

CHAPTER 1

GENERAL GOVERNMENT

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1.01 ELECTED OFFICIALS. The elected officials of the Village shall be as follows:

	<u>Official</u>	<u>When Elected</u>	<u>Term</u>
(1)	Village President	Odd numbered years	2 years
(2)	Six Trustees	Three each year	2 years

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

	<u>Official</u>	<u>How Appointed</u>	<u>Term</u>
(1)	Village Clerk-Treasurer	Village Board	Indefinite [Ord.159]
(2)	Village Assessor	Village Board	Indefinite [Ord.159]
(3)	Village Attorney	Village Board	One year
(4)	Building Inspector	Village Board	Indefinite
(5)	Chief of Police	Village Board	Indefinite
(7)	Health Officer	Village Board	One year
(8)	Emergency Management Director	Chief of Police shall serve as Emergency Management Director	
(9)	Public Works Director	Village Board	Indefinite
(10)	Weed Commissioner	Village President, subject to confirmation by Village Board	One year
(11)	President Pro Tem	Village Board	One year
(12)	Humane Officer	Village Board	One year
(13)	Sexton	Village Board	One year

[Ord. 159, 373, 521 05/02, 536 (04/04), 547 02/05, 559 10/05, 569 03/07]

1.025 INTERIM APPOINTMENTS. Where a vacancy is created with respect to any of the officials appointed under §1.02 as a result of illness, resignation, death or otherwise, the Village President may appoint an interim replacement, said replacement to be confirmed by the Village board at its next regular meeting. [Ord. 531 06/03]

1.03 BOARDS AND COMMISSIONS. (1) BOARD OF REVIEW. The Board of Review shall consist of not less than three Village Board Trustees, or two Village Board Trustees and the Village President, together with the Village Clerk. The Village Board shall appoint annually the trustees to serve on the Board of Review. The Board may appoint more than three members to serve on the Board. Members serving on the Board, except full time employees of the Village, shall receive \$60.00 per day the Board of Review meets. [Ord. 163, 199, 502, 569 03/07, Ord. 661 5/2017]

(2) PLAN COMMISSION. (a) Composition. The Plan Commission shall consist of seven (7) members: the Village President and two (2) Trustees appointed annually by the Village Board and four (4) citizen members appointed annually by the Village Board. All members shall serve a term of one year and their term shall begin on May 1. The Board may also appoint such alternate members as it deems expedient. The Zoning Administrator shall be a non-voting advisory member of the Committee. The Village President shall appoint a Secretary of the Plan Commission who may, but need not be, a member of the Commission. [Ord. 179, 265, 553 06/05]

(b) Powers and Duties. It shall be the power and the duty of the Plan Commission to review and make recommendations concerning the Village of Ellsworth Zoning Ordinance, zoning map and extraterritorial zoning to the Village Board. The Village Board shall not be restricted hereby from review or adoption of changes and amendments to the Village of Ellsworth Zoning Ordinance, zoning map and issues relating to extraterritorial zoning. [Ord. 259]

(3) BOARD OF ZONING APPEALS. The Board of Zoning Appeals shall consist of 5 citizens appointed by the Village President subject to confirmation by the Village Board, for 3 year terms. Appointments shall be staggered so that not more than 2 members are appointed in any one year.

(4) BOARD OF HEALTH. The Health Committee shall serve as the Board of Health.

(5) ELECTION OFFICIALS. (a) Election Officials for each polling place shall be appointed pursuant to Chapter 7, Wis. Stats. The Village Board shall appoint five (5) Election Inspectors for each polling place at each election. Such election officials shall have all of the powers and perform all of the duties prescribed by the Statutes.

(b) The party which received the largest number of votes in the last election pursuant to Sec.7.30(2), Stats. shall be entitled to one more inspector than the party receiving the next largest number of votes at each polling place.

(c) The Village Clerk is authorized to select alternate officials, or two sets of officials, to work at different times at each election. However, there shall at all times be at each polling place the ratio of inspectors as required under (a) above, to-wit, an equal number of inspectors for each major party plus one more inspector from the party which received the largest number of votes in the last election as described in Sec.7.30(2), Stats.

