

# Annual Town Meetings

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## Outline for Educational Video

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# What is the annual town meeting?

- A meeting of the town electors, statutorily required to be held by each town on an annual basis
- An opportunity for the electors to exercise their direct powers under s. 60.10, Wis. Stat.
- The required time for the board to present the annual financial statement to the town

# When is the annual meeting held?

- The default date set by statute is the second Tuesday in April
- The annual meeting may vote to select an annual meeting date for the following year, but the date must fall within the 10 days following the 2<sup>nd</sup> Tuesday in April
- The annual meeting can never be held prior to the 2<sup>nd</sup> Tuesday in April

# Can the town board change the date?

- No, the town board cannot select a different annual meeting date
- If no date has been selected or if an error occurred and the electors selected an invalid date, the meeting should be held on the 2<sup>nd</sup> Tuesday in April as the default date

# What if the date selected becomes unworkable?

- If the selected meeting date is valid, but becomes unworkable because the chair will be absent or some other issue has arisen, it is suggested that the meeting still be called to order on the selected date
- At the meeting, any elector may then make a motion to adjourn and the body can vote to adjourn the meeting up to 30 days

# What sort of notice is required for the meeting?

- An annual meeting held on the 2<sup>nd</sup> Tuesday in April at the same location as the previous year does not require a legal notice—However, we still strongly suggest the town give notice
- If the location is changed or the meeting is held on a different date, notice must either be posted in 3 places at least 15 and not more than 20 days in advance, or published in the newspaper as a Class 2 notice with the first notice appearing at least 15 and not more than 20 days in advance

# Who chairs and who clerks the annual meeting?

- The town chair chairs the meeting
- In an election year, the chair in office prior to the election still chairs the annual meeting, if present. If the chair is not present, a supervisor would chair the meeting
- The town clerk clerks the meeting I

# Who is eligible to vote at the meeting?

- A qualified town elector- which is a town resident 18 years or older who is eligible to vote in town elections
- An elector does not need to own property in the town or be a registered voter in order to vote
- Non-resident property owners may not vote, but may be allowed to speak



# Can town officers make motions?

- All elected town officers are qualified electors and may vote
- The town chair is to run the meeting and therefore should not make motions, but he or she can still vote
- Elected officers other than the chair may make and second motions

# What method should be used for voting?

- The chair should have the electors vote on the method to be used at the start of the meeting
- Options include: voice vote, show of hands, standing, or paper ballots
- Clerk should record method of voting, exact count for/against and time of vote in the minutes

# Can absent electors vote?

- An elector must be physically present at the time of voting in order to vote at a town elector meeting
- Absentee voting and voting by proxy are not permitted

# Does the annual meeting need an agenda?

- No agenda is required, but an agenda with a standard order of business may be prepared in advance
- The electors may add items to the agenda from the floor at the start of the meeting
- The chair should indicate at the start whether an item is a power of the electors or advisory only

# What sort of powers do the electors have?

- The state statutes lay out 3 categories of town elector powers
- The first category under s. 60.10(1) are direct powers
  - levy taxes, fix compensation of elective offices, combine certain offices, etc.

# Appointment of Clerk

- In towns over 2,500 in population, the electors can vote to make the clerk, treasurer, or clerk-treasurer an appointed office
- All towns, regardless of size, may also use a referendum procedure to make the switch. See s. 60.30(1e), Wis. Stat.

# Constable

- The electors can create or abolish the office of town constable
- The electors set the number of constables
- Any changes are effective with the start of the new term of office

# Numbered Seats

- The electors may vote to establish numbered supervisor seats (Supervisor #1, Supervisor #2, etc.)
- Supervisors with numbered seats must still be elected at large
- Numbered seats allow those running for office to target a particular seat



# Are direct powers binding?

- All of the powers listed under s. 60.10(1), Wis. Stat. are binding on the town board and the board must act in accordance with the vote of the electors

# Category 2-Grants of Authority

- Under s. 60.10(2), Wis. Stat. the electors have the ability to give grants of authority to the town board that are either general and continuing or limited as to scope or duration
- Resolutions adopted under this section should specify whether they are general and continuing or not

# Authorities - Cont'd

- Some of the most common authorizations under this section include:
  - allowing the board to set the tax levy
  - directing the town board to increase in size --if the population is over 2,500 (the town board has the option to do this by ordinance regardless of size if it has village powers under s. 60.21(1), Wis. Stat.)

# Village Powers

- The electors may authorize the town board to exercise village powers
- Village powers does not take away any of the powers of the town electors or turn the town in to a village
- Village powers gives the town board greater regulatory authority

# Add'l Authorities

- Authorize the board to purchase or dispose of town real property
- Authorize the town board to lease or construct buildings for town use
- Authorize the board to hire elected officials as part-time town employees by setting the hourly wage to be paid

# Are grants of authority binding?

- The electors must authorize the town board to purchase land, dispose of real estate, etc. but the electors cannot force the board to actually sell or buy land, build a building, etc. In short, the electors may authorize the board to act, but cannot force them to
- The only exception to this is increasing the size of the board in towns over 2,500

## 3<sup>rd</sup> Category-Appropriate \$

- The electors may authorize the town board to appropriate \$ for very specific purposes
  - conservation of natural resources
  - insect, plant, or animal disease control
  - civic functions
- Board retains discretion over whether to actually spend the funds authorized

# Any other elector powers?

- The electors must authorize exceeding the allowable highway expenditures under s. 82.03, Wis. Stat.
- The electors in a town with a population under 2,000 can also authorize the town board to exceed the levy limit under s. 66.0602(5), Wis. Stat.



# What about advisory matters?

- If the electors want to discuss something that is not a power of the town electors, the chair may decide to allow discussion and a vote on the matter. However, the chair should clearly inform the electors that the matter is advisory only and will not be binding on the board

# What happens after the meeting?

- The clerk must file the minutes from the annual meeting in his or her office within 5 days of the meeting
- Any motions, resolutions, or other actions taken by the town electors must be published or posted within 30 days of the annual meeting, s. 60.80, Wis. Stat.

# Reconsider/Rescind

- There is a special statute applicable to reconsiderations—see s. 60.14(4), Wis. Stat.
- Grants of authority to the town board under s. 60.10(2), Wis. Stat. can only be rescinded by a vote equal to or greater than the original vote granting the authority
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