

Chapter 66

OFFICERS AND EMPLOYEES

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[HISTORY: Adopted by the Village Board of the Village of Black Creek as Title 2, Ch. 3, §§ 2-3-1 through 2-3-11 and 2-3-13 through 2-3-20, of the 1987 Village Code. Amendments noted where applicable.]

§ 66-1. General provisions.

- A. 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 Ch. 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. All officers and departments may make the necessary rules for the conduct of their duties and incidental proceedings.
- C. The general laws for the punishment of bribery, misdemeanors and corruption in office, shall apply to Village officers.
- D. Whenever a Village official in his official capacity is proceeded against or obliged to proceed before any 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.

§ 66-2. Village Clerk-Treasurer. [Amended 4-11-2011]

- A. Term. The office of Village Clerk-Treasurer shall be an appointive position. The Clerk-Treasurer shall be appointed by the Village President for a term of two years, except that the first appointment shall be for one year and shall occur in 2011. The

appointment shall be subject to confirmation by a majority of the Village Board. The person shall hold office until 2012, and thereafter, all appointments will be for a term of two years, subject only to removal by a two-thirds vote of the Village Board. The Village President's appointment of the person to fill this office will be made at the April meeting of the Village Board.

B. Duties. The Village Clerk-Treasurer shall perform the following duties:

- (1) To perform any duties prescribed by law relative to elections, to keep, subject to inspection, all election returns required to be filed in this office, and to notify persons elected or appointed to Village offices (see Title II, Wis. Stats.)
- (2) To transmit to the County Clerk, within 10 days after election or appointment and qualification, a certified statement of the name and term for which elected or appointed, of the President, Clerk-Treasurer and Assessor; and to the Clerk of the Circuit Court immediately after his or her election or appointment and qualification, a like statement of the time and term for which elected or appointed of every Municipal Judge, Chief of Police, Marshal or Constable of the Village, if any.
- (3) To attend all meetings of the Village Board; to record and sign the proceedings thereof and all ordinances, rule bylaws, resolutions and regulations adopted, and to countersign and keep a record of all licenses, commissions and permits granted or authorized by it, and for such purpose to keep the following books: a minute book, full minutes of all the proceedings of the Village Board; the title of all ordinances, rules and regulations and bylaws, with reference to the book and page where the same may be found; and an ordinance book, in which shall be recorded at length, in chronological order, all ordinances, rules, regulations and bylaws.
- (4) To countersign and cause to be published or posted every ordinance, bylaw or resolution as required by law, and to have proper proof thereof made and filed.
- (5) To be the custodian of the corporate seal, and to file as required by law and to safely keep all records, books, papers and property belonging to, filed or deposited in this office, and to deliver the same to the successor when qualified; to permit any person with proper care to examine and copy any of the same; and to make and certify a copy of any thereof, when required, on payment of the same fees allowed Town Clerks therefor.
- (6) To make a tax roll; to make and transmit to the County Clerk a statement showing the assessed valuation of all the property in the Village and separately the amount of all taxes levied therein, including highway and street taxes, for the current year, and the purposes for which they were levied.
- (7) To serve as secretary and treasurer for the water and sewer utilities.
- (8) It shall be the Clerk-Treasurer's duty to receive all monies belonging or accruing to the Village from any source whatever or directed by law to be paid to the Clerk-Treasurer; to deposit upon receipt thereof the funds of the Village in the name of the Village in the public depository designated by the Board, and failure to comply with the provisions hereof shall be prima facie grounds for removal from the office, and when the money is so deposited, the Clerk-Treasurer and

