

# Chapter 3

## Municipal Officers and Employees

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### Sec. 2-3-1 General Provisions

- (a) **General Powers.** Officers shall have generally the powers and duties prescribed for like officers of towns and villages, except as otherwise provided, and such powers and duties as are prescribed by law and except as to the Village President, shall perform such duties as shall be required of him by the Village Board. Officers whose powers and duties are not enumerated in Chapter 61 of the Wisconsin Statutes, shall have such powers and duties as are prescribed by law for like officers or as are directed by the Village Board.
- (b) **Rules.** All officers and departments may make the necessary rules for the conduct of their duties and incidental proceedings.
- (c) **Applicability of Ethics Statutes.** The general laws for the punishment of bribery, misdemeanors and corruption in office, shall apply to Village officers.
- (d) **Legal Representation.** Whenever a Village official in his official capacity is proceeded against or obliged to proceed before any civil court, board or commission, to defend or maintain his official position, or because of some act arising out of the performance of his official duties, and he has prevailed in such proceedings, or the Village Board has ordered the proceedings discontinued, the Board may provide for payment to such official such sum as it sees fit, to reimburse him for the expenses reasonably incurred for costs and attorney's fees.

### Sec. 2-3-2 Appointed Officials

- (a) The Village officials hereinafter set forth shall be appointed by the Village President, subject to confirmation by a majority vote of the Board; and one (1) or more of said offices may be held by the same person. Persons appointed to perform the duties of the following offices shall hold office for an indefinite term, subject to removal as provided by Sec. 17.12(c) and (d), Wis. Stats.
- (1) Administrator Clerk-Treasurer.
  - (2) Director of Public Works/Superintendent
  - (3) Village Attorney.
  - (4) Assessor.
  - (5) Chief of Police.
- (b) All confirmation votes by the Village Board shall be by simple majority vote.

### **Sec. 2-3-3 Village Clerk-Treasurer**

- (a) **Consolidated Offices.** Pursuant to Sections 61.195, 61.197 and 66.01 of the Wisconsin Statutes, the Village hereby elects not to be governed by those portions of Sections 61.19, 61.23 and 61.25(2), Wis. Stats., which relate to the selection and tenure of the Clerk and Treasurer, and which are in conflict with this Section. The offices of Clerk and Treasurer are combined.
- (b) **Appointment.** The office of Village Clerk-Treasurer shall be filled by appointment in the manner of other appointed officials as provided in Section 2-3-2.
- (c) **Duties.** The Village Clerk-Treasurer shall perform the statutory duties of Village Clerk and Treasurer and such other duties as required by the Village Board.

### **Sec. 2-3-4 Village Attorney**

- (a) **Appointment.** The Village Attorney is an appointed position. He shall be appointed pursuant to Section 2-3-2 and shall serve at the pleasure of the Board.
- (b) **Duties.** The Village Attorney shall have the following duties:
- (1) Conduct all of the legal business in which the Village is interested.
  - (2) When requested by Village officers, give written legal opinions, which shall be filed with the Village.
  - (3) Draft ordinances, bonds and other instruments as may be required by Village officers.
  - (4) He may appoint an assistant, who shall have power to perform his duties and for whose acts he shall be responsible to the Village.
  - (5) The Village Board may employ and compensate special counsel to assist in or take charge of any matter in which the Village is interested.
  - (6) Perform such other duties as provided by State law and as designated by the Village Board.

**Sec. 2-3-5 Chief of Police**

- (a) **Appointment.** The Chief of Police shall be appointed pursuant to Section 2-3-2, subject to removal pursuant to the procedures established in Sec. 61.65(1)(am), Wis. Stats. The Chief shall exercise the powers and duties of Village marshals and Village constables and any other powers and duties prescribed by the Village Board, Village ordinances or the Wisconsin Statutes. Upon a permanent vacancy, an officer designated by the Board shall temporarily replace the Chief until the vacancy is filled by the Village Board.
- (b) **General Duties.**
- (1) He shall have command of the Police Department; have general administration and control of the Department; be responsible for the Department's government, efficiency and general good conduct; perform all duties prescribed to him by the laws of the State and the Ordinances of the Village; and shall obey all lawful written orders of the Village Board or appropriate Committee thereof.
  - (2) He shall cause the public peace to be preserved and may arrest and with reasonable diligence take before the proper court every person found in the Village engaged in any disturbance of the peace or violating any law of the State or Ordinance of the Village.
  - (3) He shall cooperate with other law enforcement officers in the arrest or apprehension of person(s) charged with crime.
  - (4) He shall see that all laws and ordinances of the Village and State are enforced. Whenever any violation thereof shall come to his knowledge, he shall cause the requisite complaint to be made and see that the evidence is procured for the successful prosecution of the offender or offenders.
  - (5) He shall exercise supervisory control over all the personnel of his department and may adopt, subject to the approval of the Village Board, rules and regulations for the government, discipline, equipment and uniforms of the police officers. He shall be solely responsible for the care and condition of the equipment used by his Department.
  - (6) He shall keep an accurate and complete record of all complaints, arrests, traffic violations, convictions and dispositions of the Department.

**Sec. 2-3-6 Director of Public Works/Superintendent**

- (a) **Appointment.** The Director of Public Works/Superintendent shall be appointed pursuant to Section 2-3-2.
- (b) **General Duties.**
- (1) He shall have general charge and supervision of all public works and utilities in the Village.
  - (2) He shall be responsible for the maintenance, repair and construction of: streets, alleys, curbs and gutters, sidewalks, bridges, street signs, storm sewers, recreational areas including all parks and public swimming pool, public cemetery,

- municipally owned buildings and structures, and all machinery, equipment and property used in any activity under his control.
- (3) He shall have charge of all public and utility services, including garbage and refuse collection and disposal, snow and ice removal, street cleaning, mosquito and rodent control.
  - (4) He shall be responsible for the maintenance, repair and construction of public utilities which includes the electric, water and sanitary sewer systems, buildings and structures, machinery, equipment and property used in operating the utilities.
  - (5) He shall perform such other activities and duties as are imposed upon him from time to time by the Village Board, his job description or employment contract.

**Sec. 2-3-7 Assessor**

- (a) Pursuant to Sections 61.195, 61.197 and 66.01 of the Wisconsin Statutes, the Village hereby elects not to be governed by those portions of Sections 61.19 and 61.23 of the Statutes which relate to the selection and tenure of the Village Assessor, and which are in conflict with this Section (Charter Ordinance).
- (b) Hereafter, instead of being elected, the Assessor or assessing firm, shall be appointed pursuant to Section 2-3-2. Said person so appointed to perform the duties of such office shall have an indefinite term or as determined by contract. A corporation or an independent contractor may be appointed as the Village Assessor. The corporation or independent contractor so appointed shall designate the person responsible for the assessment. The designee shall file the official oath under Sec. 19.01, Wis. Stats. , and sign the affidavit of the Assessor attached to the assessment roll under Sec. 70.49, Wis. Stats. No person may be designated by any corporation or independent contractor unless he has been granted the appropriate certification under Sec. 73.09, Wis. Stats. For purposes of this Subsection, "independent contractor" means a person who either is under contract to furnish appraisal and assessment services or is customarily engaged in an independently established trade, business or profession in which the services are offered to the general public.

*State Law Reference: Public Official's oaths and bonds, Sec. 19.01, Wis. Stats.; corporation as assessor, Sections 61.197 and 61.27, Wis. Stats.; affidavit of assessor, Sec. 70.49, Wis. Stats.; assessor certification, Sec. 73.02, Wis. Stats.; assessors in cities, Sec. 70.05, Wis. Stats.*