

## CHAPTER 4

### Village Officers and Employees

<i><b>Section Number</b></i>	<i><b>Title</b></i>	<i><b>Ordinance Number</b></i>	<i><b>Date of Ordinance</b></i>
2-4-1	Election of Village Officers; General Provisions	Charter Ord. 2010-02	09/19/2006
		2020-21	10/19/2010
2-4-2	Temporary Vacancies	2020-21	12/21/20
2-4-3	Official Oath and Bond		12/21/20
2-4-4	Compensation of Elective Village Offices	2018-15	10-05-18
		2019-16	12/03/19
		2020-21	12/21/20
2-4-5	Reimbursement of Expenses		
2-4-6	Compensation When Acting in More Than One Official Capacity		
2-4-7	Village Administrator	2015-02	03/16/2015
2-4-8	Village Clerk	2016-02	01/18/2016
		Charter Ord. 2020-02	12/21/2020
2-4-9	Deputy Village Clerk	2016-02	01/18/2016
		2020-21	12/21/2020
2-4-10	Village Treasurer	Charter 2006-002	09/19/2006
		2017-21	11/20/2017
2-4-11	Deputy Village Treasurer		
2-4-12	Village Constable and Marshal	Charter 2005-001	11/28/2005
2-4-13	Assessor		
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2-4-15	Weed Commissioner		
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2-4-19	Village Public Services Director	2017-18	10/16/2017
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2-4-20	Village Engineer	2021-12	11/15/2021
2-4-21	Municipal Court; Municipal Judge	2019-16	12/03/19
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2-4-24	Residency Requirements	2012-05	06/19/2012
		2019-05	02/18/2019
		2021-12	11/15/2021
2-4-25	Repealed	2010-06	11/07/2010
		2021-12	11/15/2021
		2021-14	12/06/2021

2-4-26	Expenditure Policy	2016-03	03/21/2016
		2017-17	10/16/2017
		2021-12	11/15/2021
		2021-14	12/06/2021

## SEC. 2-4-1 ELECTION OF VILLAGE OFFICERS; GENERAL PROVISIONS.

- (a) **Elected Village Officers.** At the annual spring election, members of the Village Board shall be elected pursuant to Section 2-3-1.
- (b) **Restrictions.**
- (1) Only an elector of the Village may hold a Village office, other than an Assessor appointed under Sec. 61.27, Wis. Stats., if the Village elects to change the office of Assessor to an appointed position.
  - (2) No person may hold the offices of Village Treasurer and Village Assessor at the same time. No person may assume the office of Village Assessor unless certified by the Department of Revenue, under Sec. 73.09, as qualified to perform the functions of the office of Village Assessor. If the Village reverts to a system of electing instead of appointing the Assessor and a person is elected to the office and is not certified by June 1 of the year elected, the office is vacant and the Village Board shall fill the vacancy from a list of persons certified by the Department of Revenue.
- (c) **Notice of Election.** Within five (5) days after completion of the canvass under Sec. 7.53, Wis. Stats., the Village Clerk shall transmit a notice of election to each person elected to a Village office.
- (d) **Term of Office.**
- (1) Every elected Village officer shall hold the office for two (2) years,
  - (2) The regular term of elected Village officers commence on the third (3rd) Tuesday of April in the year of their election.
  - (3) The provisions of this subsection do not apply to the Village Municipal Judge.
- (e) **Temporary Vacancy.**
- (1) If any elected Village officer, other than a Village Trustee, is absent or temporarily incapacitated from any cause, the Village Board may appoint, if there is no deputy officer for the office, a suitable person to discharge the duties of the office until the officer returns or the disability is removed. Appointees shall file the official oath and bond required under Sec. 61.22, Wis. Stats.
  - (2) If any elected Village officer, other than a Village Trustee, refuses to perform any official duty, the Village Board may appoint a suitable person to perform those duties which the officer refuses to perform. An appointee shall file the official oath and bond required of the office under Sec. 61.22, Wis. Stats. This Subsection does not preclude a finding that refusal to perform official duties constitutes cause under Sec. 17.13(3), Wis. Stats.
- (f) Village Officers Residing in New Incorporated Municipality or Annexed Territory. Notwithstanding Sec. 17.03(4), Wis. Stats., if, due to incorporation or annexation, any Village officer, except a Village Trustee or a municipal judge, becomes a resident of a

different city or village, the officer shall continue in the Village office and discharge the duties of the office until completion of the term for which elected.

**SEC 2-4-2 TEMPORARY VACANCIES.**

- (a) If any elected Village officer, other than a Trustee, is absent or temporarily incapacitated for any cause, the Village Board may appoint, if there is no deputy officer for the office, a suitable person to discharge the duties of the office until the officer returns or the disability is removed. Appointees shall file the official oath and bond required under Sec. 61.22, Wis. Stats.
- (b) Vacancies on the Village Board shall be filled by appointment in accordance with Sec. 17.24, Wis. Stat. Persons appointed under this Subsection to fill vacancies shall hold office for the residue of the unexpired term.
- (c) If any elected Village officer, other than a Trustee, refuses to perform any official duty, the Village Board may appoint a suitable person to perform those duties which the officer refuses to perform. An appointee shall file the official oath and bond required of the office under Sec. 61.22, Wis. Stats. This paragraph does not preclude a finding that refusal to perform official duties constitutes cause under Sec. 17.13(3), Wis. Stats.

**SEC. 2-4-3 OFFICIAL OATH AND BOND.**

- (a) **Official Oath.** Except as provided in Subsection (c), every elected or appointed Village officer shall take and file the oath under Sec. 19.01, Wis. Stats., within five (5) days after notification of election or appointment.

