

# **TOWN OFFICER JOB DESCRIPTIONS**

Revised March 2023

## **Town Chair Job Description**

### **Background:**

The town chair is a member of the town board of supervisors. He or she has an equal vote to the other board members and may make and second motions at town board meetings. The town chair does not have veto power. While the town chair has many of the same duties and responsibilities as the other board members, the chair does have some unique powers and responsibilities. These are listed in detail under Wisconsin Statute (Wis. Stat.) § 60.24. The powers of the chair most frequently exercised are described in more detail below.

### **Chair Duties:**

1. Preside over meetings of the town board.

The town chair calls town board meetings to order and runs the meetings. The board may adopt a policy as to who will run the meeting if the chair is absent. If there is no policy in place, the clerk should note the absence of the chair in the meeting record at the start of the meeting and indicate to the board members who are present that they will need to vote to appoint a chair for the meeting.

2. Provide notice of town board meetings pursuant to § 19.84.

In the absence of a local policy or ordinance to the contrary, the town chair, or the chair's designee, is responsible for preparing the agenda for each board meeting and providing proper notice of the meeting to the public. Some town boards choose instead to adopt a local policy that establishes how the agenda will be created and how items are added. Such a policy may give sideboard members clear authority to add items to future agendas without having to seek the approval of the chair. Even if no such policy is in place, the rest of the town board has the power to vote at a board meeting to add an item to a future agenda. If passed, that item must be placed on that future agenda even if the chair voted against the motion.

3. Preside at town elector meetings, if present, pursuant § 60.13(1).

The state statute outlines the process for selecting a chair for the meeting if the town chair is absent.

4. Sign documents such as ordinances, contracts, resolutions, etc.

When the town board votes to adopt an ordinance, issue a permit, enter a contract, etc., the town chairperson is required to sign the document on behalf of the town board, even if they

did not vote in favor of it. The town clerk also typically signs the attestation portion of the document as a witness to the chair's signature. The remaining town board members may sign ordinances and resolutions as a sign of support, but those additional signatures are not required.

5. Sign checks and transfer orders as required under Wis. Stat. § 66.0607.

State law requires the town clerk, town treasurer, and town chair to sign all drafts, checks, and transfer orders that disburse money from the town treasury. The town board may authorize use of a facsimile signature by ordinance, but the chair must retain custody of the stamp and personally use it to sign such documents.

**6. The town chair does NOT have the authority to buy equipment, hire employees, or sign contracts without consulting the town board.**

We receive many questions regarding the authority of the town chair. Town chairs do not have any inherent statutory authority to make purchasing decisions or employment decisions without town board approval.

Under § 60.24(1)(f), a town chair may, *if authorized by the town board*, solicit bids or quotes for equipment, materials, or services. However, this section also specifically states that the bids or quotes must then be submitted *to the town board for approval*. The chair cannot hire someone to perform a service or sign a contract without first getting town board approval.

Some towns find that they would like a town officer or employee to be able to make limited purchases without first obtaining town board approval. If this is desired, the town board should adopt a written policy that spells out the following: who may make purchases; what maximum dollar amounts are allowed; when purchases can be made (emergencies only?); what sort of items or services may be purchased, etc. Such a policy should only apply to small purchases that are not subject to the public bidding requirements under § 60.47.

Pursuant to § 60.37(1), the town board is responsible for making all town employment decisions. However, if the board chooses to do so, it may delegate the authority to make employment decisions to a specific officer or employee. Such a delegation should take place by majority vote at a properly noticed board meeting. Remember, the town board has charge of all town affairs not committed by law to another body, officer, or town employee. See § 60.22(1).

## **Town Supervisor Job Description**

### **Background:**

The town supervisors and town chair make up the town board. The state statutes do not list all of the powers and duties of the town board in one central location. Rather, those powers and duties are scattered throughout state law. This job description will not attempt to list every duty of the town board, but will instead explain the major responsibilities. A good rule of thumb to remember is that the town board, “Has charge of all affairs of the town not committed by law to another body or officer or to a town employee.” See Wis. Stat. § 60.22(1). The major responsibilities of the town board of supervisors are detailed below.

### **Legislative:**

Towns are statutory bodies. This means that towns only have the authorities given to them by state statute. Town board members should familiarize themselves with Chapter 60 of the Wisconsin Statutes, which is entitled “Towns.”

