

## **RESOLUTION #2-2023**

### **POWERS & DUTIES OF DRAPER TOWN BOARD SUPERVISORS & CHAIR**

WHEREAS the Town of Draper is the second largest town in Sawyer County, with approximately 81 miles of highways requiring gravel and asphalt maintenance to DOT standards, two public recreational lakes with boat landings, three major rivers with fisheries and public access points, thousands of acres of state and national public forestlands, ATV and snowmobile trail systems, a public campground, a public park, a municipal cemetery, a municipal dump, multiple parcels of municipal properties, a publicly rented town hall, a municipal garage with hundreds of thousands of dollars of highway equipment, full time and part time municipal employees, a plan commission, a village area main street with commercial properties and businesses, 242 permanent residents, hundreds of seasonal property owners, ongoing infrastructure projects (broadband and a helipad), grants in excess of 4.5 million dollars and an annual budget in excess of \$450,000.00 to manage, AND

WHEREAS it is beneficial to the citizens, employees and other elected officials of the Town of Draper to clearly define the powers and duties of the town board to take charge of the town's assets and liabilities where assigned by law, AND

WHEREAS the Wisconsin Statutes anticipate that town board members are part time unless an exception is made by a town elector meeting establishing them as full time, AND

WHEREAS the Wisconsin Statutes broadly establish the powers and duties of a town board, recognizing that each town has a unique set of assets and interests that are considered in the granting of such powers and duties, AND

WHEREAS there is a need to define and clarify these powers and duties in the Town of Draper for the improvement of town government,

**THE DRAPER TOWN BOARD HEREBY RESOLVES TO RECOGNIZE AND ABIDE BY ALL WISCONSIN STATUTES APPLICABLE TO TOWN BOARDS, PARTICULARLY:**

**GENERAL POWERS & DUTIES OF TOWN BOARD (ALL THREE SUPERVISORS)-  
WISCONSIN STATS. 60.22**

1. **Wisconsin stat. 60.22(1)** 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.”
  - a) “Town board” means all three supervisors including the chair.
  - b) “Has charge” means is responsible for (knowing, understanding, planning, providing, delegating, executing, following through, seeing it is accomplished).
  - c) “Not committed by law” means duties assigned by the statutes to the Plan Commission or other legally authorized committee or commission, the elected clerk or treasurer, or hourly employee of the town.
2. **Wisconsin stat. 60.22(2)** The town board “has charge of any action or legal proceeding”
3. **Wisconsin stat. 60.22(3)** The town board may exercise village powers.
4. **Wisconsin stat. 60.22(5)** The town board shall pursue certain claims of the 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.

**MISCELLANEOUS POWERS OF TOWN BOARD (ALL THREE SUPERVISORS)-  
WISCONSIN STATS. 60.23**

1. **Wisconsin stat. 60.23(1)** Cooperate with the state, counties and other units of government under s. 66.0301, including cooperative arrangements involving the acquisition, development, remodeling, construction, equipping, operation and maintenance of land, buildings and facilities for regional projects, whether or not located in the town.
2. **Wisconsin stat. 60.23(3)** Appropriate reasonable amounts of money for gifts or donations to be used to:

- (a) Further civic functions and agricultural societies.
  - (b) Advertise the attractions, advantages and natural resources of the town.
  - (c) Attract industry.
  - (d) Establish industrial complexes.
  - (e) Establish, maintain and repair ecological areas. .
  - (f) Provide for the organization, equipment and maintenance of a town museum or a municipal band, or for the employment of other bands to give concerts and municipal entertainment in the town.
3. **Wisconsin stat. 60.23(4)** Promote and develop the resources of the town, by appropriating money for and creating a town industrial development agency or appointing an executive officer and providing staff and facilities for a nonprofit organization organized to act under this subsection.
  4. **Wisconsin stat. 60.23(5)** Cooperate with the county in rural planning under ss. 27.019, 59.54 (4) and (4m) and 59.69.
  5. **Wisconsin stat. 60.23(6)** Appropriate money for the conservation of natural resources within the town or beneficial to the town.
  6. **Wisconsin stat. 60.23(8)** Appropriate money for the control of insects, weeds or plant or animal diseases.
  7. **Wisconsin stat. 60.23(10)** Regulate, including the licensing of, bowling centers, dance halls, roadhouses, other places of amusement, billiard and pool tables and amusement devices maintained in commercial facilities. If a license is required, the board shall establish the term of the license, not to exceed one year, and the license fee. The board may suspend or revoke, for cause, a license issued under this subsection. Any person violating a regulation adopted under this subsection shall forfeit to the town an amount established by the town board.
  8. **Wisconsin stat. 60.23(14)** Appropriate money to purchase membership in any association of town boards (WTA) for the protection of town interests and improvement of town government. Participate in the spring and fall training sessions, Board of Review training, attend the district meetings, and read the monthly magazine; utilize the online information library and legal services as needed to improve town government.
  9. **Wisconsin stat. 60.23(16)** Provide for cemeteries under subch. II of ch. 157.
  10. **Wisconsin stat. 60.23(23)** Prohibit certain conduct. Enact and enforce ordinances, and provide forfeitures for violations of those ordinances, that prohibit conduct which is the same as or similar to that prohibited by chs. 941 to 948, except as provided in s. 66.0107 (3).