**SEC. 2-4-4 COMPENSATION OF ELECTIVE VILLAGE OFFICES.**

- (a) **Established by Village Board.** The Village Board shall establish the compensation of elective Village offices.
- (b) **Nature of Compensation.** Compensation under this Section may be:
  - (1) An annual salary.
  - (2) A per diem compensation for each day or part of a day necessarily devoted to the service of the Village and the discharge of duties.
  - (3) A combination of the above.
- (c) **Changes During Term.** Except as may be provided for in Subsections 2-4-4(e) and 2-4-20(c), the Village Board may make no changes in the compensation of an elective Village office to take effect during the term of office.
- (d) **When Established.** Compensation under this Section shall be established prior to the earliest date and time for filing nomination papers for the elective office. After that date and time, no change may be made in the compensation of the office that applies to the current term of office, except as provided for in Subsection 2-4-20(c) for the Municipal Judge and as may be provided for under Sec. 66.0507, Wis. Stat., which provides for the adoption of automatic salary schedules for employees and officers of the Village, except

for members of the Village Board. The compensation established for an elective office remains in effect for the ensuing terms unless changed in accordance with this Section and Wis. Stat. Sec. 61.193 and Sec. 66.0507.

**SEC. 2-4-5 REIMBURSEMENT OF EXPENSES.**

- (a) **Generally.** The Village Board may provide for reimbursement of expenses necessarily incurred by any office or employee of the Village in the performance of official Village duties. The Board may determine who is eligible for expense reimbursement, which expenses are reimbursable and the amount of reimbursement. Expenses reimbursable under this Section include, but are not limited to:
  - (1) Traveling expenses, including mileage, lodging and meal expenses.
  - (2) Costs associated with programs of instruction related to the officer's or employee's office or employment.
- (b) **Manuals.** The Village Board may purchase handbooks and manuals that will materially assist Village officials and employees in the performance of official duties.
- (c) **Authorized Employees.** In addition to the salary or other compensation established for an officer or employee of the Village, including members of the Village Board, reimbursement for the following expenses shall be allowed:
  - (1) Mileage expenses for travel:
    - a. to and from meetings other than regularly scheduled meetings;
    - b. within the Village to respond to or investigate questions or complaints regarding Village matters; and
    - c. to meetings outside of the Village when authorized by the Village Board or its designee.
  - (2) Meal, lodging and other related expenses when authorized by the Village Board, or its designee or the Village Chair in the case of a Village Board member.
  - (3) Mileage expenses shall be reimbursed at the current rate set by the Internal Revenue Service.
  - (4) Meal, lodging and related expense rates may be established by the Village Board, from time to time.
- (d) **Certification.** An officer or employee seeking reimbursement for expenses shall file a certified statement of the expense(s), along with supporting documentation, on a form provided by the Village.
- (e) **Advances.** Persons authorized to travel on behalf of the Village may apply in advance to the Village Administrator for reimbursable expenses, but shall certify and account for all expenses, as provided in subsection (d) on completion of the travel.

Cross-Reference: Title 2, Chapter 7.

**SEC. 2-4 6 COMPENSATION WHEN ACTING IN MORE THAN ONE OFFICIAL CAPACITY.**

Except for offices combined under Sec. 60.305, Wis. Stats., the Village may not compensate a Village officer for acting in more than one (1) official capacity or office of the Village at the same time.

State Law Reference: Sections 60.323 and 946.13, Wis. Stats.

**SEC. 2-4-7 VILLAGE ADMINISTRATOR.**

- (a) **Office Created.** In order to provide the Village of Caledonia with a more efficient, economical, coordinated, responsible, and responsive municipal government under a system of a part-time President and part-time Trustees and at a time when Village government is becoming increasingly complex, the position of Village Administrator is created.
- (b) **Appointment, Removal.** The Village Administrator shall be appointed by a majority vote of the Village Board. As determined by written agreement, the Village Administrator shall serve at the pleasure of the Village Board or for a fixed term.
- (c) **Duties and Responsibilities.** The Village Administrator shall serve as the Chief Administrative Officer of the Village of Caledonia, responsible to and under the general direction for proper administration of all activities of the Village. To this end, the Village Administrator shall have the following powers and duties:
  - (1) Carry out all actions and directives of the Village Board which require administrative implementation or where the President and/or Village Board have so directed.
  - (2) Direct, coordinate, and expedite the activities of all Village departments, except where such authority is vested by Wisconsin Statute or Village ordinance in boards, commissions, or other Village officers.
  - (3) Develop budgeting procedures, prepare, and administer the annual operating and capital budgets in accordance with such guidelines as may be provided by the Village Board and in coordination with all Village officials.
  - (4) Supervise the purchase of all materials, supplies, and equipment for which funds are provided in the budget.
  - (5) Perform the duties of personnel director, participating with department heads in the employment, training, and evaluation of all Village non-sworn personnel; recommend salary and wage rates for employees not covered by collective bargaining agreements; direct all labor negotiations for the Village. For administrative positions required by statute or ordinance to be appointed by the President and confirmed by the Village Board, the Village Administrator shall submit the names of qualified individuals for consideration by the President and Village Board, and any such appointment to an administrative office shall require the endorsement of the Village Administrator.
  - (6) Act as public relations officer and government affairs officer.

- (7) Prepare reports and recommendations for the Village Board and advisory boards and commissions on operational or policy matters before them and on any other actions necessary to improve the overall health, safety, and welfare of the Village of Caledonia.
- (8) Submit as deemed necessary recommendations or suggestions for improving the health, safety, or welfare of the Village and shall institute and operate a system whereby Village employees, as well as persons having business with the Village Board or any Village department, may properly and efficiently conduct such business.
- (9) Establish and maintain procedures to facilitate communication between citizens and Village government to assure that complaints, grievances, recommendations, and other matters receive prompt attention and to assure that all such matters are expeditiously resolved.
- (10) Promote the economic well-being and growth of the Village through public and private sector cooperation.

