



SPECIAL VILLAGE BOARD MEETING AGENDA

January 15, 2024 at 6:00 PM

Kronenwetter Municipal Center - 1582 Kronenwetter Drive Board Room (Lower Level)

1. CALL MEETING TO ORDER

- A. Pledge of Allegiance
- B. Roll Call

2. ANNOUNCEMENT OF CLOSED SESSION

3. PUBLIC COMMENT

Please be advised per State Statute Section 19.84(2), information will be received from the public. It is the policy of this Village that Public Comment will take no longer than 15 minutes with a three-minute time period, per person, with time extension per the Chief Presiding Officer's discretion. Be further advised that there may be limited discussion on the information received, however, no action will be taken under public comments.

4. NEW BUSINESS

- C.** Discussion and Possible Action: Administrator Job Description

5. CLOSED SESSION

Consideration of motion to convene into closed session pursuant to **Wis. Stat. 19.85 (1) (c) for consideration of employment, promotion, compensation or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility – to wit Village Administrator Interview**

6. RECONVENE OPEN SESSION

Consideration of Motion to Reconvene into Open Session.

7. ACTION AFTER CLOSED SESSION

- D.** Discussion and Possible Action: Consideration of Promotion; Director of Public Works to Administrator

8. NEW BUSINESS

- E.** Discussion and Possible Action: Interactions with Elected Officials and Others

9. ADJOURNMENT

NOTE: Requests from persons with disabilities who need assistance to participate in this meeting or hearing should be made at least 24 hours in advance to the Village Clerk's office at (715) 693-4200 during business hours.

Posted: 01/11/2024 Kronenwetter Municipal Center and www.kronenwetter.org

Faxed: WAOW, WSAW, WSAU, and Mosinee Times | Emailed: Wausau Daily Herald

Preferred: Masters Degree in Public Administration and two or more years of experience in municipal government management.

WORK EXPERIENCE: Requires considerable demonstrated knowledge of and experience in public administration and its applications to local government including extensive knowledge of intergovernmental agencies, state, county and federal forms of government and Tax Incremental Financing Districts.

QUALIFICATIONS/REQUIREMENTS

Ability to perform all functions of the position; maintain knowledge of current municipal government functions and applicable laws, statutes, rules and regulations.

Ability to provide strong financial, economic development, and strategic guidance as well as professional expertise and counsel to Village Board, to direct and challenge staff, and to develop and model an environment of integrity, exceptional work ethic, and extraordinary customer service.

LICENSING/CERTIFICATION

Required: Must be bondable; valid Wisconsin driver's license required.

Preferred: Public Manager Certification.

WORKING RELATIONSHIPS

Interacts with and is responsible for quality of relationships with residents, members of the Village Board, Village Committees and Commissions, Village Department Heads and staff, other governmental, regional, state, and community personnel as well as contracted professional services providers.

ESSENTIAL JOB FUNCTIONS

The Village Administrator, subject to the limitations defined in resolutions and ordinances of the Village, State Statutes and administrative rules, shall be the chief administrative and operations officer of the Village, responsible only to the Village Board for the proper and efficient administration of the business and affairs of the Village with powers and duties as follows:

- 1) *Administrative Officer/Department Oversight*
 - a) Manages overall operations of the Village under the general direction of the Village Board.
 - b) Prepares or directs preparation of administrative policies and procedures and enforces all Village policies and procedures in order to ensure standardized and efficient operations.

- c) Provides administrative oversight, direction, and support to all departments including Public Safety departments, except in the statutory authority of the Police and Fire Commission.
- d) Provides administrative direction and coordination of all employees of the Village according to established administrative procedures.
- e) Provides overall direction for Village Information Technology and Communications systems.
- f) Develops and implements contingency plans to cover absence and/or vacancy at the Department Head level and for the Administrator.
- g) Periodically reviews and recommends to the Village Board changes to the Village organization and administrative structure addressing both statutory and non-statutory positions.
- h) Provides guidance to Department Heads to ensure their continued improvement and success relative to supervisory skills.