bondsmen shall not be liable for such losses as are defined in § 34.10, Wis. Stats., and the interest arising therefrom shall be paid into the Village treasury; to pay the same only on the written order of the President, countersigned by the Clerk-Treasurer and specifying the number thereof, the payee and the amount and the object for which drawn; to keep just and accurate and detailed accounts of all such transactions, showing when, to whom and for what purpose all payments are made, in books provided by the Village Board, and preserve all vouchers filed in the office; to deliver to the successor, when qualified, all books of account, papers and property of the office and all money on hand as Treasurer; and to perform such duties as are required by law or the Village Board. There shall be kept one fund in the treasury, except as otherwise provided. The Clerk-Treasurer shall also execute the bond required by § 70.67, Wis. Stats., and take receipt therefor, which the Clerk-Treasurer shall file in the Village offices. On receipt of the tax roll, the Clerk-Treasurer shall, and while acting as collector of taxes, exercise the same powers and perform the same duties as are by law conferred upon and required of town treasurers while acting in that capacity, and be subject to the same penalties and liabilities.

- (9) The Village Clerk-Treasurer shall also be required to perform duties as conferred upon town treasurers in § 60.34, Wis. Stats.
- (10) The Village Clerk-Treasurer shall execute and file an official bond which may be furnished by a surety company as provided by § 632.17(2), Wis. Stats.
- (11) To perform all other duties required by law or by any ordinance or other direction of the Village Board.¹

§ 66-3. Village Attorney.

- A. Election. The office of Village Attorney is an appointed position. The Village President shall annually appoint a Village Attorney, subject to confirmation by a majority of the members of the Village Board. The Village Attorney's term shall commence on the first day of May succeeding his appointment.
- B. The Village Attorney shall have the following duties:
 - (1) The Attorney shall conduct all of the law business in which the Village is interested.
 - (2) He shall, when requested by Village officers, given written legal opinions, which shall be filed with the Village.
 - (3) He shall 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. Such assistant shall receive no compensation from the Village, unless previously provided by ordinance.

1. Editor's Note: Original Sec. 2-3-3 of the 1987 Village Code, Village Treasurer, as amended 1-17-2011, was repealed at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

- (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.

§ 66-4. Chief of Police.

A. Appointment.

- (1) The Chief of Police shall be appointed by the Village Board. The Chief of Police shall hold office during good behavior, subject to suspension or removal by the Board. The Chief of Police shall serve a probationary period of one year, unless otherwise approved for a different period by the Village Board or if extended for a just cause by the Village Board. During the probationary period, the Village Board may, at its option, lay off or terminate, with or without cause, said probationary employee without recourse to any grievance and arbitration procedures.
- (2) The compensation to be paid the Chief of Police for his or her services, the hours of active duty, rest days, vacation periods and other involvement of his or her employment shall be such as may be determined by the Village Board from time to time.

B. General duties.

- (1) The Chief of Police shall have command of the Police Department. He shall have general administration and control of the Department and shall be responsible for the Department's government, efficiency and general good conduct. He shall perform all duties prescribed to him by laws of the state and the ordinances of the Village and shall obey all lawful written orders of the Village President or Village Board.
- (2) The Chief of Police 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. The Chief shall cooperate with other law enforcement officers in the arrest or apprehension of persons charged with crime.

§ 66-5. Fire Chief and Fire Inspector.

A. Appointment. The Fire Chief shall be selected according to the bylaws of the Fire Department serving the Village.

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 to preside at all meetings of the Department, to call special meetings, to preserve order, to decide all points of order that may arise and to enforce a rigid observance of this chapter and the bylaws.
- (3) It shall be the duty of the Chief 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 companies when they arrive at a fire, to observe that every company 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.
- (4) 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.
- (5) He shall keep a fire record book of every fire to which any company was called and shall enter in such book the locality of fire, time alarm was received, cause of fire, where fire started, cause of delay (if any) in responding, method of extinguishment and equipment used, amount of insurance carried on building and contents, estimated fire loss, time fire was extinguished, names of men responding and general remarks.

§ 66-6. Assessor.

