

CHAPTER 3

Municipal Officers and Employees

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SEC. 2-3-1 GENERAL PROVISIONS.

- (a) **General Powers.** Officers shall have the powers and duties prescribed by law for like officers of cities, towns and villages, as well as those powers and duties assigned by the Council.
- (b) **Rules.** All officers and departments may establish 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 is proceeded against or is obliged to proceed before any civil court, board, committee 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 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 costs and attorney's fees.

(e) **Officers Eliminated.**

- (1) As provided in Section 62.09(1)(b), Wis. Stats., the office of Comptroller is hereby eliminated.
The duties of that office shall be performed by the City Clerk-Treasurer.
- (2) The office of Street Commissioner is hereby eliminated. The duties of that office shall be performed by the Director of Public Works.
- (3) The office of Constable is hereby eliminated. The duties of that office shall be performed by the Chief of Police.
- (4) The office of City Engineer is hereby eliminated. The duties of that office shall be performed by the Director of Public Works.
- (5) The Board of Public Works is hereby eliminated. The duties of that board shall be performed by the Common Council, or, if specifically provided in this Code, by the Director of Public Works.
- (6) The Board of Health is hereby dispensed with. The duties of that board shall be performed by the Health Officer.

- (f) **Citizenship Requirements.** No person shall be eligible for election as an alderman or officer unless he is, at the time of his election, a citizen of the United States and of this State, and an elector of the City, and in the case of an alderman, a resident of the ward.

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

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

- (a) **Election Not to Be Governed by Statutes.** The City of Thorp, pursuant to Sections 62.09 and 66.01 Wis. Stats., elects not to be governed by those portions of Chapter 62 Wis. Stats., which are in conflict with this Section. (Charter Ordinance.)
- (b) **Combined Offices.** The offices of City Clerk and City Treasurer are hereby consolidated, and the duties of both offices shall be performed by the person appointed as City Clerk-Treasurer. The Clerk-Treasurer shall be appointed by the Mayor, subject to confirmation by a majority of the members of the Common Council. The Clerk-Treasurer shall hold office for an indefinite term subject to termination as

provided for in Section 17.12(1)(c) and (d), Wis. Stats.

(c) **Duties.** The City Clerk-Treasurer shall be responsible for performing those duties required by Section 62.09(9) and (11) Wis. Stats. and for the following additional duties:

- (1) Perform all election duties as required by Wisconsin Statutes and keep and maintain all election records and all property used in conjunction with holding of elections.
- (2) Publish 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) Prepare the tax roll and tax notices required by the State of Wisconsin;
- (5) Attend meetings, take minutes and maintain files for the Common Council, and such other official boards and commissions as the City Council may direct;
- (6) Maintain files of all City records, ordinances, resolutions and vouchers;
- (7) Type and distribute reports for the Council and for federal and state agencies;
- (8) Audit and obtain approval on claims charged against City;
- (9) Prepare financial and bank statements;
- (10) Issue purchase orders;
- (11) Assist the City Assessor in maintaining property assessment records;
- (12) Administer oaths and affirmations;
- (13) Maintain fiscal records for the City and serve as City Comptroller;
- (14) Issue licenses to various vendors in City;
- (15) Make reports to the State on assessments;
- (16) Prepare and send invoices for services provided by municipal utilities;
- (17) Perform record keeping, billing, collections, banking, investments, accounting and financial reporting of all City operations, including utilities;
- (18) Develop and implement improved internal control and financial reporting procedures as necessary or as requested;

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- (19) Collect all taxes for the City and other taxing bodies;
 - (20) Invest idle funds for maximum interest earnings;
 - (21) Prepare monthly financial reports;
 - (22) Maintain payroll records and prepare payroll checks from approved employee time sheets;
 - (23) Prepare check vouchers for payment of approved claims for signature;
 - (24) Coordinate the preparation and compilation of the annual City budget;
 - (25) File financial and other reports with various state agencies;
 - (26) File insurance claims on behalf of the City;
 - (27) Make property tax settlements with the County Treasurer and turn over to school district and other taxing units their proportionate share of property tax collections;
 - (28) Locate suppliers of goods or services and obtain quotes;
 - (29) Advertise for bids, receive them and summarize the results;
 - (31) Identify and evaluate ideas to achieve more efficient and effective operation;
 - (32) Coordinate, supervise and conduct elections;
 - (33) Confer with the Mayor, department heads and Common Council committees about projects and problems;
 - (34) Serve as a member of the Board of Review;
 - (35) Maintain personnel files;
 - (36) Perform such other duties as may be directed by the Common Council.
- (d) **Bond.** The City Clerk-Treasurer shall execute to the City a surety company fidelity bond in an amount determined from time to time by the Common Council.

State Law Reference: Section 17.12, 66.01, 62.09(9) and (11), Wis. Stats.

SEC. 2-3-3 CITY ATTORNEY.