Be aware that the town board’s authority can be expanded by the granting of “village powers” by the town electors at a town elector meeting. See §§ 60.10(2)(c) and 60.22(3). Towns with village powers may exercise the powers granted to villages under § 61.34. However, a town is not required to use its village powers just because it has them. Moreover, a town board may not exercise any village powers that conflict with statutes relating to towns and town boards. Similarly, the granting of “village powers” does not take away any of the powers of the town electors under § 60.10.

Town boards may only engage in discussion about or take action on town board matters at a properly noticed town board meeting. To ensure compliance with the law, the board members should familiarize themselves with Wisconsin’s open meetings law. A comprehensive guide is available on the Wisconsin Department of Justice’s website: <https://www.doj.state.wi.us/office-open-government/office-open-government>.

The town board takes action at meetings by voting on motions and adopting ordinances and resolutions. Most actions pass with a simple majority vote. However, state law requires a super majority vote in some circumstances. For example, a two-thirds vote of the member-elect of the governing body is required to amend the budget. See § 65.90(5).

### **Finance:**

1. The town board is responsible for the preparation of the annual budget and conducting the required public hearing on the budget. See §§ 60.40(2)-(3).

The town board may provide for the assistance of any person in the preparation of the proposed budget. See § 60.40(2). Town boards commonly ask the clerk and treasurer to participate in the creation of the proposed budget. Prior to adoption of the final budget, the

town board must conduct a public hearing on the budget. See § 65.90(1). The town electors must hold a separate elector meeting to approve the town tax levy pursuant to § 60.10(1)(a), unless the electors previously voted to delegate this authority to the town board.

2. The town board is responsible for the preparation of an annual financial statement. See § 60.41.

The annual financial statement must include the previous year's revenues and expenditures and the current indebtedness of the town. The statement must be presented at the town's annual meeting and the board may provide for assistance by any person in creating the document. The town clerk and treasurer are often asked to compile the required information for the board.

3. The town board must approve all claims and disbursements from the town treasury pursuant to Wis. Stat. § 66.0607.

Essentially, the town board must approve all bills before they can be paid. It is not necessary to read each bill aloud during a town board meeting prior to approval. Some towns ask the clerk to prepare a list of bills to be paid in advance of the meeting. The board members can then review the list prior to the meeting and the actual bills are made available at the meeting for the board to review if there are questions. The board should be sure to carefully review any town credit card statements line by line to verify that all charges were authorized and are legitimate. After conducting its review, the board can approve the voucher list or a range of check numbers; each bill need not be discussed and voted on individually.

4. The town board may adopt an alternative claims procedure by ordinance pursuant to § 60.44(2).

Town boards often receive claims with due dates that don't coincide perfectly with town board meetings, which can result in late fees or other penalties. To avoid this, towns have the option of adopting an alternative payment procedure that allows certain bills to be paid in advance of town board approval. There is a sample ordinance on this topic available in the Town Laws Forms.

5. The town board may provide for an audit of the town finances pursuant to § 60.43.

Annual audits by an outside CPA are only *required* when a town has a combined clerk-treasurer position. See § 60.43(2). In other towns, the board might decide to have an outside audit done on a periodic basis, when a treasurer or clerk is leaving office after several years, or whenever accounting problems are suspected. The town board may also review the books themselves on a regular basis to ensure that the town's finances are being handled properly. The clerk and treasurer should reconcile the town's finances with each other often (typically on a monthly basis). This will help catch problems early and make any errors easier to find.

6. Under § 60.46, the town board designates the public depositories to be used by the town. Eligible public depositories are defined in chapter 34 of the state statutes. The town board may select one or more public depositories and may change depositories at any time. The board also selects which investment options may be used for town funds that are not immediately needed. See § 66.0603.

### **Public Works:**

1. The town board is responsible for the care and supervision of town highways.

The town board is responsible for the construction, repair, and maintenance of the highways and bridges under the town's jurisdiction and must keep them passable at all times. See Wis. Stat. § 82.03(1). The town board may appoint one or more highway superintendents to perform these duties. The town board determines which roads will be repaired or upgraded. Town boards also have the authority to require removal of highway encroachments (§ 86.04), sue for injury to highway (§ 86.02), and cut and trim vegetation growing within the right of way (§ 66.1037).

2. The board has the power to accept, lay out, and alter town highways.

The town board determines if new town roads will be laid out and whether existing roads will be altered or discontinued. State law outlines the procedures that must be followed.

