

Fiscal Estimate - 2019 Session

Original
 Updated
 Corrected
 Supplemental

LRB Number **19-4488/1** Introduction Number **AB-0661**

Description
 the way town board vacancies are filled; public notice requirements for governmental meetings; appointment and removal procedures for certain town officeholders; a process for an applicant to appeal a permit denial to the governing body of a city, village, or town; wages paid to an elected town officer who also serves as a town employee; and the term of appointed town assessors

Fiscal Effect

State:

- No State Fiscal Effect
- Indeterminate
- Increase Existing Appropriations
- Decrease Existing Appropriations
- Create New Appropriations
- Increase Existing Revenues
- Decrease Existing Revenues
- Increase Costs - May be possible to absorb within agency's budget
 - Yes
 - No
- Decrease Costs

Local:

- No Local Government Costs
- Indeterminate
- 1. Increase Costs 3. Increase Revenue
- Permissive Mandatory Permissive Mandatory
- 2. Decrease Costs 4. Decrease Revenue
- Permissive Mandatory Permissive Mandatory
- 5. Types of Local Government Units Affected
 - Towns Village Cities
 - Counties Others
 - School Districts WTCS Districts

Fund Sources Affected **Affected Ch. 20 Appropriations**

GPR FED PRO PRS SEG SEGS

Agency/Prepared By	Authorized Signature	Date
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Fiscal Estimate Narratives

DOA 12/12/2019

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Assumptions Used in Arriving at Fiscal Estimate

2019 Assembly Bill 661 provides several new municipal provisions regarding the filling of town board of supervisor vacancies; the appointment, removal and wage for town officers; public notice requirements; and the terms of assessors.

The bill would allow town officers to remove an elected town officer by a majority vote of the town board members for continued inability to perform the duties of the office or gross neglect of duty. It would also eliminate exceptions to the tenure of those appointed to fill vacancies of elected town officers, establishing it more generally as "for the residue of the unexpired term or, if a special election is ordered to fill a vacancy, until the successor is elected and qualified."

The bill also creates a provision whereby officers can be appointed to town boards with two vacancies by the following means: the first vacant seat shall be filled by appointment by the remaining supervisors, the town clerk, and the town treasurer; the second vacant seat shall be filled by the remaining supervisors (including the one appointed above) and the town clerk. In the event there are not at least three individuals from the above groups available to make appointments, the town or county clerk shall call a special town meeting of the electors to fill the number of vacancies necessary to complete the appointment process described above.

In addition to addressing town board vacancies and appointments, the bill expands the process by which public notice of the meeting of a governmental body may be given, including a property tax board. The expansion includes the prescribed publication and posting method for public notice under s. 985.02, Wis. Stats. It also removes the timeframe from appointments to town clerk and/or town treasurer of between 30 and 60 days after the annual town meeting at which authorization is given. The bill also increases the maximum appointment of an assessor from a 3 year to a 5 year term.

Regarding town employees who serve simultaneously as elected town officers, the bill removes the distinction between all town employee classes and town clerk in determining the maximum allowable annual salary; with the enactment of this bill, the maximum would be \$15,000 for any classification of town employee.

Lastly, the bill authorizes applicants whose temporary use permit application or extension has been denied by the chief of a fire district to appeal to the respective common council, village or town board; following a hearing, the council or board may approve the application.

In addition to addressing town board vacancies and appointments, the bill expands how public notice of the meeting of a governmental body must be given by including a requirement of a publication method described under s. 985.02, Wis. Stats. The Department's attached Divisions and Other Bodies under s. 20.505(4), Wis. Stats., includes the Interagency Council on Homelessness, the Wisconsin Women's Council, National and Community Service Board, and Waste Facility Siting Board. The Department estimates that the average total amount of public meetings for its attached bodies under s.20.505(4),Wis. Stats., is between 30-50 annually. The Department interprets that the inclusion of the reference of the publication and posting methods under s. 985.02, Wis. Stats., under s. 19.84(1)(b), Wis. Stats., is intended to provide additional clarity on the methods for providing notice for public meetings, and that this change is not intended to assign additional publishing responsibilities to governmental bodies, such as those attached to the Department, when providing public notice. However, s. 985.02 Wis. Stats., under current law provides public notice through official newspapers, which is already a

requirement per the current statutory language under s. 19.84(1)(b), Wis. Stats. It is therefore unclear how the addition of the reference to s. 985.02, Wis. Stats., under s. 19.84 (1)(b), is intended to change the current reporting requirements.

