

TOWNSHIP OF GIBRALTAR

ORGANIZATIONAL ORDINANCE No. 2021-01

Chapter 1:

Town Board of Supervisors

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's 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. (The Town of Gibraltar Board was granted Village Powers on April 7, 1931.) 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 prepared and noticed town board meeting. To ensure compliance with the law, the board members should familiarize themselves with the state open meetings law.

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 supermajority 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 at a budget workshop. Prior to adopting 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 of 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 account for the assistance of any person in creating the document, such as the town clerk or town treasurer.

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 to have a prepared list of bills to be paid in advance of the meeting. The board members can then review the list at 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: <http://legis.wisconsin.gov/rsb/townlaw.htm>

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 periodically, when a treasurer or clerk is leaving office after several years, or whenever accounting problems are suspected. The town board may also routinely review the books themselves to ensure that the town's finances are being handled properly. The Town of Gibraltar Board seeks to have an annual audit conducted at the beginning of the fiscal year.

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 maintenance personnel to perform these duties. They are also responsible for obtaining the assistance of companies to assist in this maintenance. 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 a 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 along with the DOT 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 accepted by the town do not disappear without formal board action under s. 66.1003, Wis. Stat. or 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 contract" is defined as a contract for the construction, execution, repair, remodeling, or improvement of any

public work or building or the furnishing of materials or supplies with an estimated cost greater than \$5,000. This definition does not include services (such as snow plowing, assessing, waste hauling) or equipment purchases (such as trucks, graders, police cars) which are NOT subject to bidding. A municipal checklist for complying with the prevailing wage law is available from our office and more information on the law is available online: http://dwd.wisconsin.gov/er/prevailing_wage_rate/law.htm

4. Contracts

The town board must approve all contracts, (other than hall rentals). 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 how 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) 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. Rescue Service

The town is obligated to provide EMS service unless another person or entity provides service. 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.

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. The Town police department in cooperation with the Door County Sheriff's Department serves the Town Of Gibraltar.

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. The Fire Chief serves as this head. 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.

Property Assessment:

1. Appointed Assessor

Towns may have either elected or appointed assessors. The decision to switch from an elected assessor to an appointed one is the power of the town electors. 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. Contact the Town of Gibraltar offices for the current vendor.

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. The date for the Board of Review is recommended by the assessor and finalized by the town board. Note at least one member of the board of review must have attended a training session within two years of the board of review's first meeting. See s. 70.46(4), Wis. Stat.

Planning & 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 s. 59.692 and 87.30, Wis. Stats. These ordinances apply 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 may decide to adopt zoning ordinances pursuant to Wisconsin Statutes.

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. The Town of Gibraltar created a 5-member board in 2003 and the members are serving for a 3-year term with alternating terms.

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. 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 and must make decisions under their ordinances that are consistent with the plan. The Town of Gibraltar created and adopted a Comprehensive Plan.

4. Subdivision/Land Division ordinances

Towns with village powers can 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.

Human Resources:

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 include residency in the town. The town board may delegate the authority to hire and dismiss employees to a particular town official or employee.

The board also has the 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.

Chapter 2:

Town Board Chair

Background: The town chair is a member of the town board of supervisors. He or she has an equal vote as 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 (see Supervisor's Job Description), 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 and annual town meeting.

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, or the town chairperson may designate a town supervisor to act as chairperson in the absence.

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

The town chair is responsible for preparing and giving proper notice for each of the meetings to the public. If delegated to the clerk it should be done on the record by a statement of the town chair recorded in the minutes of the meeting. It is the ultimate responsibility of the town chair to see that notices are properly prepared and given. 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. 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.

Chapter 3:

Gibraltar Town Administrator

Creation of position.

To provide the Town of Gibraltar with a more efficient, effective, and responsible government under a system of a part-time Board of Supervisors (hereinafter referred to as the "board") at a time when town government is becoming increasingly complex, there is hereby created the position of Town Administrator for the Town of Gibraltar (hereinafter referred to as the "administrator") as authorized by Wisconsin Statutes § 60.37(3).

Selection and condition of employment.

The administrator shall be selected based on merit with due regard to training, experience, administrative ability, and general fitness for the position, by a majority vote of the board. The administrator shall be employed to serve for an indefinite term at the pleasure of the board. This section, however, shall not preclude the board from establishing other employment terms and conditions not inconsistent with the provisions of this article or adopted employment policies of the Town of Gibraltar.

Residency

The administrator is encouraged to become a resident of the Town of Gibraltar.