#### **SEC. 2-4-8 VILLAGE CLERK.**

- (a) **Office Created.** In order to provide the Village of Caledonia with a more efficient, economical, coordinated, responsible, and responsive municipal government under a system of a part-time President and part-time Trustees and at a time when Village government is becoming increasingly complex, the position of an appointed Village Clerk is created.
- (b) **Appointment, Removal.** The Village Clerk shall be appointed by a majority vote of the Village Board. The Village Clerk shall serve at the pleasure of the Village Board or for a fixed term, as determined by the Village Board. The Village Clerk shall be considered an employee of the Village and shall comply with the Village's Personnel Manual, as revised from time to time.
- (c) **Duties and Responsibilities.** The Village Clerk shall serve under the general direction of the Village Board for proper administration of the Clerk's Office and all Village Clerk duties as set forth in this ordinance and the job description, as established by the Village Board. To this end, the Village Clerk shall have the following powers and duties:
  - (1) **Clerk of Village Board and other Village bodies.** Serve as Clerk of the Village Board under Sec. 61.25, Wis. Stats., and carry out the duties as specified in §61.25 of the Wisconsin Statutes for a Village Clerk and any other related duties as specified by the Village Board of Trustees including:
    - a. Serve as Clerk of the Village Board, attend meetings of the Board and such other bodies of the Village as directed, and keep a full record of all such proceedings; and
    - b. File all accounts approved by the Village Board and enter a statement of the accounts in the Village's record books.
  - (2) **Village Board Oversight.** Carry out all actions and directives of the Village Board which require administrative implementation or where the President and/or Village Board have so directed.

- (3) **Clerk's Office and Oversight.** Be responsible for and oversee and monitor the day-to-day administration and coordination of Village Clerk's office and supervise any appointed Deputy Clerk(s).
- (4) **Communications; Code of Ordinances.** Oversee the Code of Ordinances, publications including:
  - a. Establish and maintain procedures to facilitate communication between citizens and Village government to assure that complaints, grievances, recommendations, and other matters receive prompt attention and to assure that all such matters are expeditiously resolved.
  - b. Keep informed concerning current Federal, State and County legislation and administrative rules affecting the responsibilities of Village Clerks and submit appropriate reports and recommendations thereon to the Board.
- (5) **Elections and Appointments.**
  - a. Perform the duties required by Chapters 5 to 12, Wis. Stats., relating to elections.
  - b. Transmit to the County Clerk, within ten (10) days after election or appointment and qualification of any Village Trustee, Treasurer, Assessor or Clerk, a written notice stating the name and post office address of the elected or appointed officer. The Clerk shall promptly notify the County Clerk of any subsequent changes in such offices.
  - c. Transmit to the Clerk of Circuit Court, immediately after the election or appointment of any Municipal Judge in the Village, a written notice stating the name of the Municipal Judge and the term for which elected or appointed. If the Judge was elected or appointed to fill a vacancy, the Clerk shall include in the notice the name of the incumbent who vacated the office.
- (6) **Sale of Real Property.** Execute the conveyance of real property of the Village.
- (7) **Notices.**
  - a. Publish and/or post ordinances and resolutions as required under Wisconsin Statutes.
  - b. Draft Agendas and give notice of regular and special Village Board and other Village committees, boards, commission and bodies of meetings as required under applicable ordinance and the Wisconsin Statutes.
- (8) **Records.**
  - a. Comply with Subch. II of Chapter 19, Wis. Stats., concerning any record of which the Clerk is legal custodian.
  - b. Demand and obtain the official books and papers of any Municipal Judge if the office becomes vacant and the Judge's successor is not elected or appointed and qualified, or if any Municipal Judge dies. The Village Clerk shall retain and dispose of the books and papers as required by law.
- (9) **Licenses.** Issue any license or permit granted by the Village Board when presented with a receipt from the Village Treasurer indicating that any required fee has been paid.
- (10) **Schools.**
  - a. Perform any municipal clerk's duties under Chapters 115 to 121, Wis. Stats., relating to public instruction.

- b. Within ten (10) days after the Clerk's election or appointment, report his or her name and post office address to the administrator of each school district or schools which contains any portion of the Village.
  - c. Make and keep in the Clerk's office a map of the Village, showing the exact boundaries of school districts within the Village.
  - d. Apportion, as provided by law, tax revenues collected by the Village for schools.
- (11) **Highways and Bridges.** Perform any duties specified in Chapters 83-89 and 90, Wis. Stats., relating to highways, bridges, drains and fences.
- (12) **Property Taxes; Notice of Property Tax Revenue.** Comply with all requirements set forth in Chapters 70 to 79, Wis. Stats., assigned to municipal clerks. Notify the Treasurer of the county in which the Village is located, the proportion of property tax revenue and the credits under Sec. 79.10, Wis. Stats., by the deadlines set in that statute, that is to be disbursed by the County Treasurer to each taxing jurisdiction located in the Village.
- (13) **In General.** Perform all other duties required by law, ordinance or lawful direction of the Village meeting or Village Board.
- (d) **Compensation.** The compensation of the Village Clerk shall be fixed by the Village Board.
- (e) **Finance Book.** Maintain a finance book, which shall contain a complete record of the finances of the Village, showing the receipts, with the date, amount and source of each receipt; the disbursements, with the date, amount and object of each disbursement; and any other information relating to Village finances prescribed by the Village Board. The financial records the Village Clrk is expected to maintain are in addition to, not in lieu of, those the Village Treasurer is expected to maintain.