- (a) **Appointment.** The City Attorney shall be appointed by the Mayor, subject to confirmation by a majority of the members of the Common Council. The City Attorney shall serve at the pleasure of the Council.
- (b) **Duties.** The City Attorney shall be responsible for those duties required by Section 62.?? Wis. Stats. and the following additional duties:

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- (1) Conduct all of the law business in which the City is interested.
- (2) When requested by City officers, give written legal opinions, which shall be filed with the City.
- (3) Draft ordinances, bonds and other instruments as may be required by City officials.
- (4) 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. 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) Perform such other duties assigned by the Common Council.

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

SEC. 2-3-4 CHIEF OF POLICE.

- (a) **Appointment.** The Chief of Police shall be appointed by the Mayor subject to the approval of the majority of the members of the Common Council. He shall hold office during satisfactory performance, subject to suspension or removal under the procedures set forth in Section 62.13 Wis. Stats.
- (b) **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 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;

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- (10) Prepare Department budget requests and maintain expenditures within approved budgetary levels;
- (11) Authorize overtime work for police officers, with supporting justification provided to the Mayor and Common Council;
- (12) Participate in the recruitment, evaluation, qualification and selection of new personnel;
- (13) Supervise and participate in the education and 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 quarterly reports to the Mayor and Common Council;
- (17) Perform other duties assigned by the Mayor or Common Council.

State Law Reference: Section 62.13, Wis. Stats.

Reference fire district regarding chief

SEC. 2-3-5 ASSESSOR.

(a) **Appointment.**

- (1) The City of Thorp hereby elects not to be governed by those provisions of Section 62.09(3)(b) Wis. Stats. which are in conflict with this Section.
- (2) The City Assessor, or assessing firm, shall be appointed by the Mayor, subject to the approval of a majority of the members of the Council. The Assessor's term shall be determined by the Council from time to time.
- (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 Section 19.01, Wis. Stats., and sign the affidavit of the Assessor attached to the assessment roll under Section 70.49, 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 prescribed by law and such other duties as are assigned by the Common Council.
- (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, Section 19.01, Wis. Stats.; corporation as assessor, Section 62.09(1)(c), 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. 2-3-6 DIRECTOR OF PUBLIC WORKS.

- (a) **Appointment.** The Director of Public Works shall be appointed by the Mayor, subject to the approval of a majority of the members of the Council. The Director of Public Works shall have an indefinite term of office.
- (b) **Duties.** The Director of Public Works shall:
 - (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 maintain records regarding the same;
- (7) Work with consulting engineers in planning public works projects;
- (8) Serve as coordinator between consulting engineers and contractors in public works projects;
- (9) Repair and maintain all City signs and traffic control markings in accordance with the State Traffic Code and local ordinances;
- (10) Develop rules and regulations regarding conduct and use of public parks, swimming pools and property;
- (11) Issue purchase orders;
- (12) Perform such other duties assigned by the Common Council.

SEC. 2-3-7 HEALTH OFFICER.

- (a) **Selection.** The Mayor shall appoint a Health Officer, subject to the approval of a majority of the members of the Common Council. The Health Officer's shall serve for a term of one (1) year period which shall commence on the first day of May succeeding his appointment. Such Health Officer shall be a physician, or a person with training and experience in public health administration who meets the training and experience requirements established by the State Department of Health and Social Services.
- (b) **Vacancy.** If a vacancy in the position of Health Officer occurs, the Mayor shall immediately fill the position.
- (c) **Duties.** The Health Officer shall:
 - (1) 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) Recommend to the Common Council such sanitary measures, to be executed by the City, as he deems necessary,

- (3) Discharge such other duties assigned by the Common Council.
- (d) **Authority.** The Health Officer shall be vested with all the powers and duties of a board of health.

State Law Reference: Sections 141.015 and 141.02, Wis. Stats; HSS 139.05, Wis. Adm. Code.

SEC. 2-3-8 WEED COMMISSIONER.

The Weed Commissioner shall be appointed by the Mayor, subject to the approval of a majority of the members of the Common Council. The Weed Commissioner's shall serve for a term of one (1) year which 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. The Weed Commissioner shall be responsible for the duties set out in Section 66.98 Wis. Stats.

State Law Reference: Sections 66.97 and 66.98, Wis. Stats.

SEC. 2-3-9 ELIGIBILITY FOR OFFICE.

- (a) 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.
- (b) 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: Section 62.09(2), Wis. Stats.

SEC. 2-3-10 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. 2-3-11 CUSTODY OF OFFICIAL PROPERTY

City 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. 2-3-12 OATH OF OFFICE; BONDS OF OFFICERS.

- (a) **Oath.** Every person elected or appointed to any statutory office shall take and file his 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.

SEC. 2-3-13 RESIDENCY REQUIREMENT FOR EMPLOYEES

All full-time employees of the City of Thorp hired after the effective date of this ordinance shall reside in or become a resident of the City of Thorp by the first anniversary date of employment; and shall remain a resident of the City of Thorp thereafter during the period of employment.