(d) The Village Clerk may reduce the number of election officials for any given election to not less than three. [Ord.535 03/01/2004]

(6) POLICE COMMITTEE. (a) The §61.65, Wis. Stats. Police Committee shall consist of five (5) members. One member shall be appointed annually by the Village President for a five year term. The members shall be electors of the Village who are not also members of the Village Board. None of the members shall be employed by the Village nor shall they be a member of the police department. The term of each member shall commence on May 1 and shall be for a term of 5 years ending on April 30. When in session the §61.65, Wis. Stats. Police Committee shall select a chairperson to chair the meeting and a secretary to take minutes of the meeting. The chairperson and secretary shall be members of the §61.65, Wis. Stats. Police Committee. [Ord. 523 8/02]

(b) The §61.65 Police Committee shall have those powers and duties, specified under §61.65 (1)(am)1 and shall act in accordance with §62.13 (5), Stats.

(c) The §61.65 Police Committee shall be a committee separate from any other police or law enforcement committee established by the Village Board. The Village Board may, in its discretion, request non-binding, advisory opinions of the §61.65 Police Committee on matters pertaining to law enforcement.

[Ord. 511]

(7) CEMETERY COMMITTEE. (a) The Cemetery Committee shall consist of five members appointed annually by the Village President for a one year term. Three of the members shall be members of the Village Board. Two of the members shall be electors of the Village who are not also members of the Village Board. The Committee shall have a Chairperson appointed by the Village President.

(b) The duties of the Cemetery Committee shall be to advise the Village Board concerning operation and maintenance of Maple Grove Cemetery, including public works maintenance, sale of grave sites, the other matters set forth in Sec. 11.17 of the Municipal Code, and duties of the Sexton." [Ord.536 04/04]

(8) ETZ COMMITTEE. (a) A joint extraterritorial zoning committee consisting of three(3) citizen members of the Plan Commission and three(3) Town members from each Town affected by the proposed plan and regulations. [Ord. 569 03/07]

1.035 ASSESSOR CONFIDENTIAL INFORMATION. Whenever the Assessor, in the performance of the Assessor's duties, requests or obtains income and expense information pursuant to Wis. Stat. §70.47(7)(af), or any successor statute thereto, then such income and expense information that is provided to the Assessor shall be held by the Assessor on a confidential basis; except, however, that the information may be revealed to and used by person in discharge of duties imposed by law, in the discharge of duties imposed by office (including but not limited to use by the Assessor in the performance of official duties of the Assessor's office and use by the Board of Review in the performance of its official duties), or pursuant to order of a court. Income and expense information provided to the Assessor under Wis. Stat. §70.47(7)(af), is not subject to the right of inspection and copying under Wis. Stat. §19.35(1). [Ord. 652 06/2016]

1.04 PERSONNEL CODE. The Village Board shall establish a Personnel Code, and from time to time shall amend same as appropriate. This Personnel Code shall address employer/employee relations, including such matters as wages, salary, sick leave, vacation pay, employee conduct, grievances, etc. [Ord.443]

1.05 SALARIES. (1) VILLAGE PRESIDENT. The salary of the Village President shall be \$3,500.00 per year, effective

01-01-07, pursuant to Board action taken 12-04-06. [Ord. 275, 287a, 405, 559 10/05, 569 03/07]

(2) **VILLAGE TRUSTEES.** The salary of each Village Trustee shall be \$3,000.00 per year, effective 01-01-07, pursuant to Board action taken 12-04-06. [Ord. 559 10/05, 569 03/07]

(3) No change of salary herein provided shall be effective during the existing term of any such office, pursuant to Sec. 61.32, Wis. Stats. [Ord. 139, 224, 257, 287a, 302, 319, 405]

1.06 GIFTS OR GRATUITIES, RECEIPT OF PROHIBITED. (1) No public employee or public official shall receive or offer to receive, either directly or indirectly, any gift, gratuity or anything of value which he is not authorized to receive from any person, if such person:

(a) Has or is seeking to obtain contractual or other business or financial relationships with the Village or the Village Board.

(b) Conducts operations or activities which are regulated by the Village or the Village Board.

(c) Has interests which may be substantially affected by such Village or Village Board.