Wisconsin Statute § 82.10 and the sections that follow pertain to creating, altering, and discontinuing **highway easements**. A highway easement is where the adjoining landowner retains title to the land and the town acquires an easement for highway purposes. Town boards cannot lay out *private* roads or give a landowner a private easement. Therefore, if a town board grants a petition to lay out a road to a landlocked property under § 82.27, the town board must install a *public* road.

Keep in mind that town road easements can come into existence without formal action on the part of the town board (§ 82.31(2) – highway by use) and can become abandoned without formal board action (§ 82.19(2) – highway abandonment).

Town boards typically accept **platted roads** as town roads when a subdivision is approved, unless a reservation is made on the plat. See § 236.29. Platted roads that have been dedicated to and accepted by the town are owned in fee simple and do not become “abandoned” or discontinued without formal board action under § 66.1003 or a court action under § 236.43.

Whether it's a highway by easement or a platted road, a town board cannot discontinue a road if it will deprive a landowner of all access to a highway. See § 66.1003(10). Additionally, DNR approval is required before discontinuing a road that provides public access to a navigable lake or stream. See § 66.1006.

### 3. Towns must comply with competitive bidding laws.

Town boards must comply with the competitive bidding law applicable to town public works contracts, § 60.47. The statute defines a “public contract” as a contract for the construction, execution, repair, remodeling, or improvement of any public work or building or for the furnishing of materials or supplies with an estimated cost greater than \$5,000. This definition does not include services (such as ambulance, snowplowing, assessing, waste hauling, etc.) or equipment purchases (such as trucks, graders, police cars, etc.); contracts for services or equipment are NOT subject to bidding.

For public works with an estimated cost between \$5,000.01 and \$25,000, the town board or the board’s designated official must post or publish a Class 1 notice under ch. 985 one week before entering into the contract. The notice should state the dollar amount of the contract and the contract’s purpose. For contracts with an estimated cost over \$25,000, a Class 2 notice under ch. 985 must be provided, and the contract must be awarded to the “lowest responsible bidder.” Competitive bidding does not apply to contracts entered into with another government entity such as the county, regardless of the estimated cost.

State prevailing wage rate laws that formerly applied to local governments were repealed as of January 1, 2017. However, if federal money is being used on a town project, federal wage laws may be applicable, so make sure to verify all of the rules when accepting federal grants, etc.

### 4. The town board approves contracts.

The town board must approve all contracts unless the board expressly votes to delegate this authority to someone else, such as the town chair. Neither the town chair nor the town clerk has any inherent authority to sign a contract prior to town board approval. The town board can authorize the town chair or someone else to solicit bids or quotes, seek proposals, or get estimates on behalf of the town. But no contracts may be signed until the town board discusses and votes on the matter at a properly noticed town board meeting.

## **Public Safety:**

### 1. Fire Protection

The town board is obligated by state law to provide fire protection for the town. However, the town board is free to determine the manner in which that protection will be provided. See Wis. Stat. § 60.55. Options include: contracting for service, forming a town department, or forming a joint fire department with one or more municipalities. See § 60.55(1). The town should have written documents (such as a set of bylaws for a town owned department, a joint agreement for a joint department, or a contract) that define how the protection will be provided.

To pay for fire protection, the board can appropriate money from the general fund; charge property owners a fee for the cost of fire protection provided to their property according to

a written schedule (ordinance or resolution) adopted by the town board; levy taxes on the entire town to pay for fire protection; or levy taxes on property served by a particular source of fire protection to support the source of fire protection.

## 2. Ambulance Service

The town is obligated to provide ambulance service unless ambulance service is provided by another person or entity. See § 60.565. If the town provides the service, the board has the option of contracting with one or more providers if it does not wish to have a town owned or joint municipal ambulance service.

In addition to ambulance service, the town *may* provide first responders and/or paramedics, but such services are not required. All emergency medical services (including ambulance service) must meet specific state codes and training requirements. Contact the Emergency Medical Services section of the Wisconsin Department of Health Services (DHS) in Madison at (608) 266-1568 for more information on these requirements.

## 3. Law Enforcement

The town board has the option to provide law enforcement for the town. See Wis. Stat. § 60.56. If the board chooses to provide law enforcement, it may provide it in any manner, including: establishing a town police department; joining with one or more municipalities to create a joint police department; or contracting with any person. Towns may also have one or more elected constables if the town electors vote to establish such office(s). See § 60.10(1)(b)4. The town board establishes the jurisdiction and duties of a town constable and may require training to obtain full peace powers. See § 60.22(4).

