

## Chapter 3

---

# Municipal Officers and Employees

<b>2-3-1</b>	General Provisions
<b>2-3-2</b>	Appointed Officials
<b>2-3-3</b>	Village Clerk
<b>2-3-4</b>	Village Treasurer
<b>2-3-5</b>	Deputy Clerk
<b>2-3-6</b>	Village Attorney
<b>2-3-7</b>	Chief of Police
<b>2-3-8</b>	Fire Chief
<b>2-3-9</b>	Weed Commissioner
<b>2-3-10</b>	Director of Public Works
<b>2-3-11</b>	Assessor
<b>2-3-12</b>	Eligibility for Office
<b>2-3-13</b>	Oaths of Office
<b>2-3-14</b>	Vacancies
<b>2-3-15</b>	Removal from Office
<b>2-3-16</b>	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 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, 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 office shall apply to Village officers.
- (d) **Legal Representation.** Whenever a Village official in his official capacity proceeded against or obliged to proceed before any civil court, board or commission, to defend or

**2-3-1**

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.**

The Village officials hereinafter set forth shall be appointed by the Village 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(1)(c) and (d), Wis. Stats.

- (a) Village Clerk.
- (b) Village Treasurer.
- (c) Director of Public Works.
- (d) Building Inspector.
- (e) Chief of Police.

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

- (a) **Statutes Not to Govern.** Pursuant to Sections 61.195, 61.197 and 66.01 of the Wisconsin Statutes, the Village of La Farge 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 Village Clerk, and which are in conflict with this Section.
- (b) **Appointment.** The office of Village Clerk shall be filled by appointment in the manner of other appointed officials as provided in Section 2-3-2.
- (c) **Duties.** The Village Clerk shall perform the statutory duties of Village Clerk and Treasurer and such other duties as required by the Village Board. (Charter Ordinance).

**Sec. 2-3-4 Village Treasurer.**

- (a) **Statutes Not to Govern.** Pursuant to Sections 61.195, 61.197 and 66.01, Wis. Stats., the Village of La Farge 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 Village Treasurer, and which are not in conflict with this Section.
- (b) **Appointment.** The office of Village Treasurer shall be filled by appointment in the manner of other appointed officials as provided in Section 2-3-2.
- (c) **Duties.** The Village Treasurer shall perform the statutory duties of Village Treasurer and such other duties as required by the Village Board. (Charter Ordinance).

**Sec. 2-3-5 Deputy Clerk.**

The Village Clerk may appoint a Deputy Clerk(s), subject to confirmation by a majority of all the members of the Village Board. The Deputy Clerk(s) shall have an indefinite term of office. The Deputy Clerk(s) shall act under the Village Clerk's direction and, during the temporary absence or disability of the Village Clerk or during a vacancy in such office, shall perform the duties of Village Clerk. 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. 2-3-6 Village Attorney.**

- (a) **Appointment.** The Village Attorney is an appointed position. The Village Attorney shall be appointed by the Village President, 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) The Village Attorney shall, when requested by Village officers, give written legal opinions, which shall be filed with the Village.
  - (3) The Village Attorney shall draft ordinances, bonds and other instruments as may be required by Village officers.
  - (4) The Village Attorney may appoint an assistant, who shall have power to perform his/her duties and for whose acts he 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 designated by the Village Board.

**Sec. 2-3-7 Chief of Police.**

- (a) **Appointment.**
  - (1) The Chief of Police shall be appointed by a majority vote of the members of the Village Board for an indefinite term, 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.