11. **Wisconsin stat. 60.23(33)** Adopt or amend a comprehensive master plan under s. 62.23. Work to implement Section 9 of the Town of Draper's Comprehensive Plan where "town board" is indicated in achieving stated goals. Refer appropriate matters to the Plan Commission as required by law.

#### **ADDITIONAL STATUTORY DUTIES OF ALL THREE SUPERVISORS:**

**Wisconsin stat. 60.37** Employees. Provide for the hiring, scheduling, oversight of projects and responsibilities, discipline, handbook policy, benefits, and needs of Town of Draper employees.

**Wisconsin stat. 60.40** Preparation and Adoption of Budget. May hire someone to prepare, must understand and utilize the Town of Draper Budget for planning and decision making.

**Wisconsin stat. 60.50** Public Works. The town board has charge of all public works: Acquire lands to lay, construct, alter, extend or repair any highway, street or alley in the town. Streets, sewers and service mains. Provide for laying, constructing, altering, extending, replacing, removing or repairing any highway, street, alley, sanitary sewer, storm sewer, water main or any other service pipes, under s. 62.16 (2) (d), in the town. Sidewalks. Provide for construction, removal, replacement or repair of sidewalks under s. 66.0907. Lighting highways. Provide for lighting for highways, as defined under s. 340.01 (22), located in the town. Lake improvements. Provide for making improvements in any lake or waterway located in the town. Inspections.

**Wisconsin stat. 60.55** Fire Protection. The town board SHALL provide for fire protection for the town.

**Wisconsin stat. 60.555** Fire Safety Regulations. The town board, by ordinance, may adopt regulations to prevent, detect and suppress fire and related fire hazards. The regulations may include provision for the inspection, at reasonable times, of property in the town for compliance with regulations adopted under this section.

**Wisconsin stats. 60.61-60.62** Land Use and Planning. ALL AS APPLICABLE

**Wisconsin stat. 70.46(1)** Board of Review. The supervisors and clerk of each town...shall constitute a board of review for the town. This requires annual training and certification with the Wisconsin DOR.

**Wisconsin stats 82.03** Town Highways. ALL 19 SUBSECTIONS, PARTICULARLY:

1. **Wisconsin stat. 82.03(1)(a)** Town Highways: The town board shall have the care and supervision of all highways under the town's jurisdiction, including the highways specified in s. 83.06. The town board may appoint in writing a superintendent of highways to supervise, under the board's direction, the construction, repair, and maintenance of the highways and bridges under the town's jurisdiction. Where no superintendent of highways is appointed, ***it shall be the duty of the town board to perform all of the duties*** that are prescribed by law for the superintendent of highways to perform, ***including keeping the highways passable at all times.***

**This includes but is not limited to: annual inspection of roads, regular ongoing inspection of roads, signs and highway work, provisions of equipment, gravel and paving materials, contracts for work to be done, attending training on pavement and highway construction and maintenance, knowing the state laws concerning highways and town roadways, rating roads and reporting to WISLR and DOT annually, short and long term planning for ongoing road projects, and training and overseeing employees to ensure that the roads are passable at all times.**

**Wisconsin stat. 82.08** Bridges and Culverts. Repair and maintain bridges and culverts. Work with county highway commissioner to apply for county aid for 50% cost sharing where applicable.