2) *Responsibilities to the Village Board, Committees, and Commissions*

- a) Executes all directives of the Village Board and uses appropriate judgment to report to the Board, fully, promptly and at least monthly on the status of issues that arise in carrying out those directives.
- b) Provides well-researched and accurate information, administrative advice, and general support to Village Board and all Commissions and Committees, either personally or through a staff designee.
- c) Works with individuals on the Village Board, Commissions, and Committees to impartially reconcile divergent views and to foster cooperation in the best interests of the community.
- d) Works with the Village Board and its President, Commission and Committee Chairpersons, Attorney, and Clerk to ensure that all Open Meetings Laws are adhered to strictly and consistently for all Board, Commission, and Committee meetings.
- e) Suggests to the Board annual objectives for the Village and, if adopted, periodically reports on progress toward those objectives.
- f) Attends all Village Board meetings and reports to the Board at all regular meetings regarding the activities of the Administrator's office.
- g) In coordination with the Village President, Board, Commission and Committee Chairpersons, and the Clerk, ensures that each Board, Commission, and Committee meeting has a clear, complete, and legally appropriate agenda with supporting materials with

nothing in this statement being construed as to give the Administrator authority to limit or in any way prevent matters from being considered by the Village Board or any of its committees and commissions.

- h) Responsible for the accurate and proper preparation of ordinances and resolutions as requested by the Village Board or as needed.
- i) Provides staff support to the Administrative Policy Committee.

3) *Human Resources.*

- a) Recommends to the Village Board the appointment, promotion, discipline, suspension, and termination of Department Heads if in the best interests of the Village.
- b) Appoints, promotes, disciplines, suspends, and terminates (if in the best interests of the Village) non-Department Head employees on the recommendation of and/or in consultation with the supervising Department Head.
- c) Directs development, periodically reviews, updates, and presents formal Village Staff position descriptions to Administrative Policy Committee (APC); following APC review and recommendation, presents position descriptions to Village Board for its approval.
- d) Utilizes an ongoing performance management process with all Department Heads and conducts and documents a formal evaluation of each Department Head's performance on an annual basis; also ensures that Department Heads do likewise for all their supervised employees.
- e) Recommends to the Village Board all non-represented employee wage scales as well as their individual salaries and wages with documented justification.
- f) Recommends, establishes, disseminates to employees, and enforces all personnel policies.
- g) Works with Department Heads to resolve employee problems and grievances in a manner consistent with the personnel policies and collective bargaining agreements.
- h) Ensures that working conditions are safe, appropriate, and ergonomically correct for all employees and oversees the Worker Safety Program.
- i) Establishes, with the Village Clerk, a standardized personnel records and documentation system and ensures that the Clerk maintains and safeguards all records per established Village ordinance and state statutes.
- j) Ensures that all commonly accepted accounting practices are applied to the payroll processing system.

- k) Functions as lead negotiator in the collective bargaining process following the wage and working conditions guidelines and strategy established by the Village Board.

4) *Budget/Finance and Purchasing.*

- a) Conducts regular and diligent searches for potential grant opportunities and assists appropriate Department Heads throughout the application process.
- b) Directs all risk management functions for the Village including analysis and recommendation of all insurance coverage.
- c) Provides oversight and direction to all Department Heads during the annual budget preparation process.
- d) Administers and monitors the budget and ensures that all basic financial plans approved by the Village Board are carried out on an ongoing basis; reports to the Board regarding all significant and/or unforeseen budgetary variances.
- e) In conjunction with the Board, its Commissions and Committees, Department Heads, and Village Financial Planner, analyzes and reports to the Board, on a monthly basis, the current and projected fiscal status.
- f) Ensures that the Village adheres to current generally accepted governmental accounting standards and practices.
- g) Functions as the chief purchasing agent for the Village within the financial authorizations and policies set forth by the Village Board and within the parameters of the approved Village budget.
- h) Working with Department Heads, Commissions, and Committees, develops all plans, policies, procedures, and recommendations for Board approval for the purchase, maintenance, and replacement of all capital equipment.

5) *Planning and Development*

- a) Promotes, in all actions and activities and through public and private sector cooperation, the Village's economic well-being and growth.
- b) Provides complete, accurate, and well-balanced information, guidance, and support for the Board's development of the Village's strategic plan.

6) *Communications*

- a) Represents the Village in all intergovernmental relationships and represents the Village in various local, state, and federal organizations as assigned by the Village Board.

- b) Functions as the Public Information Officer for all external communications in the community and represents the best interests of the Village at all times.
- c) Develops internal administrative procedures to facilitate communications with the Village residents and to ensure that Village government responds to and resolves resident complaints expeditiously.