Functions and duties.

The administrator, subject to the limitations defined in resolutions and ordinances of the Town of Gibraltar and Wisconsin State Statutes, shall be in charge of the administration of the Town, responsible directly to the board for the proper administration of the business affairs of the town, pursuant to the statutes of the State of Wisconsin, the ordinances of the Town of Gibraltar, and the resolutions and directives of the board, with power and duties as follows:

A.

General duties.

1. Carry out the directives of the board which require administrative implementation and reporting promptly to the board any difficulties encountered herein. The town administrator reports to the town board and not only to the town chairperson.
2. Be responsible for the administration of all day-to-day operations of the town government, including the monitoring of all town ordinances, resolutions, board meeting minutes, and state statutes. The town board may create or amend policy and the town administrator shall implement such policy.
3. Prepare a plan of administration, including an organizational chart that defines authority and responsibility for all non-elected positions of the town, for submission to the town board for adoption as the official organization and administrative procedure plan for the town.
4. Establish, when necessary, administrative procedures to increase the effectiveness and efficiency of town government according to current practices in local government not inconsistent with Subsection A(3) above or with the directives of the board.
5. Serve as an ex officio non-voting member of all boards, commissions, and committees of the town except as specified by the board or Wisconsin State Statutes.
6. Keep informed concerning current federal, state, and county legislation and administrative rules affecting the town and submit appropriate reports and recommendations to the board.
7. Keep informed concerning the availability of federal, state, and county funds for local programs; assist department heads and the board in obtaining these funds under the direction of the board.
8. Represent the town in matters involving legislative and intergovernmental affairs as authorized and directed as to that representation by the Board.
9. Act as a public information officer for the town with the responsibility of assuring that the news media are kept informed about the operations of the town and that all open meeting rules and regulations are followed.
10. Establish and maintain procedures to facilitate communications between citizens and town government to assure that complaints, grievances, recommendations, and other matters receive prompt attention by the responsible official and to assure that all such matters are expeditiously resolved.

11. Promote the economic well-being and growth of the town through public and private sector cooperation.

B.

Responsibilities to Town Board.

1. Attend all meetings of the board, assisting the board as required in the performance of its duties.
2. In coordination with the town chairperson and the board, ensure that appropriate agendas are prepared for all meetings of the board, all board committees, and all other appropriate committees and commissions of the town, together with such supporting material as may be required.
3. Assist in the preparation of ordinances and resolutions as requested by the board.
4. Keep the board regularly informed about the activities of the administrator by oral or written reports at regular and special meetings of the board.
5. If action normally requiring board approval is necessary at a time when the board cannot meet, the administrator shall receive directives from the town chairperson. Such will be communicated to the board at the next scheduled meeting.

C.

Human Resource.

1. Be responsible for the administrative direction and coordination of all employees of the town according to approved organization procedures.
2. Recommend to the board the appointment, promotion, and, when necessary, for the good of the town, the suspension or termination of non-elected department heads.
3. In consultation with the appropriate department head, be responsible for the appointment, promotion, and when necessary for the good of the town, the suspension or termination of employees below the department head level.
4. Serve as Human Resource director for the town with responsibilities to see that complete and current personnel records, including specific job descriptions, for all town employees are kept; evaluate in conjunction with department heads the performance of all employees regularly; recommend salary and wage scales for town employees not covered by collective bargaining agreements; develop and enforce high standards of performance by town employees; assure that town employees have proper working conditions; work closely with department heads to promptly resolve personnel problems or grievances.

5. Work closely with department heads to assure that employees receive adequate opportunities for training to maintain and improve their job-related knowledge and skills and act as the approving authority for requests by employees to attend conferences, meetings, training schools, etc., provided that funds have been budgeted for these activities.

D.

Budgeting and purchasing.

1. Be responsible for the preparation of the annual town budget and plan in accordance with guidelines provided by the town board, coordination with department heads, and pursuant to state statutes, for review and approval by the board.

2. Administer the budget and plan as adopted by the town board.

3. Report regularly to the board on the current fiscal position of the town.

4. Supervise the accounting system of the town and ensure that the system employs methods in accordance with current professional accounting practices.

5. Serve as the purchasing agent for the town, supervising all purchasing and contracting to supplies and services, subject to the purchasing procedures established by the board and any limitation contained in the Wisconsin State Statutes.

E.

