

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 s. 60.24, Wis. Stat. 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 the 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 board members who are present will need to vote to assign that task at the start of the meeting.

2. Provide notice of town board meetings pursuant to s. 19.84, Wis. Stat.

In the absence of a local policy or ordinance to the contrary, the town chair, or his or her 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 town board has the power to vote to add an item to a future agenda if the chair refuses to place the item on the agenda.

3. Preside at town elector meetings, if present, pursuant s. 60.13(1), Wis. Stat.

The state law 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 he or she did not vote in favor of it. The town clerk also typically signs the attestation portion of the document. 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 s. 66.0607, Wis. Stat.

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.

Q. Does the town chair have the authority to buy equipment, hire employees or sign contracts without consulting the town board?

A. 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 s.60.24(1)(f), Wis. Stats., 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 can purchases be made [emergencies only?]; what sorts of items or services may be purchased, etc. Such a policy should be used for small purchases that are not subject to the public bidding requirements under s.60.47, Wis. Stats.

Pursuant to s.60.37(1) of the Wis. Stats., the town board is responsible for making 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 s.60.22(1), Wis. Stats.

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 s. 60.22(1), Wis. Stat. 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 the chapter 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 ss. 60.10(2)(c) & 60.22(3), Wis. Stat. Towns with village powers may exercise the powers granted to villages under s. 61.34, Wis. Stat. 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 s. 60.10, Wis. Stat.

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 the state open meetings law. A comprehensive guide is available on the Wisconsin Department of Justice's website: <https://www.doj.state.wi.us/sites/default/files/dls/2015-OML-Guide.pdf>

The town board takes action by voting on motions and adopting ordinances and resolutions. Most actions pass with a simple majority vote. Be aware that state law may require a super majority vote in some circumstances. For example, a two-thirds vote of the entire membership of the board is required to amend the budget. See s. 65.90(5), Wis. Stat. And a three-fourths majority of the town board is required to pass a zoning amendment when a protest petition is filed under s. 62.23(7)(d)2m, Wis. Stat.

Finance:

1. The town board is responsible for the preparation of the annual budget and conducting the required public hearing on the budget. ss. 60.40(2) & (3), Wis. Stats.

The town board may provide for the assistance of any person in the preparation of the proposed budget. s. 60.40(2), Wis. Stat. It is common for the town board to 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 s. 65.90(1), Wis. Stat. Also, remember that the town electors must approve the town tax levy pursuant to s. 60.10(1)(a), Wis. Stat., unless the electors have delegated this authority to the town board.

2. The town board is responsible for the preparation of an annual financial statement. s. 60.41, Wis. Stat.

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.

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

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 if there are questions. The board can then approve the voucher list or a range of check numbers and each bill need not be discussed and voted on individually.

4. The town board may adopt an alternative claims procedure by ordinance pursuant to s. 60.44(2), Wis. Stat.

It is common for a town board to receive claims with due dates that don't coincide perfectly with town board meetings. This 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 book at the following link:
<https://docs.legis.wisconsin.gov/statutes/townlaw/toc>

5. The town board may provide for an audit of the town finances pursuant to s. 60.43, Wis. Stat.

Annual audits by an outside CPA are only required when a town has a combined clerk-treasurer position. See s. 60.43(2), Wis. Stat. 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.

6. The town board designates the public depositories to be used by the town under s. 60.46, Wis. Stat. and it also selects which investment options may be used for town funds that are not immediately needed, s. 66.0603, Wis. Stat.

The town board may select one or more depositories and may change depositories at any time.

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 s. 82.03(1), Wis. Stat. 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 (s. 86.04) sue for injury to highway (s. 86.02) and cut and trim vegetation growing within the right of way (s. 66.1037).

2. Accepting, laying out, altering 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 s. 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. So, if a town board were to grant a petition to lay out a road to a landlocked property under s. 82.27, Wis. Stat., the town board would have to install a new town road. Keep in mind that town road easements can come into existence without formal action on the part of the town board (s. 82.31(2)-highway by use) and can become abandoned without formal board action (s. 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 s. 236.29(4), Wis. Stat. Platted roads that have been dedicated to and accepted by the town are owned in fee simple and do not disappear without formal board action under s. 66.1003, Wis. Stat. or a court action under s. 236.43, Wis. Stat.

