

## Title 2 ▶ Chapter 3

# Municipal Officers and Employees

2-3-1	General Provisions
2-3-2	Appointed Officials
2-3-3	Village Clerk-Treasurer
2-3-4	Deputy Clerk-Treasurer
2-3-5	Village Attorney
2-3-6	Chief of Police
2-3-7	Fire Chief
2-3-8	Weed Commissioner
2-3-9	Maintenance Superintendent
2-3-10	Assessor
2-3-11	Building Inspector; Plumbing Inspector; Heating, Ventilating and Air Conditioning Inspector; Electrical Inspector
2-3-12	Eligibility for Office
2-3-13	Oath of Office
2-3-14	Vacancies
2-3-15	Removal from Office
2-3-16	Custody of Official Property

### 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/her by the Village Board. Officers whose powers and duties are not enumerated in Chapter 61, Wis. Stats., 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, subject to prior approval by the Village Board.
- (c) **Applicability of Ethics Statutes.** The general laws for the punishment of bribery, misdemeanors and corruption in the office shall apply to Village officers.
- (d) **Legal Representation.** Whenever a Village official in his/her official capacity proceeded against or obliged to proceed before any civil court, board or commission, to defend or

maintain his/her official position, or because of some act arising out of the performance of his/her official duties, and he/she 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/her for the expenses reasonably incurred for costs and attorney's fees.

**Sec. 2-3-2 Appointed Officials.**

The Village officials herein after set forth shall be appointed;

<b>Official</b>	<b>How Appointed</b>	<b>Term</b>
Assessor	Village President subject to confirmation by the Village Board	By Contract
Attorney	Village President subject to confirmation by the Village Board	Pleasure of the Board
Engineer (Consulting)	Village President subject to confirmation by the Village Board	Pleasure of the Board
Weed Commissioner	Village President subject to confirmation by the Village Board	One year
Maintenance Superintendent	Village President subject to confirmation by the Village Board	Indefinite
Clerk-Treasurer	Village President subject to confirmation by the Village Board	Indefinite
Building Inspector	Village President subject to confirmation by the Village Board	Indefinite
Chief of Police	Village President subject to confirmation by the Village Board	Indefinite

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

- (a) **Consolidated Offices.** Pursuant to Sections 61.195, 61.197 and 66.01, Wis. Stats., the Village of Merrilan hereby elects not to be governed by those portions of Sections 61.19, 61.25 and 61.26, 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 Village Clerk and Village Treasurer are hereby consolidated and the duties of both offices shall be performed by the person appointed as Village Clerk-Treasurer by the Village President subject to confirmation by the Village Board (Charter Ordinance).
- (b) **Term.** The appointed Village Clerk-Treasurer shall hold office for an indefinite term, subject to removal as provided in Sec. 17.13, Wis. Stats.
- (c) **Audits.** Annual audits shall be made of the records of the Clerk-Treasurer with the audit to be made by a certified public accountant. (Charter Ordinance).
- (d) **Duties as Clerk.** In his/her capacity as Village Clerk, the Village Clerk-Treasurer shall be responsible for performing those duties required by the Wisconsin Statutes and for the following additional duties:
  - (1) Perform all election duties as required by Wisconsin Statute and keep and maintain all election records and all property used in conjunction with holding of elections;
  - (2) Public all legal notices unless otherwise provided; file and preserve all contracts, bonds, oaths of office and other documents not required to be filed elsewhere;
  - (3) Issue all licenses required by ordinance or statute except as otherwise provided;
  - (4) Attend meetings, take minutes and maintain files for the Village Board, and such other official boards and commissions as may be directed;
  - (5) Maintain a file on all Village records, ordinances, resolutions and vouchers;
  - (6) Type and distribute reports for the Village Board and for federal and state agencies;
  - (7) Audit and obtain approval on claims charged against the Village;
  - (8) Assist the Assessor in maintaining property assessment records;
  - (9) Administer oaths and affirmations;
  - (10) Issue licenses to various vendors in the Village;
  - (11) Develop and implement improved internal control and financial reporting procedures as necessary or as requested;
  - (12) Develop and implement improved internal control and financial reporting procedures as necessary or as directed;
  - (13) File financial and other reports with various state agencies;
  - (14) File insurance claims on behalf of the Village;
  - (15) Locate suppliers of goods or services and obtain quotes;
  - (16) Advertise for bids, receive them and summarize the results;
  - (17) Identify and evaluate ideas to achieve more efficient and effective operation;
  - (18) Coordinate, supervise and conduct elections;
  - (19) Confer with Village President, department heads and Village Board committees about projects and problems;
  - (20) Maintain personnel files;