- (2) The compensation to be paid the Chief of Police for his/her services, the hours of active duty, rest days, vacation periods and other involvement of his employment shall be such as may be determined by the Village Board from time to time. In the event of vacation or temporary disability, the Village Board shall appoint an officer in charge to act in the Chief's absence.
- (b) **Authority.** The Chief of Police is the Chief Executive Officer of the Department and the final departmental authority in all matters of police, operations, and discipline. He/she exercises all lawful powers of his/her office [Sec. 62.09(13)] and issues such lawful orders that are necessary to assure the effective performance of the Department.
- (c) **General Description of Duties.**
- (1) The Chief of Police is responsible for the general supervision of the Department to include: planning, research, organization, chain of command, disciplinary actions, promotions, hiring, scheduling, training, crime prevention and public relations. These duties shall be accomplished with the support and cooperation of the Village Board.
  - (2) Through the Chief of Police, the Department is responsible for the enforcement of all State laws, Village Ordinances, and Regulations coming within its legal jurisdiction.
- (d) **Specific Duties.** The Chief of Police is:
- (1) Responsible to manage, consult with, and guide the subordinates assigned to the Department.
  - (2) Responsible for all personnel needs and scheduling.
  - (3) Responsible for all Departmental budgeting.
  - (4) Responsible for hiring, promotions, and disciplinary actions involving subordinates.
  - (5) Responsible for the general Departmental training programs.
  - (6) Responsible for developing and implementing Department policies and procedures, rules and regulations.
  - (7) Responsible for the short and long range plans and goals for the Department.
  - (8) Responsible for short and long term crime prevention and public relations programs for the Department.
  - (9) Responsible for the development of a maintenance system for all Departmental personnel files, overtime and compensatory time files, vacation and sick leave files, and educational files.
  - (10) Responsible for the proficiency, efficiency, and general maintenance of Departmental equipment.
  - (11) Responsible, with the Village Board, for the health and safety of the members of the Department.
  - (12) Responsible for the strict adherence to a strong chain of command.
  - (13) Responsible for representing the Department at public speaking engagements when requested and scheduling permits.
  - (14) Responsible for continuously updating himself/herself and subordinates in the Department in modern police principles, concepts, problems, methods and practices.

- (15) Responsible for the maintenance, including directing the preparation of all necessary police records and reports.
  - (16) Responsible for the preparation, maintenance, presentation of all grants relating to personnel, equipment, programs, or funding as related to the Department.
  - (17) Responsible for the overall direction and supervision of large events, as assigned, relating to the Department.
  - (18) Responsible for Departmental personnel, time, efficiency and comparison studies to aid in cost effectiveness, productivity, strength, morale, needs, and to insure that the overall needs of the Department are being met.
  - (19) Prepare, publish, and distribute written directives pertaining to Departmental operations, policy and procedure.
  - (20) Review and endorse all case reports submitted by officers under his/her command to ensure that they are accurate, complete and meet Departmental standards.
- (e) **Qualifications.** The Chief of Police shall have:
- (1) Knowledge of the principles and practices of police administration.
  - (2) Knowledge of the rules, regulations, policies and procedures of the Department.
  - (3) Knowledge of police science, organization and operation as applied to field patrol activity, crime prevention, traffic patrol and safety, criminal investigation, and the various functional services utilized in police operations.
  - (4) Ability to command the respect of officers and to assign, direct and supervise their work.
  - (5) Ability to establish and maintain effective working relationships with other Village employees and with the public.
  - (6) Ability to prepare and supervise the preparation of clear, accurate, and comprehensive recommendations and reports.
  - (7) Possession of a valid Wisconsin drivers license.
  - (8) Meet the requirements of the State of Wisconsin Law Enforcement Standards Board.

*State Law Reference:* Sec. 61.65(1)(am), Wis. Stats.

## **Sec. 2-3-8 Fire Chief.**

- (a) **Appointment.** The Fire Chief shall assume office pursuant to the bylaws of the Fire Department. He shall be the Village Fire Inspector by virtue of his office.
- (b) **Powers and Duties of Chief.**
  - (1) The Chief shall have general supervision of the Department, subject to this Chapter and the bylaws of the Department and shall be responsible for the personnel and general efficiency of the Department.
  - (2) It shall be the duty of the Chief or ranking officer of the Department to be present at all fires, to have complete command of and entire responsibility for all firefighting

operations, to plan the control of the same, to direct the action of the company when they arrive at a fire, to observe that the Department does its duty, to grant leaves of absence at a fire when he may deem it proper and to see that the fire apparatus is kept in proper condition at all times.

- (3) He shall enforce all fire prevention ordinances of this Village and state laws and regulations pertaining to fire prevention and shall keep citizens informed on fire prevention methods and on the activities of the Department.

*Cross Reference:* Title 5, Chapter 2.

### **Sec. 2-3-9 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 appointment. The Weed Commissioner shall take the official oath, which oath shall be filed in the Office of the Village Clerk 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:* Sections 66.97 and 66.98, Wis. Stats.

