

## CHAPTER 3

### Municipal Officers and Employees

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#### SEC. 2-3-1 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 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) 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 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.

#### SEC. 2-3-2 VILLAGE CLERK-TREASURER.

- (a) **TERM.** The office of Clerk-Treasurer shall be an elected position. The Clerk-Treasurer shall be elected in odd-numbered years for a term of two (2) years commencing on the third (3rd) Monday of April in the year of his election.
- (b) **DUTIES.** Such person appointed to perform the duties of the combined offices shall perform all duties required of both offices as provided by law, and such other duties as are requested to be executed by such person by the Village Board from time to time, as well as such other and further duties with reference to the operation of and administration of the water and sewer facilities of the Village.

State Law Reference: Sections 61.25, 61.26 and 66.01, Wis. Stats.

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

The Village President may appoint a Deputy Clerk-Treasurer subject to confirmation by a majority of all the members of the Village Board. The Deputy Clerk-Treasurer shall have an indefinite term of office. 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 Village Board shall direct.

State Law Reference: Section 61.261, Wis. Stats.

SEC. 2-3-4 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, give 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.
  - (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. 2-3-5 FIRE CHIEF AND FIRE INSPECTOR.

- (a) APPOINTMENT. The Fire Chief shall be selected according to the bylaws of the St. Cloud Volunteer Fire Department.
- (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) Not later than October 1st of each year, the Chief shall file with the Village Clerk-Treasurer a detailed estimate of the appropriations needed for the conduct of the Department during the ensuing fiscal year.
  - (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.

SEC. 2-3-6 ASSESSOR.

- (a) The Village of St. Cloud hereby elects not to be governed by those portions of Section 61.19 of the Wisconsin Statutes relating to the method of selection of the Village Assessor 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 two-thirds 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 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 or 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.
- (c) The term of said Assessor shall be for one (1) year, or until his successor is selected and qualifies. The term shall commence on January 1st following appointment.

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

SEC. 2-3-7 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 or her 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 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. 2-3-8 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.
  - (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 the zoning code.
  - (3) The Building Inspector shall have the power to order all work stopped on construction, alteration or repair of buildings, plumbing equipment, gas piping or of electrical facilities 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 constructing any building or structure is going on, including plumbing and electrical work.

SEC. 2-3-9 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.

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

SEC. 2-3-10 OATHS OF OFFICE.

- (a) **REQUIREMENT.** Within five (5) 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 (5) days after election or notice thereof, when required, take and file the official oath.
- (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. 2-3-11 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. 17.23, 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: Section 61.23, Wis. Stats.

SEC. 2-3-12 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 Section 17.12(1)(c) and 17.16, Wis. Stats.

Annotation: 62 Atty. Gen. Op. 97.

SEC. 2-3-13 CUSTODY OF OFFICIAL PROPERTY.

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

State Law Reference: Section 19.21, Wis. Stats.

SEC. 2-3-14 OFFICIAL BONDS; OFFICERS NOT TO BE SURETIES.

Every bond required of a Village officer shall be executed with sufficient sureties in a sum fixed by the Village Board when not otherwise prescribed and be approved by the Village President.

State Law Reference: Section 61.22, Wis. Stats.