(2) The receipt of any gift, gratuity or anything of value as denoted above is contrary to the public policy of the Village. [Ord. 213]

1.07 ANNEXATIONS. [Ord. 137, 203, 204, 205, 206, 211, 261, 309, 370, 389, 429, 433]

1.08 NOMINATIONS. (1) All candidates for elective office shall be nominated in accordance with this section. The caucus system of nomination shall not be used.

(2) Candidates for elective office shall be nominated by nomination papers circulated and filed in accordance with Sec. 8.10, Wis. Stats. Nomination papers for spring election shall be circulated not sooner than December 1 preceding election and shall be filed not later than 5:00 p.m. on the first Tuesday in January, or the next day if Tuesday is a holiday. [Ord. 347]

(3) All nomination papers shall conform to the requirements of the Wisconsin Statutes. A Type A or other authorized Notice of

Election, conforming to Sec. 10.01(2)(a), Wis. Stats., shall be published once by the Village Clerk on the fourth Tuesday in November preceding a spring municipal election, in conformity with Sec. 10.06, Wis. Stats.

(4) The Village Clerk shall certify the list of candidates for municipal office to the County Clerk, and shall publish all notices required by Sec. 10.06(3), Wis. Stats. [Ord. 347]

1.09 COST AND PER DIEM REIMBURSEMENTS. (1) Village Trustees and Village President attending a committee meeting shall be paid a per diem cost allowance of \$40.00 per meeting. The Chairperson of the meeting shall receive a per diem allowance of \$45.00 per meeting, effective 01/01/18, pursuant to Board action taken 01/06/14. [Ord. 569 03/07, Ord. 639 05/14, Ord. 667 06/18]

(2) Village Trustees and Village President shall be paid a per diem allowance of \$42.00 for each special Board meeting attended, effective 01/01/14, pursuant to Board action taken 01/06/14. [Ord. 569 03/07, Ord. 639 05/14]

(3) Village Trustees and Village President serving on the Board of Review shall be paid the per diem allowance of \$60.00, effective 01/01/14, pursuant to Board action taken 01/06/14. [Ord. 405, 569 03/07, Ord. 639 05/14]

(4) Village Trustees and Village President attending out of town meetings shall be paid the per diem cost allowance of \$60.00, effective 01/01/14, pursuant to Board action taken 01/06/14. [Ord. 569 03/07, Ord. 639 05/14]

1.10 PUBLIC RECORDS. (1) DEFINITIONS. (a) "Authority" means any of the following 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 construction, law, ordinance, rule or order; or a formally constituted subunit of the foregoing.

(b) "Custodian" means that officer, department head, division head, or employee of the Village designated under subsection 3 or otherwise responsible by law to keep and preserve any Village records or file, deposit or keep such records and who is required by this chapter to respond to requests for access to such records.

(c) "Employee" means any individual who is employed by an authority, other than an individual holding local public office or a state public office, or any individual who is employed by an employer other than

an authority. [Ord. 589 12/2008]

(d) "Person authorized by the individual" means the parent, guardian, as defined in Sec. 48.02(11) (1992), of a child, as defined in Wis. Stats. 48.02(2) (1992), the guardian, as defined in Wis. Stats. 880.01(3) (1992), an individual adjudged incompetent, as defined in Wis. Stats. 880.01(4) (1992), the personal representative or spouse of an individual who is deceased or any person authorized, in writing, by the individual to exercise the rights granted under this section [Ord. 589 12/2008]

(e) "Personally Identifiable Information" means information that can be associated with a particular individual through one or more identifiers or other information or circumstances. [Ord. 589 12/2008]

(f) "Record" means any material on which written, drawn, printed, spoken, visual or electromagnetic information is recorded or preserved, regardless of physical form or characteristics, which has been created or is being kept by an authority. "Record" includes, but is not limited to, handwritten, typed or printed pages, maps, charts, photographs, films, recording, tapes (including computer tapes), and computer printouts. "Record" does not include drafts, notes, preliminary computations and like materials prepared for the originator's personal use or prepared by the originator in the name of a person for whom the originator is working; materials which are purely the personal property of the custodian and have no relation to his or her office; materials to which access is limited by copyright, patent or bequest; and published materials in the possession of an authority other than a public library which are available for sale, or which are available for inspection at a public library emails are public record. Voicemail, instant messaging, voice-over the internet protocol (VOIP) and other forms of perishable data do not constitute public records. [Ord. 589 12/2008]