Whether it's a highway by easement or a platted road, town boards cannot discontinue a road if it will deprive a landowner of all access to a highway, s. 66.1003(10), Wis. Stat.

3. Competitive bidding and prevailing wage laws

Town boards are responsible for complying with the competitive bidding law applicable to town public works, s. 60.47, Wis. Stat. Under that section, "public works" is defined 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 snowplowing, assessing, waste hauling) or equipment purchases (such as trucks, graders, police cars) which are NOT subject to bidding. For public works with an estimated cost between \$5,000 and \$25,000, the town board or a designated official must give a Class 1 notice a week before entering in to the contract. The notice would state the dollar amount of the contract and the purpose. For contracts with an estimated cost over \$25,000, a Class 2 notice 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.

State prevailing wage rate laws applicable 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 bear that in mind when accepting federal grants, etc.

4. Contracts

The town board must approve all contracts unless the board expressly votes to delegate this authority to someone else. 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 s. 60.55, Wis. Stat. Options include: contracting for service, forming a town department or forming a joint fire department with one or more municipalities. See s. 60.55(1), Wis. Stat. 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 is to 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 s. 60.565, Wis. Stat. 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 in Madison at 608-266-1568 for more information on these requirements.

3. Law Enforcement

The town board has the option of providing law enforcement for the town. See s. 60.56, Wis. Stat. If it 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 an office(s). See s. 60.10(1)(b)4, Wis. Stat. The town board establishes the jurisdiction and duties of a town constable and may require training to obtain full peace powers. See s. 60.22(4), Wis. Stat.

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 s. 323.14(1), Wis. Stat. 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 s. 60.307(2), Wis. Stat. 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 3 years. s. 60.307(3)(b), Wis. Stat.

2. Board of Review

The town board members and town clerk act as the town board of review, unless the town board establishes a citizen board of review. See s. 70.46, Wis. Stat. The town board establishes the compensation for part-time board of review members, s. 70.46(3), Wis. Stat. 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 s. 70.47, Wis. Stat.

In addition, the Wisconsin Department of Revenue provides a Guide for Board of Review Members and other useful sources of information on the property assessment process at the following link: <https://www.revenue.wi.gov/Pages/Municipalities/boardofreview.aspx>

Note that at least one member of the board of review must have attended a training session within 2 years of the board of review's first meeting. See s. 70.46(4), Wis. Stat. In person training is offered by WTA every other year at our winter/spring district

meetings. There is also a training DVD available from the UW-Extension Local Government Center. See their website for more information: <http://lgc.uwex.edu/>

The town board may also allow the recovery of "unlawful taxes" and "claims on excessive assessments" pursuant to ss. 74.35 and 74.37, Wis. Stats. All of the conditions outlined in those sections must be met before the claims can be allowed. Any payments made to taxpayers would be from the town's general fund.

Planning and Zoning:

1. Zoning

Several options exist for zoning within towns. First, be aware that counties are required to adopt shoreland and floodplain zoning ordinances under ss. 59.692 and 87.30, Wis. Stats. These ordinances are applicable to any town lands that meet the statutory definition of shoreland or floodplain.

Outside of these areas, it is the town board's decision as to what, if any, zoning will apply. The town board could decide to have no zoning outside of the shoreland and floodplain. Next, the town board could decide to approve a county zoning ordinance adopted under s. 59.69(5), Wis. Stat. Under this option, the county administers the ordinance, but the town reserves the power to veto map or text changes within certain time limits. Towns under county zoning are often asked for recommendations on conditional uses or variance requests, but the town's recommendation on these matters is not binding and the final decision rests with 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 it within one year. See s. 59.69(5)(d), Wis. Stat. A recent law change created a procedure for towns in Dane County to withdraw from county zoning, but elsewhere, a county comprehensive revision is still required.

If the county does not have a general comprehensive zoning ordinance or the town has not approved the county ordinance, the town board has the option of considering its own town zoning. First, if no county comprehensive zoning ordinance exists, the town can petition the county to adopt such an ordinance. If it fails to do so within one year of the request, the town can adopt a general zoning ordinance under s. 60.61, Wis. Stat. Secondly, if the town has village powers and the town is in a county that has a comprehensive county zoning ordinance, the town electors may authorize the town board to exercise zoning authority. See s. 60.62, Wis. Stat. Note that the county board must approve of the town zoning ordinance and any amendments to it before they are effective in the town.

