

TITLE 3

Finance and Public Records

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CHAPTER 1

Finance

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SEC. 3-1-1 FISCAL MANAGEMENT.

The Town Board of the Town of Amberg has the specific authority, powers and duties pursuant to Sections 60.10, 60.20, 60.22, 60.23, 60.40, 60.41, 60.42, 60.44, 60.45, 60.46, 60.47, 65.90, 66.04, 66.15, 66.60, 74.12, Chapter 67 and 70, Wis. Stats., to manage, supervise and direct the fiscal operations of the Town of Amberg and to develop, maintain and implement a fiscal management system for the Town.

SEC. 3-1-2 PREPARATION AND ADOPTION OF BUDGET.

- (a) **Fiscal Year; Annual Budget.** The Town of Amberg 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 of Budget.** Each elected officer and each appointed officer responsible for a department, office, special office, committee, commission, agency, board or other special government unit of the Town of Amberg shall file with the Town Clerk, by a date established by the Town Clerk of the Town of Amberg, the following for their department, office, special office, committee, commission, agency, board or other special government unit of the Town.
 - (1) Prior years receipts, revenues, disbursements and expenditures.
 - (2) Current years receipts, revenues, disbursements and expenditures.
 - (3) Estimated receipts, revenues, disbursements and expenditures for next year.
- (d) **Elements of Budget.** Each budget prepared by and approved by the Town Board shall include the following:
 - (1) All existing indebtedness.
 - (2) All anticipated revenue from all sources for ensuing year.
 - (3) All proposed appropriations for departments, committees, commissions and boards, active or reserve accounts for next year.
 - (4) All actual revenues and expenditures for preceding year.
 - (5) All actual revenue and expenditures for not less than six (6) months of current year.
 - (6) All estimated revenues and expenditures for the balance of the year.
 - (7) All anticipated unexpended or unappropriated balances and surpluses.
 - (8) Such other information may be required by the Town Board and state law.
- (e) **Elements in Budget Summary.** Each budget summary prepared by and approved by the Town Board shall include the following:
 - (1) All expenditures by major expenditure category for the proposed budget, the budget in effect and the budget of the preceding year.
 - (2) All revenues by major revenue service for the proposed budget, the budget in effect and the budget of the preceding year.
 - (3) Any financial source and use not identified in Subsection (e)(1) and (2) above.
 - (4) All beginning and year end balances for the proposed budget, the budget in effect and the budget of the preceding year.
- (f) **Copies of Budget.** The Town shall provide a reasonable number of copies of the budget thus prepared for distribution to citizens.
- (g) **Hearing.** The Town Board shall conduct the budget hearing required under Sec. 65.90, Wis. Stats.
- (h) **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.
- (i) **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. 3-1-3 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 roll call two-thirds (2/3) vote of the entire membership of the Town Board. Notice of such change shall be given by publication or posted within eight (8) days thereafter in the official Town newspaper.

SEC. 3-1-4 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 3-1-3 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. 3-1-5 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. 3-1-6 FINANCE BOOK.

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

SEC. 3-1-7 FINANCIAL AUDITS.

The Town Board shall provide for financial audits under Sec. 66.041, Wis. Stats.

State Law Reference: Section 60.43, Wis. Stats.

SEC. 3-1-8 CLAIMS AGAINST TOWN.

- (a) The Town Board shall develop and maintain a policy and plan, pursuant to Sections 60.44 and 893.80, Wis. Stats., to manage and control any legal claims against the Town of Amberg, its officers, its employees and its agents. 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. The Town Clerk shall immediately contact the Town Chairperson regarding the claims. The Town Chairperson shall arrange any appropriate and necessary meeting of the Town Board for actions pursuant to Sections 60.44 and 893.80, Wis. Stats., to allow or disallow any claim. The Town Chairperson shall, at his or her discretion, contact the Town Attorney regarding the claim prior to the meeting of the Town Board.
- (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, Wi. stats.

SEC. 3-1-9 DISBURSEMENTS FROM TOWN TREASURY.

Disbursements from the Town treasury shall be made under Sec. 66.042, Wis. Stats. No claim, account or demand for payment against the Town shall be paid until a voucher has been filed with or prepared by the Town Clerk. Each check representing a disbursement or transfer of Town funds must be signed by the Town Clerk and Town Treasurer. Each check must also be signed by the Town Chairperson.

State Law Reference: Section 60.45, Wis. Stats.

SEC. 3-1-10 FACSIMILE SIGNATURES.

In lieu of the personal signatures of the Town Clerk, Town Treasurer 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/she is otherwise subject, including the unauthorized use thereof.