- A. Pursuant to §§ 61.195 and 61.0101, Wis. Stats., the Village hereby elects not to be governed by those portions of §§ 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 (charter ordinance). **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]**
- 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. 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 § 19.01, Wis. Stats., and sign the affidavit of the Assessor attached to the assessment roll under § 70.49, Wis. Stats. No person may be designated by any corporation or independent contractor unless he or she has been granted the appropriate certification under § 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.
- C. The term of said Assessor shall be for two years or until his successor is selected and qualifies. The term shall commence on May 1 following appointment.
- D. Whenever the Assessor, in the performance of the Assessor's duties, requests or obtains income and expense information pursuant to § 70.47(7)(af), Wis. Stats., 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 persons in the discharge of duties imposed by law; in the discharge of duties imposed by office (including but not limited to use by the Assessor in performance of official duties of the Assessor's office and use by the Board of Review in performance of its official duties); or pursuant to order of a court. Income and expense information provided to the Assessor under § 70.47(7)(af), unless a court determines that it is inaccurate, is, per § 70.47(7)(af), not subject to the right of inspection and copying under § 19.35(1), Wis. Stats.² **[Added at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]**

§ 66-7. Building Inspector.

A. Building Inspector position.

- (1) There is hereby created the position of Building Inspector who shall be appointed by the Village President, subject to confirmation by the Village Board. His appointment shall continue during good behavior and satisfactory service. The Building Inspector shall be fully certified by the State of Wisconsin to enforce the One- and Two-Family Building Dwelling Code.
- (2) During temporary absence or disability of the Building Inspector, the appointing authority shall designate an acting Building Inspector.
- (3) The manner and amount of compensation to be paid to the Building Inspector shall be fixed by the Village Board.

B. Powers and duties.

- (1) It shall be the duty of the Building Inspector to see to the enforcement of all ordinance provisions relating to building permits and zoning.
- (2) The Building Inspector shall make all inspections necessary for compliance and enforcement of Chapter 390, Zoning.
- (3) The Building Inspector shall have the power to order all work stopped on construction, alteration or repair of buildings in the Village when such work is being done in violation of any Village ordinance. Work shall not be resumed after the issuance of such an order except on written permission of the inspector.
- (4) The Building Inspector shall issue or cause to be issued all proper permits for such work after payment of the fees required therefor. He shall process all applications, make all inspections and have the authority to issue or cause to be issued a certificate of completion.

C. Right of entry. The Building Inspector shall have the power to make or cause to be made an entry into any building or premises where the work of altering, repairing or

2. Editor's Note: Original Secs. 2-3-8 and 2-3-9 of the 1987 Village Code, Health Officer and Weed Commissioner, respectively, which immediately followed this subsection, were repealed at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

constructing any building or structure is going on, including plumbing and electrical work.³

§ 66-8. Director of Public Works.

- A. Selection. The Director of Public Works shall be selected by majority vote of the Village Board. Selection shall be made solely on merit and upon the basis of training, experience, administrative ability, efficiency and general qualifications and fitness for performing the duties of his position.⁴
- B. Duties and powers. The Director of Public Works shall have the following duties and powers:
- (1) He shall have general charge and supervision of all public works in the Village.
 - (2) He shall be responsible for the maintenance, repair and construction of streets, alleys, curbs and gutters, sidewalks, bridges, sewers, Village buildings and structures and all machinery, equipment and property used in any activity under his control.
 - (3) He shall have charge of all public services, including refuse disposal, snow and ice removal, street cleaning and flushing, and mosquito and rodent control.
 - (4) He shall perform such other activities and duties as are imposed upon him from time to time by the Village Board.

§ 66-9. 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 year thereafter.

§ 66-10. Oaths of office.