## 4. Emergency Management

Each town must develop and adopt an emergency management program and plan that is consistent with the state emergency management plan. See § 323.14(1). Each town must also designate a head of emergency management services. Towns should consult with their local county emergency management director to ensure that they have an effective plan in place in the event of an emergency. Towns may also consult with the Wisconsin Emergency Management office at (608) 242-3000.

### **Property Assessment:**

#### 1. Appointed Assessor

Towns may have either elected or appointed assessors. The electors may authorize the board to switch from an elected assessor to an appointed one. See § 60.307(2). If the town has an appointed assessor, the town board selects the assessor and determines whether the assessor will be a town employee or an independent contractor. If appointed, the board may appoint an assessor for a term not to exceed 5 years. See § 60.307(3)(b).

## 2. Board of Review (BOR)

The town board members and elected town clerk act as the town board of review, unless the town board establishes a citizen board of review. See § 70.46. The town board establishes the compensation for part-time board of review members. See § 70.46(3). Full-time town officers or employees are not entitled to be paid for serving on the board of review. Procedures for conducting the board of review are found in § 70.47. The Wisconsin Department of Revenue (DOR) also provides a Guide for Board of Review Members and other useful sources of information on the property assessment process on its website.

At least one voting member of the board of review must attend a BOR training session each year, prior to that year's first board of review meeting. See Wis. Stat. § 70.46(4). The WTA offers board of review trainings each winter/spring at meetings around the state. There is also a training video available from the Local Government Education division of the UW-Extension. See their website for more information.

The town board may also allow the recovery of "unlawful taxes" and "claims on excessive assessments," pursuant to §§ 74.35 and 74.37. All the conditions outlined in the statutes must be met before such claims can be allowed. Any payments made to taxpayers are made from the town's general fund. Additional information is available on the Wisconsin DOR website.

### **Planning and Zoning:**

#### 1. Zoning

Several options exist for zoning within towns. Note that counties are *required* to adopt shoreland and floodplain zoning ordinances under §§ 59.692 and 87.30. These county ordinances are applicable to any town lands that meet the statutory definition of shoreland or floodplain, regardless of whether or not the town has local zoning.

Outside of shoreland and floodplain areas, the town board has discretion to decide what, if any, zoning will apply in the town. The town board could decide to have no zoning outside of the shoreland and floodplain areas. Or the town board could decide to approve the county zoning ordinance adopted under § 59.69(5). Under this option, the county administers the zoning ordinance, but the town reserves the power to veto any changes to the zoning ordinance map or text, within certain time limits specified in the statute. Counties often ask towns under county zoning for recommendations on conditional uses or variance requests, as well, but the town's recommendation on these matters is not binding; final decisions regarding conditional uses and variances are ultimately up to the appropriate county body. Once a town agrees to be under county zoning it cannot withdraw unless the county undertakes a "comprehensive revision" of its zoning ordinance and the town fails to approve the revised ordinance within one year. See § 59.69(5)(d). A narrow law change has created an alternative procedure for towns in Dane County to withdraw from county



zoning, but outside of Dane County towns must remain under county zoning until the county completes a comprehensive revision of its zoning ordinance.

If the county either does not have a general county zoning ordinance or the town has not approved the county ordinance, the town board has options for adopting its own town zoning ordinance. First, if no county comprehensive zoning ordinance exists, a town can petition the county to adopt such an ordinance. If the county fails to do so within one year of the town's request, the town can adopt a general zoning ordinance under § 60.61. Secondly, if the town has village powers, the town board may exercise zoning authority in a similar manner to a village or city. See § 60.62. Note that if the town adopting a zoning ordinance pursuant to § 60.62 is in a county that has a comprehensive county zoning ordinance, the town electors must vote to authorize the town board to adopt local zoning and the county board must approve of the town zoning ordinance and any amendments to it before they become effective in the town. (In contrast, if the town adopts a zoning ordinance using village powers under Wis. Stat. § 60.62 and the county does *not* have a comprehensive zoning ordinance, the requirement to have the county approve of the town zoning ordinance disappears, as does the need to get elector approval to exercise town zoning authority.)

