

STATE OF WISCONSIN

TOWN OF TROY

WALWORTH COUNTY

Chapter -4

ORDINANCE NO. 2009-*86 RP.*

**AN ORDINANCE PURSUANT TO WISCONSIN STATUTES SECTION 70.67(2) TO
WAIVE THE MUNICIPAL TREASURER'S BOND,
SUBJECT TO CERTAIN CONDITIONS**

WHEREAS, Wisconsin Statutes Section 70.67 requires that the treasurer of each town execute and deliver to the county treasurer a bond with sureties conditioned upon the faithful performance of the duties of the office and that the treasurer will account for and pay over according to law all taxes of any kind which are received and which are required to be paid to the county treasurer; and

WHEREAS, Vanessa Fell was elected by the Town of Troy electors to the position of Town Treasurer in the Spring election of 2009; and

WHEREAS, Vanessa Fell has not provided a bond to the Walworth County Treasurer at this time and indicates that she is not able to do so immediately due to inaccurate information within her credit report which she is attempting to correct; and

WHEREAS, Wisconsin Statutes Section 70.67(2) allows the Town Board to adopt an ordinance to obligate the Town to pay, in case the Treasurer shall fail to do so, all taxes of any kind required by law to be paid by the Town Treasurer to the County Treasurer; and

WHEREAS, the Town Treasurer has agreed to suspend her duties and completely recuse herself from the tax collection process until such time as she has received a bond as required by Wisconsin Statutes Section 70.67(1); and

WHEREAS, the Town of Troy Deputy Treasurer has agreed to perform the duties of tax collection in the absence of the Town Treasurer, and has been bonded pursuant to Wisconsin Statutes Section 70.67(1); and

WHEREAS, even though the Town Treasurer has agreed to have no involvement in tax collection until she obtains a bond, State law still requires the bond unless the Town of Troy adopts the ordinance described in Section 70.67(2), and therefore by this ordinance the Town hereby intends to waive the municipal treasurer's bond requirement for the Town Treasurer, subject to the Town Treasurer having no involvement with the tax collection process until such time as she has received and filed a Section 70.67(1) municipal treasurer's bond.

NOW, THEREFORE, the Town Board of the Town of Troy, Walworth County, Wisconsin DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1: The Town of Troy shall pay, in case the Town Treasurer shall fail do so, all taxes of any kind required by law to be paid by the Town Treasurer to the Walworth County Treasurer.

SECTION 2: Prior to this ordinance taking effect, the Town Treasurer shall agree to the following conditions, with such agreement being demonstrated by the Town Treasurer's signature within the signature lines of this ordinance:

- A. The Town Treasurer shall have no involvement in the tax collection process for the Town of Troy until such time as the Town Treasurer has obtained and filed a municipal treasurer's bond as required by Wisconsin Statutes Section 70.67(1).
- B. Having no involvement shall include, but not be limited to, the following: (1) the Town Treasurer shall not receive tax money from taxpayers; (2) the Town Treasurer shall not have any contact with or access to tax money paid by taxpayers; and (3) the Town Treasurer shall not direct the Deputy Town Treasurer with regard to receipt, retention, transfer or other aspect of the tax collection process.
- C. The Town Treasurer's duties in this regard shall be suspended effective immediately upon the adoption of this ordinance and until the Town Treasurer receives and files the municipal treasurer's bond required by Wisconsin Statutes Section 70.67(1).

SECTION 3: SEVERABILITY.

The several sections of this ordinance are declared to be severable. If any section or portion thereof shall be declared by a court of competent jurisdiction to be invalid, unlawful or unenforceable, such decision shall apply only to the specific section or portion thereof directly specified in the decision, and shall not affect the validity of any other provisions, sections or portions thereof of the ordinance. The remainder of the ordinance shall remain in full force and effect. Any other ordinances whose terms are in conflict with the provisions of this ordinance are hereby repealed as to those terms that conflict.

SECTION 4: EFFECTIVE DATE.

This ordinance shall take effect immediately upon passage and posting or publication as provided by law, subject to satisfaction of the condition precedent described in Section 2, above.

Dated this 23 day of December, 2009

TOWN OF TROY

John Kendall
John Kendall, Town Chair

ATTEST:

Ruth Polinski
Ruth Polinski, Town Clerk

Published and/or posted this 23rd day of December, 2009,
2009.

ACCEPTANCE OF TOWN TREASURER

I, Vanessa Fell, Town Treasurer for the Town of Troy hereby accept all terms and conditions described in this ordinance and agree to abide by these conditions.

Dated this 23 day of December, 2009.

Vanessa Fell
Vanessa Fell, Town Treasurer