

THE ANNUAL MEETING

The town meeting is a meeting of the electors of a town to exercise powers directly. It clearly distinguishes towns from other Wisconsin governments. Villages, cities, counties, and state government act completely through elected representatives. The town meeting goes back to the earliest settlements in New England. Electors may meet in the annual meeting or in a special meeting called for a specific purpose.

Because towns have only those powers granted by state law, the powers of the people in the town meeting can be found in *Wisconsin Statutes*. This fact sheet will review first the law regarding the annual town meeting. Following that, the law regarding special town meetings will be discussed. Finally will come suggestions on how to conduct town meetings for actions such as setting the town levy.

Remember, the town meeting is the meeting of the electors--that is, the people--and not a meeting of the town board.

Town government is covered in Chapter 60, *Wisconsin Statutes*. The *powers* that may be exercised by the people at a town meeting, and that are binding on the town, are set forth in §60.10. The town meeting may act on only those subjects where the statute specifically gives it the power to do so. Actions on other matters are advisory only.

Three categories of town meeting action are authorized. (1) The town meeting may exercise powers directly. (2) The town meeting may grant the town board authority to act on some things (which the board may decide not to do). (3) The town meeting may authorize the appropriation of funds for specific purposes.

In the first category, some of the powers that may be exercised directly are:

- * Levy taxes to be spent by the town. The meeting may either levy a dollar amount--say \$50,000, or set a tax rate--say one mill, or a dollar per thousand, on the taxable property in the town. This is the most important power of the town meeting.
- * Fix compensation for town offices.
- * Combine certain town offices, such as clerk with treasurer or clerk with assessor, or make some town offices part-time.
- * Establish or abolish the office of constable.
- * Establish election of town board members by means of numbered seats.

In the second category, the town meeting *grants authority* to the town board. The grant of authority may be "general and continuing," or of limited scope, or for a specific time. It may authorize the town board to do the following:

- * Delegate to the town board the authority to levy the property tax to be used for town purposes.
- * Increase the size of the town board, if the town's population is 2,500 or more, and provide for the appointment of the office of town clerk, treasurer or combined clerk-treasurer.
- * Exercise village powers for increased regulatory authority.
- * Purchase land for town purposes; purchase, lease, or construct buildings; and dispose of town real property.

The town board, as a legislative body, may decide not to do what the town meeting has authorized, or to do it in a manner different from what the people at the meeting had in mind. However, the board cannot exceed the authority granted to them. No recourse is provided if the town board does not spend the money as the meeting wished, but the grant of authority may be withdrawn if the town board does not do what was intended. The people can also elect different members of the town board at the next election.

In the third category, the town meeting *may authorize the board to appropriate money* for specific purposes, which include conservation of natural resources by the town or a nonprofit organization and for civic functions listed in §60.23(6) of the statutes.

The next section of the statute, §60.11 deals with *procedures* for holding the annual town meeting. The annual meeting must be held on the second Tuesday of April, or within 10 days thereafter. Holding the meeting other than in the period authorized by statute might lead to an action of the meeting being declared invalid or, at the least, to public suspicion or dissatisfaction.

The meeting may be held in the town itself or in a village or city within or adjoining the town. The meeting place must be reasonably accessible to the people. The annual meeting must be held at the same place as the previous one, unless the location is changed by the town board. If the location is changed from that of the previous year, notice must be published. If necessary, the meeting may be recessed to a specific time and date within 30 days of the original date.

If the meeting is to be held on the second Tuesday of April, no notice needs to be given. However, if the annual meeting is scheduled for a time other than the second Tuesday, notice must be given by means of a Class 2 notice. The notice must include the date, time, and location of the meeting.

§60.13 requires that the *presiding officer by the town chairperson*, if present. In an election year it will be the person who was chairperson on the day before the election. If the chairperson is absent, another town board member will chair. If no town supervisor is present, the meeting can elect a chairperson from among the electors to conduct it.

§60.14 states that *only persons qualified under state law* to vote for state legislators, the president, etc., may vote at the town meeting. The person must be 18 or more years old, and have resided in the town for at least 10 days prior to the meeting. All actions of the meeting must be by vote. The clerk should record the method of voting and the result so the town has an official record. Voting may be accomplished by ballot, show of hands, standing, or voice vote.

The order of business for the meeting is stated by the chairperson. Items may be added by those attending. Remember the meeting may *act* with authority only on those things authorized by statute. Almost anything may be *discussed* at the meeting, and advice may be given to the town board. The chairperson should have a clear idea of which areas the town meeting has legal authority act in a binding manner and which areas they may only advise.

§60.13 requires that *parliamentary procedure* be used to run the meeting. The chairperson needs to be familiar with parliamentary procedure and be responsible for maintaining an orderly meeting. Motions must be made and seconded and discussion should be germane to the issue. The chair should state the motion before the vote is taken.

Reconsideration of a matter on which a vote has been taken has a special statutory procedure. For a matter to be reconsidered at a town meeting, the meeting must agree, by vote, within one hour of the original action, to reconsider. First comes a proper motion to reconsider. If that passes, the next vote is on the item itself. After a longer time, it would have to come up as the subject of a special town meeting.

The *town clerk acts as clerk* of the meeting. In an election year, this is the newly elected clerk. If the clerk is not present, the deputy clerk serves, or the chairperson names a clerk for the meeting. If the electors at the meeting decide to require a poll list, the clerk records the name and address of every elector voting, as well as the method of voting and the result.

The minutes of the meeting must be filed in the office of the town clerk within 5 days of the meeting. §60.80 requires that the clerk post or publish, within 30 days, all resolutions, motions, or actions adopted at a town meeting.