#### **SEC. 2-4-9 DEPUTY VILLAGE CLERK.**

When authorized by the Village Board, the Village Clerk shall appoint one (1) or more deputies for whom the Village Clerk is responsible. A deputy shall take and file the official oath and bond under Sec. 61.22, Wis. Stat., and shall be considered an employee of the Village and shall comply with the Village's Personnel Manual, as revised from time to time. The Village Clerk shall designate a deputy to perform the Clerk's duties during the absence, sickness, or other disability of the Clerk. In the event of a vacancy in the office of Village Clerk, any such appointment to deputy shall continue until the appointment of a new Village Clerk and such deputy shall perform such Clerk duties during such vacancy.

#### **SEC. 2-4-10 VILLAGE TREASURER.**

The Village Treasurer shall be appointed by a majority vote of the Village Board for an indefinite term, serving at the pleasure of the Village Board pursuant to Sec. 17.13(1), Wis. Stats. The Village Treasurer shall:



- (a) **Receive and Disburse Village Money.**
  - (1) Receive and take charge of all money belonging to the Village, or which is required by law to be paid into the Village treasury, and disburse the money under Sec. 66.0607, Wis. Stats.
  - (2) Keep an itemized account of all moneys received and disbursed, specifying the source from which it was received, the person to whom it was paid and the object for which it was paid. The Treasurer shall issue numbered receipts for all funds received. At the request of the Village Board, the Treasurer shall present the account books, and any supporting documents requested, to the Board.
- (b) **Deposit of Village Money.**
  - (1) Deposit as soon as practicable funds of the Village in the name of the Village in the public depository designated by the Village Board. Failure to comply with this paragraph is grounds for removal from office.
  - (2) When money is deposited under Subsection (b)(1), the Treasurer and the Treasurer's sureties are not liable for any loss as defined in Sec. 34.01(2), Wis. Stats. The interest arising from the money deposited shall be paid into the Village treasury.
- (c) **Records.** Comply with Subch. II of Ch. 19, Wis. Stats., concerning records of which the Treasurer is legal custodian.
- (d) **Taxes.** Perform all of the duties relating to taxation required of the Village Treasurer under Chapters 70 to 79, Wis. Stats.
- (e) **Compliance with other statutory obligations.**

Comply with all requirements imposed upon municipal treasurers by all other applicable chapters and sections of the Wisconsin Statutes.
- (f) **Treasurer's Bond; Liability for Default.**
  - (1) Bond Eliminated. The Village elects not to give the bond on the Village Treasurer provided for by Wis. Stat. Sec. 70.67(1).
  - (2) Liability for Default. Pursuant to Wis. Stat. Sec. 70.67(2), the Village shall pay all state and county taxes required by law to be paid by the Village Treasurer to the County Treasurer, if the Village Treasurer fails to do so.

#### **SEC. 2-4-11 DEPUTY VILLAGE TREASURER.**

When authorized by the Village Board, each Village Treasurer may appoint a deputy for whom the Treasurer is responsible. The Deputy shall take and file the official oath and bond under Sec. 60.31. In case of the absence, sickness or other disability of the Treasurer, the Deputy shall perform the Treasurer's duties.

#### **SEC. 2-4-12 VILLAGE CONSTABLE AND MARSHAL.**

Pursuant to Sec. 61.195, Wis. Stats, the Village of Caledonia has abolished the offices of Constable and Marshal.

**SEC. 2-4-13 ASSESSOR.**

(a) **Qualification.**

- (1) The Assessor, or assessment firm, shall be certified by the Department of Revenue under Section 73.03(2)(b), Wis. Stats., as qualified to perform the functions of an Assessor. Pursuant to Sec. 60.307(2), Wis. Stats., the Assessor shall be appointed by majority vote of the Village Board for a term of office as determined by employment contract.
- (2) The Village Assessor so appointed need not be a resident of the Village of Caledonia and may hold the office of Assessor for another Village or municipality with the consent of the Village Board.

- (b) **Duties.** The Assessor shall begin under Section 70.10, Wis. Stats., to make an assessment of all of the property in the Village liable to taxation, as prescribed by law. The Assessor shall return the assessment roll to the Village Clerk at the same time and in the same manner in which Village Assessors are required to do as required by Chapter 70, Wis. Stats.

State Law Reference: Section 60.307(2) and Ch. 70, Wis. Stats.

Annotation: Petzek vs. Graves, 33 Wis. 2d 175 (1967).

**SEC. 2-4-14 BUILDING INSPECTOR.**

(a) **Building Inspector Position.**

- (1) There is hereby created the position of Building Inspector who shall be appointed by the Village Board. He shall have an indefinite term of office. The Building Inspector shall be fully certified by the State of Wisconsin to enforce the One- and Two-Family Building Dwelling Code and other Village building ordinances.

(b) **Powers and Duties.**

- (1) The Building Inspector shall enforce the Village's building and housing codes and all other ordinances, laws, and orders of the Village and State which relate to building construction, alteration, and repair. With the consent of the Village Board, he may appoint one (1) or more Village employees or officials, with appropriate certification, as deputy building inspectors and may delegate to them the above-mentioned powers and duties but such appointment shall not carry with it any increase in salary or wages.
- (2) The Building Inspector shall make all inspections necessary for compliance and enforcement of the Building Code.
- (3) The Building Inspector shall have the power to order all work stopped on construction, alteration, or repair of buildings 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. 2-4-15 WEED COMMISSIONER.**

The Weed Commissioner shall be appointed by the Chairperson, 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 Village Clerk, 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. 2-4-16 VILLAGE ATTORNEY.**

- (a) **Election.** The Office of Village Attorney is an appointed position. The Village Attorney shall be appointed by the Village Board and shall serve at the pleasure of the Board.
- (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, given 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. 2-4-17 CHIEF OF POLICE.**

- (a) **Appointment.**
  - (1) The Chief of Police shall be appointed by the Village Board, following a recommendation from the Police and Fire Commission. The Chief of Police shall hold office during good behavior, subject to suspension or removal pursuant to state law. The Chief of Police shall serve a probationary period of one (1) year, unless otherwise approved for a different period by the Village Board, or if extended for a just cause by the Village Board. During the probationary period, the Village Board may, at its option, lay off, or terminate with or without cause, said probationary employee without recourse to any grievance and arbitration procedures.

