

Town of Milladore
Supervisor(s) Position Description
Updated 3/24/2022

Financial Reimbursement of Town Supervisor position

Activity	Amount
Mileage Reimbursement Mileage claims submitted with date, distance, and purpose submitted by end of month (2022 state reimbursement of .59 a mile)	
Board of Review Meeting (1 x \$50) deduct taxes	\$50
Special Meetings Called during the year (\$50 per meeting) Voted November 7, 2021 at Annual Budget Meeting	

Supervisors \$2100	After Taxes \$1939.32	Paid once a year
Jan	\$161.61	Paid \$1,939.32
Feb	\$161.61	
March	\$161.61	
Apr	\$161.61	
May	\$161.61	
June	\$161.61	
July	\$161.61	
August	\$161.61	
September	\$161.61	
October	\$161.61	
November	\$161.61	
December	\$161.61	

The town supervisors and town chair make up the town board. The state statutes do not list all the powers and duties of the town board in one central location. Rather, those powers and duties are scattered throughout state law. 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. s. 60.22(1). This position description will explain the major responsibilities of the Supervisors in the Town of Milladore.

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

Town boards may only engage in discussion about or take action on town board matters at a properly noticed agenda pertaining to the town board meeting. *(A board may discuss but cannot take action on an item not on the posted agenda).* To ensure compliance with the law, the board members should familiarize themselves with the

state open meetings law. They can be found under Chapter 19 General Duties of Public Officials; Sub Chapter V Open Meetings of Governmental Bodies.

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."

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/office-open-government/office-open-government>.

Wisconsin Statute 60.22 General powers and duties. The town board:

- (1) CHARGE OF TOWN AFFAIRS. Has charge of all affairs of the town not committed by law to another body or officer or to a town employee.
 - a. The town board takes action by voting on motions and adopting ordinances and resolutions.
 - b. Most actions passes with a simple majority vote.
 - c. 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 require to amend the budget. See s.65.90(5), Wis. Stat.
- (2) CHARGE OF ACTIONS. Has charge of any action or legal proceeding to which the town is a party.
- (5) PURSUE CERTAIN CLAIMS OF TOWN. Shall demand payment of penalties and forfeitures recoverable by the town and damages incurred by the town due to breach of official bond, injury to property or other injury. If, following demand, payment is not made, the board shall pursue appropriate legal action to recover the penalty, forfeiture or damages.

Finance:

1. The town board is responsible for the preparation of the annual budget and conducting the required public hearing on the budget. See ss. 60.40(2) & (3). Prior to adoption of the final budget, the town board must conduct a public hearing on the budget. See s. 65.90(1). Also, remember that the town electors must approve the town tax levy pursuant to s. 60.10(1)(a), 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. See s. 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 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. s. 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. After conducting its review, 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).

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.

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). 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. 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 s. 82.10, Wis. Stat. s. 82.27, (s. 82.31(2)- (s. 82.19(2).

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. See s. 66.1003(10).

3. Towns must comply with competitive bidding laws.

Town boards are responsible for complying with the competitive bidding law applicable to town public works, s. 60.47. 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 ambulance, 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 under ch. 985 one week before entering into 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 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.

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, like 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 s. 60.55. 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). 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. 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.

3. 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). 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). 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 s. 60.307(3)(b).

2. Board of Review (BOR)

The town board members and town clerk act as the town board of review. See s. 70.46. Procedures for conducting the board of review are found in s. 70.47. 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 on its website.

Note that at least one member of the board of review needed to have attended a BOR training session on a yearly basis. See s. 70.46(4).

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. 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). 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). 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. 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 him/herself. See s. 19.59.

Additional Responsibilities specific to the Town of Milladore Supervisor role:

1. Act as fence viewers when requested under Chapter 90 Wis. Stats.
2. Act as required under Wis. Stat. s. 88.90 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.

Other Items NOT identified above:

- a. _____
- b. _____
- c. _____

Appendix A

Chapter 60 Towns

SUBCHAPTER IV TOWN BOARD 60.20 Town board.

(1) MEMBERSHIP. The town board consists of the supervisors of the town. The board shall be designated "Town Board of".