KNOWLEDGE, SKILLS, AND ABILITIES

1. Ability to analyze complex situations and to exercise superior judgment to achieve both long and short-range objectives.
2. Ability to exercise originality, initiative, and ingenuity as needed in all aspects of the position.
3. Ability to direct and manage personnel at all levels of the organization.
4. Ability to counsel, mediate, and/or provide supervision of staff.
5. Ability to train, advise, coach, and guide others.
6. Willingness to accept accountability for outcomes of all operational decisions within realm of authority.
7. Ability to establish and maintain effective working relationships with a diverse range of individuals and groups.
8. Ability to effectively communicate orally with individuals and groups of varying abilities, experience, and educational backgrounds including residents, elected officials, and the media.
9. Ability to present ideas effectively in writing which includes preparing and presenting concise reports on technical subjects or as summaries of researched sources, developing well organized and thoroughly justified recommendations for action, and preparing general business correspondence.
10. Ability to analyze and interpret financial information, government publications, governmental regulations and statutes, engineering, audit and legal reports, and administrative rules affecting the Village and when necessary to convert such information into an easily understood layman's report.
11. Ability to understand personal computer concepts and to proficiently utilize multiple personal computer applications including such basic software as MS-Word, Outlook, and Excel.
12. Ability to tactfully deal with parties with conflicting needs or expectations to reach a solution which best benefits the Village.
13. Ability to work in a collaborative, team environment as well as to lead individuals and teams.
14. Ability to model a positive work ethic and to behave and communicate in a manner of cooperation and rapport with both internal and external customers.
15. Ability to work rapidly, to prioritize multiple assignments, and to meet specific deadlines and to work effectively in stressful situations.

PHYSICAL DEMANDS

1. Ability to operate equipment and machinery with some requiring complex and rapid adjustments, such as computer keyboard/terminal, calculator, fax machine, and telephone.
2. Ability to coordinate eyes, hands, and limbs in performing skilled movements such as rapid keyboard use.
3. Ability to exert light physical effort in sedentary to light work, typically involving lifting, carrying, pushing and pulling.

4. Ability to sustain prolonged visual concentration.

WORK ENVIRONMENT

Typical multi-functional office environment, serving the public. Exposure to environmental factors is minimal by currently accepted standards and poses little to no risk of injury.

MEDICAL REQUIREMENT

Applicants may be required to submit to a medical examination and/or psychological evaluation prior to appointment, or any time during employment, consistent with requirements of the position.

The Village of Kronenwetter is an equal opportunity employer. In compliance with the Americans with Disabilities Act, the Village will provide reasonable accommodations to qualified individuals with disabilities and encourages both prospective and current employees to discuss potential accommodations with the employer.



Roles and Authority of Governing Body Members

Maria Davis, Assistant Legal Counsel and Claire Silverman,
Legal Counsel, League of Wisconsin Municipalities

League attorneys frequently receive requests for information explaining the duties and authority of governing body members (common council and village board members). Most often, these requests are prompted by situations where a governing body member's authority has been, or is being, questioned. Although the Wisconsin Statutes detail statutory authority and responsibilities for certain governing body members, such as mayors and village presidents, the statutes do not particularly detail or define the responsibilities of alderpersons and trustees.

Mayor

The statutes provide that the mayor and alderpersons shall be the common council.¹ A mayor is the city's chief executive officer.² As that title denotes, mayors possess executive authority, though they exercise administrative authority as well. As the chief executive, the mayor is responsible for ensuring that city ordinances and state laws are observed and enforced, overseeing day-to-day operations, and making sure that all city officers and employees discharge their duties.³ Although mayors do not possess legislative authority (that is reserved for the council, as discussed below), the statutes do provide mayors with certain executive authority relating to the legislative branch. For example, a mayor shall, from time to time, give the council information and make recommendations that the mayor

deems advantageous to the city.⁴ As executive, the mayor also presides at council meetings.⁵ Mayors do not have voting authority on matters before the council, unless there is a tie, in which case the mayor may vote to break the tie. However, the mayor does have the ability to veto acts/decisions of council – though, this is subject to council override.⁶ As chief executive, the mayor is also head of the city's police and fire departments – unless the city's police and fire commission has optional powers.⁷ The statutes also authorize the mayor to make various appointments, which are subject to confirmation by the council unless otherwise provided by law.⁸

Village President

In villages, the village president is a trustee, with a vote on all matters, and shares executive authority with the entire board of trustees. In contrast to mayors, village presidents are not statutorily designated as the village's chief executive officer. However, it's worth noting that there are some statutory references in statutes pertaining to cities, villages, and towns, that refer to "chief executive" and include a corresponding provision defining "chief executive" to include village president.⁹ Some references do not contain a definition and simply refer to the chief executive office of a village.¹⁰ In those instances, it is reasonable to

infer the legislature is referring to the village president.

