

Village of Cross Plains Finance Advisory and Enhancement Committee

Regular Meeting Notice and Agenda

Village Hall
2417 Brewery Road
Cross Plains, WI 53528

Wednesday August 2, 2023

6:30 pm

The Village of Cross Plains will provide opportunities for the public to monitor the meeting virtually or by calling in. Please take note that the meeting will continue even if technical problems occur. The log in information is as follows:

Join Zoom Meeting Link:

<https://us02web.zoom.us/j/85030100715>

Phone Number:

1-312-626-6799

Meeting ID:

850 3010 0715

I. Call to Order and Roll Call

II. Public Comment – This is an opportunity for anyone to address the Finance Advisory and Enhancement Committee. *Please observe the time limit of 3 minutes.* While the Finance Advisory and Enhancement Committee encourages input from residents, it may not discuss or act on any issue that is not duly noticed on the agenda.

III. Reports

1. Committee Chairperson
2. Committee Members
3. Finance Director

IV. General Business

1. Discussion and possible approval of the July 5, 2023 Finance Advisory and Enhancement Committee Minutes.
2. Discussion and possible action regarding Room Tax.
3. Discussion and possible action regarding Village Purchasing Policy.
4. Discussion regarding banking request for proposals.

V. Future Agenda Items

VI. Adjournment

This meeting notice constitutes an official meeting of the above referenced group and was posted in accordance with all applicable laws related Open Meetings Law. It is possible that members of and possibly a quorum of members of other governmental bodies of the municipality may be in attendance at the above stated meeting to gather information. No action will be taken by any governmental body at the above stated meeting other than the governmental body specifically referred to above in this notice. Upon reasonable notice, efforts will be made to accommodate the needs of disabled individuals. For additional information or to request this service, contact the Village Hall at (608) 798-3241 or bobbi@cross-plains.wi.us.

Village of Cross Plains Finance Advisory and Enhancement Committee

Regular Meeting Minutes

Wednesday, July 5, 2023

6:30 pm

The video link to this meeting can be found at: https://www.youtube.com/watch?v=Pn_2yBzpS7k

Call to Order and Roll Call

The meeting of the Village of Cross Plains Finance Advisory and Enhancement Committee was called to order at 6:30 p.m.

Present: Committee members Deb Cutler, Tim Hillebrand, Jed Henry, Michael Pomykalski, and Jay Lengfeld.

Absent: John Burandt

Also present: Bobbi Zauner (Finance Director).

I. **Public Comment** – None.

II. **Reports**

1. **Committee Chairperson** – None.

2. **Committee Members** – None.

3. **Finance Director**

A. Zauner reported that the Village Board approved a \$25 administrative fee for sewer adjustment requests, as a result of the Finance Advisory & Enhancement Committee report.

I. **General Business**

1. **Discussion and possible approval of the June 7, 2023 Finance Advisory and Enhancement Committee Minutes.**

A motion was made by Cutler, second by Henry, and unanimously carried to approve the June 7, 2023, Finance Advisory and Enhancement Committee meeting minutes.

2. Discussion and possible action regarding green space mowing contract versus in-house mowing.

Following a presentation by Jay Lengfeld and discussion, a motion was made by Henry and second by Cutler to accept the report as presented and move it to the Village Board.

Following discussion, a secondary motion was made by Pomykalski, second by Cutler, and unanimously carried by the Finance Advisory and Enhancement Committee to amend the original motion to accept the report with changes (add summary with price comparison and ask about storage of equipment).

A voice vote was called on the original motion with the amended language. Motion carries, 5-0.

3. Discussion regarding Room Tax.

Following an overview by Zauner and Lengfeld and discussion, no action was taken.

4. Discussion and possible action regarding a policy on using state contracts for vehicle and equipment purchases.

Following a presentation by Hillebrand and discussion, no action was taken. The Finance Advisory and Enhancement Committee will review the Village's Purchasing Policy at the August meeting.

5. Discussion and possible action regarding in-person meetings for the Finance Advisory and Enhancement Committee.

Following an overview by Lengfeld and discussion, future meetings of the Finance Advisory and Enhancement Committee will be held in-person with a Zoom option.

II. Future Agenda Items

1. Chamber of Commerce funding
2. Room Tax
3. Purchasing Policy

III. Adjournment

A motion was made by Cutler, second by Hillebrand, and unanimously carried by the Finance Advisory and Enhancement Committee to adjourn at 7:26 p.m.

Proper notice of this meeting was given to the public and posted on the public bulletin boards in accordance with the Open Meeting Law.

Respectfully submitted,

Bobbi Zauner
Finance Director/Clerk

(c) *Ownership of funds.* Notwithstanding an ordinance enacted under par. (a), volunteer funds shall remain the property of the municipality until the funds are disbursed.

NOTE: This section is shown as affected eff. 7–1–24 by 2023 Wis. Act 12. Prior to 7–1–24 it reads:

66.0608 Separate accounts for municipal fire, emergency medical services practitioner, and emergency medical responder volunteer funds. (1) DEFINITIONS. In this section:

(ak) “Emergency medical responder” has the meaning given in s. 256.01 (4p).

(am) “Emergency medical responder volunteer funds” means funds of a municipality that are raised by employees of the municipality’s emergency medical responder department, by volunteers, or by donation to the emergency medical responder department, for the benefit of the municipality’s emergency medical responder department.

(aw) “Emergency medical services practitioner” has the meaning given in s. 256.01 (5).

(b) “Emergency medical services practitioner volunteer funds” means funds of a municipality that are raised by employees of the municipality’s emergency medical services practitioner department, by volunteers, or by donation to the emergency medical services practitioner department, for the benefit of the municipality’s emergency medical services practitioner department.

(c) “Fire volunteer funds” means funds of a municipality that are raised by employees of the municipality’s fire department, by volunteers, or by donation to the fire department, for the benefit of the municipality’s fire department.

(f) “Municipality” means any city, village, or town.

(g) “Public depository” has the meaning given in s. 34.01 (5).

(h) “Volunteer funds” means emergency medical services practitioner volunteer funds, fire volunteer funds, or emergency medical responder volunteer funds.

(2) GENERAL AUTHORITY. Subject to subs. (3) and (4), the governing body of a municipality may enact an ordinance that does all of the following:

(a) Authorizes a particular official or employee of the municipality’s fire department, emergency medical services practitioner department, or emergency medical responder department to deposit volunteer funds of the department for which the individual serves as an official or employee, in an account in the name of the fire department, emergency medical services practitioner department, or emergency medical responder department, in a public depository.

(b) Gives the municipality’s fire department, emergency medical services practitioner department, or emergency medical responder department, through the official or employee described under par. (a), exclusive control over the expenditure of volunteer funds of the department for which the individual serves as an official or employee in an account described under par. (a).

(3) LIMITATIONS, REQUIREMENTS. An ordinance enacted under sub. (2) may include any of the following limitations or requirements:

(a) A limit on the type and amount of funds that may be deposited into the account described under sub. (2) (a).

(b) A limit on the amount of withdrawals from the account described under sub. (2) (a) that may be made, and a limit on the purposes for which such withdrawals may be made.

