

Chapter 7

Finance

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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/Treasurer, each officer, department and committee shall annually file with the Town Clerk/Treasurer 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/Treasurer 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 change 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/Treasurer shall maintain a finance book under Sec. 60.33(3), Wis. Stats.

Sec. 2-7-6 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. 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/Treasurer 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. 66.042, Wis. Stats. Each check representing a disbursement or transfer of Town funds must be signed by the Clerk/Treasurer. The Town Board has adopted 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.

State Law Reference: Section 60.45, Wis. Stats.

Sec. 2-7-9 Facsimile Signatures.

In lieu of the personal signatures of the Town Clerk/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. 2-7-10 Public Depository.

The Town Board shall designate one (1) or more public depositories for depositing funds of the Town. The Clerk/Treasurer and the Clerk/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 Clerk/Treasurer may invest any Town funds not immediately needed, pursuant to Sections 66.04(2) and 219.05, Wis. Stats.

State Law Reference: Sections 66.04 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 exceeding Fifteen Thousand Dollars (\$15,000). If

labor or materials is donated, this section does not apply to such donated labor or material.

- (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 Fifteen Thousand Dollars (\$15,000).
- (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 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. 2-7-13 Receiving Money; Receipt for Same.

- (a) The Town Clerk/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 Clerk/Treasurer shall make out a receipt in duplicate for the money so received. The Clerk/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 Clerk/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.

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

State Law Reference: Section 70.67, Wis. Stats.

Sec. 2-7-15 Statement of Real Property Status.

The Town Clerk/Treasurer, the Town Administrator, and deputies 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/Treasurer, Town Administrator and deputies shall have a minimum of twenty-four (24) hours during the regular work week to satisfy such requests. A \$40 fee shall be charged for compiling this information, which shall be payable at the time of a request.

Sec. 2-7-16 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/Treasurer shall keep a record of such employment and purchase orders and shall charge them against the proper appropriation.

Sec. 2-7-17 Accounts Receivable Billing Procedure.

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 shall 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. A late payment service charge of Twenty-five Dollars (\$25.00) shall also be charged.

Sec. 2-7-18 Annual Audits.

A firm of certified public accountants shall 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 Clerk/Treasurer in the management of the Town's financial affairs. These auditors shall be employed on a calendar-year basis. The books audited shall, in addition to the Town financial records of the office of the Town Clerk/Treasurer, and only include books of any other boards, commission, officers or employees of the Town handling Town moneys.