Finally, if the town has village powers 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 s. 60.62, Wis. Stat. and s. 62.23(1), Wis. Stat. Plan commissions are typically made up of seven members, but towns with a population under 2,500 may opt to have a five member plan commission by ordinance. See s. 60.62(4)(d), Wis. Stat. The members of the plan commission are appointed by the town chairperson, but subject to confirmation by the town board, s. 60.62(4)(a), Wis. Stat. Plan commission members may be removed by a majority vote of the town board. No more than four of the members of either a 5 or 7 member plan commission may be town officials. None of the plan commission members are required to be town officials. All of the members may be citizens. The town chair selects the chair of the plan commission.

A sample plan commission ordinance and updates to the sample ordinance are available on the UW-Extension Local Government Center's website.

3. Comprehensive planning

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

Towns with official maps established under s. 62.23(6), local subdivision regulations under s. 236.45, or town zoning under s. 60.61 or s. 60.62, Wis. Stats., must have a comprehensive plan in place. Litigation is likely to result if towns with these types of regulations have no comprehensive plan or make zone 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 zone 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 s. 236.45, Wis. Stat. 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, s. 60.37, Wis. Stat. 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 s. 66.0502(4)(b), Wis. Stat. The town board may 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, s. 60.37(2), Wis. Stat. 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 attorney should also be provided with a copy of the policy. This will help ensure that bills are not incurred for unauthorized use of the attorney and hopefully establish clear lines of communication.

Town boards may also consider hiring elected town officials as part-time town employees. Special statutory provisions apply. See ss. 60.37(4) & 66.0501, Wis. Stats. For example, the town electors must vote to establish the hourly wage and there are limitations on the total allowable annual compensation that can be earned for work as a part-time employee. A board member must abstain from voting to hire himself, s. 19.59.

Additional Miscellaneous Board Responsibilities:

1. Act as fence viewers when requested under Chapter 90 Wis. Stats.
2. Act as required under s. 88.90, Wis. Stat. to assist with removal of obstructions from the natural watercourse
3. Review and comply with the state ethics laws for local officials under s. 19.59 and avoid misconduct in office under ss. 946.12, & 946.13, Wis. Stats.

Town Clerk Job Description

Background: The town clerk is not a member of the town board of supervisors. The clerk's statutory duties are listed under s. 60.33, Wis. Stat. The clerk does not vote on any legislative matters before the town board. The town clerk could be asked to vote on a town highway application if there are fewer than two board members able to act. See s. 82.11, Wis. Stat. Also, the town clerk, whether elected or appointed, does vote to fill any vacancy that occurs on the town board. See s. 17.25, Wis. Stat.

Town clerks have the option of appointing one or more deputies for whom the clerk is responsible. See s. 60.331, Wis. Stat. The deputy serves at the pleasure of the clerk and the deputy has no right to the office if the clerk that appointed him or her 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. 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 the town board meetings and ensuring that any ordinances or resolutions adopted by the board are posted or published as required under s. 60.80, Wis. Stat. 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 would need to appoint someone (such as a supervisor) to take minutes of the closed session in place of the clerk.

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 provides notice of the annual town meeting (if required) and other town elector meetings under s. 60.12(3), Wis. Stat. and serves as clerk of those meetings. Within 5 days of a town elector meeting, the clerk must file the minutes of that meeting in his or her office. See s. 60.15, Wis. Stat. All resolutions, motions and other actions taken by the electors at a town elector meeting must be posted or published as required within 30 days of the meeting under s. 60.80(1)(a), Wis. Stat.

Finance: The town clerk is required to keep a finance book which shall contain a complete record of the finances of the town, showing the receipts, with the date, amount and source of each receipt; the 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 s. 66.0607, Wis. Stat. 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, s. 66.0607(7), Wis. Stat. Before a claim that would put the town budget out of balance could be paid, the town board would need to amend the budget pursuant to s. 60.40(5), Wis. Stat.

Town clerks are often called upon by the town board to assist with preparation of the town budget under s. 60.40(2), Wis. Stat. and preparation of the annual financial statement pursuant to s. 60.41, Wis. Stat. In addition, clerks typically complete the "Local Government Financial Report Form" as required under ss. 73.10(2) and 86.303(5), Wis. Stats.