(2) QUORUM. Two supervisors constitute a quorum of a 3-member town board, 3 supervisors constitute a quorum of a 4-member or 5-member town board, and 4 supervisors constitute a quorum of a 7-member town board under s. 60.21 (3).

(3) MEETINGS. Meetings of the town board may be held in the town or in any other town, city or village in the same county or in an adjoining county, subject to subch. V of ch. 19. History: 1983 a. 532; 1991 a. 39; 2005 a. 312. 60.21
Town board, increased size authorized.

(1) IN TOWNS WHERE BOARD HAS VILLAGE POWERS. Any town board authorized to exercise village powers may, by ordinance, increase the number of supervisors to no more than 5. If the number of supervisors is increased to 4, the town shall elect 2 supervisors each year. If the number is increased to 5, the town shall elect 3 supervisors in odd-numbered years and 2 supervisors in even-numbered years. An increase in the number of town board supervisors under this subsection does not create a vacancy on the town board.

(2) WHERE TOWN OF CERTAIN POPULATION.

(a) If directed by the town meeting under s. 60.10 (2) (b), a town board of 5 members, elected at-large, shall be established in towns having a population of 2,500 or more.

(b) If a 5-member board is established and the seats of the board are numbered, the board may, by ordinance, stagger the terms of its supervisors so that the chairperson and 2 supervisors running for even-numbered seats on the town board serve 2-year terms and the other 2 supervisors serve one-year terms, with each subsequent election to be for 2-year terms so that elections occur in both odd-numbered and even-numbered years.

(c) If a 5-member board is established and the seats of the board are not numbered, the board may, by ordinance, stagger the terms of its members so that the chairperson and 2 supervisors receiving the highest number of votes in the next election serve 2-year terms and the other 2 supervisors serve one-year terms, with each subsequent election to be for 2-year terms so that elections occur in both odd-numbered and even-numbered years.

(d) An ordinance to stagger the terms of supervisors may be adopted to apply to the initial election of 5 supervisors or to any subsequent election.

(e) An increase or reduction in the membership of a town board under this subsection takes effect on January 1 of the first odd-numbered year following the most recent federal decennial or special census, but does not create any vacancy on a town board prior to the spring election.

(3) IN A COUNTY CONTAINING ONE TOWN.

(a) The town board of a town in any county containing only one town may consist of not more than 7 members. One or more members shall be elected from the town at-large and one member shall be elected from each town board ward, of which there shall be not less than 2 nor more than 5. The member elected from the town at-large who has the highest number of votes shall be the town board chairperson.

(b) The number and boundaries of the town board wards and the number of town board members to be elected from the town at-large shall be designated by the legislature when the town is first established. Thereafter, the number of wards shall be subject to reapportionment and increase or decrease and the number of town board members elected at-large shall be subject to increase or decrease by majority vote

of the town board. In order to provide that all inhabitants are adequately represented, each ward shall have substantially the same number of inhabitants, shall, insofar as practicable, consist of contiguous territory and shall be in compact form. The total number of town board members may not be changed from the number initially fixed by the legislature. History: 1983 a. 532; 1985 a. 135. 60.22

General powers and duties.

The town board:

- (1) CHARGE OF TOWN AFFAIRS. Has charge of all affairs of the town not committed by law to another body or officer or to a town employee.
- (2) CHARGE OF ACTIONS. Has charge of any action or legal proceeding to which the town is a party.
- (3) VILLAGE POWERS. If authorized under s. 60.10 (2) (c), may exercise powers relating to villages and conferred on village boards under ch. 61, except those powers which conflict with statutes relating to towns and town boards.
- (4) JURISDICTION OF CONSTABLE. Shall determine the jurisdiction and duties of the town constable. A town constable who is given law enforcement duties by the town board, and who meets the definition of a law enforcement officer under s. 165.85 (2) (c), shall comply with the minimum employment standards for law enforcement officers established by the law enforcement standards board and shall complete training under s. 165.85 (4) (a) 1.
- (5) PURSUE CERTAIN CLAIMS OF TOWN. Shall demand payment of penalties and forfeitures recoverable by the town and damages incurred by the town due to breach of official bond, injury to property or other injury. If, following demand, payment is not made, the board shall pursue appropriate legal action to recover the penalty, forfeiture or damages. History: 1983 a. 532; 1987 a. 237; 2013 a. 214.