

## 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 cities, towns and villages, except as otherwise provided and such powers and duties as are prescribed by law and except as to the Mayor, shall perform such duties as shall be required of him by the Council. Officers whose powers and duties are not enumerated in Chapter 62 of the Wisconsin Statutes shall have such powers and duties as are prescribed by law for like officers or as are directed by the Council.
- (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 City officers.
- (d) **Legal Representation.** Whenever any City official in his official capacity proceeded against or obliged to proceed before any civil court, board, committee or commission, to defend or maintain his official duties, and he has prevailed in such civil proceedings, or the Council has ordered the proceedings discontinued, the Council may provide for payment to such official such sum as it sees fit, to reimburse him for the expenses reasonably incurred for cost and attorney's fees.

State Law Reference: Sections 62.09(7) and 62.115, Wis. Stats.

## **SEC. 2-3-2 CITY CLERK-TREASURER**

- (a) **Combination of Offices.** The City of Galesville, pursuant to Sections 62.09(1)(b), 62.09(3)(c) and 66.01 of the Wisconsin Statutes, hereby elects to combine the offices of City Clerk and City Treasurer. (Charter Ordinance.)
- (b) **Appointment of Clerk-Treasurer.** Hereafter, the City Clerk-Treasurer shall be appointed by the Mayor, subject to confirmation by the affirmative vote of a majority of members of the Common Council.
- (c) **Indefinite Term of Office.** The person holding the combined offices shall hold such offices for an indefinite term, subject to removal as specified in Sec. 17.12 of the Wisconsin Statutes.
- (d) **Duties.** The duties of the City Clerk-Treasurer shall be as set forth in the Wisconsin Statutes, City Ordinances and as prescribed from time to time by the Common Council;
- (e) **Bond.** The City Clerk-Treasurer shall execute to the City a surety company fidelity bond in an amount determined by the Common Council.

State Law Reference: Sec. 62.09(9) and (11), Wis. Stats.

## **SEC. 2-3-3 DEPUTY CLERK-TREASURER.**

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

## **SEC. 2-3-4 CITY ATTORNEY.**

- (a) **Appointment.** The office of City Attorney is an appointed position. The Mayor shall appoint a City Attorney, subject to confirmation by a majority of the members of the Common Council.
- (b) **Duties.** The city Attorney shall have the following duties:
  - (1) The Attorney shall conduct all of the law business in which the City is interested.
  - (2) He shall, when requested by City officers, give written legal opinions, which shall be filed with the City.
  - (3) He shall draft ordinances, bonds, and other instruments as may be required by City officials.
  - (4) He may appoint an assistant, who shall have power to perform his duties and for whose acts he shall be responsible to the City. Such assistant shall receive no compensation from the City, unless previously provided by ordinance.
  - (5) The Common Council may employ and compensate special; counsel to assist in or take charge of any matter in which the City is interested.

- (6) The City Attorney shall perform such other duties as provided by State law and as designated by the Common Council.

State Law Reference: Sec. 62.09(12), Wis. Stats.

## **SEC. 2-3-5 CHIEF OF POLICE.**

### **(a) Appointment.**

- (1) The Chief of Police shall be appointed by the Mayor, subject to confirmation by the Common Council. The Chief of Police shall hold office during satisfactory performance, subject to suspension or removal by the Common Council pursuant to law.
- (2) The compensation to be paid the Chief of Police for his 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 Common Council from time to time.

### **(b) General Duties.** The Chief of Police shall:

- (1) Have command of the Police Department of the city under direction of the Mayor and common council;
- (2) Have general administration and control of the Department;
- (3) Be responsible for the Department's government, efficiency and general good conduct;
- (4) Perform all duties prescribed to him by laws of the State and ordinances of the City.
- (5) Develop Department policies and procedures;
- (6) Maintain Department ethics and discipline;
- (7) Delegate special assignments or duties to police officers, and monitor to see that responsibilities are carried out;
- (8) Perform all the duties of a police officer during a portion of every regular shift;
- (9) Identify and evaluate ideas to achieve more efficient and effective operation;
- (10) Prepare Department budget requests and maintains expenditures within approved budgetary levels;
- (11) Authorize overtime work for police officers, with supporting justification provided to the Mayor and Common Council, or committee thereof;
- (12) Participate in the recruitment, testing and selection of new personnel;
- (13) Supervise and participate in the advanced and continuing training of police officers and non-sworn Department employees;
- (14) Cooperate with county, state and federal officials and other municipal law enforcement agencies;
- (15) Make special reports to the Common Council on request; and advise and cooperate with other City departments in matters of public safety;
- (16) Submit weekly and annual reports to the Mayor;
- (17) Perform other miscellaneous duties as assigned.

