

## Chapter 130

### TOWN BOARD

§ 130-1. Legal status and general powers.

§ 130-2. Village powers

§ 130-3. Supervisors

§ 130-4. General powers and duties of the  
Town Board

§ 130-5. Miscellaneous powers of the  
Town Board.

§ 130-6. Powers and duties of Town  
Board Chairperson.

§ 130-7. Eligibility for office.

§ 130-8. Alternative Claim Procedure

[HISTORY: Adopted by the Town Board of the Town of Washington 6-19-1986 as §§ 2.01 to 2.06 and 2.16 of the 1986 Code. Amendments noted where applicable.]

#### GENERAL REFERENCES

Election of Supervisors — See Ch. 36.

Meetings — See Ch. 92.

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§ 130-1. Legal status and general powers.<sup>1</sup>

The Town of Washington is a body corporate and politic, with those powers granted by law.

§ 130-2. Village powers.

The Town Board has been authorized to exercise powers relating to villages and conferred on village boards under Ch. 61, Wis. Stats., except those powers which conflict with statutes relating to towns and town boards.<sup>2</sup>

§ 130-3. Supervisors.<sup>3</sup> [Amended 12-15-1988 by Ord. No. 008-88]

The Town Board consists of the Supervisors of the Town. The number of Supervisors in the Town shall be five. Election of the Supervisors of the Town shall be in accordance with § 36-5 of this Code and Wisconsin Law.

§ 130-4. General powers and duties of the Town Board.<sup>4</sup>

The Town Board:

- A. 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.

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1. Editor's Note: See § 60.01, Wis. Stats.

2. Editor's Note: This authorization was made by resolution of the Town Meeting dated 4-4-1972.

3. Editor's Note: See §§ 60.20 and 60.21(1), Wis. Stats.

4. Editor's Note: See § 60.22, Wis. Stats.

- B. Charge of actions. Has charge of any action or legal proceeding to which the Town is a party.
- C. Village powers. May exercise powers relating to villages and conferred on village boards under Ch. 61, Wis. Stats., except those powers which conflict with statutes relating to towns and town boards.<sup>5</sup>
- D. 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.

**§ 130-5. Miscellaneous powers of the Town Board.**<sup>6</sup>

The Town Board shall have the powers enumerated in § 60.23, Wis. Stats.

**§ 130-6. Powers and duties of Town Board Chairperson.**<sup>7</sup>

The Town Board Chairperson shall have the powers and duties prescribed in § 60.24, Wis. Stats.

**§ 130-7. Eligibility for office.**<sup>8</sup>

Except as expressly authorized by statute, no member of the Town Board shall, during the term for which that member is elected, be eligible for any office or position which during such term has been created by, or the selection to which is vested in the Town Board, but such member shall be eligible for any elective office not otherwise prohibited by law.

**§ 130-8. Alternative Claims Procedure**<sup>9</sup>

- A Authority: This ordinance is adopted pursuant to the authority granted town boards under s. 60.44(2), Wis. Stats. which allows for the adoption of an alternative claim procedure for approving financial claims against the town which are in the nature of bills and vouchers.
- B Applicability: Payments may be made from the town treasury pursuant to this ordinance for all claims against the town which are also consistent with the town purchasing policy.

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5. Editor's Note: Former Subsection D, regarding the Constable, which immediately followed this subsection, was deleted at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

6. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

7. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

8. Editor's Note: See § 66.0501, Wis. Stats.

9. Clerk's Note: Amended TBM 02-11-09. Section I, New Business, Item 1.

C Procedure: Payments may be made from the town treasury after the town clerk audits and approves each claim as a proper charge against the treasury by first determining that the following conditions have been complied with:

- 1 Funds are available under the town budget to pay the bill or voucher.
- 2 The item or service covered by the bill or voucher has been duly authorized.
- 3 the item or service covered by the bill or voucher has been supplied or rendered in conformity with the authorization and follows the town purchasing policy.
- 4 The claim appears to be a valid claim against the town.
- 5 The town clerk may require submission of proof to determine compliance with the conditions under (1-4), prior to approval.

D After determining that the above conditions have been met, the clerk shall indicate approval of the claim by placing his or her signature or initials on the bill. Upon approval of a bill or voucher under this procedure, the treasurer/deputy treasurer shall prepare a check and have it countersigned by the town treasurer, town clerk, and the town chairperson, pursuant to s. 66.0607, Wis. Stat. The treasurer/deputy treasurer shall then mail or deliver the completed checks to the appropriate parties.

E At least monthly, the town clerk or town treasurer shall file with the Town Board a written list of claims approved pursuant to this ordinance. The list shall include the date paid, name of claimant, purpose and amount.

F Effective Date

This ordinance shall become effective upon adoption and publication or posting, as provided by law, pursuant to s. 60.80, Wis. Stat.

Adopted this 11th day of February, 2009