(c) Reporting and audit requirements that relate to the account described under sub. (2) (a).

(4) OWNERSHIP OF FUNDS. Notwithstanding an ordinance enacted under sub. (2), volunteer funds shall remain the property of the municipality until the funds are disbursed.

History: 2001 a. 16; 2007 a. 130; 2017 a. 12; 2023 a. 12; s. 35.17 correction in (2m) (c) 3.

66.0609 Financial procedure; alternative system of approving claims. (1) The governing body of a village or of a city of the 2nd, 3rd or 4th class may by ordinance enact an alternative system of approving financial claims against the municipal treasury other than claims subject to s. 893.80. The ordinance shall provide that payments may be made from the city or village treasury after the comptroller or clerk of the city or village audits and approves each claim as a proper charge against the treasury, and endorses his or her approval on the claim after having determined that all of the following conditions have been complied with:

(a) That funds are available for the claim pursuant to the budget approved by the governing body.

(b) That the item or service covered by the claim has been duly authorized by the proper official, department head or board or commission.

(c) That the item or service has been actually supplied or rendered in conformity with the authorization described in par. (b).

(d) That the claim is just and valid pursuant to law. The comptroller or clerk may require the submission of proof to support the claim as the officer considers necessary.

(2) The ordinance under sub. (1) shall require that the clerk or comptroller file with the governing body not less than monthly a

list of the claims approved, showing the date paid, name of claimant, purpose and amount.

(3) The ordinance under sub. (1) shall require that the governing body of the city or village obtain an annual detailed audit of its financial transactions and accounts by a certified public accountant licensed or certified under ch. 442 and designated by the governing body.

(4) The system under sub. (1) is operative only if the comptroller or clerk is covered by a fidelity bond or insurance policy of not less than \$5,000 in villages and 4th class cities, of not less than \$10,000 in 3rd class cities, and of not less than \$20,000 in 2nd class cities, as described in s. 61.25 (intro.) or 62.09 (4) (b).

(5) If an alternative procedure is adopted by ordinance in conformity with this section, the claim procedure required by ss. 61.25 (6), 61.51, 62.09 (10), 62.11 and 62.12 and other relevant provisions, except s. 893.80, is not applicable in the city or village.

History: 1971 c. 108 ss. 5, 6; 1971 c. 125 s. 523; 1977 c. 285 s. 12; 1979 c. 323; 1985 a. 29; 1991 a. 316; 1999 a. 150 s. 113; Stats. 1999 s. 66.0609; 2001 a. 16; 2017 a. 51.

66.0611 Political subdivisions prohibited from levying tax on incomes. No county, city, village, town, or other unit of government authorized to levy taxes may assess, levy or collect any tax on income, or measured by income, and any tax so assessed or levied is void.

History: 1999 a. 150 s. 562; Stats. 1999 s. 66.0611.

66.0613 Assessment on racing prohibited. Notwithstanding subch. V of ch. 77, no county, town, city or village may levy or collect from any licensee, as defined in s. 562.01 (7), any fee, tax or assessment on any wager in any race, as defined in s. 562.01 (10), or on any admission to any racetrack, as defined in s. 562.01 (12), except as provided in s. 562.08.

History: 1987 a. 354; 1991 a. 39; 1999 a. 150 s. 564; Stats. 1999 s. 66.0613.

66.0615 Room tax; forfeitures. (1) In this section:

(a) “Commission” means an entity created by one municipality or by 2 or more municipalities in a zone, to coordinate tourism promotion and tourism development for the zone.

(am) “District” has the meaning given in s. 229.41 (4m).

(b) “Hotel” has the meaning given in s. 77.52 (2) (a) 1.

(bt) “Marketplace provider” has the meaning given in s. 77.51 (7i), to the extent that the marketplace provider facilitates the sale or furnishing of rooms, lodging, or other accommodations to transients under sub. (1m) (a).

(bu) “Marketplace seller” has the meaning given in s. 77.51 (7j).

(c) “Motel” has the meaning given in s. 77.52 (2) (a) 1.

(d) “Municipality” means any city, village or town.

(de) “Occupant” means a person who rents a short-term rental through a marketplace provider.

(df) “Owner” means the person who owns the residential dwelling that has been rented.

(di) “Residential dwelling” means any building, structure, or part of the building or structure, that is used or intended to be used as a home, residence, or sleeping place by one person or by 2 or more persons maintaining a common household, to the exclusion of all others.

(dk) “Short-term rental” means a residential dwelling that is offered for rent for a fee and for fewer than 30 consecutive days.

(dm) “Sponsoring municipality” means a city, village or town that creates a district either separately or in combination with another city, village, town or county.

(e) “Tourism” means travel for recreational, business or educational purposes.

(f) “Tourism entity” means a nonprofit organization that came into existence before January 1, 2015, spends at least 51 percent of its revenues on tourism promotion and tourism development, and provides destination marketing staff and services for the tourism industry in a municipality, except that if no such organization

exists, a municipality may contract with one of the following entities:

1. A nonprofit organization that spends at least 51 percent of its revenues on tourism promotion and tourism development, and provides destination marketing staff and services for the tourism industry in a municipality.

2. A nonprofit organization that was incorporated before January 1, 2015, spends 100 percent of the room tax revenue it receives from a municipality on tourism promotion and tourism development, and provides destination marketing staff and services for the tourism industry in a municipality.

(fm) “Tourism promotion and tourism development” means any of the following that are significantly used by transient tourists and reasonably likely to generate paid overnight stays at more than one establishment on which a tax under sub. (1m) (a) may be imposed, that are owned by different persons and located within a municipality in which a tax under this section is in effect; or, if the municipality has only one such establishment, reasonably likely to generate paid overnight stays in that establishment:

1. Marketing projects, including advertising media buys, creation and distribution of printed or electronic promotional tourist materials, or efforts to recruit conventions, sporting events, or motorcoach groups.

2. Transient tourist informational services.

3. Tangible municipal development, including a convention center.

(g) “Transient” has the meaning given in s. 77.52 (2) (a) 1.

(h) “Zone” means an area made up of 2 or more municipalities that, those municipalities agree, is a single destination as perceived by the traveling public.

(1m) (a) The governing body of a municipality may enact an ordinance, and a district, under par. (e), may adopt a resolution, imposing a tax on the sales price from selling or furnishing, at retail, except sales for resale, rooms or lodging to transients by hotelkeepers, motel operators, marketplace providers, owners of short-term rentals, and other persons or retailers selling or furnishing accommodations that are available to the public, irrespective of whether membership is required for use of the accommodations. A tax imposed under this paragraph may be collected from the consumer or user, but may not be imposed on sales to the federal government and persons listed under s. 77.54 (9a). A tax imposed under this paragraph by a municipality shall be paid to the municipality and, with regard to any tax revenue that may not be retained by the municipality, shall be forwarded by the municipality to a tourism entity or a commission if one is created under par. (c), as provided in par. (d). Except as provided in par. (am), a tax imposed under this paragraph by a municipality may not exceed 8 percent of the sales price. Except as provided in par. (am), if a tax greater than 8 percent of the sales price under this paragraph is in effect on May 13, 1994, the municipality imposing the tax shall reduce the tax to 8 percent, effective on June 1, 1994.

