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*Chapter 3 - Fiscal Management*

CHAPTER 3  
FISCAL MANAGEMENT

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3.01 TITLE/PURPOSE. This Ordinance is entitled the "Town of Centerville Fiscal Management Ordinance." The purpose of this ordinance is to provide a general guideline for the operation of the Town of Centerville according to the powers given to towns by the Wisconsin Statutes.

3.02 AUTHORITY. The Town Board of the Town of Centerville has the specific authority, powers and duties pursuant to Chapters 60, 67, 70 and Section 74.12 Wisconsin Statutes to manage, supervise and direct the fiscal operations, and to develop, maintain and implement a fiscal management system for the Town of Centerville.

3.03 ADOPTION OF ORDINANCE. The Town Board of the Town of Centerville has, by adoption of this Ordinance, confirmed the specific statutory authority, duties and powers of the Town of Centerville, its officers, its employees and its agents as established by the above-noted chapters and this Ordinance to manage, supervise and direct the fiscal operations, and to develop, maintain and implement a fiscal management system for the Town of Centerville.

3.04 FISCAL YEAR. The fiscal year for the Town of Centerville is the calendar year.

3.05 BUDGET ADOPTION. The Town Board of the Town of Centerville shall adopt an annual budget.

3.06 BUDGET HEARING. The Town Board shall conduct a budget hearing prior to the adoption of the budget pursuant to Section 65.90 Wisconsin Statutes. At least fifteen (15) days prior to the budget hearing, the Town Clerk shall post notice of the budget hearing in at least three (3) public places. Summary of budget is also to be printed in the newsletter sent closest to the budget hearing date. The budget hearing shall be held at Lakeshore Technical College unless otherwise noted by the posted notice.

3.07 ELEMENTS OF BUDGET. Each budget prepared by and approved by the Town Board shall include the following:

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- A. All existing indebtedness.
- B. All actual revenues and expenditures for the preceding year.
- C. All actual revenues and expenditures for the current year (for not less than six (6) months).
- D. All estimated revenues and expenditures for the balance of the current year.
- E. All anticipated unexpended or unappropriated balances and surpluses.
- F. All anticipated revenue from all sources for the next year.
- G. All proposed expenditures for the next year (active and reserve).

3.08 ELEMENTS IN BUDGET SUMMARY. Each budget summary prepared by and approved by the Town Board shall include the following:

- A. All expenditures by major expenditure category for the proposed budget, the budget in effect and the budget of the preceding year.
- B. All revenues by major revenue source for the proposed budget, the budget in effect and the budget of the preceding year.
- C. Any financial source and use not identified in A. and B. above.
- D. All beginning and year-end balances for the proposed budget, the budget in effect and the budget of the preceding year.

3.09 INITIAL PREPARATION OF BUDGET. The annual budget shall be initially prepared by and approved by the Town Board based on data and estimates provided by the Town Clerk with the assistance of other town employees and officers as necessary. The Town Board shall publish the summary of the budget, and the hearing date and time in the Town Newsletter sent closest to the hearing date. A reasonable number of copies of the budget shall be available for public inspection, at request, prior to the hearing.

3.10 APPROVAL OF BUDGET. The Town Board, after the public hearing, shall act upon the annual budget. The Town Board may amend the annual budget prior to final adoption. The annual budget shall be finally adopted by the Town Board by a majority roll call vote of the members.

3.11 CHANGES IN FINAL BUDGET. The amount of the tax to be levied or certified, the amounts of the various appropriations and the purposes of the appropriations stated in the approved annual final budget may not be changed unless authorized by a roll call vote of two-thirds (2/3) of the members of the Town Board.

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3.12 EXPENDITURE OF FUNDS. The Town Board shall not authorize money to be drawn from the treasury nor shall the Town Board incur any obligation for the expenditure of money except as those expenditures or obligations are made pursuant to the annual final or revised budget appropriations. Any unencumbered budget balance of the authorized appropriations shall revert to the general fund and shall be subject to reappropriation by the Town Board. No order for payment may be issued in excess of funds available or appropriated for the purpose for which the order is drawn unless authorized by a two-thirds (2/3) roll call vote of the Town Board.

3.13 CLAIMS AND PAYMENTS.

A. Claims Procedure. The Town Board shall develop and maintain a policy and plan, pursuant to Section 60.44 and 893.80 Wisconsin Statutes, to manage and control any legal claims against the Town, its officers, its employees and its agents.