SEC. 3-1-11 PUBLIC DEPOSITORY.

The Town Board shall designate one (1) or more public depositories for depositing funds of the Town. These public depositories shall be approved financial institutions as noted in Sec. 66.04, Wis. Stats. 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. 3-1-12 TEMPORARY INVESTMENT OF FUNDS NOT IMMEDIATELY NEEDED.

- (a) The Town Treasurer, in cooperation with the Town Board, may invest any Town long-term funds and temporary funds not immediately needed, pursuant to Sections 66.04(2) and 219.05, Wis. Stats.
- (b) The Town Board and the Town Treasurer shall use the following criteria in determining the financial options available for investing the financial assets of the Town:
 - (1) The safety of the investment.
 - (2) The maturity of the investment.
 - (3) The liquidity of the investment.
 - (4) The yield of the investment.
 - (5) The other services available to the Town with the investment.

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

SEC. 3-1-13 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 Ten Thousand Dollars (\$10,000.00).
 - (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 Ten Thousand Dollars (\$10,000.00).
- (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. Municipality, for this Section is defined as the state or any department or agency thereof, or any city, village, town, county, school district, public library system, public inland lake protection and rehabilitation district, sanitary district, farm drainage district, metropolitan sewerage district, sewer utility district, water utility district, mosquito control district, municipal electric company, county or city transit commission or regional planning commission.

- (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 if 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. 3-1-14 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 therefor 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 triplicate 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. 3-1-15 DUPLICATE TREASURER'S BOND ELIMINATED.

The Town of Amberg elects not to give the bond on the Town Treasurer provided for by Sec. 70.67(1), Wis. Stats.

State Law Reference: Section 70.67, Wis. Stats.

SEC. 3-1-16 STATEMENT OF REAL PROPERTY STATUS.

The Town Clerk and Town Treasurer are 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, 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 or Town Treasurer shall collect a fee of Ten Dollars (\$10.00) payable at the time a request for compiling such information on said form. The Town Clerk and Town Treasurer shall have a minimum of three (3) business days during the regular work week to satisfy such requests. Neither the Town nor its officials assume any liability when providing this service.

SEC. 3-1-17 LIABILITY OF THE TOWN FOR ACTS OF AGENTS.

No agent of the Town having authority to employ, labor or to purchase materials, supplies or any other commodities, may bind the Town or incur any indebtedness for which the Town may become liable without approval of the Town Board. Each such employment of purchase order shall be drawn against a specific appropriation, the money for which shall be available in the Town treasury and not subject to any prior labor claims or material purchase orders at the time when such employment is negotiated or purchase order drawn. The Town Clerk shall keep a record of such employment and purchase orders and shall charge them against the proper appropriation.

SEC. 3-1-18 ACCOUNTS RECEIVABLE BILLING PROCEDURES.

Billings by the Town may be paid within thirty (30) days after billing without interest. Thereafter, interest may be charged at the rate of one and one-half percent (1-1/2%) per month or any fraction thereof, until the following fifteenth (15th) day of November. Bills not paid on or before the first (1st) day of November may have added to the total amount due one and one-half percent (1-1/2%) of said charges and shall be entered on the tax roll as a special charge and become a lien upon real estate.

SEC. 3-1-19 ANNUAL AUDITS.

A firm of certified public accountants may be employed each year by the Town, subject to the confirmation of the Town Board to conduct a detailed audit of the Town's financial transactions and its books, and to assist the Town Treasurer in the management of the Town's financial affairs. These auditors may be employed on a calendar-year basis. The books audited shall, in addition to the Town financial records of the office of the Town Treasurer, and only include books of any other boards, commission, officers or employees of the Town handling Town monies.

SEC. 3-1-20 FEE FOR RETURNING CHECKS WITH INSUFFICIENT FUNDS; REIMBURSEMENT OF COLLECTION COSTS.

- (a) There shall be a Ten Dollar (\$10.00) fee for processing checks made payable to the Town that are returned because of insufficient funds in the account in question.
- (b) Collection costs and attorneys fees shall be added to the principal amounts of unpaid bills owed to the Town that are placed with collection agencies.

SEC. 3-1-21 DELINQUENT PERSONAL PROPERTY TAXES.

- (a) Pursuant to the authority of Sec. 74.80(2), Wis. Stats., the Town hereby imposes a penalty of one-half percent (0.5%) per month or fraction of a month, in addition to the interest prescribed by Sec. 74.80(1), Wis. Stats., on all overdue or delinquent personal property taxes retained for collection by the Town or eventually charged back to the Town by the County for purposes of collection under Sec. 74.31, Wis. Stats.