Although the president is not generally considered a chief executive officer, the president does have certain unique, statutory duties and also serves as a figure-head of sorts for the village. A village president's statutory duties include presiding at all board meetings and signing ordinances, bylaws, regulations, licenses, etc. authorized by the board.¹¹ The president also maintains peace and good order; sees that ordinances are faithfully obeyed; and in case of disturbance, riot or other apparent necessity may appoint as many special marshals as the president deems necessary.¹² Additionally, the president has charge of the village jail, which includes certain recordkeeping duties, but may delegate this responsibility to the village constable or a village police officer.¹³ Unlike mayors, village presidents do not have veto power – because they always have voting authority. The statutory default affords village boards the power to appoint "other officers."¹⁴ However, some statutes specifically give the village president appointing authority for certain offices – e.g., election officials,¹⁵ plan commission,¹⁶ and zoning board of appeals.¹⁷

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1. Wis. Stat. sec. 62.11(1).

2. Wis. Stat. § 62.09(8)(a).

3. Wis. Stat. § 62.09(8)(a).

4. Wis. Stat. § 62.09(8)(b).

5. Wis. Stat. § 62.09(8)(b).

6. Wis. Stat. § 62.09(8)(c).

7. Wis. Stat. § 62.09(8)(d).

8. Wis. Stat. § 62.09(3)(e).

9. E.g., Wis. Stat. §§ 66.1007(1)(c), 66.1109(1)(c).

10. E.g., Wis. Stat. § 30.37(3).

11. Wis. Stat. § 61.24

12. Wis. Stat. § 61.24.

13. Wis. Stat. § 61.24.

14. Wis. Stat. § 61.19.

15. Wis. Stat. § 7.30.

16. Wis. Stat. §§ 61.35, 62.23(1).

17. Wis. Stat. §§ 61.35, 62.23(7)(e)2.

Alder & Trustee

Common councils and village boards are legislative bodies. Alders and trustees are leaders, responsible for setting policy and charting the future of the municipality. Although the statutes provide some detail as to the duties and powers of city mayors and village presidents, the statutes provide *no* detail regarding the duties and authority of alders and trustees. This lack of detail reflects the fact that alders and trustees do not have authority in their individual capacity. Instead, the statutes address the responsibilities and powers of village boards and common councils as a whole. This is because the governing body's authority is collective; it holds power as a unit rather than through its individual members. This does not mean individual governing body members are prohibited from doing anything related to their roles outside of the common

council or village board meeting setting. They may still carry out certain functions of their role as an alder or trustee. For example, governing body members can and should function as a liaison between the municipality and the members' constituents. Alders and trustees may engage with their constituents – e.g., hold listening sessions, write newsletters, survey constituents. However, certain actions remain outside the scope of the role as alder or trustee. For example, individual governing body members do not have supervisory authority over municipal employees and, as such, should refrain from directing municipal staff. While it's not necessarily inappropriate to request information from staff, governing body members should not demand that certain information be provided or actions taken unless local law authorizes governing body members to