**2-3-3**

- (e) **Duties as Treasurer.** In his/her capacity as Village Treasurer, the Village Clerk-Treasurer shall be responsible for performing those duties required by the Wisconsin Statutes and for the following additional duties:
  - (1) Prepare the tax roll and tax notices required by the State of Wisconsin;
  - (2) Prepare financial and bank statement;
  - (3) Maintain fiscal records for the Village;
  - (4) Make reports to the State on assessments;
  - (5) Prepare and send invoices for services provided by municipal utilities.
  - (6) Perform record keeping, billing, collections, banking, investments, accounting and financial reporting of all Village operations, including utilities;
  - (7) Collect all taxes for the Village and other taxing bodies;
  - (8) Invest idle funds for maximum interest earnings;
  - (9) Prepare monthly financial report;
  - (10) Maintain payroll records and prepare payroll checks from approved employee time sheets;
  - (11) Prepare check vouchers for payment of approved claims for signature;
  - (12) Coordinate the preparation and compilation of the annual Village budget;
- (f) **Duties Prescribed by Law.** The Clerk-Treasurer shall perform such other duties as are prescribed by State Statutes and by order of the Village Board. The Clerk-Treasurer generally shall perform, under direction of the Village President or other presiding officer of the Board, all duties pertaining to his/her office as Clerk-Treasurer, and shall be responsible for all the official acts of assistants.
- (g) **Bond.** The Clerk-Treasurer shall execute to the Village a surety company fidelity bond in an amount determined by the Village Board.

### **Sec. 2-3-4 Deputy Clerk-Treasurer.**

The Clerk-Treasurer may appoint a Deputy Clerk-Treasurer(s), subject to confirmation by a majority of all the members of the Village Board. The Deputy Clerk-Treasurer(s) shall have an indefinite term of office. The Deputy Clerk-Treasurer(s) shall act under the Village Clerk-Treasurer's direction and, during the temporary absence or disability of the Village Clerk-Treasurer or during a vacancy in such office, shall perform the duties of Village Clerk-Treasurer. The acts of the Deputy(s) shall be covered by official bond as the Village Board shall direct.

*State Law Reference:* Sec. 61.261, Wis. Stats.

### **Sec. 2-3-5 Village Attorney.**

- (a) **Appointment.** The Village Attorney is an appointed position. The Village Attorney shall be appointed pursuant to Section 2-3-2, except the Village Attorney shall serve at the pleasure of the Board.

- (b) **Duties.** The Village Attorney shall have the following Duties:
- (1) The Village Attorney shall conduct all of the legal business in which the Village is interested.
  - (2) He/she shall, when requested by Village officers, give written legal opinions, which shall be filed with the Village.
  - (3) He/she shall, draft ordinances, bonds and other instruments as may be required by Village officers.
  - (4) He/she may appoint an assistant, who shall have power to perform his/her duties and for whose acts he/she shall be responsible to the Village. Such assistant shall receive no compensation from the Village, unless previously provided by ordinance.
  - (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) The Village Attorney shall perform such other duties as provided by State law and as designed by the Village Board.

## **Sec. 2-3-6 Chief of Police.**

- (a) **Appointment and general Duties.**
- (1) The Chief of Police functions as the chief operating officer of the Merrilan Police Department which provides services that include, but are not limited to, police patrol, traffic control and enforcement, accident investigation, crime prevention and investigation, response to citizen complaints and calls for assistance, community education, communications and emergency service.
  - (2) The Chief of Police serves under the direction of the Village Board; the Chief of Police directs the day-to-day operations of the Merrilan Police Department and exercises law enforcement powers and responsibilities assigned to Police Chiefs and sworn officers under State Statute and Village ordinance. As the Department's chief operating officer, the Chief of Police must exercise independent judgment in often complex matters related to law enforcement, including judgements that may be rendered in emergency situations.
  - (3) The Chief of Police shall be appointed pursuant to Section 2-3-2. The Chief of Police shall comply with State of Wisconsin minimum training and education requirements for law enforcement situations.
- (b) **Duties and Responsibilities.** The Chief of Police shall have the following responsibilities and duties:
- (1) Attend monthly regular Village Board meetings, and committee meetings as required.
  - (2) Deliver citations and reports to respective agencies on a timely basis.
  - (3) Attend monthly probation/parole meetings and monitor requested follow-ups.
  - (4) Submit pay sheets to the Village Clerk-Treasurer.