- A. Requirement. Within five days after the election or appointment of any Village officers, the Village Clerk-Treasurer shall notify the person so selected thereof unless he or she voted at the election. Every person elected or appointed to the office of Village President or Clerk-Treasurer shall, within five days after notice thereof, when required, take and file the official oath. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]

3. Editor's Note: Original Sec. 2-3-11 of the 1987 Village Code, Park and Recreation Superintendent, was repealed at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

4. Editor's Note: Original Sec. 2-3-13(b) of the 1987 Village Code, Term and Removal, was repealed at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

- B. Form, procedure. The form, filing and general procedure for the taking of oaths shall be governed by Ch. 19, Subchapter I, Wis. Stats.

§ 66-11. Vacancies.

- A. How occurring. Except as provided in Subsection C below, vacancies in elective and appointive positions occur as provided in §§ 17.03 and 17.035, Wis. Stats.
- B. How filled. Vacancies in elective and appointive offices shall be filled as provided in § 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.

§ 66-12. Removal from office.

- A. Elected officials. Elected officials may be removed by the Village Board as provided in §§ 17.13(2) and 17.16, Wis. Stats.
- B. Appointed officials. Appointed officials may be removed as provided in §§ 17.13(1) and 17.16, Wis. Stats.

§ 66-13. Custody of official property.

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

§ 66-14. Official bonds; officers not to be sureties.

Every officer shall, if required by law or the Village Board, upon entering upon the duties of his office, give a bond in such amount as may be determined by the Village Board with such sureties as are approved by the Village President, conditioned upon the faithful performance of the duties of his office. Official bonds shall be filed with the office of the Village Clerk-Treasurer. Any person reelected or reappointed to the same office shall take and file an official bond for each term of service.

§ 66-15. Deputy Clerk. [Added 10-16-2007; amended 2-8-2011]

- A. Term. The position of Deputy Clerk shall be an appointed position. The Deputy Clerk shall be appointed by the Village Clerk-Treasurer, for a term of two years, with the appointment subject to confirmation by a majority of the Village Board. The person appointed at creation and adoption of this chapter shall hold office until March 31, 2009; thereafter, all appointments will be for a term of two years; subject only to removal by a two-thirds vote of the Village Board. The Village Clerk-Treasurer's appointment of the person to fill this position will be made at the April meeting of the Village Board.

- B. Duties. The Deputy Clerk shall provide a variety of routine and complex clerical and administrative work in the administration of the Village government and for all the duties of a Deputy Village Clerk-Treasurer as defined by state statutes. The Deputy Clerk's primary responsibility is to perform administrative duties related to the Village-owned water and sewer utility. The Deputy Clerk's position shall be full-time or part-time with the discretion of the Village Clerk-Treasurer and two-thirds vote of the Village Board.
- C. Essential job duties/responsibilities:
- (1) All duties as outlined in Wisconsin State Statutes related to Deputy Village Clerk.
 - (2) Assists Village Clerk-Treasurer with all statutory duties of Village Clerk-Treasurer.
 - (3) Acts as recording secretary and record keeper for the Utility Committee of the Village Board.
 - (4) Acts as backup recording secretary and recordkeeper for other committees and the Village Board.
 - (5) Prepares and mails monthly water and sewer utility bills.
 - (6) Receives and records monthly receipts for water and sewer utility bills.
 - (7) Prepares and maintains all records and reports related to water and sewer accounts and programs implemented by the utility.
 - (8) Records posting of monthly transactions for water and sewer utility systems.
 - (9) Assists the Director of Public Works with utility- and street-related issues.
 - (10) Performs all other duties as assigned by the Village Clerk-Treasurer.
- D. The powers and duties herein described above shall be exercised by Deputy Clerk only in the absence of the Village Clerk-Treasurer from her/his office and only when either written direction has been given by the Village Clerk-Treasurer to exercise such power or the President and Board of Trustees has determined by resolution that the Village Clerk-Treasurer is temporarily or permanently incapacitated to perform such function. Such Deputy Clerk shall serve at the pleasure of the Village Clerk-Treasurer and shall have the authority and the power herein described and such further power and authority as may be provided by statute.