

**Title 2 Government and Administration**  
**Chapter 3 Municipal Officers and Employees**

**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/her by the Village Board. Officers whose powers and duties are not enumerated in Chapter 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) **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/her official capacity proceeded against or obliged to proceed before any civil court, board or commission, to defend or maintain his/her official position, or because of some act arising out of the performance of his/her official duties, and he/she 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/her 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:

| <b>Official</b>                               | <b>How Appointed</b>                                           | <b>Term</b>           |
|-----------------------------------------------|----------------------------------------------------------------|-----------------------|
| Deputy Clerk                                  | Village Board, upon recommendation of Clerk                    | Indefinite            |
| Village Attorney                              | Village Board                                                  | Pleasure of the Board |
| Assessor                                      | Village Board                                                  | By contract           |
| Engineer (Consulting)                         | Village President subject to confirmation by the Village Board | Pleasure of the Board |
| Weed Commissioner                             | Village President subject to confirmation by the Village Board | One Year              |
| Ordinance Enforcement Officer                 | Village Board                                                  | Pleasure of the Board |
| Director of Public Works (Maintenance Worker) | Village President subject to confirmation by the Village Board | Indefinite            |
| Building Inspector                            | Village Board                                                  | By contract           |

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

(a) **Election; Term.** The office of Village Clerk shall be an elected position. The Clerk 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/her election.

(b) **Duties as Clerk.** In his/her capacity as Village Clerk, the Village Clerk shall be responsible for performing those duties required by the Wisconsin Statutes and for the following additional duties:

- (1) Perform all election duties as required by Wisconsin Statute 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) Attend meetings, take minutes and maintain files for the Village Board, and such other official boards and commissions as may be directed;
- (5) Maintain a file on all Village records, ordinances, resolutions and vouchers;
- (6) Type and distribute reports for the Village Board and for federal and state agencies;
- (7) Audit and obtain approval on claims charged against the Village;
- (8) Assist the Assessor in maintaining property assessment records;
- (9) Administer oaths and affirmations;
- (10) Issue licenses to various vendors in the Village;
- (11) Develop and implement improved internal control and financial reporting procedures as necessary or as requested;
- (12) File financial and other reports with various state agencies;
- (13) File insurance claims on behalf of the Village;
- (14) Locate suppliers of goods or services and obtain quotes;
- (15) Advertise for bids, receive them and summarize the results;
- (16) Identify and evaluate ideas to achieve more efficient and effective operation;
- (17) Coordinate, supervise and conduct elections;
- (18) Confer with Village President, Village employees, Village Board and Village committees about projects and problems;
- (19) Maintain personnel files;
- (20) Maintain payroll records;
- (21) Perform such other duties as prescribed by the Village Board.

(c) **Emergency Powers.** In the absence of the Village President and President Pro Tem, the Clerk shall have such emergency powers as are given by statute or ordinance to the Village President.

### **Sec. 2-3-4 Deputy Clerk.**

The Village Board may appoint a Deputy Clerk(s), upon the recommendation of the Village Clerk. 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.

### **Sec. 2-3-5 Village Treasurer.**

- (a) **Election; Term.** The Village Treasurer shall be elected in odd-numbered years for a term of two (2) years commencing on the third Monday of April in the year of his/her election.
- (b) **Duties as Treasurer.** The Village Treasurer shall be responsible for performing those duties required by the Wisconsin Statutes and for the following additional duties in cooperation with the Village Clerk and Board:
  - (1) Prepare the tax roll and tax notices required by the State of Wisconsin;
  - (2) Prepare financial and bank statement;
  - (3) Maintain fiscal records for the Village;
  - (4) Make reports to the State on assessments;
  - (5) Prepare and send invoices for services provided by municipal utilities;
  - (6) Perform record keeping, billing, collections, banking, investments, accounting and financial reporting of all Village operations;
  - (7) Collect all taxes for the Village and other taxing bodies;
  - (8) Invest idle funds for maximum interest earnings;
  - (9) Prepare monthly financial report;
  - (10) Prepare payroll checks from approved employee time sheets;
  - (11) Prepare check vouchers for payment of approved claims for signature;
  - (12) Assist in the preparation and compilation of the annual Village budget;
  - (13) Perform such other duties as prescribed by the Village Board
- (c) **Duties Prescribed by Law.** The Treasurer shall perform such other duties as are prescribed by State Statutes and by order of the Village Board. The Treasurer generally shall perform, under direction of the Village President or other presiding officer of the Board, all duties pertaining to his/her office as Treasurer, and shall be responsible for all the official acts of assistants.
- (d) **Bond.** The Treasurer shall execute to the Village a surety company fidelity bond in an amount determined by the Village Board.