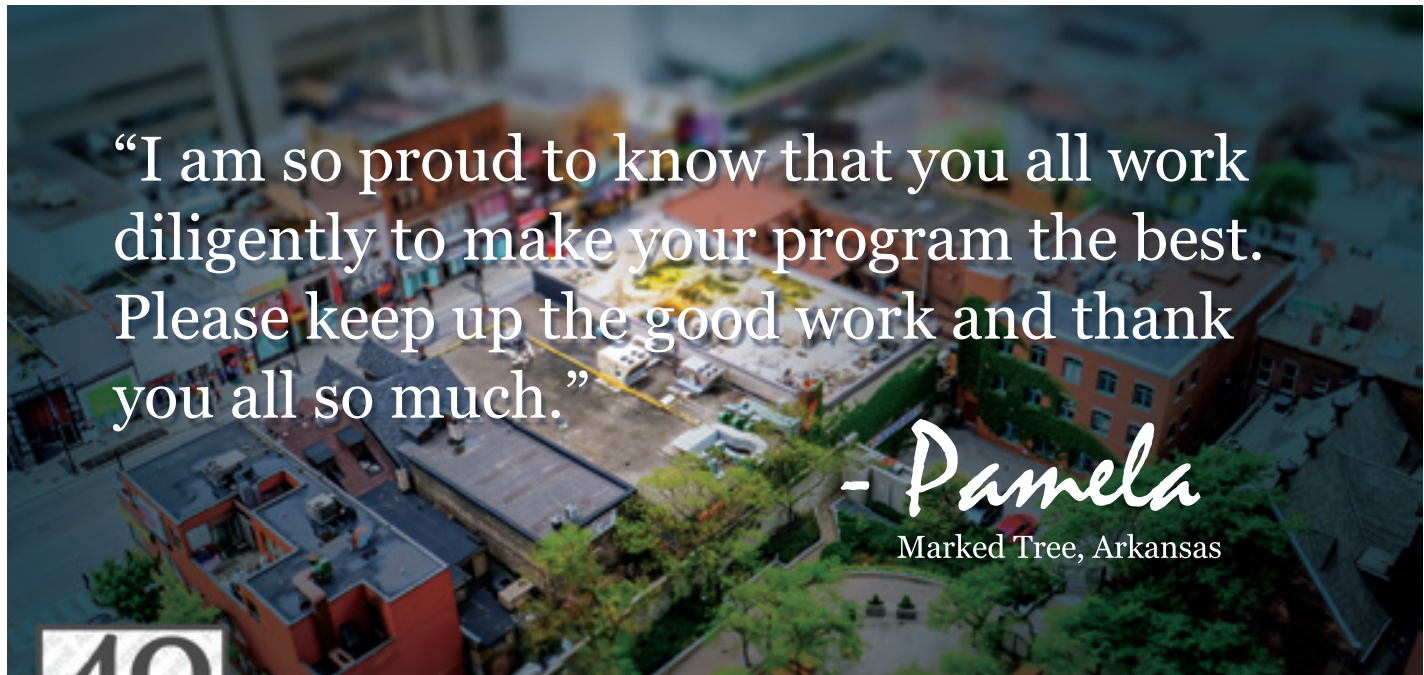
do so – such actions stray into executive authority territory.

Because there are no statutory provisions offering direction for individual governing body members, municipalities may want to consider establishing guidelines and/or developing materials to help governing body members more fully understand their roles and responsibilities. This could include a code of conduct and a training/ resource manual for new (and returning) governing body members.

Legislative, Executive, and Administrative Power

In order for governing body members to stay within their respective roles and avoid overstepping their authority, it's helpful to understand the difference between legislative, executive, and administrative powers. Here are some

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- Pamela

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relatively clear examples of the different types of authority:

Legislative

Enactment of legislation (e.g., adopting budget, ordinance regulating keeping of animals, determining what services the municipality will provide, enacting land use regulations).

Executive

Directing staff, developing details relating to delivery of services the governing body has determined to provide, decisions relating to matters where legislation is silent as to details.

Administrative

Signing checks, carrying out specific directions.

Although the above examples are fairly clear, the line between legislative and executive authority is not always clear. In distinguishing between legislative and executive actions, a prominent municipal treatise provides as follows:

Municipal corporations ordinarily are vested with legislative and executive powers, the latter being sometimes referred to as administrative or ministerial powers or duties. Legislative power, as distinguished from executive power, is the authority to make laws, but not to enforce them, or appoint the agents charged with the duty of such enforcement. If it can be shown that the particular act could not have been done without a law or ordinance, such act is considered as legislative. The crucial test for determining what is legislative and what is administrative has been said to be whether the ordinance is one making a new law, or one executing a law already in existence.

2A McQuillin Mun. Corp. sec. 10:6 (3d ed.) (footnotes omitted).

In *Governing Bodies* 392, the League was asked to weigh in on the difference

between legislative and executive authority in a situation where the council and mayor gave staff conflicting instructions. The fire department had already used the amount appropriated as a line item in the city budget for fire department overtime. The mayor instructed the fire chief to eliminate overtime unless urgent or necessary. In response, the council instructed the fire chief to *not* take action to reduce overtime and to maintain current staffing levels. We opined that the common council is a legislative, policy-making body and may not, by simple directive or order, countermand lawful orders of the mayor as chief executive that relate to the day-to-day operations of the city. The mayor was executing the budget as enacted by the council. However, the council could exercise its legislative authority and establish a new general policy (e.g., amend the budget to appropriate additional funds for overtime). The mayor would then be required to exercise his or her executive authority within the bounds of the newly established policy.

Executive authority can also include filling in details when existing legislation is silent on how the policy is accomplished.

