

Chapter 93

OFFICERS AND EMPLOYEES

[HISTORY: Adopted by the Village Board of Trustees of the Village of Hixton as indicated in article histories. Amendments noted where applicable.]

ARTICLE I

General Provisions

[Adopted 10-6-1987 (Secs. 2-3-1 and 2-3-9 through 2-3-14 of the 1987 Code of Ordinances)]

§ 93-1. 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 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 attorneys' fees.

§ 93-2. 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.

§ 93-3. 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. Every person elected or

appointed to the office of Village President, Trustee, and 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)]

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

§ 93-4. 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. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]
- 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.

§ 93-5. Removal from office. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]

- 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.

§ 93-6. 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.

§ 93-7. 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 re-elected or re-appointed to the same office shall take and file an official bond for each term of service.

ARTICLE II

Village Clerk-Treasurer

[Adopted 10-6-1987 (Sec. 2-3-2 of the 1987 Code of Ordinances)]

§ 93-8. Consolidated offices.

Pursuant to §§ 61.195, 61.197 and 66.01 of the Wisconsin Statutes, the Village hereby elects not to be governed by those portions of §§ 61.19, 61.23 and 61.25(2), Wis. Stats., which relate to the

selection and tenure of the Clerk and Treasurer, and which are in conflict with this article (Charter Ordinance).

§ 93-9. Creation of consolidated office.

The Village of Hixton hereby elects, pursuant to § 61.195, Wis. Stats., that the offices of Village Clerk and Village Treasurer shall be combined and that the official to perform the duties of such office after its combination and merger shall be selected as herein provided. There is hereby created the position of Clerk-Treasurer.

§ 93-10. Appointment; term. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]

The officer of Clerk-Treasurer shall be an appointive office. The Clerk-Treasurer shall be appointed by the Village President, subject to confirmation of a majority vote of all of the members of the Village Board. The Clerk-Treasurer shall hold office for an indefinite term, subject to removal as provided in § 17.13(1) and (3), Wis. Stats.

§ 93-11. 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 required 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.

ARTICLE III

Deputy Clerk-Treasurer

[Adopted 10-6-1987 (Sec. 2-3-3 of the 1987 Code of Ordinances)]

§ 93-12. Appointment; term; duties; bond.

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.

ARTICLE IV

Village Attorney

[Adopted 10-6-1987 (Sec. 2-3-4 of the 1987 Code of Ordinances)]

§ 93-13. Appointment.

The Village Attorney is an appointed position. The Village President shall at the organizational meeting in April appoint a Village Attorney, subject to confirmation by a majority of the members of the Village Board. The Village Attorney's term shall be at the pleasure of the Village Board.

§ 93-14. Duties.

The Village Attorney shall have the following duties:

- A. The Village Attorney shall conduct all of the legal business in which the Village is interested.
- B. He shall, when requested by Village officers, give written legal opinions, which shall be filed with the Village.
- C. He shall draft ordinances, bonds and other instruments as may be required by Village officers.
- D. 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.
- E. The Village Board may employ and compensate special counsel to assist in or take charge of any matter in which the Village is interested.
- F. The Village Attorney shall perform such other duties as provided by state law and as designated by the Village Board.

ARTICLE V

Fire Chief

[Adopted 10-6-1987 (Sec. 2-3-5 of the 1987 Code of Ordinances)]

§ 93-15. Appointment.

The Fire Chief shall be appointed pursuant to the bylaws of the Hixton Fire Department.

§ 93-16. Powers and duties of chief.

- A. 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.
- B. 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 article and the bylaws.
- C. It shall be the duty of the Chief or ranking officer of the Department 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 company when they arrive at a fire, to observe that the Department 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.
- D. 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.
- E. He shall keep a fire record book of every fire to which the Department 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.

ARTICLE VI

Weed Commissioner

[Adopted 10-6-1987 (Sec. 2-3-6 of the 1987 Code of Ordinances)]

§ 93-17. Appointment; term; oath.

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 appointment. The Weed Commissioner shall take the official oath, which oath shall be filed in the Office of the Village 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.

ARTICLE VII

Director of Public Works

[Adopted 10-6-1987 (Sec. 2-3-7 of the 1987 Code of Ordinances)]

§ 93-18. Appointment.

The Director of Public Works shall be appointed by a majority vote of the Village Board solely on the basis of merit, training, experience, administrative ability, efficiency and general qualifications and fitness for performing the duties of the position. For purposes of this Code of the Village of Hixton, the Village Superintendent of Streets may also be referred to as the Director of Public Works.

§ 93-19. Term.

The Director of Public Works shall hold office for an indefinite term subject to removal by a 3/4 vote of the Village Board.

§ 93-20. Duties and powers.

The Director of Public Works shall have the following duties and powers:

- A. He shall have general charge and supervision of all public works in the Village.
- B. He shall be responsible for the maintenance, repair and construction of streets, alleys, curbs and gutters, sidewalks, bridges, street signs, storm sewers, Village buildings and structures and all machinery, equipment and property used in any activity under his control.
- C. He shall have charge of all public services, including garbage and refuse collection and disposal, snow and ice removal, street cleaning and flushing, and mosquito and rodent control.
- D. He shall perform such other activities and duties as are imposed upon him from time to time by the Village Board or by his job description and employment contract.

ARTICLE VIII
Assessor
[Adopted 10-6-1987 (Sec. 2-3-8 of the 1987 Code of Ordinances)]

§ 93-21. Legislative authority; conflict.

Pursuant to §§ 61.195, 61.197 and 66.0101 of the Wisconsin Statutes, the Village hereby elects not to be governed by those portions of §§ 61.19 and 61.23 of the Statutes which relate to the selection and tenure of the Village Assessor, and which are in conflict with this article (Charter Ordinance).

§ 93-22. Appointment; oath; affidavit; independent contractor.

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 has been granted the appropriate certification under § 73.09, Wis. Stats. 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.

§ 93-23. Term.

The Assessor shall have an indefinite term of office, subject to removal under § 17.14(1), Wis. Stats.

§ 93-24. Income and expense information obtained by Assessor; confidentiality. [Added 5-16-2016]

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 said information may be revealed to and used by persons: in the discharging 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.