

## TOWN OFFICIALS

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#### **2.04.010 Elected officials.**

The elected officials of the town board shall be a town chairman and four supervisors, all of whom shall serve a two-year term. (Ord. dated 6/13/96: prior code § 1.01)

#### **2.04.020 Appointed officials.**

The town clerk and the town treasurer shall be appointed by the town board pursuant to Section 60.30, Wis. Stats. (Ord. dated 11/8/05)

#### **2.04.030 Oaths and bonds.**

Elected and appointed officials shall take and file the official oath within five days after notice of their election or appointment and shall execute and file the official bond as required by state statutes and this code. (Prior code § 1.03)

#### **2.04.040 Removals.**

A. Elected Officials. Elected officials may be removed by the town board as provided in Section 17.13(2), Wis. Stats., or by the judge of the Circuit Court for cause pursuant to Section 17.13(3), Wis. Stats., or as provided by Section 17.16, Wis. Stats.

B. Appointed Officials. Appointed officials may be removed as provided in Sections 17.13(1), and (3) and 17.16, Wis. Stats. (Prior code § 1.04)

#### **2.04.050 Vacancies.**

A. How Occurring. Vacancies in elective and appointive positions are caused as provided in Sections 17.03 and 17.035, Wis. Stats.

B. How Filled. Vacancies in elective and appointive offices shall be filled as provided in Section 17.25, Wis. Stats. (Prior code § 1.05)

#### **2.04.060 Salaries.**

The salaries of all elected and appointed officials, including members of boards and commissions, shall be as determined by the town board from time to time. However, the salary of the chairman and members of the board shall not be increased during their terms of office. (See Section 66.196, Wis. Stats.) (Prior code § 1.06)

#### **2.04.070 Town chairman and supervisors.**

A. The town board shall have all powers of the town not specifically given to some other body or officer. Except as otherwise provided by law, the town board has power over property, finances, highways, streets, utilities and the public service; may act for the government and good order of the town, for its commercial benefit and for the health, safety, welfare and convenience of the public; and may carry its powers into effect by license, regulations, suppression, borrowing, taxation, special assessment, appropriation, imposition of forfeitures and

other necessary or convenient means. The town board may appoint such officials from time to time as may be deemed necessary for the benefit of the community. In addition, the board shall have the powers enumerated in Section 60.22, Wis. Stats., and may exercise the powers enumerated in Section 60.23, Wis. Stats. The powers conferred shall be in addition to all other grants and shall be limited only by express language. (Editorially amended during 2001 codification; prior code § 1.10)

**2.04.080 Assessor.**

A. Powers and Duties. See Section 60.307, Wis. Stats.

B. Other Duties Prescribed by Law. He shall perform such other duties as shall be prescribed by state law, supervisory personnel of the State Department of Revenue and the town board, including attendance at all meetings of the board of review.

C. Whenever the assessor, in the performance of the assessor's duties, requests or obtains income and expense information pursuant to Section 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 the information may be revealed to and used by persons: in the discharging of duties imposed by law; in the discharge of duties imposed by the 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 Section 70.

47(7)(af), unless a court determines that it is inaccurate, is, per Section 70.47(7)(af), not subject to the right of inspection and

copying under Section 19.35(1), Wis. Stats. (Editorially amended during 2001 codification; prior code § 1.11)

**2.04.090 Attorney--Powers and duties.**

The town attorney shall perform such duties as directed by the town board. (Editorially amended during 2001 codification; prior code § 1.12)

**2.04.100 Clerk--Powers and duties.**

The town clerk shall have such powers and perform such duties as prescribed by state law and directed by the town board. See Section 60.33, Wis. Stats. (Editorially amended during 2001 codification; prior code § 1.14)

**2.04.110 Treasurer--Powers and duties.**

The town treasurer shall have such powers and perform such duties as prescribed by state law and directed by the town board. See Section 60.34, Wis. Stats. (Editorially amended during 2001 codification; prior code § 1.18)

**2.04.130 Office of town administrator.**

A. Appointment, Term of Office and Removal. The administrator shall be appointed on the basis of merit with due regard to training, experience, administrative ability and general fitness for the office, by a majority vote of the board. The administrator shall hold office for a term to be established by majority vote of the board, but not to exceed three years. This section, however, shall not preclude the board from establishing other employment terms and conditions not inconsistent with the provisions of the ordinance codified in this chapter or the Municipal Code of the town.

B. Functions and Duties of the Administrator. The administrator, subject to

the limitations defined in resolutions and ordinances of the town and Wisconsin State Statutes, shall be the administrative officer of the town, responsible to the chairman and the board for the proper administration of the business affairs of the town pursuant to the statutes of the state of Wisconsin, the ordinances of the town, and the resolutions and directives of the board, with power and duties as follows:

1. General Duties.

a. Carry out directives of the chairman and board which require administrative implementation, reporting promptly to the chairman and board any difficulties encountered herein;

b. Be responsible for the administration of all day-to-day operations of the town government including the monitoring of all town ordinances, resolutions, board meeting minutes and state statutes, except where said duties have been specifically designated, by State Statute or town ordinance, to another position with the town;

c. Establish when necessary administrative procedures to increase the effectiveness and efficiency of town government according to the current practices in local government, not inconsistent with the terms of this ordinance or of the chairman and board;

d. Keep informed concerning current federal, state, and county legislation and administrative rules affecting the town and submit appropriate reports and recommendations thereon to the board;

e. Keep informed concerning the availability of federal, state and county funds for local programs. Assist department heads and the board in obtaining these funds under the direction of the chairman and the board;

f. Represent the town in matters involving legislative and intergovernmental affairs as authorized and directed as to that representation by the chairman and board;

g. Establish and maintain procedures to facilitate communications between citizens and town government to assure that complaints, grievances, recommendations and other matters receive prompt attention by the responsible official, and to ensure that all such matters are expeditiously resolved; and

h. Promote the economic well-being and growth of the town through public and or private sector cooperation;