Risk Management

1. Act as safety officer for the township

2. Manage all of the insurance policies for the township

3. Act as the Public Health Officer for the town.

4. In the event of a crisis, act as the focal point for the township.

F.

Public Works

1. Act as Superintendent of Highways as designated in Wis. Stat. 82.03(1) (a) by the town board.

2. Act as the township representative with any public works project whether it is a county, state, federal, or township funded project.

3. Provide the day-to-day supervision of the public works staff.

G.

Zoning and Planning

1. Provides professional support to the Plan Commission.

2. Administer all adopted zoning regulations and ordinances

3. Work collaboratively with County, State, and Federal agencies.

Cooperation by other officials and employees.

Other officials and employees of the town shall cooperate with and assist the administrator so that the town government shall function effectively and efficiently. The administrator will also be expected to cooperate fully with all town officials to the same extent.

Chapter 4:

Town Clerk

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 issue numbered receipts for all funds received for the town, showing the date, amount, and source of each receipt; 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 cannot issue an order for any disbursement that would be more than the 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 the 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.

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 should correct all double assessments, imperfect descriptions, and other errors apparent upon the face of the roll, and strike off all parcels of real property not liable to taxation. The clerk is also to add any omitted real or personal property and notify the assessor of such additions. See s. 70.52, Wis. Stat.

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 a member of the board a 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 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: <http://www.revenue.wi.gov/pubs/slf/pb056.pdf>

Annually, under 70.65, Wis. Stat., the clerk is to prepare the tax roll and deliver it to the town treasurer by December 8th or sooner. 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.

The clerk assists in preparing the real and personal property tax bills and mails them out to the property owners pursuant to s. 74.09(2) & (5), Wis. Stat.

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 chargeback through the Wisconsin Department of Revenue. 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, reviewing poll lists, supervising the completion of paperwork, maintaining and testing election equipment, and swearing in newly elected officials.

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. Helpful information concerning the process and applicable timelines for disposal of various old records are available on the Wisconsin State Historical Society's website at the following link: <http://www.wisconsinhistory.org/libraryarchives/locrecs/manual/>

The Town of Gibraltar has a policy on public record requests.

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.

Chapter 5:

Town Treasurer

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.

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 as well as the town clerk and town chairman.

The treasurer must keep an itemized account of all money 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 clerk shall issue numbered receipts for all funds received prior to deposit by the treasurer. 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 report on the town's finances at the regular monthly board meeting. The town treasurer will set up a time and date for an annual audit of the town's financial records.

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 will set a schedule for these collections that will include several times and dates, accommodating the residents of the town. Receipts must be issued for all tax payments, 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.

Chapter 6:

Fire Chief

Creation of position:

To provide the Town of Gibraltar with fire, rescue, and emergency management services and responsible government under a system of a part-time Board of Supervisors (hereinafter referred to as the "board") at a time when town government is becoming increasingly complex, there is hereby created the position of Fire Chief for the Town of Gibraltar (hereinafter referred to as the "Fire Chief") as authorized by Wisconsin Statutes § 60.55 and 60.565.

Selection and condition of employment:

The Fire Chief shall be selected based on merit with due regard to training, experience, administrative ability, and general fitness for the position, by a majority vote of the board. The Fire Chief shall be employed to serve for an indefinite term at the pleasure of the board. This section, however, shall not preclude the board from establishing other employment terms and conditions not inconsistent with the provisions of this article or adopted employment policies of the Town of Gibraltar.

The Chief performs a variety of technical, administrative, and supervisory work in planning, organizing, directing, and implementing fire prevention, suppression, and emergency medical services to prevent or minimize the loss of life and property by fire and emergency medical conditions.

Plans, coordinates, supervises, and evaluates Fire and EMS (if applicable) operations. Plans and implements Fire and Emergency Medical Responder (if applicable) programs for the department to better carry out the policies and goals including those set forth by the local municipalities and department as a whole. Reviews departmental performance and effectiveness; formulates programs or policies to alleviate deficiencies, implements changes to correct deficiencies and improve the department.

Establishes policies and guidelines for the Fire Department to implement directives from the federal, state, and local government agencies.

Supervises and coordinates the preparation and presentation of an annual budget for the Fire Department; directs the implementation of the department's budgets; plans for and reviews specifications for new or replacement equipment and apparatus.

Responds to alarms and may direct activities at the scene of emergencies within the township.

Supervises the inspection of buildings and other properties for fire hazards and enforces fire prevention code and ordinances.

Handles grievances, maintains departmental discipline and is responsible for the conduct and general behavior of assigned personnel.