## 2. Creation of a plan commission

Towns with village powers may establish a plan commission pursuant to §§ 60.62 and 62.23(1). Plan commissions are typically made up of 7 members, but towns with a population under 2,500 may opt to have a 5-member plan commission by ordinance. See § 60.62(4)(d). Plan commission members are appointed by the town chair but subject to confirmation by the town board. See § 60.62(4)(a). The town chair selects the chair of the plan commission. Plan commission members may be removed by a majority vote of the town board. No more than 4 of the members of either a 5 or 7 member plan commission may be town officials, but none of the plan commission members are required to be town officials (all of the members may be other citizens). The plan commission statutes do not specify a residency requirement for serving as a plan commission member, so it is up to each town board to decide whether to have a local policy regarding residency or other qualifications for plan commission membership. Plan commission members are appointed to 3-year terms that begin and end in April. See § 62.23(1)(d).

## 3. Comprehensive planning

Town boards have the authority to adopt (or not adopt) a comprehensive plan under § 66.1001. The town board also has the authority to amend a comprehensive plan once adopted, as long as the proper procedures are followed. See § 66.1001(4). Note that comprehensive plans must be updated at least once every 10 years.

Towns are required to have a comprehensive plan if they have established official maps under § 62.23(6), local subdivision regulations under § 236.45, or town zoning under §§ 60.61 or 60.62. Litigation is likely to result if towns with these types of regulations have no comprehensive plan or make zoning changes that are inconsistent with the plan. Also,

the general consensus is that towns under county zoning should adopt a comprehensive plan so that they have a legal basis for vetoing county zoning changes and making other recommendations to the county.

#### 4. Subdivision/Land division ordinances

Towns with village powers are able to regulate how land is divided and platted through the adoption of a local subdivision ordinance pursuant to § 236.45. A town subdivision ordinance may be more restrictive than a county ordinance regulating the same subject. Moreover, subdivision authority is distinct from zoning. As a result, towns without zoning and towns under county zoning may still have their own subdivision or land division ordinance.

#### **Personnel:**

The town board has the authority to hire employees on a permanent or temporary basis to carry out the functions of town government. Wis. Stat. § 60.37. The town board establishes the qualifications needed for a given position and the terms of employment, which may not include the residency of the employee, except as provided in § 66.0502(4)(b). The town board may vote to delegate the authority to hire and fire employees to a particular town official or employee.

The board also has authority to hire legal counsel to assist the town under § 60.37(2). If the board chooses to retain a town attorney, the town board should adopt a policy establishing who may contact the attorney and seek legal advice. The town board should provide a copy of the policy to the town attorney. This will help ensure that bills are not incurred for unauthorized use of the attorney and will hopefully establish clear lines of communication.

Town boards may also consider hiring elected town officials as part-time town employees to perform work outside their statutorily required job duties. Special statutory provisions apply. See §§ 60.37(4) and 66.0501. For example, the town electors must vote to establish the hourly wage for elected officials working as town employees, and elected officials may not earn more than \$15,000 per year in hourly wages for their work as town employees. Additionally, board members must abstain from voting to hire themselves to avoid ethical violations. See § 19.59.

#### **Additional Miscellaneous Town Board Responsibilities:**

1. Town board members must act as fence viewers when requested under ch. 90.
2. Town board members must act as required under § 88.90 to assist with removal of obstructions from a natural watercourse.
3. Town board members must review and comply with the state ethics laws for local officials under § 19.59 and avoid misconduct in office under §§ 946.12 and 946.13.

## Town Clerk Job Description

### Background:

The town clerk's statutory duties are listed under Wis. Stat. § 60.33. The town clerk is not a member of the town board of supervisors. The clerk does not vote on any legislative matters before the town board and does not act as a tiebreaker vote. However, there are a few limited circumstances when state statutes require a town clerk to vote on town issues. The town clerk, whether elected or appointed, votes to fill any vacancy that occurs on the town board. See § 17.25. The town clerk may also be asked to vote on a town highway application if there are fewer than two board members who are able to act. See § 82.11(2).

Town clerks have the option of appointing one or more deputies for whom the clerk is responsible. See § 60.331. The deputy serves at the pleasure of the clerk and the deputy has no right to the office if the clerk that appointed the deputy leaves office. The town board may agree to pay a deputy, but the board is not obligated to do so.

*Elected* clerks are not required to put in a certain number of office hours per week; they set their own schedule. *Appointed* clerks typically have a job description or other agreement with the town board concerning expected hours of work and other terms of employment.