(g) "Record subject" means an individual about whom personally identifiable information is contained in a record. [Ord. 589 12/2008]

(h) "Records series" means records that are arranged under a manual or automated filing system, or are kept together as a unit, because they relate to a particular subject, result from the same activity or have a particular form.[Ord. 589 12/2008]

(i) "Requestor" means any person who requests inspection or copies of a record.[Ord. 589 12/2008]

(2) DUTY TO MAINTAIN RECORDS. (a) Except as provided under subsection 7, each officer and employee of the Village shall safely keep and preserve all records received from his or her predecessor or other persons and required by law to be filed, deposited or kept in his or her office of which are in the lawful possession or control of the officer or employee or his or her deputies, or to the possession or control of which he or she or they 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 such officer or employee shall deliver to his or her successor all records then in his or her custody and the successor shall receipt therefore to the officer or employee, who shall file said receipt with the Village Clerk. If a vacancy occurs before a successor is selected or qualifies such records shall be delivered to and receipted for by the Clerk, on behalf of the successor to be delivered to such successor upon the latter's receipt.

(c) Perishable data and rewriteable recording systems is not subject to retention as a public record unless some action is taken to download or otherwise preserve that data. Temporary computer logs and operating systems data is not preserved as a public record.

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

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

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

(d) Each legal custodian shall name a person to act as legal custodian in his or her absence or in the absence of his or her designee.

(e) The legal custodian shall have full legal power to render decisions and to carry out the duties of an authority under subchapter II of Chapter 19, Wisconsin Statutes, and this subsection. The designation of a legal custodian shall not affect the powers and duties of an authority under this subsection. [Ord. 523 8/2002]

(4) PUBLIC ACCESS TO RECORDS. (a) Except as provided in subsection 6, any person has a right to inspect a record and to make or receive a copy of any record as provided in section 19.35(1), Wisconsin Statutes. Substantive common law principles construing the right to inspect, copy or receive copies of records shall remain in effect. The exemptions contained in this ordinance are indicative of public policy, but may be used as grounds for denying public access to a record only if the legal custodian under Subsection (3) makes a specific demonstration that there is a need to restrict public access at the time that the request to inspect or copy the record is made.

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

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

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

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

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

(1) The cost of photocopying shall be established from time to time by resolution of the Village Board. Other costs may be imposed not to exceed the actual, necessary and direct cost of reproduction and transcription of the record. [Ord. 475]

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

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

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

(5) There shall be no charge for locating a record unless the actual cost therefore exceeds \$50.00, in which case the actual cost shall be determined by the legal custodian and billed to the requestor. Such actual cost shall be derived by multiplying the actual hourly wage of the employee or employees conducting the search, including fringe benefits, by the amount of time spent in the search.

(6) The legal custodian shall estimate the cost of all applicable fees and may require a cash deposit adequate to assure payment, if such estimate exceeds \$5.00.

(7) Elected and appointed officials of the Village of Ellsworth shall not be required to pay for public records they may reasonably acquire for the proper performance of their official duties.

(8) The legal custodian may provide copies of a record without charge or at a reduced charge where he or she determines that waiver or reduction of the fee is in the public interest.

(9) Pursuant to Sec. 19.34, Wis. Stats., and the guidelines therein listed, each authority shall adopt, prominently display and make available for inspection and copying at its offices, for the

guidance of the public, a notice containing a description of its organization and the established times and places at which the legal custodian from whom, and the methods whereby, the public may obtain information and access to records in its custody, make requests for records, or obtain copies of records, and the costs thereof. This subsection does not apply to members of the Village Board.