(am) A municipality that imposes a room tax under par. (a) is not subject to the limit on the maximum amount of tax that may be imposed under that paragraph if any of the following apply:

1. The municipality is located in a county with a population of at least 380,000 and a convention center is being constructed or renovated within that county.

2. The municipality intends to use at least 60 percent of the revenue collected from its room tax, of any room tax that is greater than 7 percent, to fund all or part of the construction or renovation of a convention center that is located in a county with a population of at least 380,000.

3. The municipality is located in a county with a population of less than 380,000 and that county is not adjacent to a county with a population of at least 380,000, and the municipality is constructing a convention center or making improvements to an existing convention center.

4. The municipality has any long-term debt outstanding with which it financed any part of the construction or renovation of a convention center.

(b) 1. If a single municipality imposes a room tax under par. (a), the municipality may create a commission under par. (c). The commission shall contract with another organization to perform the functions of a tourism entity if no tourism entity exists in that municipality.

2. If 2 or more municipalities in a zone impose a room tax under par. (a), the municipalities shall enter into a contract under s. 66.0301 to create a commission under par. (c). If no tourism entity exists in any of the municipalities in the zone that have formed a commission, the commission shall contract with another organization in the zone to perform the functions of the tourism entity. Each municipality in a single zone that imposes a room tax shall levy the same percentage of tax. If the municipalities are unable to agree on the percentage of tax for the zone, the commission shall set the percentage.

3. A commission shall monitor the collection of room taxes from each municipality in a zone that has a room tax.

4. A commission shall contract with one tourism entity from the municipalities in the zone to obtain staff, support services and assistance in developing and implementing programs to promote the zone to visitors.

(c) 1. If a commission is created by a single municipality, the commission shall consist of 4 to 6 members. One of the commission members shall represent the Wisconsin hotel and motel industry. Members shall be appointed under subd. 3.

2. a. If the commission is created by more than one municipality in a zone, the commission shall consist of 3 members from each municipality in which annual tax collections exceed \$1,000,000, 2 members from each municipality in which annual tax collections exceed \$300,000 but are not more than \$1,000,000 and one member from each municipality in which annual tax collections are \$300,000 or less. Except as provided in subd. 2. b., members shall be appointed under subd. 3.

b. Two additional members, who represent the Wisconsin hotel and motel industry, shall be appointed to the commission by the chairperson of the commission, shall serve for a one-year term at the pleasure of the chairperson and may be reappointed.

3. Members of the commission shall be appointed by the principal elected official in the municipality and shall be confirmed by a majority vote of the members of the municipality’s governing body who are present when the vote is taken. Commissioners shall serve for a one-year term, at the pleasure of the appointing official, and may be reappointed.

4. The commission shall meet regularly, and, from among its members, it shall elect a chairperson, vice chairperson and secretary.

5. The commission shall report any delinquencies or inaccurate reporting to the municipality that is due the tax.

(d) 1. A municipality that first imposes a room tax under par. (a) after May 13, 1994, shall spend at least 70 percent of the amount collected on tourism promotion and tourism development. Any amount of room tax collected that must be spent on tourism promotion and tourism development shall either be forwarded to the commission for its municipality or zone if the municipality has created a commission, or forwarded to a tourism entity.

2. Subject to par. (dm), if a municipality collects a room tax on May 13, 1994, it may retain not more than the same percentage of the room tax that it retains on May 13, 1994. If a municipality that collects a room tax on May 1, 1994, increases its room tax after May 1, 1994, the municipality may retain not more than the same percentage of the room tax that it retains on May 1, 1994, except that if the municipality is not exempt under par. (am) from the maximum tax that may be imposed under par. (a), the municipi-

pality shall spend at least 70 percent of the increased amount of room tax that it begins collecting after May 1, 1994, on tourism promotion and development. Any amount of room tax collected that must be spent on tourism promotion and tourism development shall either be forwarded to the commission for its municipality or zone if the municipality has created a commission, or forwarded to a tourism entity.

3. A commission shall use the room tax revenue that it receives from a municipality for tourism promotion and tourism development in the zone or in the municipality.

4. The commission shall report annually to each municipality from which it receives room tax revenue the purposes for which the revenues were spent.

5. The commission may not use any of the room tax revenue to construct or develop a lodging facility.

6. If a municipality issued debt or bond anticipation notes before January 1, 2005, to finance the construction of a municipally owned convention center or conference center, nothing in this section may prevent the municipality from meeting all of the terms of its obligation.

7. Notwithstanding the provisions of subds. 1. and 2., any amount of room tax revenue that a municipality described under s. 77.994 (3) is required to spend on tourism promotion and tourism development shall be forwarded to, and spent by, the municipality's tourism entity, unless the municipality creates a commission and forwards the revenue to the commission.

8. The governing body of a tourism entity shall include either at least one owner or operator of a lodging facility that collects the room tax described in this section and that is located in the municipality for which the room tax is collected or at least 4 owners or operators of lodging facilities that collect the room tax described in this section and that are located in the zone for which the room tax is collected. Subdivision 4., as it applies to a commission, applies to a tourism entity.

(dm) Beginning with the room tax collected on January 1, 2017, by a municipality that collected a room tax on May 13, 1994, as described in par. (d) 2., and retained more than 30 percent of the room tax collected for purposes other than tourism promotion and tourism development, such a municipality may continue to retain, each year, the greater of either 30 percent of its current year revenues or one of the following amounts:

1. For fiscal year 2017, the same dollar amount of the room tax retained as the municipality retained in its 2014 fiscal year.
2. For fiscal year 2018, the same dollar amount of the room tax retained as the municipality retained in its 2013 fiscal year.
3. For fiscal year 2019, the same dollar amount of the room tax retained as the municipality retained in its 2012 fiscal year.
4. For fiscal year 2020, the same dollar amount of the room tax retained as the municipality retained in its 2011 fiscal year.
5. For fiscal year 2021 and thereafter, the same dollar amount of the room tax retained as the municipality retained in its 2010 fiscal year.

(e) 1. Subject to subd. 2., a district may adopt a resolution imposing a room tax under par. (a) in an amount not to exceed 3 percent of total room charges. A majority of the authorized members of the district's board may vote that, if the balance in a special debt service reserve fund of the district is less than the requirement under s. 229.50 (5), the room tax imposed by the district under this subdivision is 3 percent of total room charges beginning on the next January 1, April 1, July 1 or October 1 after the payment and this tax is irrevocable if any bonds issued by the district and secured by the special debt service reserve fund are outstanding. A room tax imposed by a district under this subdivision applies within the district's jurisdiction, as specified in s. 229.43, and the proceeds of the tax may be used only for the district's debt service on its bond obligations. If a district stops imposing and collecting a room tax, the district's sponsoring municipality may impose and

collect a room tax under par. (a) on the date on which the district stops imposing and collecting its room tax.