### Legislative:

The town clerk is responsible for taking minutes of town board meetings and ensuring that any ordinances or resolutions adopted by the board are posted or published as required under § 60.80. Since the clerk is not a member of the town board, the clerk may be excluded from any closed session of the town board. If the clerk is absent from a closed session, the town board must appoint someone (such as a supervisor) to take minutes if necessary (for example, there would need to be a record of any motions made or votes taken in the closed session).

The clerk is often delegated the responsibility of providing proper notice of town board meetings, public hearings, and other matters such as required public bidding notices.

The town clerk is responsible for providing notice of the annual town meeting (if required) and other town elector meetings under § 60.12(3), and the town clerk serves as clerk of those elector meetings. Within 5 days after a town elector meeting, the clerk must file the minutes of that meeting in the clerk's office. See § 60.15. All resolutions, motions, and other actions taken by the electors at a town elector meeting must also be posted or published as required within 30 days of the meeting under § 60.80(1)(a).

### Finance:

The town clerk is required to keep a finance book, which must contain a complete record of the town's finances, showing all receipts with the date, amount, and source of each

receipt; all disbursements, with the date, amount, and object of each disbursement; and any other information relating to town finances prescribed by the town board.

Disbursements from the town treasury must be made in accordance with Wis. Stat. § 66.0607. A clerk must not issue an order for any disbursement that would be in excess of funds available or appropriated for the purposes for which the payment is to be made. See § 66.0607(7). Before a claim that would put the town budget out of balance can be paid, the town board must amend the budget pursuant to §§ 60.40(5) and 65.90(5).

Town boards often ask town clerks to assist with preparation of the town budget under § 60.40(2), as well as preparation of the town's annual financial statement under § 60.41. In addition, many clerks complete the "Municipal Financial Report" (also known as Form C/CT), as required under §§ 73.10(2) and 86.303(5), which is due on May 15 each year.

Detailed information on the procedures to be used in managing town finances is available in a handbook entitled Basic Financial Administration for Wisconsin Local Governments. Contact the WTA or visit the WTA website for ordering information.

### **Property Assessment:**

The town clerk is required to carefully examine the assessment roll upon receipt from the assessor and prior to the board of review's first 2-hour meeting. The clerk must correct all double assessments and other errors apparent upon the face of the roll. The clerk must also add any omitted real or personal property and notify the assessor of such omissions. See § 70.52 for more details. The Wisconsin DOR's Assessment and Tax Roll Instructions for Clerks publication is also a helpful resource.

The town clerk must provide public notice of the assessor's open book meeting under § 70.45 and the board of review's meetings under § 70.47(2).

An *elected* town clerk is a voting member of the town board of review, unless the town board has adopted an ordinance to create a citizen's board of review pursuant to § 70.46(1). An *appointed* town clerk is *not* an automatic member of the board of review. See § 70.46(1m). This is because clerks appointed under § 60.30(1e) are not required to be town residents. However, an appointed clerk who is a resident of the town may be appointed by the town board by ordinance to fill the vacancy in the board of review created by the appointed clerk position. If needed, there is a sample ordinance for this purpose on the WTA website.

The town clerk's board of review duties are outlined in § 70.47. The clerk must provide proper notices for the board of review and keep a record of its proceedings. The clerk must swear in all persons testifying before the board of review. The clerk must also provide notice of board of review decisions as required by law. The Wisconsin DOR Guide for Board of Review Members provides an excellent overview of the process.

Under Wis. Stat. § 70.65, the clerk must prepare the tax roll and deliver it to the town treasurer by December 8 each year. See § 74.03. If the taxation district has a policy in effect under § 74.03(2), requiring prompt refunds of excess escrow payment amounts, the tax roll may be transferred to the treasurer by the 3rd Monday in December instead. Contact the WTA office for a sample prompt tax refund overpayment policy.

The clerk prepares the town's real and personal property tax bills and mails them out to property owners pursuant to § 74.09(2) and (5). However, this authority can be delegated; the county performs this part of the process for many towns.

If the town board allows a claim for unlawful or excessive taxes pursuant to §§ 74.35 or 74.37, the clerk may seek a chargeback through the Wisconsin DOR if certain conditions are met. See § 74.41.

The clerk must also provide the notice of proportional property tax revenue and credits to the county treasurer as required under § 60.33(10).