**Wisconsin stat. 157.50** Municipal Cemetery. Draper elected officials form the municipal cemetery board and are responsible for hiring a sexton, executing the citizens' requests for annual improvements as voted on at the annual meeting, mapping, modernizing records, overseeing the maintenance and property and adopting and enforcing the Bylaws. The Draper Bylaws assign specific roles for members of the cemetery board.

- I. THE TOWN BOARD HEREBY ACKNOWLEDGES THAT ALL THREE TOWN OF DRAPER SUPERVISORS ARE RESPONSIBLE FOR OVERSEEING AND MANAGING THE TOWN OF DRAPER AS SET FORTH ABOVE, AND IN ALL OTHER WISCONSIN STATUTES NOT SPECIFIED HERE THAT MAY APPLY TO THEIR STATUTORY POWERS AND DUTIES.

While the town board may hire someone to perform certain duties as allowed by law, the town board supervisors hereby acknowledge they must ultimately delegate and oversee all items of business not committed by law to another body, elected official or employee (**Wis. Stat. 60.22(1)**) to their completion to fulfill the statutory duties as described above and in the chapters of Wisconsin Statutes that apply to Wisconsin town government.

- II. THE TOWN BOARD OF DRAPER HAS ESTABLISHED AND PROVIDED A DEDICATED TOWN COMPUTER AND EMAIL ADDRESS FOR EACH ELECTED OFFICIAL TO BE USED FOR ALL ELECTRONIC COMMUNICATION AND CONDUCT OF TOWN BUSINESS AND HEREBY ACKNOWLEDGES THAT FAILURE TO RECEIVE, READ, AND RESPOND TO EMAIL INCLUDING ATTACHMENTS (ZONING MAPS, DOCUMENTS, SPREADSHEETS) MAY RESULT IN FAILURE TO FULFILL THE DUTIES OF THE POSITION. IT IS THE RESPONSIBILITY OF EACH ELECTED OFFICIAL TO BE UP TO DATE ON BUSINESS AND PREPARED FOR MEETINGS, INCLUDING PICKING UP PREPARED MEETING FOLDERS IN ADVANCE.
- III. THE TOWN BOARD MEMBERS MUST RETAIN ALL RECORDS OF THEIR RESPECTIVE OFFICES INCLUDING TOWN EMAIL AND ELECTRONIC COMMUNICATIONS AS THEY ARE TOWN PROPERTY AND MUST BE DELIVERED TO A SUCCESSOR UPON VACATING OFFICE UNDER WISCONSIN STAT. 19.21
- IV. TOWN BOARD ELECTRONIC COMMUNICATIONS, AGENDAS, MINUTES AND RECORDINGS OF MEETINGS, AND OTHER RECORDS ARE CONSIDERED PUBLIC AND ARE SUBJECT TO WISCONSIN'S PUBLIC RECORDS LAW- WISCONSIN STATS. 19.31-19.39

- V. THE TOWN BOARD MUST READ, COMPREHEND AND ABIDE BY THE WISCONSIN OPEN MEETINGS LAW- WISCONSIN STATS. 19.81-19.98

## **WISCONSIN STATS. 60.24 POWERS AND DUTIES OF TOWN BOARD CHAIRPERSON**

IN ADDITION TO THE POWERS AND DUTIES OF THE TOWN BOARD SET FORTH ABOVE AND ELSEWHERE IN THE WISCONSIN STATUTES, the following specific powers and duties are assigned to the **town board chairperson**:

### **Wisc. Stat. 60.24(1) General Powers and Duties of town board chairperson**

- a) Preside at board meetings
- b) Preside at town meetings
- c) Sign documents
  - Sign ordinances, resolutions, bylaws, orders, regulations, commissions, licenses and permits adopted by the town board
  - Sign all drafts, checks and transfers
- d) Assure administration of statutes
- e) Act on behalf of the town board, to:
  - See that town orders and ordinances are obeyed.
  - See that peace and order are maintained in the town.
  - Obtain necessary assistance, if available, in case of emergency
- f) Act on authorization of board. If authorized by the town board, act on behalf of the board, to:
  - Direct, as appropriate, the solicitation of bids and quotations for the town's purchase of equipment, materials and services and submit the bids and quotations to the town board for approval.
  - Represent, or designate another officer to represent, the town at meetings of, and hearings before, governmental bodies on matters affecting the town.