- (5) Perform follow-up investigations for the Village Clerk-Treasurer.
- (6) Monitor safety and health matters in the Village and report problem areas to the Village Board and/or pertinent departments.
- (7) Identify problem areas and inform the Village Board as needed.
- (8) Arrange for Police Department vehicle maintenance when needed.
- (9) Maintain all records of cases handled by the Village Police Department.
- (10) Attend training sessions.
- (11) Provide assistance to the Merrilan Fire Department and First Responders.
- (12) Maintain regular office hours a minimum of one (1) day per week and as directed by the Village Board.
- (13) Suggest ordinance revisions or new ordinances as necessary.
- (14) Serve as court officer when necessary.
- (15) Compile information for annual budget and complete monthly expenditure reports.
- (16) Set up work schedules and employee shifts;
- (17) Advise employees regarding policies and procedures;
- (18) Assign, review and maintain records or work of subordinate staff;
- (19) Investigate complaints against officers and employee grievances, compiles all related information and submit to the Village President.
- (20) Prepare and make recommendations to the Village Board.
- (21) Keeps records and makes reports as directed by the Village Board.
- (22) Perform traffic law enforcement and accident investigations.
- (23) Enforce state laws and Village ordinances; preserve the public peace.
- (24) Transport prisoners.
- (25) Respond to calls for law enforcement services.
- (26) Perform such other duties as directed by the Village President and Village Board.

### **Sec. 2-3-7 Fire Chief.**

The Fire Chief shall be selected pursuant to the bylaws of the Merrilan Fire Department.

### **Sec. 2-3-8 Weed Commissioner.**

The Weed Commissioner shall be appointed by the Village President, subject to Village Board confirmation. The term of office of the Weed Commissioner shall commence on the first day of May following his/her appointment. The Weed Commissioner shall take the official oath, which oath shall be filed in the Office of the Village Clerk-Treasurer and shall hold office for one year. The Weed Commissioner shall hold office pursuant to and fulfill the duties set out in state law.

*State Law Reference:* Section 66.0407, Wis. Stats.

## Sec. 2-3-9 Maintenance Superintendent and Maintenance Employees

- (a) **Appointment.** The Maintenance Superintendent shall be appointed pursuant to Section 2-3-2. Generally, the Village Board shall maintain, service, inspect and/or repair all Village public works equipment, and property including street equipment, streets and street right-of-way, Village parks, Village buildings, public utilities, and other items as determined by the Village Board.
- (b) **Duties and Powers.** The Maintenance Superintendent shall have the following duties and powers:
- (1) **General Duties.**
    - a. He/she shall have general charge and supervision of certain public works in the Village.
    - b. He/she shall be responsible for the maintenance, repair and construction of parks, streets, alleys, curbs and gutters, sidewalks, bridges, street signs, Village buildings and structures and all related machinery, equipment and property used in such activity.
    - c. He/she shall have charge of certain public services, including snow and ice removal, street cleaning, flushing, and street maintenance.
    - d. He/she shall perform such other activities and duties, as are imposed upon him/her from time to time by the Village Board, his/her job description or employment contract.
  - (2) **Maintain, Clean and Repair Streets and Roads.** The Maintenance Superintendent shall:
    - a. Plow and remove snow as needed.
    - b. Clean and sweep streets.
    - c. Repair streets and roads with proper materials as needed.
    - d. Mow grass as needed.
    - e. Assess street repair and replacement needs as directed by the Board.
  - (3) **Maintain Village Buildings and Equipment.** The Maintenance Superintendent shall:
    - a. Clean, maintain, paint and service Village buildings as needed and as directed by the Board.
    - b. Keep buildings in safe condition to meet all state and local building and safety code requirements.
    - c. Maintain and service all Village vehicles and machinery as needed and as directed by the Board.
  - (4) **Maintain Water Supply System.** The Maintenance Superintendent shall:
    - a. Inspect and maintain pumping equipment in working order as needed.
    - b. Repair water mains as needed to maintain water supply.
    - c. Test water daily for fluoride treatment to satisfy state requirements.
    - d. Keep water hydrants clear of obstruction and in good working condition.

- (5) **Maintain Sanitary Sewer System.** The Maintenance Superintendent shall:
  - a. Operate and inspect sewer plant.
  - b. Read flow chart and record results.
  - c. Inspect and maintain chlorine equipment as needed.
  - d. Collect samples and conduct tests as required by the Board and by the Wisconsin Department of Natural Resources.
  - e. Inspect and maintain lift stations.
- (6) **Operate Electric Utility System.**
- (7) **Residency Requirement.** The Maintenance Superintendent and all employees under his/her supervision ("Maintenance Employees") shall:
  - a. Be an elector of the Village at the time of hire or within (6) months from the employee's start date and shall maintain elector status during the term of his/her employment in the maintenance department with the Village.

**Sec. 2-3-10 Assessor.**

- (a) Pursuant to Sections 61.195, 61.197 and 66.01, Wis. Stats., the Village hereby elects not to be governed by those portions of Sections 61.19 and 61.23, Wis. Stats., which relate to the selection and tenure of the Village Assessor, and which are in conflict with this Section.
- (b) Hereafter, instead of being elected, the Assessor or assessing firm, shall be appointed by the Village President, subject to confirmation by a majority vote of the members-elect of the Village Board. Said person so appointed to perform the duties of such office shall have an indefinite term and shall serve 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/she 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.

