

ORDINANCE NO. 14-17

AN ORDINANCE TO AMEND CERTAIN SECTIONS OF SUBCHAPTER I
OF CHAPTER 1 OF THE GERMANTOWN MUNICIPAL CODE RELATING TO THE
APPOINTMENT, EMPLOYMENT AND DUTIES OF CERTAIN VILLAGE OFFICIALS

WHEREAS, the Village Board previously adopted Subchapter I of Chapter 1 of the Municipal Code which adopts certain regulations related to the appointment, employment and duties of certain Village Officials; and

WHEREAS, the Wis. Stat. § 17.13 provides for processes involving removals of appointments of Village Officials; and

WHEREAS, the Village Board, upon the recommendation of the Village Attorney and the Village's labor counsel seeks to update and clarify these regulations; and

WHEREAS, the regulation of the appointment and employment of Village officials is in the best interests of the health safety and welfare of the Community;

NOW, THEREFORE, the Village Board of the Village of Germantown, Wisconsin, do ordain as follows:

SECTION I

Section 1.065 of the Germantown Municipal Code is hereby amended to read as follows (NOTE: additions are underlined, deleted text is ~~struck through~~):

1.065 - DISCIPLINE OF VILLAGE OFFICERS.

- (1) REMOVAL. All appointed Village officers, except the Police Chief, Fire Chief and the Library Director, serve at pleasure and may be removed from office in accordance with law ~~for cause~~ by a 2/3 majority vote of the entire membership of the Village Board or by decision to remove at pleasure of the appointing authority where the officer is not subject to confirmation of the Village Board.
- (2) SUSPENSION.
 - (a) Village Administrator. The Village President may suspend the Village Administrator ~~for cause~~, with pay, and shall immediately notify the General Government and Finance Committee.
 - (b) Other Officials. The Village Administrator may suspend a Village officer, except the Police Chief, Fire Chief and the Library Director, ~~for cause~~, without pay, for up to 5 days and shall immediately inform the Village President and the committee of

jurisdiction of such suspension. The suspended officer may appeal to the Village Board within 10 days.

SECTION II

Section 1.07 of the Germantown Municipal Code is hereby amended to read as follows (NOTE: additions are underlined, deleted text is ~~struck through~~):

1.07 - VILLAGE ADMINISTRATOR.

- (1) APPOINTMENT AND TERM. The Village Administrator shall be appointed by the Village President, subject to confirmation by the Village Board, for an indefinite term, ~~subject to removal for cause by a 2/3 vote of the entire membership of the Village Board in accordance with law.~~
- (2) ALTERNATIVE CONDITIONS OF EMPLOYMENT. The Village Administrator's employment may, by contract approved by the Village Board, provide for employment terms different than as dictated by this Code. ~~be by contract, providing for termination by either the Administrator or the Village Board upon 90 days written notice, or the removal of the Administrator by the Village Board for cause at any time.~~
- (3) DUTIES. The Village Administrator shall be the chief administrative officer of the Village and shall be responsible for the general supervision of all Village officials and departments. The Administrator shall perform professional level duties in managing, directing, planning and coordinating the municipal functions and services of the Village. The Administrator shall be responsible for the proper interpretation and efficient execution of all legislation, policies and programs established by the Village Board and assigned to the departments and officials under his supervision. The Administrator shall be an ex officio member of all boards, commissions and committees appointed by the Village President or the Village Board, pursuant to law. As such member, he may participate in all deliberations and actions, but shall have no vote except where the Administrator's participation is required by law because of another office he may hold.

SECTION III

Section 1.08 of the Germantown Municipal Code is hereby amended to read as follows (NOTE: additions are underlined, deleted text is ~~struck through~~):

1.08 - VILLAGE CLERK.

- (1) APPOINTMENT AND TERM. The Village Clerk shall be appointed by the Village President, subject to confirmation by the Village Board, for an indefinite term ~~subject to the satisfactory performance of his duties as provided in subsection (2) below.~~
- (2) DUTIES. The Clerk shall responsibly perform the duties as set forth by applicable Wisconsin Statutes, administrative rules and Village ordinances; supervise all Village elections; be the overall coordinator of

the filing and records system within Village offices; and perform all other duties required by law or other direction of the Village Board.

SECTION IV

Section 1.10 of the Germantown Municipal Code is hereby amended to read as follows (NOTE: additions are underlined, deleted text is ~~struck-through~~):

1.10 - CHIEF OF POLICE.

