

CHAPTER 7

Finance

- 2.7.1 Preparation and Adoption of Budget
- 2.7.2 Changes in Budget
- 2.7.3 Town Funds to be Spent in Accordance with Appropriation
- 2.7.4 Annual Financial Statement
- 2.7.5 Finance Book
- 2.7.6 Financial Audits
- 2.7.7 Claims Against Town
- 2.7.8 Disbursements from Town Treasury
- 2.7.9 Facsimile Signatures
- 2.7.10 Public Depository
- 2.7.11 Temporary Investment of Funds Not Immediately Needed
- 2.7.12 Public Contracts and Competitive Bidding
- 2.7.13 Receiving Money; Receipt for Same
- 2.7.14 Duplicate Treasurer's Bond Eliminated
- 2.7.15 Statement of Real Property Status

SEC. 2-7-1 PREPARATION AND ADOPTION OF BUDGET.

- (a) **Fiscal Year; Annual Budget.** The Town fiscal year is the calendar year. The Town budget shall be adopted annually.
- (b) **Preparation.** The Town Board is responsible for preparation of the proposed budget required under Sec. 65.90, Wis. Stats. In preparing the budget, the Town Board may provide for assistance by any person.
- (c) **Estimates.** When requested by the Chairperson, Town Board or Town Clerk, each officer, department and committee shall annually file with the Town Clerk an itemized statement of disbursements made to carry out the powers and duties of such officer, department or committee during the preceding fiscal year, and a detailed statement of the receipts and disbursements on account of any special fund under the supervision of such officer, department or committee during such year, and of the conditions and management of such fund; also detailed estimates of the same matters for the current fiscal year and for the ensuing fiscal year. Such statements shall be presented in the form prescribed by the Town Clerk and shall be designated as "Departmental Estimates," and shall be as nearly uniform as possible for the main division of all departments.
- (d) **Form of Proposed Budget.**
 - (1) The actual experience of each department and activity for the expired portion of the current year, and last preceding fiscal year, and the estimated expense of conducting each department and activity of the Town for the remainder of the current year and ensuing fiscal year, with reasons for any proposed increase or decrease as compared with actual and estimated expenditures for the current year.

- (2) An itemization of all anticipated income of the Town from sources other than general property taxes and bonds issued, with a comparative statement of the amounts received by the Town from each of the same or similar sources for the last preceding and current fiscal year.
- (3) An estimate of the amount of money to be raised from general property taxes which, with income from other sources, will be necessary to meet the proposed expenditures.
- (4) All existing indebtedness of the Town, including the amount of interest payable and principal to be redeemed on any outstanding general obligation bonds of the Town and any estimated deficiency in the sinking fund of any such bonds during the ensuing fiscal year.
- (5) Such other information as may be required by the Board and by state law.
- (e) **Copies of Budget.** The Town shall provide a reasonable number of copies of the budget thus prepared for distribution to citizens.
- (f) **Hearing.** The Town board shall conduct the budget hearing required under Sec. 65.90, Wis. Stats.
- (g) **Adoption.** The Town board shall adopt the Town budget. The Town meeting may either retain authority to approve any tax levy needed to support spending approved by the Town Board or may delegate the authority to approve a tax levy to the Board.
- (h) **Amendment.** The Town budget may be amended by the Town Board under Sec. 65.90(5), Wis. Stats.

State Law Reference: Sections 60.40 and 65.90, Wis. Stats.

SEC. 2-7-2 CHANGES IN BUDGET.

The adopted budget shall not be changed after approval of the budget except upon the recommendation of the Chairperson and upon a two-thirds (2/3) vote of the entire membership of the Town Board. Notice of such transfer shall be given by publication within eight (8) days thereafter in the official Town newspaper.

SEC. 2-7-3 TOWN FUNDS TO BE SPENT IN ACCORDANCE WITH APPROPRIATION.

No money shall be drawn from the treasury of the Town, nor shall any obligation for the expenditure of money be incurred, except in pursuance of the annual appropriation in the adopted budget or when changed as authorized by Section 2-7-2 of this Chapter. At the close of each fiscal year, any unencumbered balance of any appropriation shall revert to the general fund and shall be subject to reappropriation; but appropriations may be made by the Board, to be paid out of the income of the current year, in furtherance of improvements or other objects or works which will not be completed within such year, and any such appropriation shall continue in force until the purpose for which it was made shall have been accomplished or abandoned.

SEC. 2-7-4 ANNUAL FINANCIAL STATEMENT.

The Town Board annually shall prepare a statement of the financial condition of the Town and present the statement to the annual town meeting. In preparing the statement, the Town Board may provide for assistance by any person. The statement shall include the previous year's revenues and expenditures and the current indebtedness of the Town.

State Law Reference: Section 60.41, Wis. Stats.