State Law Reference: Sec. 62.13, Wis. Stats.

## SEC. 2-3-6 FIRE CHIEF.

- (a) **Appointment.** The Fire Chief shall be appointed and serve pursuant to the bylaws of the Galesville Fire Department.
- (b) **Duties and Powers.**
  - (1) The Chief shall have general supervision of the Fire Department personnel, apparatus and equipment. He, or his designee, shall be present at fires and command all fire-fighting operations. The Fire Chief may make such further rules, regulations and policies for the government of the Fire Department as he may deem necessary, provided such rules and regulations shall not be inconsistent with the laws of the State of Wisconsin or Department bylaws. The Fire Chief shall, by virtue of his office, hold the office of Fire Inspector or he may delegate a member of the Department to service as the Fire Inspector.
  - (2) He shall enforce all fire prevention ordinances of the City 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.
- (c) **Reports of Chief.** The Fire Chief shall report to the Common Council from time to time at his discretion or upon the request of said Common Council on matters concerning departmental matters and shall perform such other duties in conformance with his office as may from time to time be required of him by the Common Council.  
State Law Reference: Sec. 62.13, Wis. Stats.

## SEC. 2-3-7 ASSESSOR.

- (a) **Appointment.**
  - (1) The City of Galesville hereby elects not to be governed by those portions of Sec. 62.09(3)(b) of the Wisconsin statutes relating to the method of selection of the City Assessor which are in conflict with this Section.
  - (2) The City Assessor, or assessing firm shall be appointed by the Mayor in even-numbered years, subject to confirmation by the Council. The Assessor's term shall be for a one (1) year period and shall commence on the first day of May succeeding his appointment.
  - (3) A corporation or an independent contractor may be appointed as 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. 701.49, Wis. Stats.
  - (4) No Assessor shall be appointed unless said Assessor is certified by the Wisconsin Department of Revenue as qualified to perform the functions of the office of Assessor.
- (b) **Duties.** The Assessor shall perform all duties required of such office as provided by law and such other duties as are requested to be executed by such person by the Common Council from time to time.
- (c) **Definition.** For purposes of this Section, "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 Officials' oaths and bonds, Sec. 19.01, Wis. Stats.; corporation as assessor, Sec. 62.09(1)(c), 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. 2-3-8 BUILDING INSPECTOR.**

- (a) **Appointment.** The Building Inspector shall be appointed annually by the Mayor, subject to Common Council confirmation.
- (b) **Duties.** The Building Inspector shall have the following duties:
  - (1) Review plans and applications for building permits;
  - (2) Issue permits for new construction, remodeling and demolition of buildings;
  - (3) Inspect foundations, frames, roofs, etc., to assure that they meet the requirements of the building code;
  - (4) Recommend and advise the public and contractors on code compliance;
  - (5) Issue orders to correct discrepancies and code violations;
  - (6) Consult with builders, owners and members of the public pertaining to the City codes and ordinances;
  - (7) Report on the status of code enforcement activity to the Council;
  - (8) Perform other duties as may be directed by the Common Council.
- (c) **Right of Entry.** The Building Inspector or his deputies 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 constructing any building or structure is going on, including plumbing and electrical work.