B. General Policy for Claims. All claims pursuant to Section 893.80 Wisconsin Statutes, accounts and demands for money shall be filed with the Town Clerk by 5:00 P.M. on the Friday preceding the second Tuesday of the month. The Town Board shall approve or disallow any claims, accounts or demands for money from the voucher list submitted by the Town Clerk at the regular monthly Town Board Meeting. A "Notice of Town of Centerville Payment Procedures" letter shall be sent to each new account with the Town to make them aware of the Town's policy stated above. The voucher list shall be approved or rejected by the Town Board prior to payment. The Town Treasurer shall make disbursements from the Town Treasury upon receipt of the signed, approved voucher register. Any disbursement of Town funds from deposits shall be by draft or check. Any disbursement of the Town's fund from savings or time deposits shall be by written transfer order. All drafts or checks shall be signed by the Town Treasurer and the Town Clerk. The Town Chair shall countersign all drafts and checks.

3.14 FINANCIAL BOOK/ANNUAL FINANCIAL STATEMENT. The Town Board shall prepare a written annual statement of the financial condition of the Town. This statement shall be prepared and submitted by the Town Board at the Annual Town Meeting. In addition, the Town Clerk shall maintain a finance book which shall contain a complete record of the finances of the Town. This book shall show the date, amount and source of each receipt, and the date amount and object of each disbursement. The annual financial statement shall include previous year's revenues and expenditures and the current indebtedness of the Town.

3.15 PUBLIC CONTRACTS.

A. Items Required for Bids. The Town Board shall advertise for bids for any public contract with an estimated cost of more than five thousand dollars (\$5,000) but not more than twenty-five thousand dollars (\$25,000) by publishing a Class 1 notice. If contract estimated more than twenty-five thousand dollars (\$25,000), a class 2 notice shall be published under Wisconsin Statutes Chapter 985. The town board may provide for additional means of advertising for bids.

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B. Lowest Bidder. The Town shall let a public contract for which advertising for proposals is required to the lowest responsible bidder.

C. Contracts with governmental entities. This section does not apply to public contracts entered into by a town with a municipality, as defined under Wisconsin Statutes Section 66.0301(1)(a).

D. Exception for emergencies and donated materials and labor. This section is optional with respect to public contracts for the repair and construction of public facilities when damage or threatened damage to the facility creates an emergency, as declared by resolution of the town board, which endangers the public health or welfare of the town. This subsection no longer applies when the town board declares that the emergency no longer exists. This section is optional with respect to a public contract if the materials related to the contract are donated or if the labor that is necessary to execute the public contract is provided by volunteers.

E. Private Interest in Public Contract Prohibited. All Town of Centerville officers and employees shall not violate Section 946.13 Wisconsin Statutes.

3.16 BONDING. The Town Board is authorized to bond pursuant to Chapter 67 and Section 60.10 Wisconsin Statutes and this Ordinance.

3.17 PROPERTY TAX COLLECTION.

A. Membership of Board of Review. The Town Board and the Town Clerk shall comprise the Board of Review. The Town Clerk shall be the clerk of the Board of Review. No assessor may serve on the Board of Review.

1. Alternates shall be appointed by the Town Board at their April Town Board Meeting in the event a standing board member of the board of review is removed or unable to serve for any reason and there is no longer a quorum.

B. Compensation for Board of Review. \$30.00 per day.

C. Time and Place. The members of the Board of Review will meet annually at anytime during the thirty (30) day period beginning on the second (2nd) Monday of May. The meeting shall be at the Lakeshore Technical College unless otherwise designated by the Town Board.

D. Procedure.

1. The Board of Review shall proceed in compliance with Chapter 70 Wisconsin Statutes.

2. A majority of the members will be a quorum.

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3. All meetings of the Board of Review are to be open to all citizens at all times. No formal action of any kind shall be introduced, deliberated upon or adopted in any closed session or meeting of the Board of Review.

4. The hours of the first meeting of the Board of Review shall be a minimum of two (2) hours.

5. The Board of Review may adjourn from time to time until business is complete. If the meeting is adjourned for more than one (1) day, a written notice shall be posted on the outer door of the place of the meeting stating what time the meeting will be adjourned.

6. The Town Clerk shall keep a record in the minute book of the proceedings and shall also tape any hearings before the Board.

7. The Board of Review shall carefully examine the roll(s) and correct all apparent errors in description and computation. The Board of Review shall not raise or lower the assessment except after hearing.

8. The Board of Review shall receive objections, shall provide a hearing and shall correct the assessments pursuant to Section 70.47 Wisconsin Statutes.

9. The Clerk shall make the changes to the assessment roll ordered by the Board of Review in red pen.

10. Income and expense information provided by property owner to an assessor for the purposes of establishing the valuation for assessment purposes by the income method of valuation shall be confidential and not a public record open to inspection or copying under Section 19.35(1) Wisconsin Statutes.

a. EXCEPTIONS. An officer may make disclosure of such information under the following circumstances:

1) The assessor has access to such information in the performance of his/her duties;

2) The Board of Review may review such information when needed, in its opinion, to decide upon a contested assessment;

3) Another person or body has the right to review such information due to the intimate relationship to the duties of an officer or as set by law;

4) The officer is complying with a court order;

5) The person providing the income and expense information has

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contested the assessment level at either the Board of Review or by filing a claim for excessive assessment under Section 74.37 Wisconsin Statutes, in which case the base records are open and public.