2. In addition to the room tax that a district may impose under subd. 1., if the district's only sponsoring municipality is a 1st class city, the district may adopt a resolution imposing an additional room tax. The additional percentage of room tax under this subdivision shall be equal to the percentage of room tax imposed by the sponsoring municipality on the date on which the sponsoring municipality agrees to stop imposing and collecting its room tax, as described under s. 229.44 (15). A district shall begin collecting the additional room tax imposed under this subdivision on the date on which the sponsoring municipality stops imposing and collecting its room tax. A room tax imposed by a district under this subdivision applies only within the borders of the sponsoring municipality and may be used for any lawful purpose of the district.

3. A district adopting a resolution to impose the taxes under subd. 1. or 2. shall deliver a certified copy of the resolution to the secretary of revenue at least 120 days before its effective date.

(f) 1. The department of revenue shall administer the tax that is imposed under par. (a) by a district and may take any action, conduct any proceeding and impose interest and penalties.

2. Sections 77.51 (12m), (13), (14), (14g), (15a), (15b), and (17), 77.52 (3), (3m), (13), (14), (18), and (19), 77.522, 77.523, 77.58 (1) to (5), (6m), and (7), 77.585, 77.59, 77.60, 77.61 (2), (3m), (5), (8), (9), (12) to (15), and (19m), and 77.62, as they apply to the taxes under subch. III of ch. 77, apply to the tax described under subd. 1.

3. From the appropriation under s. 20.835 (4) (gg), the department of revenue shall distribute 97.45 percent of the taxes collected under this paragraph for each district to that district and shall indicate to the district the taxes reported by each taxpayer in that district, no later than the end of the month following the end of the calendar quarter in which the amounts were collected. The taxes distributed shall be increased or decreased to reflect subsequent refunds, audit adjustments and all other adjustments. Interest paid on refunds of the tax under this paragraph shall be paid from the appropriation under s. 20.835 (4) (gg) at the rate under s. 77.60 (1) (a). Any district that receives a report along with a payment under this subdivision or subd. 2. is subject to the duties of confidentiality to which the department of revenue is subject under s. 77.61 (5).

5. Persons who are subject to the tax under this subsection, if that tax is administered by the department of revenue, shall register with the department. Any person who is required to register, including any person authorized to act on behalf of a person who is required to register, who fails to do so is guilty of a misdemeanor.

(g) Sections 77.51 (10), (12m), (13), (13g), (14), (14g), (15a), (15b), and (17), 77.52 (3), (3m), (13), (14), (18), and (19), 77.522, 77.523, 77.53 (7), 77.54, 77.58 (6m), and 77.585, as they apply to the taxes under subch. III of ch. 77, shall apply to the tax imposed under par. (a) by a municipality.

(1r) (a) A marketplace provider shall collect the tax imposed by a municipality under sub. (1m) for a marketplace seller, unless the marketplace provider has been issued a waiver under s. 77.52 (3m) (b) or (c), and forward it to the municipality, on a quarterly basis, along with a form prepared by the department of revenue as described under par. (b), except that a marketplace provider shall forward the tax to the municipality more frequently if the marketplace provider and the municipality enter into a written agreement providing for more frequent submissions. The marketplace provider shall notify the marketplace seller that the marketplace provider has collected and forwarded the taxes described in this paragraph. A municipality may not impose and collect a room tax from the marketplace seller if the municipality collects the room tax as described in this paragraph.

(b) The form prepared by the department of revenue as described under par. (a) shall contain at least the following

information about the room tax imposed under sub. (1m) on the marketplace provider:

1. The total sales for properties located in a municipality with a room tax.

2. The total number of nights properties located in a municipality with a room tax were rented.

3. The rate of the room tax applied to the amount specified in subd. 1.

4. The total tax due for properties located in a municipality with a room tax.

(c) No later than September 29, 2021, and updated annually, the department of revenue shall create a website that contains the following information about room tax collections:

1. The name and mailing address of each municipality that imposes a room tax under sub. (1m).

2. The rate of the room tax imposed by each municipality specified in subd. 1.

(2) As a means of enforcing the collection of any room tax imposed by a municipality or a district under sub. (1m), the municipality or district may do any of the following:

(a) If a municipality or district has probable cause to believe that the correct amount of room tax has not been assessed or that the tax return is not correct, inspect and audit the records of any person subject to sub. (1m) pertaining to the furnishing or selling of accommodations to determine the correct amount of room tax due. A determination under this paragraph shall be provided in writing within 4 years after the due date of the return, unless no return has been filed.

(b) Enact a schedule of forfeitures, not to exceed 5 percent of the tax under sub. (1m) or par. (c), to be imposed on any person subject to sub. (1m) who fails to comply with a request to inspect and audit the person's records under par. (a).

(c) Determine the tax under sub. (1m) according to its best judgment if a person required to make a return fails, neglects or refuses to do so for the amount, in the manner and form and within the time prescribed by the municipality or district.

(d) Require each person who is subject to par. (c) to pay an amount of taxes that the municipality or district determines to be due under par. (c) plus interest at the rate of 1 percent per month on the unpaid balance. No refund or modification of the payment determined may be granted until the person files a correct room tax return and permits the municipality or district to inspect and audit his or her financial records under par. (a).

(e) Enact a schedule of forfeitures, not to exceed 25 percent of the room tax due for the previous year under sub. (1m) or par. (c) or \$5,000, whichever is less, to be imposed for failure to pay the tax under sub. (1m). This paragraph also applies to a marketplace provider that is required to collect and remit taxes imposed by a municipality under sub. (1m), but that fails to file a return as required in sub. (1r) or pay the required tax.

(2m) (a) To enforce the collection of a room tax imposed by a district under sub. (1m), the district may exchange audit and other information relating to the room tax with the department of revenue.

(b) To enforce the collection of a room tax imposed by a municipality under sub. (1m), the municipality may jointly inspect and audit the room tax records of a person subject to sub. (1m) with other municipalities only for the purpose of conducting a joint room tax audit. A municipality may provide audit and other information to the department of revenue, and may exchange audit and other room tax related information with any municipality that took part in conducting the joint audit.

(3) The municipality shall provide by ordinance and the district shall provide by resolution for the confidentiality of information obtained under subs. (1r) and (2) but shall provide exceptions for persons using the information in the discharge of duties imposed by law or of the duties of their office or by order of a court. The municipality or district may provide for the publishing

of statistics classified so as not to disclose the identity of particular returns. The municipality or district shall provide that persons violating ordinances or resolutions enacted under this subsection may be required to forfeit not less than \$100 nor more than \$500.

(4) (a) Except as provided in par. (d), annually, on or before May 1, on a form created and provided by the department of revenue, every municipality that imposes a tax under sub. (1m) shall certify and report to the department all of the following:

1. The amount of room tax revenue collected, and the room tax rate imposed, by the municipality in the previous year.

2. A detailed accounting of the amounts of such revenue that were forwarded in the previous year for tourism promotion and tourism development, specifying the commission or tourism entity that received the revenue. The detailed accounting shall include expenditures of at least \$1,000 made by a commission or a tourism entity.

3. A list of each member of the commission and each member of the governing body of a tourism entity to which the municipality forwarded room tax revenue in the previous year, and the name of the business entity the member owns, operates, or is employed by, if any.

4. For a municipality subject to sub. (1m) (dm), the amount of the room tax retained by the municipality in each of the following fiscal years: 2010, 2011, 2012, 2013, and 2014.