### **Wisconsin stat. 60.24(2) Administer oaths**

### **Wisconsin stat. 60.24(3) All, particularly the following specific to Town of Draper:**

- a) Nominate election officials
- b) Execute and sign certificate of indebtedness for BCPL loans
- c) Approve the bond of town treasurer delivered to county treasurer under s. 70.67(1)

- d) Sign orders for payment of work performed and materials furnished on town highways
- e) Serve as a member of the county highway committee under s. 83.015(1)(d)
- f) Close county trunk highways when rendered dangerous for travel and notify the highway commissioner under s. 83.09
- g) Enforce regulation of fireworks under s. 167.10(8)
- h) Perform chairperson's duties related to stray animals and lost goods under s. 170
- i) Perform chairperson's duties related to distrained animals under s. 172
- j) Perform chairperson's duties related to animals that have caused damage in the town under s. 172
- k) Cause actions to be commenced for recovery of forfeitures for violations of town ordinances that can be recovered in municipal court under s. 778.11.
- l) Notify the district attorney of forfeitures which may not be recovered in municipal court under s. 778.12.
- m) Approve bonds furnished by contractors for public works under s. 779.14 (1m).

#### **MISCELLANEOUS POWERS AND DUTIES OF TOWN BOARD CHAIRPERSON**

**Wisconsin stat. 19.84(1)(b)** Public notice. The chief presiding officer of the governmental body or such person's designee is responsible for providing notice to the public. WTA interprets this to mean that the chair (or his or her designee) prepares the agenda.

**Town of Draper Ordinance #1-2021 Section 2.1** Establishment of Plan Commission. The Town Board does hereby establish a Plan Commission consisting of five citizens with real property ownership in the Town of Draper who are not also elected or appointed town officials, to be **appointed by the town board chairperson**, subject to confirmation by the town board. The **town board chairperson shall choose the presiding officer** of the Plan Commission. The term of office is three (3) years per Wis. s. 62.23(1)(d). All other provisions of Sections 61.35 and 62.23 Wis. Stats., shall apply to the Plan Commission.

IN CONCLUSION, like most other towns in Wisconsin, the Town of Draper board positions have always been part time, but the duties prescribed by Wisconsin Statutes must be performed regardless. Some relief has been provided by the appointment of an Administrative Assistant to the board. This position is clerical and does not absolve the elected town board members from performing their required statutory duties.

The Town of Draper chairperson receives roughly twice the salary of the regular supervisors. This structure reflects compensation for the additional duties and responsibilities of the chair; it also implies an expectation of more work being delegated to the chairperson. All town board members need to assess how much work they are doing on a daily, weekly or monthly basis. Additional meetings may be necessary to delegate or distribute work fairly and equitably between the board members.

Having charge of all affairs of the town is a big job, and one that must be taken on with dedication and commitment, with continued learning and striving to achieve the goals and meet the needs of the citizens of the Town of Draper.

It is beneficial to all for the town board to establish, delegate and perform the work of the supervisors and the chairperson in such a manner as to satisfy the expectations of the citizens, employees and fellow elected officials.

It is beneficial to all for the town board to establish and complete the training requirements to understand the Wisconsin Statutes and execute the duties of the town board.

These provisions and any other statutory requirements that may have been omitted from this document apply to current and incoming town board members.

By signing this Resolution, the Town of Draper board adopts and endorses the letter and spirit of this document as it applies to improving the town government for the benefit of the citizens of the Town of Draper.

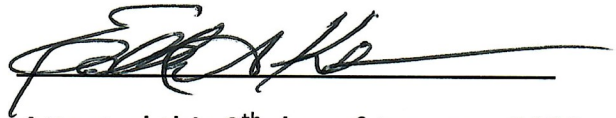
A summary of this Resolution shall be publicly posted by the clerk on the town hall, dump and park bulletin boards within thirty (30) days under s. 60.80 and the full document shall be posted as a link on the town website resolutions, government and elections pages for prospective candidates to review. A print and/or electronic copy of this Resolution shall be made available to the public

upon request and provided to each ballot candidate for town board in election years and again upon election to the offices of town board or town chairperson.

Incoming elected officials shall sign that they have read and acknowledge the letter and spirit of this Resolution and agree to uphold the Wisconsin Statutes by performing the duties described herein.



Brenda Adler, Chair



Attested this 9<sup>th</sup> day of January, 2023  
Elizabeth Klein, Clerk



William Heath, 1<sup>st</sup> Supervisor



Judy Sobraliski, 2<sup>nd</sup> Supervisor