However, if the inclusion of this provision under s. 19.84, Wis. Stats., is interpreted to effectively require public notices to be published in newspapers for all governmental bodies statewide, rather than to provide notice as is required currently under s. 19.84(1)(b) Wis. Stats., this would result in additional publishing costs for governmental bodies. Governmental Bodies that do not currently publish meeting notices according to the Class 3 notice schedule (3 notices provisioned over 3 weeks), and who are currently following the 24-hour notice guideline provided in s. 19.84(3) Wis. Stats., would be required to pay for the newspaper inserts.

In the event this were to be the intention of the bill, based on the present rates with the Wisconsin State Journal, the Department anticipates a range of annual costs approximately of \$1,000-\$2,000, which would be charged to the respective governmental body holding each meeting. The cost assumes \$20 per additional insert for each meeting, with two inserts required per meeting.

Under this alternative interpretation, the local impact of the public meeting notice requirements, for municipalities and local governmental bodies, fees charged by official designated newspapers varies widely throughout the state, and some local bodies may or may not already be publishing according to the Class 3 schedule. Therefore, the additional cost to local governments is indeterminate, however it is anticipated that costs would increase.

Since the Department is interpreting the inclusion of the reference of s. 985.02, Wis. Stat., for clarity rather than an expansion of publishing requirements, the Department anticipates there will be no state or local fiscal impact in regards to the public notice requirements.

The Department anticipates an indeterminate fiscal impact at the local level. The provision of the bill that increases the maximum hourly wage that may be paid to an elected town officer simultaneously serving as a town employee from \$5,000 to \$15,000 annually, could potentially increase municipal personnel expenditures. However, since the increase provided is non-compulsory, and the circumstance of simultaneous appointments is not readily known for each town, the fiscal impact of this change is indeterminate.

The net fiscal impact of the various administrative changes, such as the potential increase in the number of town meetings required to be organized for electors, the potential adjustment in administrative time required for appointing of positions, the personnel time spent hearing and preparing for temporary permit application appeals, etc., could both temporarily increase the time required to initiate revised processes and procedures. However, long-term reductions in municipal administrative staff time spent on town officeholder appointments based upon the proposed changes, may also be experienced. Given the various municipal administrative processes and procedures, and the variance in change of processes required to comply with the new requirements, the net local fiscal impact is indeterminate.

Long-Range Fiscal Implications

Fiscal Estimate Worksheet - 2019 Session

Detailed Estimate of Annual Fiscal Effect

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I. One-time Costs or Revenue Impacts for State and/or Local Government (do not include in annualized fiscal effect):		
II. Annualized Costs:		
	Annualized Fiscal Impact on funds from:	
	Increased Costs Decreased Costs	
A. State Costs by Category		
State Operations - Salaries and Fringes	\$	\$
(FTE Position Changes)		
State Operations - Other Costs		
Local Assistance		
Aids to Individuals or Organizations		
TOTAL State Costs by Category	\$	\$
B. State Costs by Source of Funds		
GPR		
FED		
PRO/PRS		
SEG/SEG-S		
III. State Revenues - Complete this only when proposal will increase or decrease state revenues (e.g., tax increase, decrease in license fee, ets.)		
	Increased Rev	Decreased Rev
GPR Taxes	\$	\$
GPR Earned		
FED		
PRO/PRS		
SEG/SEG-S		
TOTAL State Revenues	\$	\$
NET ANNUALIZED FISCAL IMPACT		
	<u>State</u>	<u>Local</u>
NET CHANGE IN COSTS	\$	\$
NET CHANGE IN REVENUE	\$	\$

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Date

12/12/2019