Conducts intradepartmental reviews of past incidents. Reviews may consist of the officers of the department or the general membership at large. These reviews are for ongoing departmental evaluation and improvement.

Plans departmental operation concerning equipment, apparatus, and personnel; supervises the implementation of such plans.

Controls the expenditure of departmental appropriations.

Assigns duties both administrative and operational to officers.

Performs other duties as assigned by the Town Board or the administrator.

Chapter 7:

Police Chief

Creation of position:

To provide the Town of Gibraltar with law enforcement services, and responsible government under a system of a part-time Board of Supervisors (hereinafter referred to as the "board") at a time when town government is becoming increasingly complex, there is hereby created the position of Police Chief for the Town of Gibraltar (hereinafter referred to as the "administrator") as authorized by Wisconsin Statutes § 60.56.

Selection and condition of employment:

The police chief shall be selected based on merit with due regard to training, experience, administrative ability, and general fitness for the position, by a majority vote of the board. The administrator shall be employed to serve for an indefinite term at the pleasure of the board. This section, however, shall not preclude the board from establishing other employment terms and conditions not inconsistent with the provisions of this article or adopted employment policies of the Town of Gibraltar.

The Police Chief position is responsible for performing technical, professional, administrative, and supervisory work in performing the activities of the Police Department including patrol, traffic enforcement, community policing outreach, and court officer.

- Plans, organizes, directs, and exercises general supervision over the work of the Police Department.
- Creates a robust culture of inclusivity and service to the community in alignment with the vision, goals, and priorities of the Town Board and Community.
- Prepares and administers the annual operating budget. Assures that assigned areas of responsibility are performed within budget; performs cost control activities; monitors revenues and expenditures in assigned area to assure sound fiscal control; assures effective and efficient use of budgeted funds, personnel, materials, facilities, and time.
- Recommends public policy, service levels, and municipal ordinances to the Town Board.
- Establishes and oversees the enforcement and training of department staff on internal rules, policies, work methods, procedures, and performance standards.

- Recommends the selection of sworn employees to the Town Board, directs the training, projects staffing needs, and evaluates the performance of departmental employees.

Works with the Town Board and administrator on personnel disciplinary matters involving terminations, suspensions, and the hiring, development, and retention of a talented, diverse, and culturally aware workforce.

- Is responsible for maintenance of appropriate records, and the preparation of required reports to the Town Board, the Wisconsin Department of Justice, and the F.B.I.

Oversees departmental purchasing, including the acquisition and maintenance of vehicles and equipment and the inventory of supplies.

- Ensures that local ordinances and traffic safety regulations and state and federal laws are enforced. Researches and interprets the effect of new or proposed laws on the department and community.

- Leads exemplary community policing practices that grow and enhance the reputation of the community as a safe, respectful, and welcoming place for everyone to live, work, and learn.

- Actively promotes and supports opportunities for citizen community engagement with the department that builds and maintains mutual trust and respect through transparency.

- Proactively engages, partners, and collaborates with community leaders, social service providers, neighborhoods, and citizen volunteers to identify systemic crime problems in the community and partners with appropriate agencies and volunteer groups to address such issues.

- Supervises crime scenes, investigations, and the collection of evidence; obtains search and arrest warrants used in the apprehension of suspects; ensures the secure storage of all confiscated, recovered, and found property.

- Provides back up to police officers and advises and assists officers in non-routine investigations.

- Maintains communications, shares information, and cooperates with other law enforcement agencies in all aspects, including proactive programs or projects.
- Confers with the Town Attorney and the District Attorney on the disposition of cases and testifies in court as needed.

- Oversees department participation in the Door County Drug Task Force.

- Processes and investigates citizen inquiries or complaints relating to police services and responds to requests for services.
- Assists in establishing emergency preparedness policies and procedures for the town and directs departmental operations in the event of an emergency.
- Represents the department on matters requiring inter-departmental, inter-agency, and/or mutual aid coordination including but not limited to participation in the Door County Drug Task Force.
- Represents the department regarding police services in front of all applicable boards, commissions, committees, and the media.

Performs other duties as assigned by the town board or the town administrator.

Effective Date. This ordinance shall be effective upon passage and publication.

Dated this 7th day of April, 2021.

Steve Sohns, Chairman

Bill Johnson, Supervisor

Tim Luetzgen, Supervisor

Brian Merkel, Supervisor

Jayson Merkel, Supervisor

Attest:

Beth Hagen, Clerk