[T]he complexities of modern life often impel legislatures to confer on executive and administrative departments the authority to make rules and regulations in order to enforce and achieve the policy intended. Thus, the making of such rules and regulations by executive and administrative departments sometimes become not a matter of mere law enforcement but of secondary law creation. However, so long as the determination of the legislative principle remains within the control of the legislative body, the determination of the secondary structure that ensures and assists the establishment of the principle is not legislation. The idea

is that the creative element delegated is exclusively limited to arrangements and procedures consistent with the substantive principle. Further, when administrative agencies are delegated regulatory power, legislative action by the agency to establish general rules and guidelines may be necessary as a condition precedent to exercise the powers in individual cases.

2A McQuillin Mun. Corp. sec. 10:6 (3d ed.) (footnotes omitted).

The following scenario may be helpful in demonstrating the differences between the various types of power and how these powers are exercised by elected governing body members in cities and villages:

1. Following a snow storm, Alderperson Smith receives several calls from angry constituents on Elm Street who are upset to see public works employees removing snow from the nearby city park when their residential street has not yet been plowed. These constituents are upset because they are waiting to leave for work and frustrated that clearing snow from the park has apparent priority over plowing Elm Street. Question: What are appropriate ways for Alderperson Smith to respond?
 - a. Alderperson Smith calls the city’s Director of Public Works (DPW) and tells the Director that plowing residential streets is more important than removing snow from city park areas, and Elm Street needs to be plowed immediately.
 - b. Alderperson Smith calls the Mayor, explains the situation, and asks the Mayor to have the DPW get Elm Street plowed right away.
 - c. Alderperson Smith pursues legislative policy setting priority for snow removal in the City.

Answer: B and C are appropriate ways for the alderperson to respond. As a legislator, it is appropriate for Smith to communicate constituent concerns to the mayor and ask the mayor, as chief executive officer, to direct city staff. It is also appropriate for the alderperson to pursue legislation that sets priority for snow removal. It is not appropriate for the alderperson to direct city staff.

2. What if the above scenario occurs in a village and, instead of Alderperson Smith, we have Trustee Smith and, instead of Mayor, we have the Village President?

Trustee Smith can communicate constituent concerns to public works staff but, like Alderperson Smith, lacks authority to direct staff individually. The trustee can appropriately pursue

legislative policy setting priority for snow removal. The main difference in a village is that unlike the mayor, a village president is not a chief executive officer and shares executive authority with the village board. So technically speaking, the village president also lacks authority to unilaterally direct employees. As a practical matter, however, in many villages the village president has more regular contact with the staff than other trustees and does serve as a bridge between staff and the village board. In that case, it may be appropriate for the trustee to have the village president communicate the constituents' concerns to public works staff.

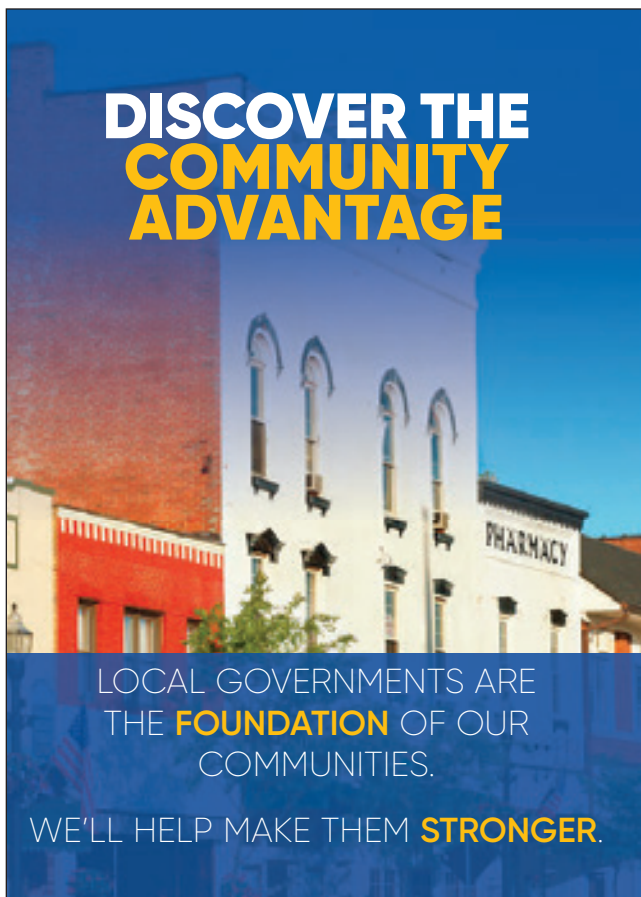
Hopefully a better understanding of respective roles and authority will help all governing body members be more effective leaders.

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