E. Payment of Property Taxes. Shall be paid in full on or before January 31 or in two (2) equal installments unless the total real property tax is less than one hundred dollars (\$100.00). If less than one hundred dollars (\$100.00), the taxes are due by January 31. If paid in two (2) installments, the first installment is due on or before January 31 and the second payment is due on or before July 31. All special assessments, special charges and taxes are due on or before January 31. The first payment is to be paid to the Town Treasurer of the Town of Centerville and the second payment is to be paid to the County Treasurer.

3.18 INVESTMENT PROCEDURE/PUBLIC DEPOSITORY. The Town Treasurer of the Town may invest, at his or her discretion, long-term funds and temporary funds not immediately needed by the Town. These investments must comply with Section 66.0603 Wisconsin Statutes. The Town Treasurer shall deposit funds in a timely fashion.

3.19 FINANCIAL AUDIT. The Town Board shall receive an interim financial statement from both the Town Clerk and Town Treasurer at the monthly Town Board meeting. It is also recommended to have an audit completed by a certified public accountant every five (5) years or whenever there is a change in the office of Town Clerk or Town Treasurer.

### 3.20 FEDERAL PROCUREMENT POLICY

The Town of Centerville (“Town”) hereby adopts this policy (“Policy”) governing selection of contractors for Town projects involving the construction, execution, repair, remodeling or improvement of any public work or building or for the furnishing of materials or supplies (“Public Contract”).

1. Adoption of State Standards. Except as otherwise provided by this Policy, the Town shall abide by Wis. Stat. § 60.47 and any other applicable Wisconsin statutes prior to entering into a Public Contract.
2. Procurement Standards Mandated by Federal Law. In addition to complying with the requirements of Section 1, the Town shall use the following standards for contracts for the construction, execution, repair, remodeling or improvement of a public work or building; the furnishing of supplies, materials, or equipment; or services that require adherence to federal procurement laws. If any federal provision conflicts with state law, the federal requirement shall apply for projects that require adherence to federal law. Where state law is more restrictive than federal law, state law shall apply.
  - a. The following requirements apply to projects where the total costs exceed the federal simplified acquisition threshold, as defined by 48 CFR § 2.101, which, as of 2022, is \$250,000:
    - i. The Town shall only select contractors through a full and open competition. All contracts shall be awarded to lowest responsible bidder.
    - ii. The Town shall select a contractor based on sealed bids, unless either of the following apply:
      1. The Town Board determines that it may seek proposals for a fixed price or cost-reimbursement contract, and it is not appropriate to use sealed bids. Contracts awarded using proposals must adhere to the following requirements:

- a. The requests for proposals must be publicized and identify all evaluation factors along with their relative importance.
  - b. Proposals must be solicited from an adequate number of qualified offerors.
  - c. The Town must prepare a written method for conducting technical evaluations of the proposals received and making selections.
  - d. The contract must be awarded to the responsible offeror whose proposal is the most advantageous to the Town.
  - e. The Town may use competitive proposal procedures for architectural or engineering services where the qualifications are evaluated and the most qualified entity is selected, subject to negotiation of fair and reasonable compensation. Price is not required to be a selection factor for architectural or engineering services. The Town cannot use this method to purchase other types of services through architectural or engineering firms that are a potential source to perform the proposed project.
2. The Town may use a noncompetitive procurement if one of the following apply:
- a. The contract is for acquisition of property or services, and the aggregate dollar amount does not exceed the self-certified micro-purchase threshold as established below
  - b. The item is only available from a single source.
  - c. There is a public emergency where the Town cannot delay in awarding the contract.



- d. The federal agency awarding the grant or funds expressly authorized a noncompetitive procurement.
  - e. After solicitation of a number of sources, competition is determined inadequate.
- iii. The project shall be publicly advertised and provide bidders sufficient time to respond. For advertising purposes, the Town shall, at a minimum, comply with the requirements of Wis. Stat. § 60.47.
- iv. The Town will develop a clear and accurate description of the technical requirements for the material, product, or service to be procured that does not unduly restrict competition. The specifications will identify all requirements that contractors must fulfill.
- v. Contractors that assist in developing specifications for the project to be bid cannot submit bids.
- vi. Bids shall be opened publicly at the time and place specified by the bid invitation.
- vii. The Town shall only award contracts to responsible contractors possessing the ability to perform successfully under the terms and conditions of a proposed procurement. In determining if a contractor is responsible, the Town can consider factors such as:
  - 1. The integrity of the contractor.
  - 2. The contractor's past performance of contracts or projects.
  - 3. The financial and technical resources of the contractor.
- viii. Any or all bids may be rejected if there is a sound documented reason.
- ix. The Town shall maintain records, pursuant to its records retention policy, of its procurement history involving the use of federal funds. These records will include:
  - 1. The Town's rationale for the procurement method used.
  - 2. How the Town selected the contract and contractor.
  - 3. Records indicating the basis for a contract price.