### **Sec. 2-3-10 Director of Public Works.**

- (a) **Appointment.** The Director of Public Works shall be appointed pursuant to Section 2-3-2.
- (b) **Position Summary.** This is managerial work in directing the overall administration of the Village of LaFarge Utilities and Streets; does related work as required.
- (c) **Distinguishing Features of the Class.** The person in this single class position is responsible for providing an adequate and safe electric and water supply for domestic and industrial uses, for providing for adequate water supply for fire protection and for wastewater collection and treatment. He/she is responsible for planning and administering the maintenance and repair of Village streets and sewers and for coordinating the refuse collection. The work is performed under the regulations and administrative policies established by the Public Service Commission and other governmental agencies with jurisdiction and under the policy and guidelines established by the Village Board of the Village of LaFarge.
- (d) **Essential Duties/Responsibilities.**
  - (1) Exercises complete directive and coordinative authority over the financial, technical, and maintenance functions of the water, wastewater, and electrical utilities and Village streets.
  - (2) Organizes, plans, supervises, and reviews the work of employees engaged in water, wastewater, electrical distribution, streets and maintenance activities.

- (3) Supervises and reviews technical design, plan and specification work.
- (4) Analyzes and gives final technical approval to contracts and bids for construction projects.
- (5) Receives employee grievances and effectively recommends the adjustment of such grievances, in accordance with the Union labor agreement.
- (6) Approves standards of construction, materials and equipment.
- (7) Recommends to the board general rules, regulations, and administrative policies for the several units of the Utility and the streets, in accordance with the Union labor agreement.
- (8) Coordinates the various Utility services and maintenance functions with the activities of the street functions.
- (9) Supervises the operation of the municipal garage and the repair and maintenance of Village-owned vehicles and equipment.
- (10) Supervises the painting of parking lines and sees that traffic signs are properly and promptly placed.
- (11) Must be able to achieve and maintain a CDL license.
- (12) Represents the LaFarge Utility at rate hearings before the Public Service Commission.
- (13) Provides liaison between state and federal agencies and the Village of LaFarge Board of Trustees and President.
- (14) Performs any other related duties as assigned by the Board.

(Above essential duties 1 through 11 requires 85% time)

(Above essential duties 12 through 14 requires 5% time)

- (e) **Physical Demands of the Essential Functions.** Fifty percent (50%) of time is spent standing, hearing, using near and far vision, talking, walking. Twenty-five percent (25%) of the time is sitting, stooping. Fifteen percent (15%) of time is spent writing. Ten percent (10%) of time is lifting.
- (f) **Working Conditions While Performing Essential Duties.**

50% Inside 50% Outside Winter/Spring/Summer/Fall work  
Work in all weather conditions.

- (g) **Familiar With Operation of Equipment Involved.** Typewriter, computer, copier, calculator, utility pick-up trucks, \*\*skid steer, backhoe, sewer machine, chipper, boom truck, loader, dump trucks, garbage truck, mowers, plow, sander.

\*\* Use of this equipment is only in emergencies.

- (h) **Supervision Exercised.** Following the dictates of the board, supervises five (5) Village employees.

- (i) **Required Knowledge, Skills and Abilities.** Extensive knowledge of water, wastewater treatment, electrical utility and streets construction, maintenance, and operation; extensive knowledge of the principles and methods of administration as they apply to the management of a water, wastewater, and electrical utility; considerable knowledge of utility rates structure determination and the financing principles and practices as applied in water, wastewater, and electrical revenue billing, collection and accounting, ability to plan, direct, and coordinate diversified functions of a water, wastewater, and electrical utility; ability to effectively take action relating to personnel administration; ability to effectively adjust employee grievances or effectively recommend their adjustment; ability to make sound decisions on matters of a major policy and complex technical and administrative problems; ability to establish and maintain effective public relations; tact and courtesy.
- (j) **Qualifications.** High school diploma or equivalency; one to two (1-2) years training relating to the construction and operation of a water, wastewater, and electric utility and graduation from a college or university of recognized standing with major work in civil or electrical engineering or management; or any equivalent combination of experience and training which provides the required knowledge, skills and abilities.
- (k) **Additional Requirements.**
  - (1) Possession of a valid wastewater system and water operators certificate of the State of Wisconsin is required.
  - (2) This job requires a forty (40) hour work week and on call whenever required. This job description is not intended to limit the duties of this position. The Village Board retains the right to add to or delete duties as conditions change.

### **Sec. 2-3-11 Assessor.**

- (a) Pursuant to Sections 61.195, 61.197 and 66.01 of the Wisconsin Statutes, the Village of La Farge 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 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 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. 2-3-12 Eligibility for Office.**

- (a) No person shall be elected by the people to a Village office, who is not at the time of his 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 duties and within five (5) days of his 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. 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 Ch. 19, Subchapter I, Wis. Stats.

*State Law Reference:* Ch. 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 duties until he 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.