SEC. 2-7-5 FINANCE BOOK.

The Town Clerk shall maintain a finance book under Sec. 60.33(3), Wis. Stats.

SEC. 2-7-6 FINANCIAL AUDITS.

The Town Board may provide for financial audits under Sec. 66.0605, Wis. Stats.

State Law Reference: Section 60.43, Wis. Stats.

SEC. 2-7-7 CLAIMS AGAINST TOWN.

- (a) Claims for money against the Town or against officers, officials, agents or employees of the Town arising out of acts done in their official capacity shall be filed with the Town Clerk as provided under Sec. 893.80(1)(b), Wis. Stats.
- (b) The Town Board shall allow or disallow the claim. Notice of disallowance shall be made as provided under Sec. 893.80(1)(b), Wis. Stats.

State Law Reference: Section 60.44, Wis. Stats.

SEC. 2-7-8 DISBURSEMENTS FROM TOWN TREASURY.

Disbursements from the Town treasury shall be made under Sec. 66.0607, Wis. Stats. Each check representing a disbursement or transfer of Town funds must be signed by both the Clerk and Treasurer, unless the Town Board adopts a resolution, which is filed with each public depository holding Town funds, requiring only two (2) signatures. Each check must also be signed by the person who chairs the Town Board.

- (a) Alternative Claim Procedure for Refunds of Tax Payments in Excess of Tax Bill Amounts.

Section 1. Purpose and intent. It is the declared intent of this ordinance that tax payments made in excess of the tax bill amounts shall be refunded pursuant to the procedures established under this ordinance within 15 business days of the payment. Further it is the declared intent that this policy shall be in full force and effect upon

adoption by The Town Board with the purpose of complying with Se. 74.03 (2) of Wis. Statutes (as adopted by Wis. Act 315).

Section 2. Authority. This ordinance is adopted pursuant to the authority granted to Town Boards under Section 60.44 (2) of Wis. Statutes to adopt alternative claim procedure for approving financial claims against the Town, which are in the nature of bills and vouchers.

Section 3. Required procedure of Treasurer upon payment of excess amount over tax bill amount. Pursuant to Sec. 60.34 of Wis. Statutes upon receipt of tax payments in excess of tax bill, the town treasurer shall deposit as soon as practical all payments in the name of the town in public depositories designated by The Town Board. Upon verification by the town treasurer that the payment as deposited has cleared and not been returned as insufficient funds, but not later than ten days after depositing, the treasurer shall notify the town clerk in writing; the name and mailing address of the tax payer for whom a refund in excess of tax bill amount is due, the amount in the refund in excess of the tax bill, the date the payment was received, and a statement that the payment as made has cleared and not returned as insufficient funds.

Section 4. Required Procedures of Clerk upon notification from treasurer of excess payment of tax bill amount. Upon written notification from the town treasurer that the tax payer had made a payment in excess of the tax bill amount, the town clerk shall issue a normal voucher or authorization for payment of the refund of the excess amount over the tax bill amount upon finding the following;

1. Funds are available to pay the bill, assuming the tax payment has cleared and not been returned as is evidenced by the treasurers notice.
2. The Town Board has the authorized the refund of excess tax payments as established by the adopted ordinance.
3. The refund is due in the amount noticed by the town treasurer as a tax payment in the excess of the amount of the tax bill.
4. The refund is a valid claim against the town, being a payment in excess of the tax bill amount.

Further the town clerk shall prepare monthly, to be submitted to The Town Board at each monthly board meeting, a list of claims paid under this procedure, listing the amount of the claims, the date paid, the name of the tax payer/claimant, and that the payment was a refund for excess tax payment.

Section 5. Issuance of Disbursements from local Treasury. Upon approval of a voucher or proper authorization by the town clerk under the procedures listed in Sec. 4 of this ordinance, a refund to the tax payer/claimant named in the voucher or authorization and in the amount approved shall be written by the town clerk (in some cases the town treasurer may be the officer preparing the check) and counter signed by the town treasure and the town chairperson, pursuant to Sec. 66.0607 of Wis. Statutes shall be issued not later than 15 business days from the date the tax payment was received by the town treasurer as noticed by the town treasurer in Sec. 3 of this ordinance.

Section 6. Mailing or delivery of refund check to tax payer/claimant. Upon issuance of the proper counter signed refund check, pursuant to the procedures in this

ordinance, the refund check shall be delivered to the tax payer/claimant or mailed to the last known mailing address of the tax payer/claimant by the Town treasurer.

State Law Reference: Section 60.45, Wis. Stats.

SEC. 2-7-9 FACSIMILE SIGNATURES.

In lieu of the personal signatures of the Treasurer, Clerk and Chairperson, there may be affixed on order checks the facsimile signatures of such persons adopted by them and approved by the Town Board, but the use of the facsimile signature shall not relieve such official from any liability to which he is otherwise subject, including the unauthorized use thereof.