(b) The department of revenue shall collect the reports described in par. (a) and shall make them available to the public.

(c) The department of revenue may impose a penalty of not more than \$3,000 on a municipality that does not submit to the department the reports described in par. (a). A municipality may not use room tax revenue to pay a penalty imposed under this paragraph. The penalty shall be paid to the department of revenue.

(d) Notwithstanding the requirement in par. (a) (intro.), the information specified in par. (a) 4. may be certified and reported to the department only once if the municipality submits the information not later than May 1, 2022. The department shall make such information available to the public annually in the report described in par. (a) (intro.).

History: 1983 a. 189, 514; 1993 a. 263, 467, 491; 1999 a. 9; 1999 a. 150 ss. 565 to 567; Stats. 1999 s. 66.0615; 2003 a. 203; 2005 a. 135; 2007 a. 20; 2009 a. 2; 2011 a. 18, 32; 2013 a. 20; 2015 a. 55, 60, 301; 2017 a. 59; 2019 a. 10; 2021 a. 55.

A city was authorized to enact a room tax. The gross receipts method was a fair and reasonable way of calculating the tax. *Blue Top Motel, Inc. v. City of Stevens Point*, 107 Wis. 2d 392, 320 N.W.2d 172 (1982).

Under sub. (1m) (am), this section favors expenditures to construct or improve convention facilities. However, sub. (1m) (am), only addresses when a municipality may impose a room tax rate of greater than 8 percent and is irrelevant when the city has not exceeded that maximum. The only restrictions the rest of the statute places on the use of room tax monies are found in sub. (1m) (d), which directs a municipality to spend a certain percentage on "tourism promotion and development, which means the promotion and development of travel for recreational, business, or educational purposes. *English Manor Bed and Breakfast v. City of Sheboygan*, 2006 WI App 91, 292 Wis. 2d 762, 716 N.W.2d 531, 05–1358.

66.0617 Impact fees. (1) DEFINITIONS. In this section:

(a) "Capital costs" means the capital costs to construct, expand or improve public facilities, including the cost of land, and including legal, engineering and design costs to construct, expand or improve public facilities, except that not more than 10 percent of capital costs may consist of legal, engineering and design costs unless the municipality can demonstrate that its legal, engineering and design costs which relate directly to the public improvement for which the impact fees were imposed exceed 10 percent of capital costs. "Capital costs" does not include other noncapital costs to construct, expand or improve public facilities, vehicles; or the costs of equipment to construct, expand or improve public facilities.

(b) "Developer" means a person that constructs or creates a land development.

(c) "Impact fees" means cash contributions, contributions of land or interests in land or any other items of value that are imposed on a developer by a municipality under this section.

(d) "Land development" means the construction or modification of improvements to real property that creates additional resi-

these City of Middleton General Ordinances. These amounts may be assessed prior to the recordings of filings where the amount required can be reasonably ascertained.

3.10 HOTEL AND MOTEL ROOM TAX

(1) Definitions

In this Section, the following definitions shall apply:

(a) Hotel or Motel

A building or group of buildings in which the public may obtain accommodations for a consideration, including, without limitation, such establishments as inns, motels, tourist homes, tourist houses or courts, bed and breakfast establishments, lodging houses, rooming houses, summer camps, apartment hotels, resort lodges and cabins and any other building or group of buildings in which accommodations are available to the public, except accommodations rented for a continuous period of more than one (1) month and accommodations furnished by any hospital, sanatorium or nursing home or by corporations or associations organized and operated exclusively for religious, charitable or educational purposes provided that no part of the net earnings of such corporations and associations inures to the benefit of any private share- holder or individual.

(b) Gross Receipts

Has the meaning as defined in Sec. 77.51(4)(a), Wis. Stats., insofar as applicable.

(c) Transient

Any person residing for a continuous period of less than one (1) month in a hotel, motel or other furnished accommodation available to the public.

(d) Bed and Breakfast Establishment

Any place of temporary lodging that provides four (4) or fewer rooms for rent, which is open for rental more than ten (10) nights in a twelve (12) month period, is the owner's personal residence and is occupied by the owner at the time of rental, and in which the only meal served in breakfast.

(2) Imposition of Tax

(a) Pursuant to Sec. 66.0615, Wis. Stats., a tax is hereby imposed on the privilege and services of furnishing, at retail, rooms or lodging to transients by hotelkeepers, motel operators and other persons furnishing accommodations that are available to the public, irrespective of whether membership is required for the use of the accommodations. Such tax shall be at the rate of eight percent (8%) of the gross receipts from such retail furnishing of rooms or lodgings. Such tax shall not be subject to the selective sales tax imposed by Sec. 77.52(2)(a)1, Wis. Stats. (O1449, 11/21/17)

(b) Exemptions

The following room sales are exempt from this tax:

1. Sales to the federal government;
2. Sales to persons listed under Sec. 77.54(9a), Stats.

(c) Exemption Conditions

The following conditions must occur for a sales to be exempt from the room tax:

1. The lodging establishment must issue the billing or invoice for the lodging in the name of the exempt entity; and
2. The lodging establishment must receive from the exempt entity:

- a. in the case of federal and Wisconsin state or local governmental units, a purchase order or similar written document (such as a letter of authorization), or
 - b. in the case of nonprofit religious, charitable, scientific or educational organization, the organizations' certificate of exempt status number.
3. The exemption still applies if the employee pays with his or her own funds, as long as the above conditions are met.

(3) Collection of Tax

(a) Administration by City Treasurer

This tax shall be administered by the City Treasurer who shall, at City expense, provide the necessary application and reporting forms at no cost to the taxpayer.

(b) Reporting Periods

The tax imposed for the months of January, February and March, and for each calendar quarter thereafter, is due and payable on the last day of the month next succeeding the calendar quarter for which imposed. A return shall be filed with the City Treasurer, by those furnishing at retail such rooms and lodging, on or before the same date on which such tax is due and payable. Such returns shall show the gross receipts of the preceding calendar quarter from such retail furnishing of room or lodging, the amount of taxes imposed for such period, and such other information as the City Treasurer deems necessary. Every person required to file such quarterly return shall, with his first return, elect to file an annual calendar year or fiscal year return. Such annual return shall be filed within ninety (90) days of the close of each such calendar or fiscal year. The annual return shall summarize the quarterly returns, reconcile and adjust for errors in the quarterly returns, and shall contain certain such additional information as the City Treasurer requires. Such annual returns shall be made on forms as prescribed by the City Treasurer. All such returns shall be signed by the person required to file a return or duly authorized agent, but need not be verified by oath. The City Treasurer may, for good cause, extend the time for filing any return, but in no event longer than one (1) month from the filing date.

(c) Sale or Conveyance of Business

If any person liable for any amount of tax under this Section sells out his business or stock of goods or quits the business, his successors or assigns shall withhold sufficient portion of the purchase price to cover such amount until the former owner produces a receipt from the City Treasurer that it has been paid or a certificate stating that no amount is due. If a person subject to the tax imposed by this Section fails to withhold such amount of tax from the purchase price as required, he shall become personally liable for payment of the amount required to be withheld by him to the extent of the price of the accommodations valued in money.