SPECIAL TOWN MEETINGS

§60.12 governs special town meetings. *A special meeting may deal with any topic with which the annual meeting may deal.* This can be a subject which has arisen since the annual meeting, and which is a proper subject of action by the electors, or it could be a reconsideration of an action taken at the annual meeting.

A special meeting is called in one of three ways. (1) An annual or special town meeting may provide for a special meeting in the future, or (2) a certain number of electors may sign a written request and give it to the town clerk, or (3) the town board may call the special meeting by voting on a motion to do so at a town board meeting. The town board then decides where the meeting is to be held.

Either a request or a call must include the time, date, and purpose of the special meeting. If an action of a previous meeting of the electors is to be reconsidered, that must be stated in the notice. The requirement for notice for a special meeting is the same as for changing the location of an annual meeting.

The location of the last annual meeting must be used for a special meeting unless it is changed by the town board. A special meeting may be recessed to a specific time and date for not longer than 30 days.

SOME SUGGESTIONS

Rick Stadelman, Executive Director of the Wisconsin Towns Association, offers some suggestions about annual and special meetings.

When to Set the Levy for Town Purposes

The town meeting has the power to set the levy--the amount of property taxes to be collected and used by the town government--but not actually to make expenditures. In most towns the levy amounts to less than one-half of the total amount spent by the town. Decisions about how to spend the funds from the levy, highways aids, and other funds are almost all made by the town board as it adopts the town budget in November or December.

If the town board has not been delegated the authority to adopt the levy, the levy should be adopted at a special town meeting held in conjunction with the hearing that the town board must hold before it adopts the budget. To fit the levy to the needs of the budget for the town would be difficult at the annual meeting in the spring, when expenses for the following year are not yet so clearly known.

As noted earlier, the town meeting may delegate the authority to the town board to set the levy. The town board would then have the power to set both the tax levy and the expenditures of the town, much like a city council or a village board. The town meeting can rescind this grant of authority. *The budget is adopted by the town board--not the meeting.* The budget is the legal document on which expenditures are based, some of which may be specifically authorized by the town board, such as for establishing a rural numbering system.

Authorizing Town Highway Expenditures

One important expenditure authorization power granted by statutes to the town meeting is not found in Chapter 60 with the other powers. §81.01(3) states that the total annual highway expenditures in the town may not exceed \$5,000 times the number of town highway miles in a year, unless there is town meeting or referendum approval.

At the special town meeting in which the budget is presented and the levy adopted, the meeting should adopt a special resolution authorizing the total highway expenditures that electors wish to be put into the budget.

The board decides whether to purchase a highway truck or let a contract for repaving, but spending more than \$5,000 times the number of town highway miles in a year on highways has to be authorized by a town meeting or referendum.

Running the Meeting

Annual and special town meetings must be run according to parliamentary procedure. Chairpersons need to be familiar with parliamentary procedure so as to conduct an orderly meeting in which people have a fair opportunity to be heard. The chair should be familiar with Roberts Rules of Order, or other parliamentary procedure, so as to be able to deal with procedural questions. You may want to appoint a parliamentarian.

The chairperson can order a disorderly person to be withdrawn from the meeting. A constable or law enforcement officer may take a disorderly person into custody until the meeting is adjourned. Preferably, they would be escorted from the building and asked to leave. A sheriff's deputy could do this, unless there is a town police force or constable with full peace powers authorized specifically by the town board.

Agenda

An agenda is not required by statute in advance of an annual meeting. If the town board anticipates bringing up particular subjects at the meeting, though, an agenda should be made up to inform people of the topics for town meeting action. This agenda can be posted and/or published. Publishing is recommended so that the information is as widely disseminated as possible. If you change the time or place of the annual meeting, you can make the agenda part of notice required for that.

Standard Business

Newcomers to town meetings should know they will be asked to approve the minutes of last year's meeting or of any special meeting, if not already approved. The town board presents the annual financial report. A new activity or issue that requires town meeting action is new business. An item could result from the town board trying to get a feeling of the electors' views on a subject, which would generally be advisory. Old business can be brought up from a previous meeting.

Right to Vote at Town Meetings

What is the *right to vote* of town board members and property owners who are not residents? Town board members (and their families) are qualified electors in the town. They may vote on all issues on which any town electors may vote, even when the meeting votes to set salaries for elected officials. Increases or decreases in salaries can only take effect in the next term.

Property owners who are not residents of the town often feel that they should have a right to vote because they will have to bear part of the burden of a particular expenditure through payment of town taxes. The town chairperson should acknowledge such persons and allow them to speak, but only qualified electors can vote. This has been decided by the state legislature in section 60.14(1) of the statutes. The town chairperson cannot make the decision to allow them to vote.

Sometimes confusion may arise if an inland lake management district has been created in a town. State statutes covering lake management districts permit property owners who are not electors to vote in district annual and special meetings.

Budget Summary

Section 65.90 of the statutes requires that a budget summary be posted before the budget hearing by the town board may be held. The law was recently changed regarding the required content. These changes in section 65.90 should be reviewed before preparing the new budget summary.

Participation in Town Meetings

This summary should not make anyone feel that the business of town meetings is too complicated to become involved in. Every year thousands of town residents actively participate in annual and special town meetings. Although all aspects of the meetings should be handled in conformance with the statutes, regular citizens who are not lawyers have run and participated in town meetings for 150 years, and towns have prospered. They will continue to prosper if citizens of towns continue to do their important part in town government.

Prepared by

Edward V. Schten, Department of Government Affairs, University of Wisconsin-Madison
Rick Stadelman, Executive Director, Wisconsin Towns Association

Local Government Center
University of Wisconsin-Extension
229 Lowell Hall
610 Langdon Street
Madison, WI 53703

Phone (608) 262-9960
Fax (608) 265-8662