

**ORDINANCE NO. 2011-01-S**

**AN ORDINANCE PERTAINING TO THE CREATION OF A BOARD OF  
POLICE COMMISSIONERS FOR THE VILLAGE OF STURTEVANT,  
RACINE COUNTY, WISCONSIN**

The Village Board of the Village of Sturtevant, Racine County, Wisconsin, do ordain as follows:

1. That Section 4.09 of the Code of Ordinances for the Village of Sturtevant is hereby created to read as follows:

**“SEC. 4.09 BOARD OF POLICE COMMISSIONERS.**

- (a) **Creation.** There is hereby created a Board of Police Commissioners of the Village of Sturtevant.
- (b) **Definitions.** For purposes of this section, “Board” shall mean the Village of Sturtevant Board of Police Commissioners.
- (c) **Membership.** The Board shall be organized in the same manner as prescribed in Wis. Stat. Sec. 62.13(1). The Board shall consist of five (5) citizens, three (3) of whom shall constitute a quorum. Residency within the Village is a requirement to serve as a member of the Board. The President of the Village of Sturtevant, subject to confirmation by the Village Board, shall annually, between the last Monday of April and the first Monday of May, appoint in writing to be filed with the Secretary of the Board, one (1) member for a term of five (5) years. The initial appointment shall be of the required five (5) members, each for varying terms from one (1) to five (5) years. Terms shall commence on the first Monday in May; provided, however, the initial appointments shall commence upon appointment and qualification. No appointment shall be made which will result in more than three (3) members of the Board belonging to the same political party.
- (d) **Organization.** The Board shall annually select a president and a secretary from among its members. The president shall preside over meetings and hearings of the Board, to see that proper notices of all meetings and hearings are given, and to issue subpoenas to compel the attendance of witnesses. The secretary, subject to the direction of the Board, shall send out all notices required by law, ordinance or the Board, keep a record of all of the proceedings of the Board, and preserve evidence received at any hearing of the Board.
- (e) **Powers and Duties.** The Board shall perform such powers and duties as are prescribed in Wis. Stat. Secs. 62.13(2) to (5) and (7) to (12), to the extent that the provisions apply to second and third class cities and shall:
  - (1) Have the following powers:
    - a. Appoint the Chief of Police, and establish the selection process and qualifications for the position.
    - b. Approve appointments of subordinates made by the Police Chief.

- c. Establish the qualifications, selection process and eligibility list for entry-level positions (police officers). For the establishment of such list, the Board shall adopt and may repeal or modify rules calculated to secure the best service in the department.
- d. Establish the qualifications, selection process and eligibility list for other than entry level positions in the Police Department only when said positions are not filled by promotion. The Police Chief shall make the determination as to when promotion of subordinates can or cannot be done with advantage from within the Police Department and whether qualified individuals are eligible for promotion. If such an eligibility list is required, the Board shall adopt, and may repeal or modify, rules calculated to secure the best service in the department.
- e. Hear an appeal from a subordinate who has been suspended by the Police Chief and who requests a hearing.
- f. Hear charges filed against the Chief or charges filed by the Chief against a subordinate. The Board may also hear charges filed by a member of the Board, the Board as a body or any aggrieved person, and determine whether there is just cause to sustain the charges, applying the criteria set forth in Wis. Stat. Section 62.13(5)(em). If the charges are sustained, the Board shall be authorized to impose only one of the following four penalties: suspension, reduction in rank, suspension and reduction in rank, or removal. Before the Board or a member of the Board is going to file charges, the Board may appoint a member to conduct an investigation which may lead to the filing of charges.
- g. Make rules for the administration of the disciplinary appeal review process.

(2) Shall not have the following powers:

- a. Organize and supervise the Police Department or prescribe rules and regulations for its control and management.
- b. Contract for and purchase any necessary vehicles, equipment and supplies for the use of the department under its supervision.
- c. Audit bills, claims or expenses of the Police Department before the same are paid by the Village Treasurer.
- d. Determine when promotion of subordinates can or cannot be done with advantage, from within the department.
- e. Establish an Affirmative Action Program.
- f. Issue or remove oral or written reprimands or other forms of discipline not listed in subsection (1)(f) above.
- j. Order any Village department or employee to conduct an investigation into any alleged impropriety, although the Board may request such an investigation.

(f) **Records.** The Board shall keep a record of its proceedings and provide a copy of each record to the Village Clerk. The Village Clerk shall be the legal custodian of records.

(g) **Rules and Regulations.** The Board shall also adopt rules and regulations necessary to carry out its duties in compliance with the provisions of Wis. Stat. Section 62.13.”

2. That Section 4.01(1) of the Code of Ordinances for the Village of Sturtevant be and hereby is amended to read as follows:

“(1) ENUMERATED. The Village Police Chief shall head the Police Department. The Police Department shall also include such police officers as the Village Board may prescribe by ordinance or resolution. The police officers shall be appointed by the Village Police Chief subject to approval by the Board of Police Commissioners.”

3. That Section 4.01(3) of the Code of Ordinances for the Village of Sturtevant be and hereby is amended to read as follows:

“(3) TENURE OF VILLAGE POLICE CHIEF AND POLICE OFFICERS. The Village Police Chief and non-probationary police officers maybe suspended, reduced in rank, suspended and reduced in rank, or removed at any time only for just cause under § 62.13(5), Wis. Stats. Probationary police officers may have their employment terminated during a probationary period with or without cause and they shall not be entitled to a hearing or review of such termination.”

4. That this ordinance shall become effective upon adoption and publication as provided by law.

Adopted by the Village Board of the Sturtevant, Racine County, Wisconsin, this 1<sup>st</sup> day of March, 2011.

**VILLAGE OF STURTEVANT**

By: \_\_\_\_\_  
Steven Jansen, Village President

Attest: \_\_\_\_\_  
Mary Cole, Village Clerk