Detailed information on the procedures to be used in managing the town finances, using the cash accounting method of accounting, is available in the *Financial Administration Handbook for Small Wisconsin Towns and Villages* which is provided by the Wisconsin Department of Revenue Local Government Services Bureau. A copy can be obtained by calling the Wisconsin Department of Revenue at 608-261-5360.

Property Assessment:

The town clerk has the responsibility to carefully examine the assessment roll upon receipt from the assessor and prior to the board of review. The clerk is to correct all double assessments and other errors apparent upon the face of the roll. The clerk is also to add any omitted real or personal property and notify the assessor of such omissions. See s. 70.52, Wis. Stat. for more details.

The town clerk is responsible for providing notice to the public of the open book under s. 70.45, Wis. Stat. and board of review under s. 70.47(2), Wis. Stat.

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 s. 70.46(1), Wis. Stat. An appointed town clerk is not an automatic member of the board of review, s. 70.46(1m), Wis. Stat. This is because clerks appointed under either s. 60.10(1)(b)(2m), Wis. Stat. or s.60.30(1e), Wis. Stat. 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.

The duties of the town clerk for the board of review are stated in s. 70.47, Wis. Stat. The clerk is to provide the proper notices for the board of review and keep a record of the proceedings. The clerk is to swear in all persons testifying before the board of review. The clerk also provides notice of board of review decisions as required by law. The Wisconsin Department of Revenue Guide for Board of Review Members provides an excellent overview of the process.

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

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

If a claim for unlawful or excessive taxes is allowed pursuant to s. 74.35 or s.74.37, Wis. Stats., the clerk may seek a charge back through the Wisconsin Department of Revenue if certain conditions are met. See s. 74.41, Wis. Stat.

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

Elections:

The town clerk is responsible for performing the functions in chs. 5-12 of the state statutes relating to elections. Some of these tasks include providing election notices, 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 s. 19.33, Wis. Stat. As the custodian, the clerk is responsible for complying with requests under the public records law. s. 19.34 Wis. Stat. The clerk also typically maintains, preserves and disposes of town records in accordance with s. 19.21, Wis. Stat. A helpful guide, the “Wisconsin Municipal Records Manual”, is available at www.wisconsinhistory.org, the Wisconsin Historical Society’s website.

Licenses: The clerk may issue licenses granted by the town board. See s. 60.33(8), Wis. Stat. The clerk also processes applications for alcohol licenses and provides the required notice. See s. 125.04, Wis. Stat.

Miscellaneous additional duties:

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

Town Treasurer Job Description

Background: The town treasurer's duties are listed under s. 60.34, Wis. Stats. The town treasurer is not a member of the town board of supervisors and does not vote on town board matters. In a very rare circumstance, the treasurer may be asked to vote on a town highway application. See s. 82.11(2)(b), Wis. Stat. Town treasurers may appoint a deputy under s. 60.341, Wis. Stat. for whom they are responsible. The town board is not obligated to pay the deputy.

Finance: The town treasurer is to receive and take charge of all money belonging to the town. As soon as practicable, the treasurer must deposit town funds in the depository designated by the town board. See ss. 60.34(1) & (2), Wis. Stat.

The town board may allow municipal fire departments, emergency medical technicians and first responders to deposit (and withdraw) certain fundraiser and donation money into a separate account by adoption of an ordinance under s. 66.0608, Wis. Stat. If no such ordinance is in place, such money should be turned over to the town treasurer for deposit into a town account. A 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 s. 66.0607, Wis. Stat. 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 object for which it was paid. The treasurer shall issue numbered receipts for all funds received. At the request of the town board, the treasurer must present the account books, and any supporting documents requested, to the board. See s. 60.34(1)(b), Wis. Stat. Many town boards ask the treasurer to give a report on the town's finances at the regular monthly board meeting.

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 s. 74.07, Wis. Stat. The treasurer issues tax receipts under s. 74.19, Wis. Stat. The treasurer is required to settle for all taxes received pursuant to s. 74.23, Wis. Stat. in January and all taxes received pursuant to s. 74.25, Wis. Stat. in February. Treasurers may also charge back certain delinquent personal property taxes that have been delinquent for over one year. See s. 74.42, Wis. Stat.