

Chapter 105

OFFICERS AND EMPLOYEES

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| § 105-1. Duties of Town Clerk/Treasurer. | § 105-6. Town employees. |
| § 105-2. Offices of Clerk & Treasurer combined. | § 105-7. Official oath and bond. |
| § 105-3. Appointment of Town Clerk/Treasurer. | § 105-8. Vacancies in Town offices. |
| § 105-4. Assessor | § 105-9. Removal from office. |
| § 105-5. Law Enforcement Officer | § 105-10. Custody and delivery of official property. |
| | § 105-11. Gifts and Gratuities. |

[HISTORY: Adopted by the Town Board of the Town of Washington 6-19-1986 as §§ 2.07 to 2.15 and 4.01 to 4.06 of the 1986 Code. Amendments noted where applicable.]

§ 105-1. Duties of Town Clerk/Treasurer. ¹

The Town Clerk/Treasurer shall perform the duties prescribed by §§ 60.33 and 60.34, Wis. Stats., and all other duties required by law, ordinance or lawful direction of the Town Board and Town Meeting.

§ 105-2. Offices of Clerk and Treasurer combined. ²

The offices of the Town Clerk and the Town Treasurer are combined.

§ 105-3. Appointment of Town Clerk/Treasurer. [Added 2-14-2000 by Ord. No. 2000-1]

- A. Pursuant to § 60.30(1e), Wis. Stats., the office of Town Clerk/Treasurer or Clerk and Treasurer shall be filled by appointment, said appointment to be made by the Town Board.
- B. The term of the office for the appointed Clerk/Treasurer or Clerk and Treasurer pursuant to § 60.30(1e), Wis. Stats., shall be for up to three years.
- C. This section is subject to approval by a referendum, which is hereby called by the Town Board, to be held at the next general election. The referendum question shall be: "Shall the person(s) holding the position of Town Clerk/Treasurer or Clerk and Treasurer be appointed by the Town Board".³
- D. The salary of the Town Clerk/Treasurer or Clerk and Treasurer shall be as set by

1. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II). Former Sec. 2.07, which immediately preceded this section, pertaining to duties of the Clerk, was deleted at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

2. Editor's Note: See § 60.305, Wis. Stats.

3. Editor's Note: Ordinance No. 2000-1 was approved at the general election held 2-14-2000.

the Town Board.

§ 105-4. Assessor. ⁴

- A. Appointment of Town Assessors. Pursuant to authorizations by the Town Meeting, the Town Board may select Assessors by appointment.
- B. The Town Board may appoint an Assessor and any assistants in accordance with § 60.307(3) through (6), Wis. Stats.
- C. Confidentiality of income and expenses provided to Assessor for assessment purposes. [Added 4-10-2000 by Ord. No. 2000-4]
 - (1) Adoption. This chapter adopts by reference § 70.47(7)(a-f), Wis. Stats. Income and expense information provided by property owner to an Assessor for the purposes of establishing the valuation for assessment purposes by the income method of valuation shall be confidential and not a public record open to inspection or copying under § 19.35(1), Wis. Stats.
 - (2) Exceptions. An officer may make disclosure of such information under the following circumstances:
 - (a) The Assessor has access to such information in the performance of his/her duties;
 - (b) The Board of Review may review such information when needed, in its opinion, to decide upon a contested assessment;
 - (c) Another person or body has the right to review such information due to the intimate relationship to the duties of an office or as set by law;
 - (d) The officer is complying with a court order;
 - (e) The person providing the income and expense information has contested the assessment level at either the Board of Review or by filing a claim for excessive assessment under § 74.37, Wis. Stats., in which case the base records are open and public.

§ 105-5. Law enforcement officer.

- A. Office of constable abolished. The office of Town Constable has been abolished.
- B. Contract for law enforcement. The Town Board may provide for law enforcement in the Town by contracting with any person(s) for that purpose.⁵
- C. Standards for law enforcement officer. Any person(s) with whom the Town Board has contracted for law enforcement shall, before entering on duty within the Town, meet all of the standards for law enforcement officers set forth in § 165.85(4), Wis. Stats.