- (2) The compensation to be paid the Chief of Police for their 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 Village Board from time to time.
- (b) **General Duties.**
- (1) The Chief of Police shall have command of the Police Department. He shall have general administration and control of the Department and shall be responsible for the Department's government, efficiency, and general good conduct. He shall perform all duties prescribed to him by laws of the State and ordinances of the Village and shall obey all lawful written orders of the Chairperson or Village Board.
  - (2) The Chief of Police shall cause the public peace to be preserved and may arrest and, with reasonable diligence, take before the proper court every person found in the Village engaged in any disturbance of the peace or violating any law of the State or ordinance of the Village. The Chief shall cooperate with other law enforcement officers in the arrest or apprehension of persons charged with crime.

**SEC. 2-4-18 FIRE CHIEF AND FIRE INSPECTOR.**

- (a) **Appointment.** The Fire Chief shall be appointed by the Village Board, following a recommendation from the Police and Fire Committee.
- (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) 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 ordinance and the bylaws.
  - (3) It shall be the duty of the Chief 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 companies when they arrive at a fire, to observe that every company 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.
  - (4) 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.
  - (5) He shall keep a fire record book of every fire to which any company 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.

**SEC. 2-4-19 PUBLIC SERVICES DIRECTOR.**

The Public Services Director shall oversee the Engineering Department, the Highway Department, and Caledonia Sewer and Water Utility Districts and the Caledonia Storm Water Utility District. All references in the Municipal Code of Ordinances to the Utility Director shall be considered to mean Public Services Director.

- (a) **Appointment.** The Public Services Director shall be appointed by the Village Board for an indefinite term of office and shall serve at the pleasure of the Village Board. In the absence of an appointment, the Village Board may appoint a qualified person, firm, or corporation as Acting Public Services Director for a particular period of time or for a particular project with the same authority as specified in this Section for the Public Services Director.
- (b) **Powers, Duties and Responsibilities.** The Public Services Director shall have the following powers, duties, and responsibilities:
- (1) Serve as an advisor to and report directly to the Village Administrator and Village Board.
  - (2) Serve as an advisor to the Utility District Commission on engineering projects for the Caledonia Sewer Utility District, Caledonia Water Utility District, and the Caledonia Storm Water Utility District.
  - (3) Carry out projects and policy at the direction of the Village Board and the Utility District Commission.
  - (4) Plan and manage the Caledonia Sewer Utility District, Caledonia Water Utility District, and the Caledonia Storm Water Utility District.
  - (5) Have general oversight of the employees of the Utility District, Highway Department, Engineering Department, Building Department, and Parks Department and assist the Village Administrator in the employment, training, and evaluation of the Village employees assigned to the Utility Districts and those departments.
  - (6) Plan and manage the Village's Highway Department, Engineering Department, Building Department, and Parks Department.
  - (7) Serve as an advisor to the Plan Commission on matters that come before it.
  - (8) All such powers, responsibilities and duties as set forth in the job description as adopted by Resolution of the Village Board from time-to-time.

**SEC. 2-4-20 VILLAGE ENGINEER.**

- (a) **Appointment.** The Village Engineer shall be appointed by the Village Board for an indefinite term of office and shall serve at the pleasure of the Village Board. In the absence of an appointment, the Village Board may appoint a qualified person, firm, or corporation as Acting Village Engineer for a particular project with the same authority as specified in this Section for the Village Engineer
- (b) **Powers, Duties and Responsibilities.** The Village Engineer shall have the following powers, duties, and responsibilities:
1. Serve as an advisor to and report directly to the Village Public Services Director
  2. Organize, supervise, and direct the day-to-day operations and activities of the Engineering Department and Building Department.,
  3. Serve as an advisor to the Plan Commission on matters that come before it.

4. Carry out projects and policy at the direction of the Village Public Services Director.
5. Have general oversight of the employees of the Village's Engineering Department and Building Department, and assist the Village Public Services Director in the employment, training, and evaluation of those department's employees.
6. Administer and oversee development within the Village, particularly Titles 14 and 18 of this Code of Ordinances and shall have the authority to establish such procedures in accord with Titles 14 and 18 of this Code of Ordinances for the submission and review of development and construction plans as are necessary to effectuate the intent of Titles 14 and 18.
7. All such powers, responsibilities and duties as set forth in the job description as adopted by Resolution of the Village Board from time-to-time.