2. Responsibilities to the Town Board.

a. Attend all meetings of the board, assisting the chairman and the board as required in the performance of their duties;

b. In coordination with the chairman, the board, and the clerk, ensure that appropriate agendas are prepared to all meetings of the board, all board committees, and all other appropriate committees and commissions of the town, together with such supporting material as may be required; with nothing herein being construed as to give the administrator authority to limit or in any way prevent matters from being considered by the board, or any of its committees and commissions posting legal notices;

c. Assist in the preparation of ordinances and resolutions as requested by the chairman and or the board, or as needed;

d. Keep the chairman and board regularly informed about the activities of the administrator's office by oral or written report at regular and special meetings of the board; and

e. In the event that action normally requiring board approval is necessary at a time when the board cannot meet, the administrator shall receive directives from the chairman.

3. Personnel.

a. Be responsible for the administrative direction and coordination of the town clerk and treasurer position, building inspector and special projects coordinator, according

to the established organizational procedures of the town and Wisconsin State Statutes;

b. Serve as personnel officer for the town with responsibilities to see that complete and current personnel records, including specific job descriptions for all town employees are kept; evaluate in conjunction with department heads the performance of all employees on a regular basis; recommend a salary and wage scale for town employees not covered by collective bargaining agreements; develop and enforce high standards of performance by town employees; ensure that town employees have proper working condition; work closely with department heads to promptly resolve personnel problems or grievances; and

c. Work closely with department heads to assure that employees receive adequate opportunities for training to maintain and improve their job-related knowledge and skills and act as the approving authority for requests by employees to attend conferences, meeting, training schools, etc., provided that funds have been budgeted for these activities. (Ord. dated 12/12/02)

#### **2.04.140 Signatures and execution of documents, ordinances or resolutions.**

A. All documents, ordinances or resolutions, with the exception of town checks, which require signature on the part of a town official, shall be executed by the town chairman. This shall not include documentation which other parties have been expressly authorized to execute by State Statute, Administrative Rule or ordinance, such as the clerk, treasurer, building inspector and town administrator.

B. All town checks shall be signed by the town chairman, treasurer and clerk. In lieu of the personal signature of the chairman, treasurer or clerk, a facsimile signature adopted by the person and approved by the town board may be used.

Use of a facsimile signature does not relieve an official from any liability to which the official is otherwise subject. If the town treasurer and/or clerk are unavailable to sign checks, then that duty may be delegated to the deputy clerk and/or deputy treasurer. (Ord. dated 10/28/10).

C. In the event the town chairman is unavailable or unwilling to execute a particular document, ordinance or resolution requiring his/her signature, then any of the supervisors, as availability may dictate, may execute the document in the chairman's stead.

D. No person may execute a document, ordinance or resolution or check on behalf of the town unless expressly authorized by State Statute, Administrative Rule, or local ordinance, or any documents, ordinances or resolutions which have been approved by the appropriate parties and/or a majority vote of the town board.

E. The town treasurer shall be authorized to pay town bills, including federal and state withholding, FICA, and Medicare, which have already been approved by the town board by electronic means, including on-line.

F. The town treasurer shall be authorized to pay town bills by use of a town credit card, which card shall be approved for use by a majority of the town board. The use of said card shall be solely for town purposes, and no payments shall be made without prior town approval of the bill itself. Payment of the credit card statement shall be in full, prior to the due date, so as to minimize or eliminate any finance charges. Approval of the underlying bill, which was paid by the credit card, shall be deemed to be approval of the credit card statement. If a signature is required for any credit card payment, it shall otherwise comport with the terms of this section. (Ord. dated 10/23/03; Ord. dated 9/25/03; Ord. dated 6/14/03; Ord. dated 4/24/03)

**2.04.150 Extend Town Officer Terms**

Whereas, the term of elected town officers (other than elected assessors) have previously begun on the 2<sup>nd</sup> Tuesday in April;

Whereas, town officers (other than elected assessors) elected in April, 2012 and thereafter will now have their terms of office commence on the 3<sup>rd</sup> Tuesday in April due to recent state election law changes;

Whereas, this law change results in a week long 'gap' between the end of the current terms of office for those town officers elected in either 2010 or 2011 and the state of the new terms of office for those officers elected in April, 2012 or April 2013;

Whereas, 2011 Wis. Act 115 provides that a town board may enact an ordinance providing that the terms of any elective officers in the town who were elected or appointed to serve for terms expiring on the 2<sup>nd</sup> Tuesday in April 2012 or 2013 may be extended to the 3<sup>rd</sup> Tuesday in April in the same year in which the terms would otherwise have expired;

THEREFORE, be it hereby ordained by the Town Board of the Town of Burlington, Racine County, that the terms of elected officers which shall expire after 11:59 p.m. on the 2<sup>nd</sup> Monday of April in either April 2012 or April 2013 shall be extended until the 3<sup>rd</sup> Tuesday of April in the same year in which the terms would otherwise have expired.

This ordinance shall be effective upon publication or posting by the town clerk as required, pursuant to Sec. 60.80, Wis. Stats. (Ord. dated 3/22/12).