4. Editor's Note: See § 60.307, Wis. Stats. Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

5. Editor's Note: See § 60.56(1)(a)3, Wis. Stats.

D. Jurisdiction and duties. Any person(s) with whom the Town contracts for law enforcement shall perform the following duties:

- (1) Keep and preserve the peace within the Town of Washington, and shall have the full powers to arrest and apprehend any person for any crime or breach of peace pursuant to § 59.28, Wis. Stats., as amended, and for purposes of carrying out such duties shall be considered a peace officer as defined in § 939.22(22), Wis. Stats., as amended.⁶
- (2) Suppress unlawful assemblies within the Town pursuant to § 947.06, Wis. Stats., as amended.
- (3) Direct and regulate traffic and make arrests for violation of traffic crimes and regulations of Chs. 194 and 341 to 349, Wis. Stats., as amended, and for purposes of carrying out such duties the person shall be considered a traffic officer as defined in § 340.01(70), Wis. Stats., as amended.
- (4) Serve within Door County any writ, process, order or notice, and execute any order, warrant or execution lawfully directed to or required to be executed by such person by any court or officer.
- (5) Attend sessions of the Circuit Court for Door County when required by the Sheriff or by the Town Board.
- (6) Inform the District Attorney for Door County of all trespasses on public land of which the person has knowledge or information.
- (7) Impound cattle, horses, sheep, goats, swine and other animals running at large, provided that facilities are available to house the impounded animals.
- (8) Cause to be prosecuted all violations of law of which the person has knowledge or information.
- (9) Perform all other duties required by any law.
- (10) Cause to be enforced and prosecuted according to the terms thereof, all violations of Town ordinances of which the person has knowledge or information.

E. Non-exclusivity.

- (1) Other ordinance. Adoption of Subsection D and this section does not preclude the Town Board from adopting any other ordinance or providing for the enforcement of any other law or ordinance relating to the same or other matter.
- (2) Other remedies. The jurisdiction and duties of the Town law enforcement officer(s) as stated herein shall not preclude the Town Board nor any other Town officer from proceeding under any ordinance or law or by any other

6. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

enforcement method to enforce any ordinance, regulation, or order.

- F. Funding. The Town Board may appropriate money to fund law enforcement services.⁷

§ 105-6. Town employees.⁸

- A. General. The Town Board may employ on a temporary or permanent basis persons necessary to carry out the functions of Town government. The Board may establish the qualifications and terms of employment, which may include the residency of the employee. The Board may delegate the authority to hire Town employees to any Town official or employee. Such employees may include an operator of the Town Disposal Site, Town road maintenance workers and a Town law enforcement officer.
- B. Legal assistance. The Town Board may designate, retain or employ one or more attorneys on a temporary or continuing basis to counsel the Town on legal matters or represent the Town in legal proceedings.

§ 105-7. Official oath and bond.⁹

- A. Official oath. Every elected or appointed Town officer shall take and file the oath under § 19.01, Wis. Stats., within five days after notification of election or appointment.
- B. Official bond. The Town Clerk/Treasurer shall execute and file an official bond provided by the Town. No natural person may be a surety on a bond under this subsection. The bond may be furnished by a surety company under § 632.17(2), Wis. Stats. The amount of the bond shall be fixed by the Town Board. If the amount of the bond is not fixed by the Board, the amount shall be the same as that required of the last incumbent of the office. If the Town Board at any time determines that the bond is insufficient, it may require an additional bond to be filed within 10 days, in an amount fixed by the Board.
- C. Failure to file oath. If any person elected or appointed to a Town office fails to file a required official oath within the time prescribed by law, the failure to file constitutes refusal to serve in office.
- D. Elimination of Clerk/Treasurer's bond. The Town Clerk/Treasurer shall not be required to execute and file an official bond as required by § 60.31(2), Wis. Stats. The Town of Washington shall be obligated to pay, in case the Town Clerk/Treasurer fails to do so, all taxes of any kind required by law to be paid by such Clerk/Treasurer to the County Treasurer.