- x. The Town shall avoid acquisition of unnecessary or duplicative items.
  - xi. The following bonding requirements shall apply to construction or facility improvement contracts:
    - 1. Each bidder must submit a bid guarantee equal to five percent of the total bid price.
    - 2. The selected contractor must submit a performance bond for 100 percent of the contract price
    - 3. The selected contractor must submit a payment bond for 100 percent of the contract price.
  - xii. The Town shall perform a cost or price analysis in connection with every procurement. The method and degree of analysis is dependent on the facts surrounding the particular procurement situation, but shall include making independent estimates before receiving bids or proposals.
  - xiii. The Town's strong preference shall be to select contractors that do not use estimated costs in their bids. However, the Town may accept time and materials type contracts (defined a contract whose cost to the Town is the total of the actual cost of materials and the direct labor hours charged at fixed hourly rates) only if it determines that no other contract is suitable and the contract includes a ceiling price that the contractor exceeds at its own risk.
- b. The Town shall competitively bid projects in conformance with Section 1 of this Policy for projects involving the use of federal funds where the total project costs are greater than the town's self-certified micro-purchase threshold, but less than the federal simplified acquisition threshold.
  - c. In accordance with 2 CFR § 200.320(a)(1)(iv)(C), the Town self-certifies that its micro-purchase threshold shall be \$25,000. The self-certification is based on Wis. Stat. § 60.47, which only requires towns to competitively bid public works contracts in excess of \$25,000.

- d. The following requirements apply to projects involving the use of federal funds where the total project costs do not exceed the Town's self-certified micro-purchase threshold, which, as of 2022, is \$25,000.
  - i. The Town shall follow Section 1 of this Policy.
  - ii. If no bid is required, the Town may enter into a contract if, based on research, experience, purchase history or other information, the price is reasonable.
  - iii. The Town shall review its self-certified micro-purchase threshold annually after the effective date of this Policy. If Wisconsin's bidding laws have not changed and the Town has not taken any formal action to revise its self-certified micro-purchase threshold, the Town will have been deemed to have self-certified the micro-purchase threshold used from the previous year.
- e. The Town shall take the following steps to assure that minority businesses, women's business enterprises, and labor surplus area firms are used when possible:
  - i. Placing qualified small and minority businesses and women's business enterprises on any solicitation lists;
  - ii. Assuring that small and minority businesses, and women's business enterprises are solicited whenever they are potential sources;
  - iii. Dividing total requirements, when economically feasible, into smaller tasks or quantities to permit maximum participation by small and minority businesses, and women's business enterprises;
  - iv. Establishing delivery schedules, where the requirement permits, which encourage participation by small and minority businesses, and women's business enterprises;
  - v. Using the services and assistance, as appropriate, of such organizations as the Small Business Administration and the Minority Business Development Agency of the Department of Commerce; and

- vi. Requiring the prime contractor, if subcontracts are to be let, to take the affirmative steps listed in paragraphs (i) through (v) of this subsection.
- f. When required by federal law, the Town should, to the greatest extent practicable provide a preference for the purchase, acquisition, or use of goods, products, or materials produced in the United States.
- g. The Town shall comply with section 6002 of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act. The requirements of Section 6002 include procuring only items designated in guidelines of the Environmental Protection Agency at 40 CFR part 247 that contain the highest percentage of recovered materials practicable, consistent with maintaining a satisfactory level of competition, where the purchase price of the item exceeds \$10,000 or the value of the quantity acquired during the preceding fiscal year exceeded \$10,000; and procuring solid waste management services in a manner that maximizes energy and resource recovery.
- h. The Town shall negotiate profit as a separate element of the price for each contract in which there is no price competition and in all cases where cost analysis is performed. To establish a fair and reasonable profit, consideration must be given to the complexity of the work to be performed, the risk borne by the contractor, the contractor's investment, the amount of subcontracting, the quality of the contractor's record of past performance, and industry profit rates in the surrounding geographical area for similar work.
- i. Every contract executed by the Town shall include all provisions required by 2 CFR § 200.327 and 2 CFR Part 200, Appendix II.