Village property.

(a) *Surplus Village property defined.*

- (1) The term "surplus Village property" means that property which is owned by the Village and which has no further usefulness to the Village. An item of property will be considered to have no further usefulness when:
 - a. The item or its function has been totally replaced by other Village property and no probable future function exists for it;
 - b. The Village no longer performs the service for which the item was purchased, and no other service can reasonably be provided by the item; or
 - c. The item is no longer able to reliably or economically perform the work required of it.
- (2) The term "surplus Village property" does not include:
 - a. Land or buildings, to include fixtures and such salvage as may be taken from a building without structural damage when such fixtures and salvage are not part of a demolition contract;
 - b. Property which is obtained by the Village as a result of abandonment or loss by the property's original owner;
 - c. Items of property which are traded in for newer items.

(b) *Determination of surplus Village property.*

- (1) Whenever an item of Village property is determined to be surplus Village property on the basis that the Village no longer performs the service for which the item was purchased, the Village Board will determine whether or not the item is surplus Village property.
- (2) Whenever the fair market value of the item is more than \$5,000.00, the Village Board will determine whether the item is surplus Village property.

(c) *Disposition of surplus Village property.*

- (1) Whenever the Village Board determines that an item of property is surplus Village property, it will dispose of such property as it determines.
- (2) Whenever the fair market value of an item is more than \$500.00 and the Village Board has determined, pursuant to subsection (b) of this section, that the item is surplus Village property, the department head responsible for the items will dispose of the property by:
 - a. Donation to a nonprofit organization within the Village or to a governmental agency;
 - a. Public auction;
 - b. Sale by sealed bid; or
 - c. Negotiated sale.
- (3) In the event of a public auction or sale by sealed bid, the item will be sold in "as-is" condition to the person submitting the highest bid; provided, however, that a lower bid submitted by a nonprofit organization or governmental agency may be accepted by the Village Board. The department head responsible for the item will determine the time in which the successful bidder must remove the item. In the event the item is not removed within that time, the item will revert to the Village and the amount of the bid will be forfeited to the Village. In the event no bids are received, the item will be disposed of as directed by the Village Board.

Village of Boyceville Municipal Code

- (4) No public auction or awarding of bids will occur under this chapter unless a description of the item to be sold and an advance notice of the time and place for such auction or bid submission is first published as a Class 2 notice in the official Village newspaper.
- (5) Whenever the fair market value of an item is \$500.00 or less and the Village Board has determined, pursuant to subsection (b) of this section, that it is surplus Village property, the item will be either disposed of as set forth in subsection (c)(2) of this section or destroyed.

(d) *Determination of fair market values.* Whenever this chapter requires a determination of the fair market value of an item of property, that determination will be made by the department head responsible for the property, whose decision will be final.

(e) *Authority to dispose of property.*

- (1) Except for library materials used by the public library for lending purposes, only the Village Board may dispose of Village property which is not surplus Village property.
- (2) Whenever this section provides for an auction or other disposition of any property, the Village Board will be authorized to hire an auctioneer or take such other action as is necessary to properly dispose of the property; provided, however, that the fees of such auctioneer and all such costs, other than those for Village labor and the use of Village property, do not exceed the payment received by the Village from the auction or sale of the property.

Sec. 3-4-2 Lost and abandoned property.

(a) *Abandoned property defined.* Anything left on property belonging to the Village, under circumstances and for a time that it appears that the owner does not have any plan to claim it. Abandoned vehicles are excluded and disposal thereof is described in Title 10, Chapter 5 of this Code.

(b) *Village custody of lost or abandoned property.*

- (1) Property which appears to be lost or abandoned, discovered by officers, or turned in to the police department by citizens will be disposed of according to this section.
- (2) Lost and abandoned property will be examined by the police department for identifying marks to determine the owner. If identifying marks are present, they will be used by the police department to attempt to contact the owner to return the property. If no identifying marks are present, the property will be taken into custody by the police department.
- (3) Village employees may not keep for their own use property found in the course of duty, nor take possession of property during off-duty hours when the discovery was made while on duty.
- (4) The police department will permit citizens to claim lost property if they can provide sufficient proof that they are rightful owners.
- (5) Village employees may not receive any lost, stolen, abandoned or other unclaimed property from the police department, unless that person receives a written receipt signed by the chief of police, a copy of which must remain with the Village clerk-treasurer.

(b) *Disposal procedures.*

- (1) *Classes of property.* All property which has been abandoned, lost or remained unclaimed for a period of thirty (30) days after the taking of possession of the same by the Village will be disposed of as follows, except that if the property is usable for Village operations, the property need not be sold at auction, but may become the property of the Village:
 - a. *Intoxicating liquor and fermented malt beverages.* Intoxicating liquor and fermented malt beverages will be destroyed.
 - b. *Firearms, ammunition, and explosives.* Firearms or ammunition will be returned to their rightful owner, destroyed, or transferred to the state crime laboratory, the division of law enforcement services of the Department of Justice, the Federal Bureau of Investigation or the Bureau of Alcohol, Tobacco, Firearms, and Explosives. Any explosive, flammable, or other material providing a danger to life or property may be disposed of immediately upon taking possession thereof. The chief of police is hereby authorized to determine the disposal procedure, provided, however, that any such procedure will attempt to return to its rightful owner any such material which appears to have been stolen.

Village of Boyceville Municipal Code

- c. *Other property with a fair market value of \$100.00 or less.* An item of property with a fair market value of \$100.00 or less will be destroyed or sold at public auction. Perishable property which deteriorates to a fair market value of less than \$100.00 will be destroyed.
 - d. *Other property with a fair market value of over \$100.00.* An item of property with a fair market value of more than \$100.00 will be sold at public auction or by sealed bid.
 - e. *Illegal property.* Property which cannot be legally possessed will be destroyed.
- (2) *Disposal by auction or sealed bid.*
- a. Whenever any property under this section is sold by public auction or sale or by sealed bid, such auction or the awarding of bids will be preceded by a Class 2 notice describing the property and arranging the time and place for the auction or bid submission; such notice must be published in the official Village newspaper. The property auctioned or sold by sealed bid will be sold in as-is condition to the highest bidder. No sale or auction may occur until the chief of police has determined that the property has no value to any probable investigation or legal proceeding. The department head responsible for the property will determine the time in which the successful bidder must remove the property. In the event the property is not removed within that time, the property reverts to the Village and the amount of the bid forfeited to the Village.
 - b. Any Village official selling property under this section must maintain for two years an inventory of any property not disposed of by auction or sale by sealed bid and include a record of the date and method of disposal, any payment received for the property, and the name and address of the person acquiring the property.
- (3) *Lost property.* Property found and delivered to the chief of police for the purpose of locating the former owner is not considered abandoned or unclaimed under this section until 30 days after mailing to the persons finding the property a notice that they may claim ownership of the property. The chief of police may determine what portion, if any, of the property or its value will be given the finder. This provision does not apply to any Village employees finding property in the regular course of their employment.
- (4) *Payment to Village treasury.* All sums received from the sale of property under this section must be paid to the Village treasury.