SEC. 2-7-10 PUBLIC DEPOSITORY.

The Town Board shall designate one (1) or more public depositories for depositing funds of the Town. The Treasurer and the Treasurer's surety are not liable for loss, as defined under Sec. 34.01(6), Wis. Stats., or money deposited in the name of the Town in a designated public depository. Interest accruing from Town money in a public depository shall be credited to the Town.

State Law Reference: Section 60.46, Wis. Stats.

SEC. 2-7-11 TEMPORARY INVESTMENT OF FUNDS NOT IMMEDIATELY NEEDED.

The Town Treasurer may invest any Town funds not immediately needed, pursuant to Sections 66.0306(2) and 219.05, Wis. Stats.

State Law Reference: Sections 66.04(2) and 219.05, Wis. Stats.

SEC. 2-7-12 PUBLIC CONTRACTS AND COMPETITIVE BIDDING.

- (a) **Definitions.** In this Section:
- (1) "Public contract" means 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 Five Thousand Dollars (\$5,000.00).
 - (2) "Responsible bidder" means a person who, in the judgment of the Town Board, is financially responsible and has the capacity and competence to faithfully and responsibly comply with the terms of the public contract.
- (b) **Advertisement for Bids.** Except as provided in Subsections (d) and (e), the Town may not enter into a public contract unless the Town Board, or a Town official or employee designated by the Town Board, advertises for proposals to perform the

- terms of the public contract by publishing a Class 2 notice under Ch. 985, Wis. Stats. The Town board may provide for additional means of advertising for bids. Pursuant to Subsection (a)(1) above, this advertising requirement does not apply to the purchase of equipment; it applies only to the purchase of materials or supplies expected to cost more than Five Thousand Dollars (\$5,000.00).
- (c) **Contracts to Lowest Responsible Bidder.** The Town Board shall let a public contract for which advertising for proposals is required under Subsection (b) to the lowest responsible bidder. Section 66.29, Wis. Stats., applies to public contracts let under this Section.
 - (d) **Contracts with Governmental Entities.** This Section does not apply to public contracts entered into by a Town with a municipality, as defined under Sec. 66.30(1) (a), Wis. Stats.
 - (e) **Exception for Emergencies.** Sec. 60.47(5), Wis. Stats., and this Section are optional with respect to public contracts for the repair and construction of public facilities when damage or threatened damage to the facility creates an emergency, as declared by resolution of the Town Board, that endangers the public health or welfare of the Town. This Subsection does not apply when the Town Board declares that the emergency no longer exists.
 - (f) **Application to Work by Town.** This Section does not apply to any public work performed directly by the town.

State Law Reference: Section 60.47, Wis. Stats.

SEC. 2-7-13 RECEIVING MONEY; RECEIPT FOR SAME.

- (a) The Town Treasurer shall not receive any money into the treasury from any source except on account of taxes levied and collected during the fiscal year for which he or she may then be serving, without giving a receipt therefore in the manner specified by the Town Board.
- (b) Upon the payment of any money (except for taxes as herein provided), the Treasurer shall make out a receipt in duplicate for the money so received. The Treasurer shall charge the amount thereof to the treasury and credit the proper account. The payment of the money to any receiving agent of the Town or to the Town or to the Treasurer shall be safeguarded in such manner as the Town Board shall direct.

State Law Reference: Section 66.113, Wis. Stats.

SEC. 2-7-14 DUPLICATE TREASURER'S BOND ELIMINATED.

- (a) **Bond Eliminated.** The Town of Packwaukee elects not to give the bond on the Town Treasurer provided for by Sec. 70.67(1), Wis. Stats. The Town Treasurer is required to be bonded under other statutory requirements.
- (b) **Town Liable for Default of Treasurer.** Pursuant to Sec. 70.67(2), Wis. Stats., the Town shall be obligated to pay, in case the Treasurer shall fail to do so, all state and county taxes required by law to be paid by such Treasurer to the County Treasurer.

State Law Reference: Section 70.67, Wis. Stats.

SEC. 2-7-15 STATEMENT OF REAL PROPERTY STATUS.

The Town Clerk is authorized to prepare a Statement of Real Property Status form to be used to provide information often requested for transfers of real property such as the amount of outstanding special assessments, deferred assessments, changes in assessments, amount of taxes, outstanding water, electric and sewer bills, current water, electric and sewer bills, contemplated improvement, floodplain status, violation of the building and health codes and similar information. Any such information sought shall be provided to the person requesting it on said form. The Town Clerk shall collect a fee of Five Dollars (\$5.00) for furnishing such information of said form. Persons requesting such information shall allow the Town Clerk a minimum of forty-eight (48) hours in which to compile such information.