### **Sec. 2-3-6 Village Attorney.**

- (a) **Appointment.** The Village Attorney is an appointed position. The Village Attorney shall be appointed pursuant to Section 2-3-2, 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) He/she shall, when requested by Village officers, give written legal opinions, which shall be filed with the Village.
  - (3) He/she shall draft ordinances, bonds and other instruments as may be required by Village officers.
  - (4) He/she may appoint an assistant, who shall have power to perform his/her duties and for whose acts he/she 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 Ordinance Enforcement Officer.**

- (a) **Appointment.** The Board of the Village of Rudolph is hereby authorized to appoint any person or persons to the office of Ordinance Enforcement Officer for such term or terms as may be designated by the Village Board. Compensation will be set by the Village Board and may further by resolution, remove any person from said office at the discretion of the Village Board.
- (b) **General Duties.** The Ordinance Enforcement Officer is hereby authorized to enforce all ordinances of the Village of Rudolph, whether heretofore or hereafter enacted, unless such ordinances specifically designate a different enforcing officer or do not designate any particular enforcing officer. An Ordinance Enforcement Officer shall in the performance of the officer's duties be subordinate and responsible to the Village of Rudolph President and/or Village Trustees and shall obey all lawful written or oral orders of the Village Board.

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

### **Sec. 2-3-8 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/her 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 officer pursuant to and fulfill the duties set out in state law.

### **Sec. 2-3-9 Fire Chief / Fire Inspector.**

The Fire Chief shall be selected and serve pursuant to the bylaws of the Rudolph Volunteer Fire Department.

**Cross-Reference:** Title 5, Chapter 2

### **Sec. 2-3-10 Assessor.**

- (a) Pursuant to Sections 61.195 and 66.0101, Wis. Stats., the Village of Rudolph hereby elects not to be governed by those portions of Sections 61.19 and 61.23, Wis. Stats., which relate to the selection and tenure of the Village Assessor, and which are in conflict with the Section.
- (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 a term and 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/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.

**State Law Reference:** Public Official's oaths and bonds, Sec. 1901, 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. 2-3-11 Building Inspector; Plumbing Inspector; Heating, Ventilating and Air Conditioning Inspector; Electrical Inspector.**

(a) **Appointment.**

(1) Inspectors shall be appointed pursuant to Section 2-3-2.

(2) Each inspector shall:

- a. Possess such executive ability as is requisite for the performance of his/her duties and shall have a thorough knowledge of the standard materials and methods used in the installation of equipment in his/her area of responsibility;
- b. Be certified as required by the State of Wisconsin.
- c. Have sufficient experience in the installation of equipment to enable him/her to understand and apply the appropriate codes adopted by the Village of Rudolph.

(b) **Authority to Enter Premises; Appeals.**

(1) In the discharge of their respective duties, each Inspector under this Section of his/her authorized agent may enter any building, upon presentation of the proper credentials, during reasonable hours for the purpose of inspection and may require the production of any permit or license required hereunder. No person shall interfere with the Inspector or his/her authorized agent while in the performance of his duties; and any person so interfering shall be in violation of this Section and subject to a penalty as provided by Section 1-1-6.

(2) If consent to entry to personal or real properties which are not public buildings or to portions of public buildings which are not open to the public for inspection purposes has been denied, the Inspector shall obtain a special inspection warrant under Sec. 66.0119, Wis. Stats.

(3) Any person feeling himself/herself aggrieved by any order or ruling of an Inspector may, within twenty (20) days thereafter, appeal from such order or ruling to the Board of Appeals, as established in the Zoning Code, such an appeal to be in writing.

(c) **Duties and Authority.** The Building Inspector shall have such responsibilities as are prescribed in this Section and Title 15 of this Code of Ordinances.

(d) **Stop Work Orders and Revocations.** The Building Inspector may order construction, installation, alteration or repair work stopped when such work is being done in violation of this Code of Ordinances. Work so stopped shall not be resumed, except with writing permission of the Inspector, provided if the stop work order is an oral one it shall be followed by a written order with a reasonable period of time.

(e) **Conflict of Interest.** No Inspector shall inspect any construction work in the Village in which the Inspector has a personal or financial interest either direct or indirect.

**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/her 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.

**Sec. 2-3-13 Oaths of Office.**

- (a) **Oath of Office.** Every officer of the Village shall, before entering upon his/her duties and within five (5) days of his/her 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 re-elected or re-appointed 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 Chapter 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 for any cause, the Board may appoint some person to discharge his/her duties until he/she returns or until such disability is removed.

**Sec. 2-3-15 Removal from Office.**

- (a) **Elected Officials.** Elected officials may be removed by the Village Board as provided in Sections 17.21(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.

**Sec. 2-3-16 Custody of Official Property.**

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

**Appendix A: Village of Rudolph Employee Grievance Policy**

*Please contact the Village Clerk for a copy of the Grievance Policy*