

## ORDINANCE NUMBER 2021-07

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**AN ORDINANCE GRANTING LIMITED EXPENDITURE,  
CONTRACTING AND CONTRACT EXECUTION AUTHORITY TO THE  
TOWN ADMINISTRATOR/CLERK/TREASURER AND TOWN CHAIR**

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WHEREAS, Wisconsin Statutes Section 60.22(1) states 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; and

WHEREAS, the Town of Delafield Municipal Code Section 2.01 indicates the Town Board has Village powers pursuant to section 60.22(3) Wis. Stats., by resolution of the annual Town meeting dated April 2, 1935; and

WHEREAS, it is often necessary in the administration of the legislative policies adopted by the Town of Delafield Town Board, and to carry out the budgetary approvals granted by the Town of Delafield Town Board, for the Town of Delafield to make expenditures or enter contracts for labor, materials, supplies and equipment in situations where it is not possible or practicable to convene the Town Board to act in the matter; and

WHEREAS, frequently time is of the essence regarding such contracts and expenditures; and

WHEREAS, in emergency situations or when timing is deemed to be critical, where the dollar amount for such expenditures or contracts is equal to or less than \$25,000, the Town Board finds that the Town of Delafield is best served if such contracts are entered in a timely manner, without the additional time and expense of calling a special Town Board meeting, provided that the contract pursues a legislative policy adopted by the Town Board, and is consistent with the budgetary approvals granted by the Town Board; and

WHEREAS, Wisconsin Statutes Section 60.44(2) and 66.0609 provide an alternative method of paying claims in the nature of bills and vouchers, and the Town Board hereby intends to adopt such alternative powers.

NOW, THEREFORE, the Town Board of the Town of Delafield, Waukesha County, Wisconsin DO ORDAIN as follows:

SECTION 1: Chapter 2 of the Town Code of the Town of Delafield entitled, "The Governing Body," Section 2.08 entitled, "Appropriation Ordinances or Resolutions," is hereby repealed and re-created as follows:

**2.08 APPROPRIATION ORDINANCES OR RESOLUTIONS.** All ordinances or resolutions appropriating money or creating any charge against the Town other than the payment of claims for purchases or work previously authorized by the Board shall only be acted upon by the Board at the next regular meeting, provided this provision may be suspended by affirmative action of all members of the Board. A roll call vote shall be taken and recorded on all appropriations, except as to alternative methods provided in Section 3.12 of this Code.

SECTION 2: Chapter 3 of the Town Code of the Town of Delafield entitled "Finance and Taxation," Section 3.05 entitled "Public Contracts," the introductory paragraph only, with the numbered subsections unchanged, is hereby repealed and re-created as follows:

The Town Board shall let, pursuant to the provisions of ~~§66.29(1)(c)~~, §60.47(1)(a), Wis. Stats., all public contracts as defined in ~~§66.29(1)(c)~~, §60.47(1)(a), Wis. Stats., the estimated cost or amount involved of which shall not exceed ~~\$5,000~~\$25,000.

SECTION 3: Chapter 3 of the Town Code of the Town of Delafield entitled "Finance and Taxation," Section 3.12 entitled "Alternative Limited Expenditure and Contracting Authority Delegated" is hereby created as follows.

3.12 Alternative Limited Expenditure and Contracting Authority Delegated.

- (1) The Town Administrator/Clerk/Treasurer and Town Chair, jointly, shall have the power to approve contracts and expenditures, for the Town of Delafield for bills, vouchers, labor, materials, supplies or equipment, subject to the following conditions:
  - (A) Any such contract or expenditure shall be for less than or equal to \$25,000 in total cost;
  - (B) The contract or expenditure must be approved by both the Town Administrator/Clerk/Treasurer and Town Chair;
  - (C) The contract or expenditure must be consistent with, and must not exceed, the budgetary approvals granted by the Town Board and the Town Chair, and the Town Administrator/Clerk/Treasurer must find all of the following:
    - i. Funds are available under the town budget to make payment.
    - ii. The item or service has been duly authorized.
    - iii. The item or service has been supplied or rendered in conformity with the authorization.
    - iv. For expenditures, the claim appears to be a valid claim against the Town.
  - (D) The contract or expenditure must require prompt action prior to the next regular meeting of the Town Board, as determined by the Town Administrator/Clerk/Treasurer and Town Chair. Any contract or expenditure that does not require this prompt action cannot be approved by this alternative procedure of Section 3.12, and must await Town Board action.
  - (E) The Town Administrator/Clerk/Treasurer must notify the Town Board of the contract or expenditure within a reasonable time following approval, no less frequently than monthly, not to reconsider the approval, but for the purposes of monitoring the Town Administrator/Clerk/Treasurer's and Town Chair's activities pursuant to this ordinance.

(2) The contracts and expenditures approved pursuant to this Section 3.12 require the execution in the name of the Town by the Town Administrator/Clerk/Treasurer and Town Chair.

SECTION 4: SEVERABILITY.

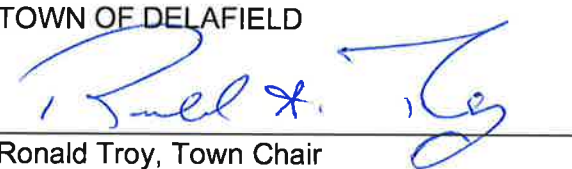
The several sections of this ordinance are declared to be severable. If any section or portion thereof shall be declared by a court of competent jurisdiction to be invalid, unlawful or unenforceable, such decision shall apply only to the specific section or portion thereof directly specified in the decision, 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 5: EFFECTIVE DATE.

This ordinance shall take effect immediately upon passage and posting or publication as provided by law.

Passed and adopted this 10<sup>th</sup> of August, 2021

TOWN OF DELAFIELD

  
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Ronald Troy, Town Chair

ATTEST:

  
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Dan Green, Town Administrator/Clerk/Treasurer

Published and/or posted this 11<sup>th</sup> day of August, 2021.