(5) ACCESS PROCEDURES. (a) A request to inspect or copy a record shall be made to the legal custodian. A request shall be deemed sufficient if it reasonably describes the requested record or the information requested. However, a request for a record without a reasonable limitation as to the subject matter or length of time represented by the record does not constitute a sufficient request. A request may be made orally, but a request must be in writing before an action to enforce the request is commenced under Sec. 19.37, Wis. Stats. Except as provided below, no request may be refused because the person making the request is unwilling to be identified or to state the purpose of the request. No request may be refused because the request is received by mail or email, unless prepayment of a fee is required under subsection (4), 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 regulation so require. [Ord. 589 12/2008]

(b) Each custodian, upon request for any record, shall, as soon as practicable and without delay, either fill the request or notify the requester of the authority's determination to deny the request in whole or in part and the reasons therefore. If the legal custodian, after conferring with the Village attorney, determines that a written request is so general as to be unduly time consuming, the party making the request may first be required to itemize his or her request in a manner which would permit reasonable compliance.

(c) A request for a record may be denied as provided in subsection (6). If a request is made orally, the request may be denied orally unless a demand for a written statement of the reasons denying the request is made by the requester within 5 business days of the oral denial. If a written request is denied in whole or in part, the requester shall receive a written statement of the reasons for denying the request. Every written denial of a request shall inform the requester that if the request for the record was made in writing, then the determination is subject to review upon petition for a

writ of mandamus under Sec. 19.37 (1), Wis. Stats., or upon application to the attorney general or district attorney.

(d) Form of request - The Wisconsin Public Records Law dictates that certain actions must be taken with regard to oral requests for records and that certain more formal actions are taken in response to written requests for records. However, State Law does not expressly provide how to respond to the following methods of communication: email, voicemail and instant messaging/text messaging. Therefore, requests made by said means shall be responded to as follows:

(1) Email - a request made by email may be responded to via email or in writing as though the request was made in writing.

(2) Voicemail - a request made by voicemail shall be responded to as though it were made orally.

(3) Instant Messaging/Text Messaging - a request made in either such manner shall be treated as an oral request. [Ord.589 12/2008]

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

(1) Records specifically exempted from disclosure by State or federal law;

(2) Any record relating to investigative information obtained for law enforcement purposes if federal law or regulations requires exemption from disclosure or if exemption from disclosure is a condition to receipt of aids by the State;

(3) Computer programs, although the material used as input for a computer program or the material produced as a product of the computer program is subject to inspection; and

(4) A record or any portion of a record containing information qualifying as a common law trade secret.

(b) As provided by Sec. 43.30, Wis. Stats.,

public library circulation records are exempt from inspection under this Section.

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

(1) Records obtained under official pledges of confidentiality which were necessary and given in order to obtain the information contained in them.

(2) Records of current deliberations after a quasi-judicial hearing.

(3) Records of current deliberations concerning employment, dismissal, promotion, demotion, compensation, performance or discipline of any Village official or employee, or the investigation of charges against a Village officer or employee, unless such officer or employee consents to such disclosure.

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

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

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

(7) Communications between legal counsel for the Village and any officer, agent or 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 Sec. 905.03, Wis. Stats.

(d) If a record contains information that may be made public and information that may not be made public, the custodian of the record shall provide the information that may be made public and delete the information that may not be made public from the record before release. The custodian shall confer with the Village attorney prior to releasing any such record and shall follow the guidance of the 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 shall be withheld from disclosure.

(e) The right of any requestor who is an individual or person authorized by the individual to inspect or copy a record does not apply to any of the following:

(1) Any record containing personally identifiable information that is collected or maintained in connection with a complaint, investigation or other circumstances that may lead to an enforcement action, administrative proceeding, arbitration proceedings or court proceeding, or any such record that is collected or maintained in connection with such an action or proceeding.

(2) Any record containing personally identifiable information that, if disclosed, would do any of the following:

(a) Endanger an individual's life or safety.

(b) Identify a confidential informant.

(c) Endanger the security of any state correctional Institution, as defined in Wis. Stats. 301.01(4), jail, as defined in Wis. Stats. 165.85(2)(bg), secured correctional

facility, as defined in Wis. Stats. 48.02 (15m), mental health institute, as defined in Wis. Stats. 51.01(12), center for the developmentally disabled, as defined in Wis. Stats. 51.01(3), or the population or staff of any of these institutions, facilities or jails.

(d) Compromise the rehabilitation of a person in the custody of the department of corrections or detained in a jailor facility identified in subdiv.b.iii.