(d) Determination of Tax by Audit

- (1) The City Treasurer may, by office audit, determine the tax required to be paid to the City or the refund due to any person under this Section. This determination may be made upon the basis of the facts contained in the return being audited or on the basis of any other information within the City Treasurer's possession that meets the criteria set forth in Sec. 66.75(2), Stats. One or more such office audit determination may be made of the amount due for any one or for more than one period.
- (2) The City Treasurer may, by field audit, determine the tax required to be paid to the City or the refund due to any person under this Chapter. The determination may be made upon the basis of the facts contained in the return being audited or upon any other information within the City Treasurer's possession. The City

Treasurer is authorized to examine and inspect the books, records, memoranda, and property of any person in order to verify the tax liability of that person or of another person. Nothing herein shall prevent the City Treasurer from making a determination of tax at any time.

(e) Failure to File Return

If any person fails to file a return as required by this Chapter, the City Treasurer shall make an estimate of the amount of the gross receipts under Subsections (b) and (c). Such estimates shall be made for the period for which such person failed to make a return and shall be based upon any information which is in the City Treasurer's possession or may come into the Treasurer's possession. On the basis of this estimate, the City Treasurer shall compute and determine the amount required to be paid to the City, adding to the sum thus arrived at a penalty equal to ten percent (10%) thereof. One or more such determinations may be made for one or more than one period.

(f) Interest on Unpaid Taxes

All unpaid taxes under this Chapter shall bear interest at the rate of twelve percent (12%) per year from the due date of the return until the first day of the month following the month in which the tax is paid or deposited with the City Treasurer. An extension of time within which to file a return shall operate to extend the due date of the return for purposes of interest computations. If the City Treasurer determines that any overpayment of tax has been made intentionally or by reason of carelessness or neglect, or if the tax which was overpaid was not accompanied by a complete return, he shall not allow any interest thereon.

(g) Delinquent Returns: Late Fees, Penalty

- (1) Delinquent tax returns shall be subject to a late filing fee of One Hundred Dollars (\$100.00). The tax imposed by this Chapter shall become delinquent if not paid:
 - (a) In the case of a timely filed return, within thirty days (30) days after the due date of the return, or within thirty (30) days after the expiration of an extension period, if one is granted.
 - (b) In the case of no return filed or a return filed late, by the due date of the return.
- (2) If due to negligence no return is filed, or a return is filed late, or an incorrect return is filed, the entire tax finally determined shall be subject to a forfeiture established herein as follows:
 - A forfeiture of 25% or \$5,000.00, whichever is less, of the tax imposed and is due and owing within thirty (30) days after the due date of said return.
 - If a person fails to file a return when due or files a false or fraudulent return with the intent in either case to defeat or evade a tax imposed by this ordinance, a forfeiture of 50% of the entire tax finally determined shall be added to the tax required to be paid exclusive of interest and other penalties.

(4) Security Required

In order to protect the revenue of the City, the City Treasurer may require any person liable for the tax imposed by this Section to place with him before or after a permit is issued such security not in excess of One Hundred Dollars (\$100.00) as the City Treasurer shall determine. If any taxpayer fails or refuses to place security, the City Treasurer may revoke or refuse to issue such permit. If any taxpayer is delinquent in the payment of the taxes imposed by this Section, the City Treasurer may, upon ten

(10) days' notice, recover the taxes, interest and penalties from the security placed with the said Treasurer by such taxpayer. No interest shall be paid or allowed by the City to any persons for the deposit of such security.

(5) Records to be Maintained

Every person liable for the tax imposed by this Section shall keep or cause to be kept such records, receipts, invoices and other pertinent papers in such form as the City Treasurer and this Chapter shall require. Such records shall be retained and made available for a period of five (5) years from the date of a filing period.

(6) Confidentiality Maintained

- (a) All tax returns, schedules, exhibits, writings, or audit reports relating to such returns on file with the City Treasurer are deemed to be confidential, except the City Treasurer may divulge their contents to the following and no others:
 - (1) The person who filed the return.
 - (2) Officers, agents or employees of the Federal Internal Revenue Service or the State Department of Revenue.
 - (3) Officers, employees or agents of the City Auditors.
 - (4) Such other public officials of the City of Middleton when deemed necessary.
- (b) No person having an administrative duty under this Section shall make known in any manner the business affairs, operations or information obtained by an investigation of records of any person on whom a tax is imposed by this Section or the amount or source of income, profits, losses, expenditures or any particulars thereof, set forth or disclosed in any return, or to permit any return or copy thereof to be seen or examined by any person, except as provided above.

(7) Penalties

Any person who is subject to the tax imposed by this Chapter or who fails or refuses to permit the inspection of his records by the City Treasurer after such inspection has been duly required by such Treasurer, or who fails to file a return as provided in this Chapter, or who violates any other provision of this Chapter, shall be subject to a forfeiture pursuant to Section 30.04. Each day, or portion thereof, that such violation continues is hereby deemed to constitute a separate offense.

3.11 IMPACT FEE ADMINISTRATION

(1) Intent

This Ordinance is intended to allocate financial burdens of providing public facilities fairly between residents living in the City at the time of adoption of this Ordinance, the owners of existing development projects in the City and developers of new land developments, as well as to comply with Wis. Stats. § 66.0617. The Common Council is adopting this Ordinance to provide a means to recover the cost of development beyond that already existing to finance public facilities by other means authorized by law as authorized under Wis. Stats. § 66.0617(2)(b) and Chapter 19 of the Middleton Municipal Code.

(2) Impact Fees Established

The following fees are impact fees established by the City pursuant to Wis. Stats. § 66.0617:

- (a) Public law enforcement facilities impact fees pursuant to Section 11.05(16)(a) of the Middleton Municipal Code;
- (b) Public fire facilities impact fees pursuant to Section 11.05(16)(b) of the Middleton Municipal Code; and
- (c) Public emergency medical services facilities impact fees pursuant to Section 11.05(16)(c) of the Middleton Municipal Code.

Chapter 5 Hotel-Motel Room Tax

Sec. 3-5-1 Definitions.

The following definitions shall be applicable in this Chapter:

- (a) **Bed and Breakfast Establishment.** Any place of temporary lodging that provides four (4) or fewer rooms for rent, which is open for rental more than ten (10) nights in a twelve (12) month period, is the owner's personal residence and is occupied by the owner at the time of rental, and in which the only meal served is breakfast. The partnership form of ownership shall be allowed under this definition.
- (b) **Gross Receipts.** Has the meaning as defined in Sec. 77.51(4)(a), Wis. Stats., insofar as applicable.
- (c) **Hotel or Motel.** A building or group of buildings in which the public may obtain accommodations for a consideration, including, without limitation, such establishments as inns, motels, tourist homes, tourist houses or courts, bed and breakfast establishments, lodging houses, rooming houses, summer camps, apartment hotels, resort lodges and cabins and any other building or group of buildings in which accommodations are available to the public, except accommodations rented for a continuous period of more than one (1) month and accommodations furnished by any hospital, sanitorium or nursing home or by corporations or associations organized and operated exclusively for religious, charitable or educational purposes provided that no part of the net earnings of such corporations and associations inures to the benefit of any private shareholder or individual.
- (d) **Transient.** Any person residing for a continuous period of less than one (1) month in a hotel, motel or other furnished accommodation available to the public.

