

**CHAPTER 6
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FINANCES

Sec. 6.01 Duplicate Treasurer's Bond Eliminated

1. BOND ELIMINATED. The Village of Whiting elects not to give the bond on the Village Clerk-Treasurer provided for by law.
2. VILLAGE LIABLE FOR DEFAULT OF TREASURER. Pursuant to state law, the Village shall be obligated to pay, in case the Clerk-Treasurer shall fail to do so, all state and county taxes required by law to be paid by such Clerk-Treasurer to the County Treasurer.

Sec. 6.02 Village Budget

1. DEPARTMENTAL EXPENDITURES AND ESTIMATES. The Village President, Clerk-Treasurer and the Village Director of Public Works shall annually file with the Clerk-Treasurer an itemized statement of disbursements made to carry out the powers and duties of the President, Village departments and committees during the preceding fiscal year. Also to be provided is a detailed statement of the receipts on all accounts under the supervision of the aforementioned individuals. These individuals are also charged with the responsibility to provide detailed estimates of conducting the same and any additional Village matters in the ensuing fiscal year. These estimates are to be presented in the form prescribed by the Clerk-Treasurer, and designated as "Departmental Estimates". These estimates for the next fiscal year are to be provided to the Village Committee On Finance on or before October 15 annually.
2. COMMITTEE ON FINANCE TO PREPARE ANNUAL BUDGET. The Village of Whiting hereby creates a Committee On Finance, whose duty it shall be to have estimates prepared of the expenditures that will be incurred by the Village for the ensuing year. Then, on or before the first week of November annually, the Committee On Finance will prepare a proposed budget, which presents the financial plan for conducting the affairs of the Village in the ensuing year.
3. FORM OF PROPOSED BUDGET.
 - a. The actual expenditures of each department and activity for the expired portion of the current year, and last preceding fiscal year, and the estimated expense 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.
 - b. An itemization of all anticipated income of the Village from sources other than general property taxes and bonds issued, with a comparative statement of the amounts received by the Village from each of the same or similar sources for the last preceding and current fiscal year.
 - c. An estimate of the amount of money to be raised from general property taxes which, with income from other sources, will be necessary to meet the proposed expenditures.
 - d. 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.
 - e. Such other information as may be required by the Village Board and by state law.
4. COPIES OF BUDGET. The Village shall provide a reasonable number of copies of the budget thus prepared for distribution to citizens.
5. BUDGET REPORT AND HEARING.
 - a. The Budget Committee shall make a report to the Village Board at the first November meeting which shall include the estimated cost of improvements as well as the estimated cost of operation the various departments and all other costs, including interest charges, for which money will have to be raised by taxation during the following year. The Budget Committee shall submit to the Board at the time the annual budget is submitted the draft of an appropriation ordinance providing for the expenditures proposed for the ensuing fiscal year.

Upon the submission of the proposed appropriation ordinance to the Board it shall be deemed to have been regularly introduced therein.

- b. A summary of such budget and notice of the time and place where such budget and detail are available for public inspection and notice of the time and place for holding the public hearing thereon, shall be published as a Class 1 notice, under Ch. 985, Wis. Stats., in the Village at least fifteen days prior to the time of such public hearing.
- c. Not less than fifteen days after the publication of the proposed budget and the notice of hearing thereon, the public hearing shall be held at the time and place stipulated, at which time any resident or taxpayer of the Village shall have an opportunity to be heard on the proposed budget. The budget hearing may be adjourned from time to time. Following the public hearing, the proposed appropriation ordinance may be changed or amended and shall take the same course in the Village Board as other ordinances.

Sec. 6.03 Change in Budget

The amount of the tax to be levied or certified, the amounts of the various appropriations exceeding any possible item overage allowance as noted in Sec. 6.04, and the purposes thereof shall not be changed after approval of the budget, except upon the recommendation of the Village President, and upon a two-thirds (2/3's) vote of the entire membership of the Village Board. Notice of such funds transfer shall be given by publication in the official Village newspaper within eight days.