(3) Any record that is part of a records series, as defined in this ordinance that is not indexed, arranged or automated in a way that the record can be retrieved by use of any individual's name, address or other identifier. [Ord. 589 12/2008]

(f) Unless access is specifically authorized or required by statute, a custodian shall not provide access under this ordinance to records containing the following information, except to an employee or the employee's representative to the extent required under s. 103.13, Wis. Stats., or to a recognized or certified collective bargaining representative to the extent required to fulfill a duty to bargain under ch. 111, Wis. Stats., or pursuant to a collective bargaining agreement under ch. 111, Wis. Stats.:

(a) Information maintained, prepared, or provided by an employer concerning the home address, home electronic mail address, home telephone number, or social security number of an employee, unless the employee authorizes the authority to provide access to such information.

(b) Information relating to the current investigation of a possible criminal offense or possible misconduct connected with employment by an employee prior to disposition of the investigation.

(c) Information pertaining to an employee's employment examination, except an examination score if access to that score is not otherwise prohibited

(d) Information relating to one or more specific employees that is used by an authority or by the

employer of the employees for staff management planning, including performance evaluations, judgments or recommendations concerning future salary adjustments or other wage treatments, management bonus plans, promotions, job assignments, letters of reference, or other comments or ratings relating to employees.

[Ord. 589 12/2008]

(g) Unless access is specifically authorized or required by statute, a custodian shall not provide access under this ordinance to records, except to an individual to the extent required under s.103.13, Wis. Stats., containing information maintained, prepared, or provided by an employer concerning the home address, home electronic mail address, home telephone number, or social security number of an individual who holds a local public office, unless the individual authorizes the custodian to provide access to such information. This subsection does not apply to the home address of an individual who holds an elective public office or to the home address of an individual who, as a condition of employment, is required to reside in a specified location. [Ord. 589 12/2008]

(7) RETENTION OF PUBLIC RECORDS.

(a) General Records Schedule Adopted. The Village hereby adopts, by reference, the Wisconsin Municipal Records Schedule (hereinafter, "Records Schedule"), pertaining to the retention and destruction of public records, and approved by the State of Wisconsin Public Records Board (hereinafter, "Records Board") on August 27, 2018. A copy of the Records Schedule will be kept on file in the Village Clerk's office located at 130 Chestnut Street, Ellsworth, WI 54011, and made available for public viewing during office hours.

(b) Other Records. In the event the Village creates a record not contemplated by the Records Schedule, the Village may, subject to the Records Board's prior approval, either adopt an applicable records retention schedule set forth by the Records Board, if available, or create its own retention schedule pertaining to the record.

(c) Repeal. All ordinances, or portions thereof, and resolutions, or portions thereof, in conflict with any portion of the Records Schedule are hereby repealed. Any approved Village retention schedule, or portion thereof, for any record not contemplated by the Records Schedule shall remain in full force and effect. [Ord 673 05/2019]

(8) **PRESERVATION THROUGH MICROFILM.** Any Village officer, or the director of any department or division of Village government may, subject to the approval of the Village manager, keep and preserve public records in his or her possession by means of microfilm or other photographic reproduction method. Such records shall meet the standards for photographic reproduction set forth in Sec. 16.61 (7) (a) and (b), Wis. Stats., and shall be considered original records for all purposes. Such records shall be preserved along with other files of the department or division and shall be open to public inspection and copying according to the provisions of State law and of subsections (4) and (6). [Ord 419, Ord 673 05/2019]

1.11 **EXEMPTION FROM BOND.** The Village Treasurer shall not be required to give the bond otherwise provided under Sec. 70.67(1), Wis. Stats. The Village shall be obligated, in case the treasurer fails so to do, to pay all taxes of any kind required by law to be paid by such treasurer to the county treasurer. [Ord. 293]

1.12 **RETURNED PAYMENT CHARGE** Any check issued to or for the benefit of the Village of Ellsworth, or any of its departments, for services, fines, taxes, assessments or any other charge of any kind or nature whatsoever, which are returned "Not Sufficient Funds" (NSF), "Account Closed" or otherwise in such manner that the check or remittance does not constitute good funds, shall result in a surcharge in an amount as is established from time to time by resolution of the Village Board and set forth in the Village Fee Schedule. Such surcharge shall be added to the charge with respect to which the check, draft or remittance was issued. [Ord. 592 06/2009]