

**VILLAGE OF CLEVELAND
MANITOWOC COUNTY, WISCONSIN
ORDINANCE NO. 2021-O-01
POLICE REVIEW COMMISSIONER**

RECITALS

The village of Cleveland has operated its own police department for many years and previously had a Police Commission pursuant to Wisconsin Statutes, established by Section 2-4-5 of the Village Code of Ordinances. The duties of the Police Commission included the discipline of police department personnel.

The Village Board repealed Section 2-4-5 in 2018 and thereby dissolved the Cleveland Police Commission under the authority of Section 61.65, Wis. Stat., which provides a village with a population under 5,000 is not required to have a police commission. Section 61.65, Wis. Stat. further provides that, without a police commission, the village may not take disciplinary actions of suspension, reduction in rank, suspension and reduction in rank, or removal against police department personnel unless the village either (1) establishes a committee of not less than three members, none of whom can be elected or appointed officials of the village or employed by the village; or (2) appoints a person rather than a committee with the same restrictions, to act under Section 62.13(5), Wis. Stat. in place of the Police Commission.

The Village Board deems it necessary and in the public interest to insure the broadest local government authority and therefore intends by this ordinance to establish the office of Police Review Commissioner for the Village of Cleveland.

ADOPTION

NOW THEREFORE, the Village Board of the Village of Cleveland, Manitowoc County, WI pursuant to its police powers and Section 61.65, Wis. Stat., do ordain as follows:

Section 1. The Village Board of Cleveland creates Sec. 2-4-6 of the Code of Ordinances of the Village of Cleveland, WI as follows:


Sec. 2-4-6. Police review commissioner.

- (a) *Establishment.* There is established the position of police review commissioner pursuant to Sec. 61.65 (1) (am) (2), Wis. Stat.
- (b) *Duties.* The Police Review Commissioner shall act under Sec. 62.13 (5), Wis. Stat., in place of a board of police and fire commissioners. Sec. 62.13 (5) encompasses, in general, disciplinary actions against described police department personnel, including the filing of charges, the public hearing on the charges, the analysis whether there is just cause to sustain the charges, and the penalty.
- (c) *Appointment, qualifications and term.* The police review commissioner shall be appointed by the village president and confirmed by the village board. The person appointed shall not be an elected or appointed official of the village or employed by the village. The term of office shall be two (2) years, commencing the third Tuesday in April 2021, and on the third Tuesday in April in odd-numbered years thereafter. In the event the police review commissioner is unavailable for any reason, the village president shall appoint another person to serve as commissioner, subject to village board approval.
- (d) *Compensation.* Compensation shall be as established from time to time by the village board.

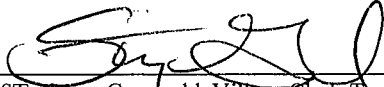
Section 2. This ordinance shall become effective upon enactment and signature as required by law.

Adopted this 13th day of APRIL, 2021.

VILLAGE OF CLEVELAND



Kathy Stolzmann, Village President



ATTEST: Stacy Grunwald, Village Clerk-Treasurer

MOTION: STOLZMANN/HOLZWART

VOTE: 7 Ayes 0 Noes 0 Abstentions

EFFECTIVE DATE: 04/15/2021

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