Sec. 6.04 Village Funds to Be Spent in Accordance with Appropriation

1. ALLOWANCE FOR BUDGETED ITEM OVERTAGE. In recognition of minor adjustments to Village project and vendor parameters and the need to pay accounts in a timely manner, an allowance for overage is available for all Village appropriations. Any expenditure previously budgeted up to \$5,000 in cost may be exceeded by up to ten percent (10%) before necessitating the change in budget procedures specified in Sec. 6.03 above. Any expenditure budgeted in excess of \$5,000 may be exceeded by up to one percent (1%) before requiring the Sec. 6.03 change in budget procedure.
2. SPENDING OF VILLAGE FUNDS. With the exception of the possible appropriation overage allowance noted in Sec. 6.04, Paragraph 1, no money shall be drawn from the treasury of the Village, nor shall any obligation for the expenditure of money be incurred, except in pursuance of the annual appropriation in the adopted budget or when changed as authorized by this Municipal Code. At the close of each fiscal year any unencumbered balance of an appropriation shall revert to the general fund and shall be subject to reappropriation; but appropriations may be made by the Board, to be paid out of the income of the current year, in furtherance of improvements or other objects or works which will not be completed within such year, and any such appropriation shall continue in force until the purpose for which it was made shall have been accomplished or abandoned.

Sec. 6.05 Fiscal Year

The calendar year shall be the fiscal year.

Sec. 6.06 Public Depositories

The Village Board shall designate the public depositories within this state within which Village funds shall be deposited, and when the money is deposited in such depository in the name of the Village, the Clerk-Treasurer, and bondsman shall not be liable for such losses as are defined by state law. The interest arising there from shall be paid into the Village treasury. A copy of the resolution designating public depositories shall be filed with the State Commissioner of Banking.

Sec. 6.07 Claims Against Village

1. CLAIMS TO BE CERTIFIED. Prior to submission of any account, demand or claim to the Village Board for approval of payment, the Village Clerk-Treasurer shall certify, or cause to be endorsed thereon or on attached papers, that the following conditions have been complied with:
 - (a) That funds are available therefore pursuant to the budget.
 - (b) That the item or service was duly authorized by the proper official or agency and has been received or rendered in accordance with the purchasing agreement.
 - (c) That the claim is accurate in amount and a proper charge against the treasury.
2. BOARD TO AUDIT ACCOUNTS. Accounts or demands against the Village, except as provided in this section, will be paid with an order drawn by the Village Clerk-Treasurer. Any such account shall be itemized and certified as provided in subsection (1.) of this section. All money paid out of the Village Treasury shall be paid upon an order signed by the Village President and countersigned by the Clerk-Treasurer, except that payments of regular wages or salaries will be paid in accordance with Section 6.08. All orders drawn on the Village Treasury will be approved by the Village Board at its next meeting.

Sec. 6.08 Payment of Regular Wages or Salaries

Regular wages or salaries of Village officers and employees shall be paid by payroll, verified by the proper Village official, department head, board, or commission and filed with the Village Clerk-Treasurer in time for payment on the regular pay day.

Sec. 6.09 Temporary Investment of Funds

The Village Clerk-Treasurer may invest any Village funds not immediately needed, pursuant to state law.

Sec. 6.10 Facsimile Signatures

In lieu of the personal signatures of the Village Clerk-Treasurer and Village President, there may be affixed on order checks the facsimile signatures of such persons adopted by them and approved by the Village President, but the use of the facsimile signature shall not relieve such official from any liability to which he is otherwise subject, including the unauthorized use thereof.