Sec. 3-5-2 Hotel-Motel Room Tax Levy.

- (a) **Imposition of Tax.** Pursuant to Sec. 66.75, Wis. Stats., a tax is hereby imposed on the privilege and services of furnishing rooms or lodging to transients by hotelkeepers, motel operators and other persons furnishing accommodations that are available to the public, irrespective of whether membership is required for the use of the accommodations. Such tax shall be at the rate per the City Fee Schedule, Title 3, Chapter 6, of the gross receipts from such retail furnishing of rooms or lodgings. Such tax shall not be subject to the selective sales tax imposed by Sec. 77.52(2)(a)1, Wis. Stats.
- (b) **Exemptions.** The following room sales are exempt from this tax:
 - (1) Sales to the federal government;
 - (2) Sales to persons listed under Sec. 77.54(9a), Wis. Stats.
- (c) **Exemption Conditions.** The following conditions must occur for a sales to be exempt from the room tax:
 - (1) The lodging establishment must issue the billing or invoice for the lodging in the name of the exempt entity; and
 - (2) The lodging establishment must receive from the exempt entity:
 - a. In the case of federal and Wisconsin state or local governmental units, a purchase order or similar written document (such as a letter of authorization); or
 - b. In the case of non-profit religious, charitable, scientific or educational organization, the organization's certificate of exempt status number.

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- (3) The exemption still applies if the employee pays with his or her own funds, as long as the above conditions are met.

(d) **Collection of Tax.**

- (1) **Administration by City Treasurer.** This tax shall be administered by the City Treasurer who shall, at City expense, provide the necessary application and reporting forms at no cost to the taxpayer.
- (2) **Reporting Periods.** The tax imposed for the months of January, February and March, and for each calendar quarter thereafter, is due and payable on the last day of the month next succeeding the calendar quarter for which imposed. A return shall be filed with the City Treasurer, by those furnishing at retail such rooms and lodging, on or before the same date on which such tax is due and payable. Such returns shall show the gross receipts of the preceding calendar quarter from such retail furnishing of room or lodging, the amount of taxes imposed for such period, and such other information as the City Treasurer deems necessary. Every person required to file such quarterly return shall, with his/her first return, elect to file an annual calendar year or fiscal year return. Such annual return shall be filed within ninety (90) days of the close of each such calendar or fiscal year. The annual return shall summarize the quarterly returns, reconcile and adjust for errors in the quarterly returns, and shall contain certain such additional information as the City Treasurer requires. Such annual returns shall be made on forms as prescribed by the City Treasurer. All such returns shall be signed by the person required to file a return or duly authorized agent, but need not be verified by oath. The City Treasurer may, for good cause, extend the time for filing any return, but in no event longer than one (1) month from the filing date.
- (3) **Sale or Conveyance of Business.** If any person liable for any amount of tax under this Section sells out his/her business or stock of goods or quits the business, his/her successors or assigns shall withhold sufficient portion of the purchase price to cover such amount until the former owner produces a receipt from the City Treasurer that it has been paid or a certificate stating that no amount is due. If a person subject to the tax imposed by this Chapter fails to withhold such amount of tax from the purchase price as required, he/she shall become personally liable for payment of the amount required to be withheld by him/her to the extent of the price of the accommodations valued in money.
- (4) **Determination of Tax By Audit.**
- a. The City Treasurer may, by office audit, determine the tax required to be paid to the City or the refund due to any person under this Chapter. This determination may be made upon the basis of the facts contained in the return being audited or on the basis of any other information within the City Treasurer's possession that meets the criteria set forth in Sec. 66.75(2), Wis. Stats. One (1) or more such office audit determination may be made of the amount due for any one (1) or for more than one (1) period.
- b. The City Treasurer may, by field audit, determine the tax required to be paid to the City or the refund due to any person under this Chapter. The determination may be made upon the basis of the facts contained in the return being audited or upon any other information with the City Treasurer's possession. The City Treasurer is authorized to examine and inspect the books, records, memoranda, and property of any person in order to verify the tax liability of that person or of another person. Nothing herein shall prevent the City Treasurer from making a determination of tax at any time.
- (5) **Failure to File Return.** If any person fails to file a return as required by this Chapter, the City Treasurer shall make an estimate of the amount of the gross receipts under Subsection (a) above. Such estimates shall be made for the period for which such person failed to make a return and shall be based upon any information which is in the City Treasurer's possession or may come into the Treasurer's possession. On the basis of this estimate, the City Treasurer shall compute and determine the amount required to

be paid to the City, adding to the sum thus arrived at a penalty equal to ten percent (10%) thereof. One or more such determinations may be made for one or more than one period.

- (6) **Interest on Unpaid Taxes.** All unpaid taxes under this Chapter shall bear interest at the rate of twelve percent (12%) per year from the due date of the return until the first day of the month following the month in which the tax is paid or deposited with the City Treasurer. An extension of time within which to file a return shall operate to extend the due date of the return for purposes of interest computations. If the City Treasurer determines that any overpayment of tax has been made intentionally or by reason of carelessness or neglect, or if the tax which was overpaid was not accompanied by a complete return, he shall not allow any interest thereon.
- (7) **Delinquent Returns: Late Fees, penalty.**
- a. Delinquent tax returns shall be subject to a late filing fee of One Hundred Dollars (\$100.00). The tax imposed by this Chapter shall become delinquent if not paid:
 1. In the case of a timely filed return, within thirty (30) days after the due date of the return, or within thirty (30) days after the expiration of an extension period, if one is granted.
 2. In the case of no return filed or a return filed late, by the due date of the return.
 - b. If due to negligence no return is filed, or a return is filed late, or an incorrect return is filed, the entire tax finally determined shall be subject to a forfeiture established herein as follows:
 1. A forfeiture of twenty-five percent (25%) or Five Thousand Dollars (\$5,000.00), whichever is less, of the tax imposed and is due and owing within thirty (30) days after the due date of said return.
 2. If a person fails to file a return when due or files a false or fraudulent return with the intent in either case to defeat or evade a tax imposed by this Chapter, a forfeiture of fifty percent (50%) of the entire tax finally determined shall be added to the tax required to be paid exclusive of interest and other penalties.

(Ord. No. 04-668, 3-22-04)

Sec. 3-5-3 Security Required.

In order to protect the revenue of the City, the City Treasurer may require any person liable for the tax imposed by this Chapter to place with him/her before or after a permit is issued such security not in excess of One Hundred Dollars (\$100.00) as the City Treasurer shall determine. If any taxpayer fails or refuses to place security, the City Treasurer may revoke or refuse to issue such permit. If any taxpayer is delinquent in the payment of the taxes imposed by this Chapter, the City Treasurer may, upon ten (10) days' notice, recover the taxes, interest and penalties from the security place with the said Treasurer by such taxpayer. No interest shall be paid or allowed by the City to any persons for the deposit of such security.

Sec. 3-5-4 Records to Be Maintained.