### **SEC. 2-3-9 SUPERINTENDENT OF PUBLIC WORKS.**

- (a) **Appointment.** The Director of Public Works shall be appointed by the Mayor, subject to confirmation by the Common Council. The Director of Public Works shall have an indefinite term of office.
- (b) **Duties.** The Director of Public Works shall have the following duties:
  - (1) Plan, direct and inspect the repair and maintenance of streets, curbs and gutters, sidewalks, street lights, street trees;
  - (2) Plan, direct and inspect the maintenance of parks including grass cutting, playground equipment installation or repair and building maintenance;
  - (3) Supervise plowing of snow and all phases of snow and ice control on City streets, alleys, sidewalks and public parking lots;
  - (4) Supervise the operation of the municipal garage and the repair and maintenance of City-owned vehicles and equipment;
  - (5) Schedule the daily and weekly jobs of the Public Works Department employees and make necessary modifications due to emergencies;

- (6) Plan for the maintenance and repair of all City vehicles, machinery and equipment and is responsible for related records;
- (7) Work with consulting engineer in planning street and storm sewer projects;
- (8) Serve as coordinator between consulting engineer and contractors in street and storm sewer projects;
- (9) Repair and maintain all official City sign use and traffic control marking, to be done in compliance with the State Traffic Code and local ordinances.
- (10) Perform such other duties as may be directed by the Common Council.

#### **SEC. 2-3-10 HEALTH OFFICER.**

- (a) **Selection.** The Mayor shall appoint in even-numbered years a Health Officer, subject to confirmation by the Common Council. The Health Officer's term shall be for a two (2) year period concurrent with the Mayor's term of office and shall commence on the first day of May succeeding his appointment. Such Health Officer shall be a physician, or in lieu thereof, a person with training and experience in public health administration which shall meet training and experience requirements established by the State Department of Health and Social Services. If the Health Officer is not a physician, the Board of Health shall arrange for and provide in addition such services of a physician as may be necessary on either a part-time or full-time basis and provide reasonable compensation therefore.
- (b) **Vacancy.** If a vacancy in the position of Health Officer occurs, the Mayor shall immediately fill the position.
- (c) **Responsibilities.**
  - (1) The Health Officer shall provide such additional rules and regulations as are necessary for the preservation of health, to prevent the spread of communicable diseases, and to cause the removal of all objects detrimental to health and to enforce the health laws. All proposed rules and regulations shall be reported to the Common Council by the Health Officer, and if the Council approves the same by a vote of a majority of its members, they shall have the force and effect of ordinances, including penalty for violation.
  - (2) The Health Officer shall from time to time recommend to the Common Council such sanitary measures, to be executed by the City as seem necessary, and shall discharge such other duties as may be imposed upon the Council by ordinance or resolution.

State Law Reference: Sec. 141.015, Wis. Stats.; HSS 139.05, Wis. Adm. Code.

#### **SEC. 2-3-11 WEED COMMISSIONER.**

The Weed Commissioner shall be appointed by the Mayor, subject to Council 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 Clerk-Treasurer, and shall hold office for one (1) 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. 2-3-12 ELIGIBILITY FOR OFFICE.**

- (a) No person shall be elected by the people to a City 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 City, and in case of a ward office, of the ward, and actually residing therein.
- (b) An appointee by the Mayor, requiring to be confirmed by the Council, who shall be rejected by the Council, shall be ineligible for appointment to the same office for one (1) year thereafter.
- (c) No member of the Common Council shall, during the term for which he is elected, be eligible for an office or position which, during such term, has been created by, or the selection to which is vested in, the Council, provided that the Council may be represented on City boards or commissions where no additional remuneration is paid such representative except as otherwise provided by the laws of the State of Wisconsin.

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

#### **SEC. 2-3-13 REMOVAL FROM OFFICE.**

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

Annotation: 62 Atty. Gen. Op. 97.

#### **SEC. 2-3-14 CUSTODY OF OFFICIAL PROPERTY.**

City 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.

#### **SEC. 2-3-15 OATH OF OFFICE; BONDS OF OFFICERS.**

- (a) **Oath.** Every person elected or appointed to any statutory office shall take and file his official oath within ten (10) days after the notice of his election or appointment.
- (b) **Bonds.** The Clerk-Treasurer, and such other statutory officers as the laws of Wisconsin or the Common Council may direct, shall execute and file an official bond in such form as the Council may determine. The Council may at any time require new or additional bonds of any officer. All official bonds must be approved by the Mayor and when so approved,

then be filed within ten (10) days after the officer executing the same shall have been notified of this election or appointment. Official bonds shall be filed with the City Clerk-Treasurer and shall be recorded by him in a book kept by him for that purpose.