### **Elections:**

The town clerk is responsible for performing the election-related functions outlined in chs. 5-12 of the state statutes. Some of these tasks include providing election notices, responding to absentee ballot requests, scheduling election workers, supervising completion of paperwork, maintaining and testing election equipment, and swearing in newly elected officials.

### **Public Records:**

The town clerk is often made the custodian of town records under § 19.33. As the custodian, the clerk is responsible for complying with requests under the public records law, pursuant to §§ 19.34 and 19.35. The clerk also typically maintains, preserves, and disposes of town records in accordance with § 19.21 and related statutes.

The town board must adopt an approved schedule for the destruction of town records before disposing of or destroying any items. The board may choose to adopt the Wisconsin Municipal Records Schedule which was created by the Wisconsin Historical Society (WHS). Information on the state record retention schedule is available on the WHS website at the following link: <https://www.wisconsinhistory.org/Records/Article/CS3806>.

### **Licenses:**

The clerk may issue licenses that have been granted by the town board. See § 60.33(8). The clerk also processes applications for alcohol licenses and provides required notices related to alcohol licensing. See § 125.04.

**Miscellaneous additional town clerk duties:**

1. Perform the clerk's duties under chs. 115 to 121 relating to public instruction. See Wis. Stat. § 60.33(9).
2. Perform all other duties required by law, ordinance, or lawful direction of the town meeting or town board. See § 60.33(11).

**NOTE: See the "Calendar of Main Events" for a comprehensive timeline of events clerks should be aware during the entire calendar year.**

## **Town Treasurer Job Description**

### **Background:**

The town treasurer's duties are primarily found in Wis. Stat. § 60.34. The town treasurer is not a member of the town board of supervisors and does not vote on town board matters. However, in very rare circumstances, the treasurer may be asked to vote on town board vacancies under § 17.25(1)(a)2. or town highway applications under § 82.11(2)(b). A town treasurer may appoint a deputy under § 60.341, for whom the treasurer is responsible. The town board is not obligated to pay the deputy but may do so.

### **Finance:**

The town treasurer must receive and take charge of all money belonging to the town. As soon as practicable, the treasurer must deposit town funds in the public depository designated by the town board. See §§ 60.34(1) and (2).

The town board may allow town fire and EMS departments to deposit certain money from fundraisers and donations into a separate "volunteer fund" account via the adoption of a town ordinance under § 66.0608. If no such ordinance is in place, such money must be turned over to the town treasurer for deposit into a town account. In contrast, a community fundraising organization that is established as a separate legal entity apart from the town would obviously be able to keep and control its own funds.

All disbursements from the town treasury must be made pursuant to § 66.0607. The town treasurer must sign all transfer orders and checks that make disbursements from the town treasury.

The treasurer must keep an itemized account of all moneys received and disbursed, specifying the source from which it was received, the person to whom it was paid, and the reason it was paid. The treasurer must issue numbered receipts for all funds received. At the request of the town board, the treasurer must present the account books, as well as any supporting documents requested, to the board. See § 60.34(1)(b). Many town boards ask the treasurer to give a report on the town's finances at each regular monthly board meeting. The handbook entitled Basic Financial Administration for Wisconsin Local Governments provides more information on best practices for handling town finances. Contact the WTA office or visit the WTA website for ordering information.

### **Property Assessment:**

The town treasurer is responsible for collecting all property taxes, special assessments, special taxes, and special charges shown on the tax roll. See § 74.07. The treasurer issues tax receipts under § 74.19. The treasurer is required to settle for all taxes received pursuant to § 74.23 in January and all taxes received pursuant to § 74.25 in February. Treasurers may also charge back certain delinquent personal property taxes that have been delinquent for over one year. See § 74.42.

**Dog Licenses:**

The town treasurer is the collecting official for dog license fees, unless the town board provides by ordinance or resolution for the appointment of a different person. See Wis. Stat. § 174.065. All owners of dogs more than 5 months old on January 1 must pay an annual dog license tax and obtain a license from the town. Upon payment of the required dog license tax and presentation of evidence that the dog is currently immunized against rabies, the collecting official must complete and issue a dog license and tag to the owner, keeping a copy of the license on file. The collecting official must assess and collect a late fee of \$5 from every dog owner who fails to obtain a license by April 1 each year. See §§ 174.05 and 174.07. Delinquent dog license fees may be collected in the same manner as personal property taxes, and dog owners who refuse to obtain a dog license must be reported to the local district attorney. See §§ 174.065 and 174.12(4).