Every person liable for tax imposed by this Chapter shall keep or cause to be kept such records, receipts, invoices and other pertinent papers in such form as the City Treasurer and this Chapter shall require. Such records shall be retained and made available for a period of five (5) years from the date of a filing period.

Sec. 3-5-5 Confidentiality Maintained.

- (a) All tax returns, schedules, exhibits, writings, or audit reports relating to such returns on file with the City Treasurer are deemed to be confidential, except the City Treasurer may divulge their contents to the following and not others:
- (1) The person who filed the return.
 - (2) Officers, agents or employees of the Federal Internal Revenue Service or the State Department of Revenue.
 - (3) Officers, employees or agents of the City Auditors.
 - (4) Such other public officials of the City of Verona when deemed necessary.
- (b) No person having an administrative duty under this Chapter shall make known in any manner the business affairs, operations or information obtained by an investigation of records of any person on whom a tax is imposed by this Chapter or the amount or source of income, profits, losses, expenditures or any particulars thereof, set forth or disclosed in any return, or to permit any return or copy thereof to be seen or examined by any person, except as provided above.

Sec. 3-5-6 Penalties.

Any person who is subject to the tax imposed by this Chapter or who fails or refuses to permit the inspection of his records by the City Treasurer after such inspection has been duly required by such Treasurer, or who fails to file a return as provided in this Chapter, or who violates any other provision of this Chapter, shall be subject to a forfeiture pursuant to Section 1-1-7. Each day, or portion thereof, that such violation continues is hereby deemed to constitute a separate offense.

Purchasing Policy

2012-01

Purpose

The purpose of this policy is to provide for the fair and equitable treatment of all persons involved in public purchasing by the Village of Cross Plains, to provide guidance and procedures to be followed for the procurement of goods and services for all departments, and to provide safeguards for maintaining a procurement system of quality and integrity which is deserved by Village taxpayers.

Objectives

The objectives of the Village's purchasing policy are:

1. To ensure that materials, equipment, and services are purchased at the lowest prices as is known and available consistent with quality and performance;
2. To provide adequate controls over Village expenditures and financial commitments with proper documentation;
3. To obtain quality goods required by Village Departments; and
4. To provide a standardized system of purchasing for use by all Village Departments.

Application

This policy applies to all procurements of supplies, materials, equipment, services, and construction, entered into by the Village of Cross Plains after the effective date of this Policy. It shall apply to all expenditures of public funds by a Village Employee for Village purchasing irrespective of the source of funds. When the procurement involves the expenditure of federal assistance or contract funds, the procurement shall be conducted in accordance with any mandatory applicable federal law and regulations. Nothing in this Policy shall prevent any Village Employee from complying with the terms and conditions of any grant, gift, or bequest that is otherwise consistent with law.

Purchasing Responsibility

The Village Administrator/Clerk-Treasurer is responsible for maintaining compliance with the Village's purchasing policies and procedures. Department Heads shall be responsible for authorizing day-to-day purchases for their respective departments. This authority may be delegated to other employees within the department; however, ultimate responsibility for purchasing rests with the Department Head.

Purchasing Procedure

1. Budgeted Items

A. Less than \$10,000 – Department Heads are authorized to spend up to \$10,000 for any line item that is part of their approved budget subject to the availability of funds.

B. Greater than \$10,000 – The Village Board will approve all purchases in excess of \$10,000 for any line item that is part of the approved budget subject to the availability of funds. As part of the review process, three quotes shall be obtained and the Staff member requesting the expenditure shall state his/her recommendation for which quote to accept, why, and identify the line item of the budget from which funds will be drawn when the Village is invoiced for the purchase. The Village Board in its sole discretion may direct the Finance/Personnel Committee to provide a recommendation on the purchase if desired.

2. Non-Budgeted Items

A. Less than \$5,000 – Department Heads are authorized to spend up to \$5,000 for any line item that is not part of their approved budget subject to the availability of funds.

B. Greater than \$5,000 - The Village Board will approve all purchases in excess of \$5,000 for any line item that is not part of the approved budget subject to the availability of funds. As part of the review process, three quotes shall be obtained and the Staff member requesting the expenditure shall state his/her recommendation for which quote to accept, why, and identify the line item of the budget from which funds will be drawn when the Village is invoiced for the purchase. The Village Board in its sole discretion may direct the Finance/Personnel Committee to provide a recommendation on the purchase if desired.

3. Sole Source Purchases – Allowed for purchasing budgeted and non-budgeted items under the following circumstances:

- A. The item or service is only available from a single source;
- B. After competitive procurement solicitations, competition is determined to be inadequate;
- C. An alternate product or manufacturer would not be compatible with current products resulting in additional operating or maintenance costs;
- D. Standardization of a specific product or manufacturer will result in more efficient and economical operations;
- E. The purchase is from another governmental body; or
- F. The item is being purchased through a cooperative purchasing arrangement such as the V.A.L.U.E. group, State bid list, or State of Wisconsin VendorNet.

In circumstances where there is only one qualified source and the purchase is not via a cooperative arrangement, the department should use alternate means (such as verifying pricing with other customers) to establish that the price quoted is reasonable.

4. General Approval – The Village Board has the authority for the management and control of the Village's finances and thus all expenditures of Village funds in accordance with Wisconsin State Statute 62.11(5). The Village Board will review and approve all expenditures on a monthly basis in accordance with the procedures identified in this policy.

Contracts

All contracts for professional services and public works contracts (as defined by Wisconsin State Statute 62.15 (12)) shall be specifically reviewed by the Village Attorney as a condition of approval and prior to execution. Maintenance agreements shall be reviewed by staff prior to renewal and in consultation with the Village Administrator/Clerk-Treasurer to ensure costs are being reviewed and controlled in the best interests of the Village.

Public Construction

It is hereby noted, in regard to public construction projects, public bidding law shall be followed as required in Wisconsin State Statute 62.15.

Emergency Purchases

Emergency purchases shall only be made to:

- 1. Prevent delays in construction or delivery of essential services; and/or
- 2. To stay an immediate threat to the health or safety of the public and employees.

For emergency purchases of general items or services that are not able to fulfill the requirements of this policy and meet the definition outlined, the appropriate Department Head shall make every effort to obtain three quotes for the item. The purchase shall be approved by the Village Administrator/Clerk-Treasurer prior to the order/purchase of the item or service. In the Village Administrator/Clerk-Treasurer's absence, the purchase shall be approved by the Village President prior to ordering the item. The Village Board will review and approve the order at its next scheduled Village Board meeting.

Conflicts of Interest

Purchasing policy shall be subject to Village Ordinance, Chapter 6 Code of Ethics, Stats. 19.59, Stats 946.13 with respect to Conflicts of Interest.

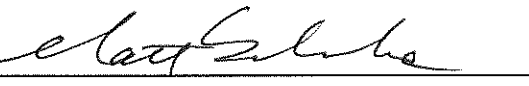
Purchasing Policy #2012-01 will take effect immediately upon adoption by the Village Board for the Village of Cross Plains.

Dated this 23rd day of July, 2012.

Village of Cross Plains:

By: 
Kurt Schlicht, Village President

Attest:

By: 
Matthew G. Schuenke
Village Administrator/Clerk-Treasurer