#### **SEC. 2-4-21 MUNICIPAL COURT; MUNICIPAL JUDGE.**

- (a) **Municipal Court Created.** Pursuant to the authority granted by Sec. 755.01, Wis. Stats., there is hereby created a Municipal Court designated "Municipal Court for the Village of Caledonia, Racine County, Wisconsin."
- (b) **Election; Term.** The Municipal Judge shall be elected at large in the spring election for a term of four (4) years, with each term commencing May 1 of the year of the judge's election.
- (c) **Salary.** The Municipal Judge shall receive a salary which will be determined by the Village Board and will be in lieu of fees and costs. The salary may be increased before the start of the 2<sup>nd</sup> or subsequent year of service of the term of the Municipal Judge, but shall not be decreased during a term. No salary shall be paid for any time during the term for which the judge has not executed the official bond and official oath, as required by Sec. 755.03, Wis. Stats., and filed under Sec. 19.01(4)(c), Wis. Stats.
- (d) **Bond; Oath.** The Municipal Judge shall, after election, take and file the official oath prescribed by Sec. 757.02(1), Wis. Stats., and file an official bond in the amount of One Thousand Dollars (\$1,000.00) in accordance with Sec. 755.03, Wis. Stats. The cost of the bond will be paid by the Village.
- (e) **Jurisdiction.** The Municipal Court shall have jurisdiction as provided in Sections 755.045 and 755.05, Wis. Stats., and any amendments.
- (f) **Procedure.**
  - (1) The Municipal Court for the Village of Caledonia shall be open as determined by the order of the Village Board of the Village of Caledonia or by the Municipal Judge.
  - (2) The Municipal Judge shall keep office and hold court in the Village of Caledonia Municipal Courtroom.
  - (1) Except as provided by law, the procedure in Municipal Court shall be as set forth in Chapter 800, Wis. Stats.
  - (4) All forfeitures, fines, and taxable costs collected as a result of any action or proceeding in Municipal Court shall be paid to the Village Treasurer no later than the fifth (5th) business day following the receipt thereof.
- (g) **Contempt of Court.**

- (1) Statutory Authority. Pursuant to Sec. 800.12, Wis. Stats., as amended from time to time, the Municipal Judge shall be empowered to assess a forfeiture not to exceed Fifty Dollars (\$50.00), or in default of payment thereof, cause imprisonment for not more than seven (7) days in the Racine County Jail for contempt of court.
- (2) **Contempt Defined.** "Contempt of court" means intentional:
  - a. Misconduct in the presence of the court which interferes with a court proceeding or with the administration of justice, or which impairs the respect due to the court;
  - b. Disobedience, resistance, or obstruction of the authority, process, or order of a court;
  - c. Refusal as a witness to appear, be sworn, or answer a question; or
  - d. Refusal to produce a record, document, or other object.

State Law Reference: Chapters 755 and 800, Wis. Stats.

## **SEC. 2-4-22 VILLAGE EMPLOYEES.**

- (a) **Authorization.** The Village Board or its designee, may employ on a temporary or permanent basis, people to carry out the functions of Village government and establish the qualifications and terms of employment, which may include residency, if allowed by Wisconsin Statute.
- (b) **Hiring.** The Village Board shall approve the creation of each employment position, prior to filling the position.
- (c) **Approval of Candidate.** Except as delegated under subsection (a), the Village Board shall approve the hiring of the candidate(s) to fill the positions of Administrator, Finance Manager, Engineer, Manager of Building and Development, and Highway Superintendent prior to commencing work for the Village. All other employment positions can be filled by the appropriate department head with the approval of the Village Administrator, unless hiring authority has been delegated under another Village ordinance, Wisconsin Statute or by an agreement between the Village and another party. If hiring authority has been delegated, then hiring shall occur in accordance with such ordinance, Wisconsin Statute or agreement.
- (d) **Police Department and Fire Department Employees.** Vacancies in the Police Department and Fire Department, other than entry level positions, shall be reviewed by the Village Board prior to filling. The Village board shall determine if filling the position is appropriate, and if appropriate, shall be filled in accordance with Sec. 2-5-4 of the Village's Code of Ordinances.
- (e) **Seasonal and Temporary Employees.** A list of seasonal employees, i.e., snow plow operators, poll workers, tax collection personnel, etc., shall be submitted by the appropriate department manager to the Village Board for review, on an annual basis. No seasonal or temporary employee shall be allowed to exceed 600 hours of employment per year without the approval of the Village Board.
- (f) **Wage Increases for Non-Contractual Employees.** An increase in wages for a non-contractual employee shall not be approved unless it has been submitted by the appropriate department head to the Village Administrator for review and recommendation to the

Finance Committee of the Village Board. The Finance Committee shall then review the information presented and submit its recommendation to the full Village Board for action.

**SEC. 2-4-23 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. 2-4-24 RESIDENCY REQUIREMENTS.**

- (a) **Residency Required.** The Police Chief, Fire Chief, and all officers of the Police and Fire Department with a rank of Sergeant or above, and Emergency Personnel shall establish and maintain his or her actual Residence within 15 miles of the jurisdictional boundaries of the Village of Caledonia. Any such employee designated in this subsection who does not reside within the prescribed distance from the Village shall be ineligible for employment by the Village, except as otherwise provided under this Section.
- (b) **Definitions.**
  - (1) "Residence" shall be construed to mean the actual living quarters which must be maintained by an employee specified in subsection (a). Neither where an employee votes nor the payment of taxes of any kind by itself by an employee shall be deemed adequate to satisfy the requirements of this section, nor shall the provisions of this section be satisfied by the maintaining of a rented room or rooms by an employee solely for the purpose of establishing residence within 15 miles of the jurisdictional boundaries of the Village when it appears that his or her residence is outside of the prescribed distance from the Village. Ownership of real property within the Village, when not coupled with maintaining of actual living quarters within the prescribed distance from the Village as herein required, shall be deemed insufficient to meet the requirements of this Section.
  - (2) "Emergency Personnel" shall be defined as the Village Administrator, Public Works Director, Utility Director, and such other employees as designated by Resolution of the Village Board from time-to-time.
- (c) **Administration of this Section.** This Section shall be administered by the Personnel Committee or in the case of appointments made by the Police and Fire Commission, then the Police and Fire Commission.
- (d) **New Employees.** A newly hired employee shall have such period of time as determined by the Personnel Committee or the Police and Fire Commission, as applicable, not to exceed 12 months, from the date of employment in which to establish such primary residency under subsection (a) above.
- (e) **Represented Employees.** The Village recognizes that residency requirements may be different for represented employees according to the respective labor agreements and this Section shall not be construed to modify those provisions.