**Sec. 2-3-11 Building Inspector; Plumbing Inspector; Heating, Ventilating and Air Conditioning Inspector; Electrical Inspector.**

- (a) **Appointment.**
  - (1) Inspectors shall be appointed pursuant to Section 2-3-2.
  - (2) Each inspector shall:



- a. Possess such executive ability as is requisite for the performance of his/her duties and shall have a thorough knowledge of the standard materials and methods used in the installation of equipment in his/her area of responsibility;
  - b. Be well versed in approved methods of construction for safety to persons and property, the Statutes of the State of Wisconsin relating to work in his/her area of responsibility, and any orders, rules and regulations issued by authority thereof;
  - c. Have sufficient experience in the installation of equipment to enable him/her to understand and apply the appropriate codes adopted by the Village of Merrilan.
- (b) **Authority to Enter Premises; Appeals.**
- (1) In the discharge of their respective duties, each Inspector under this Section or his/her authorized agent may enter any building, upon presentation of the proper credentials, during reasonable hours for the purpose of inspection and may require the production of any permit or license required hereunder. No person shall interfere with the Inspector or his/her authorized agent while in the performance of his/her duties; and any person so interfering shall be in violation of this Section and subject to a penalty as provided by Section 1-1-6.
  - (2) If consent to entry to personal or real properties which are not public buildings or to portions of public buildings which are not open to the public for inspection purposes has been denied, the Inspector shall obtain a special inspection warrant under Sections 66.122 and 66.123, Wis. Stats.
  - (3) Any person feeling himself/herself aggrieved by any order or ruling of an Inspector may, within twenty (20) days thereafter, appeal from such order or ruling to the Board of Appeals, as established in the Zoning Code, such an appeal to be in writing.
- (c) **Duties and Authority.** The Building Inspector shall have such responsibilities as are prescribed in this Section and Title 15 of this Code of Ordinances.
- (d) **Stop Work Orders and Revocations.** The Building Inspector may order construction, installation, alteration or repair work stopped when such work is being done in violation of this Code of Ordinances. Work so stopped shall not be resumed, except with written permission of the Inspector, provided if the stop work order is an oral one it shall be followed by a written order within a reasonable period of time.
- (e) **Conflict of interest.** No Inspector shall inspect any construction work in the Village in which the Inspector has a personal or financial interest either direct or indirect.

## **Sec. 2-3-12 Eligibility for Office.**

- (a) No person shall be elected by the people to a Village office, who is not at the time of his/her election, a citizen of the United States and of this State, and an elector of the Village, and in case of a ward office, of the ward, and actually residing therein.
- (b) An appointee by the Village President, requiring to be confirmed by the Village Board, who shall be rejected by the Board, shall be ineligible for appointment to the same office for one (1) year thereafter.

*State Law Reference:* Sec. 62.09(2), Wis. Stats.

### **Sec. 2-3-13 Oaths of Office.**

- (a) **Oath of Office.** Every officer of the Village, including members of Village boards and commissions, shall, before entering upon his/her duties and within five (5) days of his/her election or appointment or notice thereof, take the oath of office prescribed by law and file such oath in the office of the Village Clerk-Treasurer. Any person reelected or reappointed to the same office shall take and file an official oath for each term of service.
- (b) **Form, Procedure.** The form, filing and general procedure for the taking of oaths shall be governed by Chapter 19, Subchapter I, Wis. Stats.

*State Law Reference:* Chapter 19, Subch. I, Wis. Stats.

### **Sec. 2-3-14 Vacancies.**

- (a) **How Occurring.** Except as provided in Subsection (c) below, vacancies in elective and appointive positions occur as provided in Sections 17.03 and 17.035, Wis. Stats.
- (b) **How Filled.** Vacancies in elective and appointive offices shall be filled as provided in Sec. 17.24, Wis. Stats.
- (c) **Temporary Incapacitation.** If any officer be absent or temporarily incapacitated from any cause, the Board may appoint some person to discharge his/her duties until he/she returns or until such disability is removed.

*State Law Reference:* Sec. 61.23, Wis. Stats.

### **Sec. 2-3-15 Removal from Office.**

- (a) **Elected Officials.** Elected officials may be removed by the Village Board as provided in Sections 17.12(1)(a) and 17.16, Wis. Stats.
- (b) **Appointed Officials.** Appointed officials may be removed as provided in Sections 17.12(1)(c) and 17.16, Wis. Stats.

*Annotation:* 62 Atty. Gen. Op. 97.

### **Sec. 2-3-16 Custody of Official Property.**

Village officers must observe the standards of care imposed by Sec. 19.21, Wis. Stats., with respect to the care and custody of official property.

*State Law Reference:* Sec. 19.21, Wis. Stats.