# CHAPTER 1: RULES OF GOVERNMENT; TOWN OFFICIALS, BOARDS, COMMISSIONS AND EMPLOYEES (07/08/2025)


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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]

## 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/her 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: *(Rev. 07/08/2025)*

(a) Exercised and used the same degree of care and skill as a prudent person would have exercised or used under the circumstances in the conduct of his/her own affairs, or *(Rev. 07/08/2025)*

(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/she had reasonable grounds to believe to be true. The foregoing shall not be exclusive of other rights and defenses to which he/she may be entitled as a matter of law. *(Rev. 07/08/2025)*

## 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/her in connection with or resulting from any claim, action, suit, or proceeding, including criminal proceedings, to which he/she is made or threatened to be made a party by reason of his/her 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/her by reason of his/her having been finally adjudged in such action, suit, or proceeding to have been guilty of fraud in the performance of his/her 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.*(Rev. 07/08/2025)*

(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/her capacity as such employee. *(Rev. 07/08/2025*

[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/her capacity as such member of a Committee or Commission or Board (other than Town). *(Rev. 07/08/2025)*

(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 ENFORCEMENT

(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

(1) ELECTION. Pursuant to Wis. Stat. § 60.10(2)(b) and 60.21(2)(b), the Town Board shall consist of a Chairperson and four (4) additional Supervisors, the election of whom shall be conducted so as to provide for elections in both odd-numbered and even-numbered years.

(a) The Town Chairperson shall be elected for a two-year term in each odd-numbered year.

(b) 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.

(2) COMPENSATION. The Chairperson and other Supervisors shall each receive:

(a) an annual salary, and

(b) a per diem of $20.00[2] ($25.00 for the meeting Chairperson) for each meeting attended. *(Rev. 1/5/10; 9/6/11, 4/15, 07/08/2025).*

## 1.06 TOWN CLERK/TREASURER[3]

(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] Established at a special Town meeting on November 21, 2013, effective 4/21/2015.

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

(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 three (3) years and be reappointed to office every three (3) years. The person may be dismissed by the Board only for cause.*(Rev. 07/08/2025)*

(3) 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.

(4) 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)*

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

(6) DEPUTY CLERK/TREASURER. The Deputy Clerk/Treasurer shall be appointed by the Clerk/Treasurer. The Deputy Clerk/Treasurer will perform duties as directed by the Clerk/Treasurer. Compensation shall be determined by the Town Board based on experience and performance. *(Rev. 07/08/2025)*

(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 Chairperson. Compensation shall be determined by the Town Board based on experience and performance. *(Rev. 10/5/10)*

## 1.07 EXPENSE REIMBURSEMENT FOR TOWN OFFICIALS[4]

(1) Reimbursement of Expenses. The Town will reimburse Town officials for expenses necessarily incurred in the performance of official Town duties, subject to the following:

(a) A record and documentation must be provided to the Town Clerk/Treasurer with any request for reimbursement.

(b) Mileage shall be paid at the Internal Revenue Service business rate.

(c) For elected officials, the Town will not reimburse for mileage incurred within the Town, except for the annual road review.

(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. Attendance at the state convention must receive Town Board approval. All meeting registrations shall be through the Town Clerk/Treasurer or designee.

[4] Created by Ord. 2008-8, adopted September 2, 2008; Subsec. (1) amd. by Ord 2014-1, adopted January 7, 2014.

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

## 1.08 BOARD OF REVIEW; ASSESSOR[5]

(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 Chairperson 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 Wis. Stats. § 19.35(1).

(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 Wis. Stats. § 74.37, in which case the base records are open and public.

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

## 1.09 SEVERABILITY AND CONFLICTS[6]

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.

## 1.10 DISHONORED PAYMENTS[7]

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 penalty will be charged to the person issuing such dishonored payment (See Fee Schedule, Table 21.04). *(Rev. 07/08/2025)*

## 1.11 PURCHASING PROCEDURES[8]

(1) Except as provided in subsections (2) and (3), the purchase of supplies and permanent personal property, and the engagement for services, may be authorized by the chairperson or head of the applicable Town committee or office, without prior Town Board approval, provided the expenditure is for a budgeted item and does not cause the committee or office to exceed its budget for that fiscal year. Expenditures under this subsection may be made on the open market and directly from a dealer or supplier without obtaining bids, but when possible, effort should be made to obtain and base expenditures on multiple quotes or proposals.