Sec. 6.11 Receiving Money; Receipt for Same

1. The Village Clerk-Treasurer or his deputies shall not receive any money into the treasury from any source except on account of taxes levied and collected during the fiscal year, without giving a receipt in the manner specified by the Village Board.
2. Upon the payment of any money (except for taxes as herein provided), the Clerk-Treasurer shall make out a receipt in duplicate for the money so received. The Clerk-Treasurer shall charge the amount thereof to the treasury and credit the proper account. The payment of the money to any receiving agent of the Village or to the Village or to the Clerk-Treasurer shall be safeguarded in such manner, as the Village Board shall direct.

Sec. 6.12 Adoption of Bidding Procedures

Pursuant to Wisconsin statutes, the Village Board of the Village of Whiting does hereby provide that as a complete alternative to the requirements of Section 61.54 and 61.55 of the Wisconsin Statutes that the provisions of Section 62.15 of the Wisconsin Statutes shall be applicable to all Village contracts. The authority vested in the Board of Public Works by Section 62.15 of the Wisconsin Statutes shall be exercised by the Village Board for the Village of Whiting.

Sec. 6.13 Statement of Real Property Status

The Village Clerk-Treasurer is authorized to prepare a Statement of Real Property Status form to be used to provide information often 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, sewer bills, contemplated improvements, floodplain status, violations of the building and health codes and similar information. Any such information sought shall be provided to the person requesting it on said form.

Sec. 6.14 Special Assessments

1. VILLAGE BOARD MAY LEVY SPECIAL ASSESSMENTS.
 - a. The Village of Whiting 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.
 - b. The amount assessed against any property for any work or improvement which does not represent an exercise of the police power shall not exceed the value of the benefits accruing to the property there from, and for those representing an exercise of the police power, the assessment shall be upon a reasonable basis as determined by the Village Board.
2. RESOLUTION AND REPORT REQUIRED.
 - a. Prior to making any such special assessments, the Village Board shall declare by preliminary resolution its intention to exercise such powers for a stated municipal purpose. Such resolution shall describe generally the contemplated purpose, the limits of the proposed assessment district, and the number of installments in which the special assessments may be paid. The resolution shall also state that the number of installments will be determined at the hearing required under this section and that the proper municipal officer or employee is directed to make a report thereon. Such resolution may limit the proportion of the cost to be assessed.
 - b. The report required by this section shall 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 how each parcel of property is affected.
 4. The assessment of benefits to be levied.
 5. The damages to be awarded for property taken or damaged.
 6. The net amount of such benefits over damages or the net amount of such damages over benefits.
 7. 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. In such case the estimates required under this section shall be replaced by a schedule of the proposed assessments.
 8. A copy of the report when completed shall be filed with the Village Clerk-Treasurer for public inspection.
3. When the Village Board determines by resolution that the hearing on the assessments be held subsequent to the completion of the work or improvements or the rendering of the service, the report required by law and this section of the Municipal Code shall contain a statement of the final cost of the work, service or improvement in lieu of an estimate of the cost.
4. COSTS THAT MAY BE PAID BY SPECIAL ASSESSMENT.

The cost of any work or improvement to be paid in whole or in part by special assessment on property may include the direct and indirect cost thereof, the damages occasioned thereby, the interest on bonds or notes issued in anticipation of the collection of the assessments, a reasonable charge for the services of the administrative staff of the Village and the cost of any architectural,

engineering and legal services, and any other item or direct or indirect cost which may reasonably be attributed to the proposed work or improvement. The amount to be assessed against all property for any such proposed work or improvement shall be apportioned among the individual parcels in the manner designated by the Village Board.

5. EXEMPTIONS; DEDUCTIONS.

- a. If any property deemed benefited shall by reason of any provision of law be exempt from assessment therefore, such assessment shall be computed and shall be paid by the Village.
- b. A parcel of land against which has been levied a special assessment for the sanitary sewer or water main laid in one of the streets upon which it abuts, shall be entitled to such deduction or exemption as the Village Board determines to be reasonable and just under the circumstances of each case, when a special assessment is levied for the sanitary sewer or water main laid in the other street upon which such corner lot abuts. Under any circumstances the assessment will not be less than the long way of such lot. The Village Board may allow a similar deduction or exemption from special assessments levied for any other public improvement.