- (f) **Existing Employees.** Employees of the Village who do not reside within 15 miles of the jurisdictional boundaries of the Village on the date of adoption of this Section shall not be required to move their residence to comply with this Section. However, if such employees move from their current Residence, such employees shall not move further away from the Village jurisdictional boundaries unless otherwise allowed under this Section or approved by the Personnel Committee or the Police and Fire Commission, as applicable.
- (g) **Effect of Move.** Any permanent employee of the Village who is required by this Section to reside within the 15 mile radius of Village jurisdictional boundaries, and who moves his or her residence outside of the restriction, shall be deemed to resign his/her position with the Village on the date that the transfer of residency takes place, effective immediately, unless otherwise allowed under this Section.
- (h) **Extension.** Whenever it shall appear to the Personnel Committee or the Police and Fire Commission, as applicable, that good cause exists for granting extensions of time to employees of the Village to obtain residences within 15 miles of the jurisdictional boundaries of the Village under this Section, or if a new or prospective employee of the Village would require a reasonable period of time in order to establish a residence within the prescribed distance from the Village so as to meet the requirements of this Section, the Personnel Committee or the Police and Fire Commission, as applicable, may allow such employee a period of not to exceed an additional 6 months in which to satisfy the requirements of this Section.
- (i) **Exceptions.**
  - (1) The residency requirement shall not apply where, in the judgment of the Personnel Committee or the Police and Fire Commission, as applicable, the best interests of the Village will be served by the employment of a non-resident person who is particularly well-qualified for the position by reasons of education, background and experience.
  - (2) Whenever it shall appear to the Personnel Committee or the Police and Fire Commission, as applicable, that an employee should be granted a temporary exception from the requirements of this section, the Personnel Committee or the Police and Fire Commission shall review such request and make a finding based upon the evidence presented.
- (j) **Compliance.** In construing and applying the provisions of this section, the provisions of any section inconsistent herewith shall be deemed amended so as to be in all respects consistent with the provisions of this Section.

**SEC. 2-4-25 REPEALED.**

Editor's Note: Ordinance 2021-14 Repealed prior Section 2-4-24 - Local Board of Health.

**SEC. 2-4-26 EXPENDITURE POLICY.**

- (a) **Purpose.** To emphasize the importance of fiscal responsibility and provide financial protection of Caledonia taxpayers.
- (b) **Applicability.** Effective January 1, 1998, this section shall apply to all departments and entities that receive funds from the Village.

- (c) **Prohibition.** No department or entity’s fiscal year budget for any line item shall be exceeded, unless a budget amendment is approved by a vote of two-thirds of the Village Board.
- (d) **Routine Purchasing.**
  - (1) General Considerations. The Finance Department is responsible for ensuring that all procurements comply with Village policies and procedures, as well as state law. The Village of Caledonia’s purchasing policy may be more, but not less, restrictive than allowed under Wisconsin statutes. All purchasing decisions shall reflect the Village’s finite financial resources and the effect of such decisions on Village taxpayers. Procurement transactions must be conducted in a manner that provides open and free competition. Where appropriate, employees are also encouraged to utilize cooperative purchasing opportunities with other governmental agencies, municipalities and Village departments, and to actively consider patronizing Wisconsin businesses, particularly businesses within Racine County, as well as small and minority-owned businesses, and businesses located in labor surplus areas of Wisconsin. The Village Administrator is a resource to assist and provide purchasing guidance as needed.
  - (2) Limitations.
    - a. All purchases must be made within the constraints of the approved annual Village budget, which is subject to change by the Village Board via the procedures set forth in sec. 65.90, Stats, and Village ordinance.
    - b. Contracts. Public construction contracts shall be let as required by state law and Village ordinance. All personal and professional service contracts shall be in writing. Vendor contracts, including any documents labeled as “agreements,” “purchase orders,” “terms of sale,” or otherwise, shall, prior to execution, be reviewed by, as necessary, the department head, the Village Administrator, the Finance Director, the Village Attorney, and, when deemed necessary by such reviewers, shall be referred to the Village Board for its consideration and possible action. Once executed, the cost of a contract may not be increased without the approval of the Village Administrator and, if the proposed change would increase the contract cost by 7% or more, without the approval of the Village Finance Committee. Once executed, the scope of a contract may not be changed unless the Village Administrator prepares a written summary of the proposed change, which must be approved by the Village Board. In no event may a contract be executed or amended until sufficient funds to cover the initial or changed contract amount have been formally budgeted by the Village Board. The Village Administrator shall keep the Board apprised of the progress of executed contracts and of any issues with such contracts that may arise.
    - c. Repealed.
    - d. This purpose and goal of this subsection is to ensure that the Village receives the most advantageous purchasing terms possible; the subsection is not adopted to benefit product or service vendors. Therefore, to the maximum extent allowed by law, the Village, through its authorized agents, reserves the right, if unique circumstances so warrant, to waive any technicalities and procedures set forth in this subsection and to accept any

proposal that is deemed to be to the greatest benefit of the Village.

(3) Procedure.