7. Editor's Note: See § 60.56(2), Wis. Stats.

8. Editor's Note: See § 60.37, Wis. Stats.

9. Editor's Note: See §§ 60.31 and 70.67(2), Wis. Stats.

§ 105-8. Vacancies in Town offices. ¹⁰

Vacancies in Town offices shall be filled as provided in § 17.25, Wis. Stats.

§ 105-9. Removal from office. ¹¹

Officers of the Town may be removed as follows:

- A. Appointive officers. Any appointive officer, by the officer or body that appointed him or her, at pleasure. Removal of any such officer by a body shall be by a majority vote of all the members thereof.
- B. All officers. Any Town officer, elective or appointive, including those embraced within Subsection A, by the judge of the Circuit Court of Door County, for cause.
- C. Any Assessor and any member of a board of review, in addition to being removable as otherwise provided, may be removed by the Circuit Court of Door County in accordance with § 17.14, Wis. Stats., as amended.

§ 105-10. Custody and delivery of official property.

- A. Every officer of the Town is the legal custodian of and shall safely keep and preserve all property and things received from his/her predecessor or other persons and required by law to be filed, deposited, or kept in his/her office, or which are in their lawful possession or control.
- B. Upon the expiration of the term of office, or whenever the office becomes vacant, each such officer, or on death his/her legal representative, shall on demand deliver to the successor all such property and things then in his/her custody, and the successor shall issue a receipt therefore to said officer, who shall file said receipt, as the case may be, in the office of the Town Clerk/Treasurer.¹²
- C. Any person who violates this section shall, in addition to any other liability or penalty, civil or criminal, be liable for the penalty provided by § 19.21, Wis. Stats., as amended.

§ 105-11. Gifts and Gratuities.¹³

- A. Prohibitions.

(1) No public employee or official shall receive, either directly or indirectly, any gift, gratuity or anything of value which he is not authorized to receive from any person, if such person:

- a. Has or is seeking to obtain contractual or other business or

10. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

11. Editor's Note: See § 17.13, Wis. Stats.

12. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

13. Clerk's Note Approved STBM 06/25/13 Section 4 New Business, Item D Ordinance 2013-05.

financial relationships with such public employee's employer or the governmental body of the public official.

b. Conducts operations or activities which are regulated by such employee's employer or the governmental body of a public official.

c. Has interests which may be substantially affected by such public employee's employer or the governmental body of the public official.

(2) The receipt of any gift, gratuity or anything of value as denoted above is contrary to the public policy of the town.

(3) No employee, officer, official or agent of the town paid or unpaid shall participate in the selection, award, or administration of a contract if a conflict of interest, real or apparent, would be involved. This includes, but is not limited to, when the employee, officer, official or agent, any member of his immediate family, his partner or an organization which employs, or is about to employ, any of the foregoing has a financial or other interest in the firm selected for the award.

(4) No employees, officer or agent of the town shall solicit or accept gratuities, favors or anything of monetary value from contractors, potential contractors, or parties to sub agreements.

a. Investigation. Upon the sworn complaint of any person alleging facts which, if true, would constitute improper conduct under the provisions of this section, the town chairman shall direct town supervisors to conduct an investigation of the facts of the complaint. If the investigation indicates there may be a reasonable basis for the complaint justifying further investigation, the town board shall conduct a public hearing in accordance with the common law requirements of due process including written notice, an opportunity to be represented by counsel or other representative at the expense of the accused. The town board shall make written findings of fact and issue a written decision concerning the propriety of the conduct of the subject official or employee.

b. Determination. A determination by the town board that an official's or employee's actions constitute improper conduct under the provisions of this section may constitute improper conduct under the provisions of this section may constitute a cause for suspension, removal from office or employment, or other disciplinary action. In the event an employee covered under a collective bargaining agreement is allegedly involved in a violation of the provisions of this section, the terms and conditions set forth in the applicable collective bargaining agreement shall prevail in the administrative and interpretation of the provisions of this section.

B. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

C. This ordinance shall take effect upon passage and publication.