- (1) APPOINTMENT AND TERM. The Chief of Police shall be appointed by the Police and Fire Commission and shall hold office during a period of good behavior, as provided in §62.13(3), Wis. Stats.
- (2) DUTIES. The Chief of Police shall serve as the department head of the Police Department and shall direct, plan and coordinate the activities of employees in accordance with authority established by the Wisconsin Statutes and Village ordinances. The Chief shall administer the day-to-day activities and services of the Police Department under the general supervision of the Village Administrator and policy guidance of the Police and Fire Commission and the Village Board. The Chief of Police shall further have those powers and duties identified in Chapter 4 of this Code.

SECTION V

Section 1.11 of the Germantown Municipal Code is hereby amended to read as follows (NOTE: additions are underlined, deleted text is ~~struck-through~~):

1.11 - VILLAGE ASSESSOR.

- (1) APPOINTMENT AND TERM. The Village Assessor shall be appointed by the Village President, subject to confirmation by the Village Board, for an indefinite term ~~upon the satisfactory performance of his duties as provided in subsection (2) below.~~ In the event that the appointed Assessor is an outside firm or individual, the terms of such appointment may, by contract approved by the Village Board, provide for employment terms different than as dictated by this Code.
- (2) DUTIES. The Village Assessor shall be responsible for the determination of all real and personal property assessments for the purpose of taxation within the Village, and for the preparation and maintenance of related forms and records as required by the Wisconsin Statutes, the Wisconsin Department of Revenue, Village ordinances and the Village Administrator.
- (3) CONFIDENTIALITY OF INCOME AND EXPENSES INFORMATION. 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 expenses 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), Wis. Stats., is not subject to the right of inspection and copying under §19.35(1), Wis. Stats., unless a court determines that it is inaccurate.

SECTION VI

Section 1.13 of the Germantown Municipal Code is hereby amended to read as follows (NOTE: additions are underlined, deleted text is ~~struck through~~):

1.13 - EMERGENCY MANAGEMENT DIRECTOR.

- (1) APPOINTMENT AND TERM. The Emergency Management Director shall be appointed by the Village President, subject to confirmation by the Village Board, for an indefinite term ~~upon the satisfactory performance of his duties as provided in subsection (2) below. The Emergency Management Director is hereby designated as the Chief of Police. In the absence of another appointment, the Chief of Police shall be designated to be the Emergency Management Director.~~
- (2) POWERS AND DUTIES. See chapter 6 of this Code.

SECTION VII:

Section 1.12 of the Germantown Municipal Code is hereby created to read as follows:

1.12 – FIRE CHIEF.

- (1) APPOINTMENT AND TERM. The Fire Chief shall be appointed by the Police and Fire Commission and shall hold office during a period of good behavior, as provided in §62.13(3), Wis. Stats.
- (2) DUTIES. The Fire Chief shall serve as the department head of the Fire Department and shall direct, plan and coordinate the activities of employees in accordance with authority established by the Wisconsin Statutes and Village ordinances. The Chief shall administer the day-to-day activities and services of the Fire Department under the general supervision of the Village Administrator and policy guidance of the Police and Fire Commission and the Village Board. The Fire Chief shall further have those powers and duties identified in Chapter 5 of this Code.

SECTION VIII

The terms and provisions of this ordinance are severable. Should any term or provision of this ordinance be found to be invalid by a court of competent jurisdiction, the remaining terms and provisions shall remain in full force and effect.

SECTION IX:

All ordinances or parts of ordinances contravening the terms of this ordinance are hereby to that extent repealed.

SECTION X:

This ordinance shall take effect and be in full force on upon its passage and the day after publication.

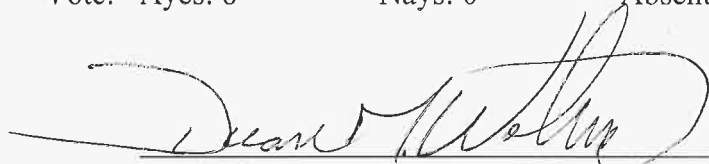
Introduced by Trustee: Zabel

Adopted: October 2, 2017

Vote: Ayes: 8

Nays: 0

Absent: 1



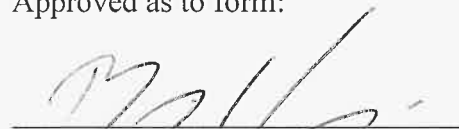
Dean M. Wolter, Village President

ATTEST:



Kathleen M. Strebe, Deputy Clerk

Approved as to form:



Brian C. Sajdak, Village Attorney