6. NOTICE OF PROPOSED OR APPROVED PROJECT.

On the completion and filing of the report required in this chapter, the Village Clerk-Treasurer shall 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. Such notice shall 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 said notice shall be mailed to each interested person whose post office address is known. The hearing shall commence not less than ten days and not more than forty days after the publication or posting of said notice.

7. BOARD ACTIONS AFTER HEARING.

- a. After the hearing, the Village Board may approve, disapprove, modify, or re-refer the reports to the designated officer or employee with such directions, as it deems necessary to change the plans and specifications so as to accomplish a fair and equitable assessment.
- b. If an assessment has been made against any property and an award of compensation or damage be made in favor of the property, the Village Board shall assess only the difference between such 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 shall 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 has been 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 shall 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 shall publish the final resolutions as required in this Chapter.
- f. After the publication of the final resolution, any work or improvement provided for and not yet authorized, shall be deemed fully authorized and all awards of compensation or damage and all assessments made shall be deemed duly and properly made, subject to the right of appeal by the Wisconsin Statutes, or any other applicable provision of law.

8. COMBINED ASSESSMENTS.

If more than a single improvement is undertaken, the Village Board may combine the assessments as a single assessment on each property affected except that the property owner may object to any one or more of said improvements.

9. BOARD'S POWER TO AMEND, CANCEL OR CONFIRM SPECIAL ASSESSMENTS.
If after completion or after the receipt of bids, the actual cost of any work or improvement is found to vary materially from the original estimate, or the assessment is void or invalid for any reason, or if the Village Board determines to reconsider an assessment, it is empowered, after giving notice as required in this Municipal Code to amend, cancel or confirm any prior assessment and notice of this amending, canceling or confirming be given by the Village Clerk-Treasurer as provided herein.
10. 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 shall reduce each assessment proportionally. If the assessment has been paid either in part or in full the Village shall refund the property owner such overpayment.
11. APPEALED ASSESSMENTS PAYABLE WHEN DUE.
Pursuant to the Wisconsin Statutes, it shall be a condition to the maintenance of any appeal that any assessment appealed shall be paid when due and payable and upon default in payment any such appeal shall be dismissed.
12. SPECIAL ASSESSMENT A LIEN ON PROPERTY.
Pursuant to the Wisconsin Statutes, any special assessment levied under this chapter shall be a lien on the property against which it is levied on behalf of the Village. The Village Board shall provide for the collection of such assessments and may establish penalties for payment after the due date. The Village Board shall provide that all assessments not paid by the date specified shall 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 shall apply to such assessment, except as otherwise provided by Wisconsin statute.
13. 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 to the property served. Such costs may include snow and ice removal, weed elimination, street sprinkling oiling or tarring, repair of sidewalks or curb and gutter, garbage and refuse disposal, sewer service and tree care or removal. The provision for notice of such charges shall be optional with the Village Board except that in the case of street, sidewalk, curb or gutter repair, twenty days notice published in the official Village newspaper. Such notice may also be made by posting it 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. Such notice shall specify that on a certain date a hearing will be held by the Village Board as to whether the service in question shall be performed.
 - b. Such special charges shall not be payable in installments. If not paid within the period fixed by the Village Board, such delinquent charge shall become a lien as provided in this chapter.
14. MISCELLANEOUS PROVISIONS.
 - a. If any assessment or charge levied under this chapter is invalid because such statutes are found to be unconstitutional, the Village Board may thereafter reassess such 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 notice and hearing is waived in writing by property owners affected.
 - c. Notwithstanding any other provision of law, or this or other ordinance or resolution, it is specifically intended and provided by this ordinance that the Village may levy special assessments for work or improvement against the property benefited. Such levy may occur

either before or after the approval of the work plans and specifications, contracting for the work, or completing the work or improvement.