- a. Initiation. Department staff (“Initiator”) shall identify procurement needs as they arise, discuss such needs with the department head or department manager, and perform necessary research to define specifications and identify product(s) that will meet the needs.
- b. Approval and Payment. If a proposed purchase is within the implicated department’s budget, Initiator shall take the following steps, depending upon the cost of the proposed purchase. Purchases shall not be divided into smaller increments in order to avoid or circumvent the approval and payment procedures required by this subsection.
  - i. Less than \$50:
    1. Obtain prior department head approval;
    2. If applicable, complete a petty cash form and present to cashier;
    3. Complete the purchase using an authorized Purchasing Card (P-Card), when possible.
  - ii. \$50 or more, but less than \$3,000:
    1. Obtain prior department head approval;
    2. Complete the purchase using an authorized P-Card, when possible, or complete a purchase order, attach the supporting documentation, and forward to Finance Department for payment.
  - iii. \$3,000 or more, but less than \$10,000:
    1. Soliciting quotes from three (3) or more vendors who compete for the business, which may result in meaningful savings for the Village;
    2. If obtained, review quote sheet(s) from vendor(s);
    3. Obtain prior department head approval;
    4. Complete the purchase using an authorized P-Card, when possible (contact Finance Director if the cost exceeds department head’s authorized limit), or, if the vendor will not accept P-Card payment, complete a purchase order, attach the supporting documentation (including the quotes), and forward to Finance Department for payment.
  - iv. \$10,000 or more, but less than \$25,000:
    1. Solicit quotes from three (3) or more vendors (quotes may be obtained via email, telephone, Internet, or fax);
    2. Review quote(s) from vendors (if less than three (3) quotes received, provide documentation of solicitation to other vendors);
    3. Forward quotes to, and obtain prior approval from, Village Administrator;

4. Complete the purchase using an authorized P-Card, when possible (contact Finance Director if the cost exceeds department head's authorized limit), or, if the vendor will not accept P-Card payment, complete a purchase order, attach the supporting documentation (including the quotes), and forward to Finance Department for payment.
- v. \$25,000 or more, and up to \$50,000:
1. Solicit written quotes on vendor letterhead from a minimum of three (3) vendors;
  2. Review quotes with department staff and department head, identifying the lowest quote meeting specifications, and documenting why any lower quotes are not acceptable (e.g., how/why quote does not meet specs);
  3. Forward quotes to, and obtain prior approval from, Village Administrator;
  4. Forward quotes to, and obtain prior approval from, Finance Director;
  5. Complete the purchase using an authorized P-Card, when possible (contact Finance Director if the cost exceeds department head's authorized limit), or, if the vendor will not accept P-Card payment, complete a purchase order, attach the supporting documentation (including the quotes), and forward to Finance Department for payment.
- vi. Greater than \$50,000: (Formal bid or Request for Proposal (RFP) required)
1. Contact the Clerk's Office or Village Attorney to identify the public notice and public bidding timelines;
  2. Department staff /head develops bid or RFP solicitation documents and specifications;
  3. Department staff/head manages and completes the solicitation process;
  4. Department staff/head review and evaluate vendor bids/proposals, and prepare a memorandum to the Village Administrator and Finance Director indicating that an award is recommended;
  5. Forward the award memorandum and obtain approval from Village Administrator;
  6. Forward the award memorandum and obtain approval from Finance Director;
  7. Complete the purchase using an authorized P-Card, when possible (contact Finance Director if the cost exceeds department head's authorized limit), or, if the vendor will not accept P-Card payment, complete a purchase order, attach the supporting documentation, and forward to Finance Department for payment.

- c. Exceptions.
  - i. Pre-existing Competitively Bid Contracts. In the event that the Village is entitled to purchase needed items under a Cooperative Purchasing Agreement or other existing contractual arrangement that was competitively bid by the Village or by another governmental agency, the quotes or bids otherwise required under sub (3)(b) are not required, but may still be solicited if there is reason to believe that such solicitation would result in savings for the Village. All other approval and payment procedures shall be followed, as provided sub (3)(b).
  - ii. Sole Source Products/Specific Brands. Competitive quotes or bids otherwise required by sub (3)(b) may be omitted if there is but one proven source for a needed item, including, for example, proprietary items or specific items required for systems that the Village already owns. Similarly, quotes or bids may be limited to specific brand name items when Village needs, such as employee training, dictate that only such brand name items are acceptable, as documented by letters from relevant department heads and/or meeting minutes specifying the nature and need for the specific brand name item. When a sole source or brand-specific purchase is sought, the Village Administrator shall ensure that the sole source or brand-specific request is reasonable and necessary under the circumstances. All other approval and payment procedures shall be followed, as provided sub (3)(b).
- (e) **Emergency Expenditures.** In the event a proposed expenditure must be made in an emergency, which is defined as a situation which imminently threatens the life, health, safety, or property of anyone, or the continuation of necessary Village operations, such that utilizing the Routine Purchasing policy set forth in sub (d) is impracticable, the proposed expenditure may be authorized by the Village Administrator or Village President, or in their absence, by any member of the Finance Committee (“Emergency Authorizer”), either verbally or in writing. All Village employees’ primary responsibility shall be maintaining a safe environment. To the maximum extent feasible under the circumstances, Village employees shall contact an Emergency Authorizer and endeavor to undertake the following steps, as soon as the circumstances reasonably allow:
  1. Present the facts regarding the emergency to the Emergency Authorizer;
  2. Provide information that supports the emergency expenditure;
  3. Verify the budget amount is sufficient to fund the proposed expenditure or, if not sufficient, work with the Finance Director to adequately fund the proposed expenditure;
  4. Recommend a vendor that will provide the necessary services and materials promptly to remedy or relieve the emergency situation;
  5. Receive Emergency Authorizer’s approval for the proposed expenditure;
  6. Enter a purchase order and attempt to expedite the approval process, as necessary; and,

7. Submit to the Finance Department written documentation describing the emergency and the basis for selecting a particular contractor, and such other information as may be necessary to properly document the circumstances.