(2) Any expenditure requiring the Town to let out bids or to enter into a contract pursuant to local, state or federal law must be approved in advance by the Town Board.

(3) Reimbursement for Town officers and employees attending seminars and conventions is subject to Section 1.07.

(4) It is the responsibility of the committee chairperson or office head to check with the Clerk/Treasurer to determine the aggregate annual expenses and whether a particular expenditure would cause a budget to be exceeded.

(5) Definitions.

(a) “Supplies” includes paper, stationery, postage, office supplies, cleaning items and maintenance materials.

(b) “Permanent personal property” includes furniture, fixtures, office equipment, parts, tools, equipment and similar property which customarily has a useful life of more than one year.

(c) “Services” includes the repair, maintenance and cleaning of buildings, roads and equipment.

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

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

[8] Created by Ord. 2012-4, adopted June 6, 2012.

## 1.12 COMMITTEES AND THEIR FUNCTION[9] *(Rev. 07/08/2025)*

(1) Time of Selection. The Committees are selected by the Town Chairperson in the month of May of the year of his or her election.*(Rev. 07/08/2025)*

(2) Selection Process.

(a) By April 30th of the odd year each member of the Town Board requests the Committees they would like to participate in for the next two years. *(Rev. 07/08/2025)*

(b) The Town Chairperson reviews the current Committee members list against the requested changes and determines what changes should be made based on experience and past performance.*(Rev. 07/08/2025)*

(c) The Town Chairperson creates the new Committee list and submits to the Town Board at the May Town Board Meeting for final approval. *(Rev. 07/08/2025)*

(d) Based on Town Board approval the Town Chairperson selects the Chairperson of each Committee. (*Rev. 07/08/2025)*

(3) Responsibilities. The Committee Chairperson is responsible for the following: (Rev. 07/08/2025)

(a) Setting the agenda for meetings.

(b) Review minutes with appropriate Clerk for accuracy before being sent out to committee members.

(c) Ensure that an agenda, meeting minutes and any appropriate information is sent out three (3) days prior to a scheduled meeting.

(d) Chair meetings for Committee. *(Rev. 07/08/2025)*

(e) Prepare drafts of suggested changes or information to be decided upon at the meetings.

## 1.13 ELECTIONS[10]

(1) POLL HOURS. The polls at any election shall be open from seven a.m. until eight p.m. in the manner provided by Wisconsin law,

(2) APPOINTMENT. Appointment of election inspectors shall be in the manner provided by Wisconsin law, Wis. Stats. § 7.30(4).

(3) STAFFING. The Clerk shall determine in advance of each election the number of election inspectors to be scheduled, which determination shall depend on the number of contests on the ballot, the degree of interest in the election, and the apparent likelihood of a large percentage of voter participation. There shall not be less than three election inspectors at each polling place. The number of election inspectors shall always be an odd number.

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[9] Created by Ord. 2013-___, adopted June 4, 2013.

[10] Created by Ord 2025-3, adopted July 8, 2025.

(4) TIME. There may be two shifts of election inspectors scheduled at such times as the Clerk deems appropriate.

## 1.14 ADOPTION OF WISCONSIN MUNICIPAL RECORDS SCHEDULE[11]

(1) PURPOSE. The purpose of this section is to provide the legal custodian(s) of public records in the possession of the Town with the authority to retain and destroy those records.

(2) AUTHORITY. The Town Board has the specific authority under Wis. Stats. § 60.83 and § 19.21(4), to adopt regulations to address the management and destruction of public records.

(3) ADOPTION OF WISCONSIN MUNICIPAL RECORDS SCHEDULE. The Wisconsin Municipal Records Schedule, most recently approved by the Public Records Board on August 27, 2018, attached hereto and incorporated herein by reference, and as may be amended, is adopted by the Town as its official record retention schedule.

(4) NOTIFICATION TO WISCONSIN STATE HISTORICAL SOCIETY. When a record has met the terms of the retention period, the record may be destroyed by the legal custodian of the record, provided the custodian has complied with the notification requirement set forth in Wis. Stats. § 19.21 (4), to the Wisconsin State Historical Society.

(5) CONFLICT. In the event of any conflict between the terms of this section and any applicable state statute, the applicable state statute shall control.

[11] Created by Ord. 2023-01, adopted August 1, 2023.