

Town Government Operations During COVID-19: Frequently Asked Questions

UPDATED: March 26, 2020

1. Should we cancel our town board meetings?

On March 25, 2020 the Governor issued a “Safer at Home” order banning all public and private gatherings of any size, restricting travel, and closing all non-essential businesses. State and local government functions are exempted from that order - <https://evers.wi.gov/Documents/COVID19/EMO12-SaferAtHome.pdf>.

Cancelling a meeting is a discretionary decision on the part of the board, but if there is nothing mission critical, cancelling an upcoming meeting/s should certainly be considered. Given the open meetings law, it is impossible to know how many people might show up to a meeting. When meetings must be held, all persons should maintain social distancing of six (6) feet from any other person, and continue to follow all other public health recommendations issued by the [Wisconsin Department of Public Health](#).

Town boards may also wish to consider adopting policies on conducting electronic meetings. The Wisconsin Department of Justice (DOJ) Office of Open Government has indicated that governmental bodies may meet remotely and still comply with the open meetings law if the public is provided with an effective way to monitor those meetings. The DOJ further explained that meeting “notices should provide instructions for how the public may access the remote meeting, whether it is to be held via telephone conference call or video conference call. This includes providing the telephone number, video conference link, and any necessary passcodes or other login information.”

WTA has developed a [summary](#) of options for teleconference and video conference meetings that can be found on our COVID-19 web page.

You can find more information about electronic meetings from the following resources: [Wisconsin Department of Justice Office of Open Government](#)
[UW Extension Local Government Center](#)

The board might also consider adopting an alternative payment procedure via ordinance which would allow bills to be paid prior to a board meeting. See [here](#) for more information on that topic.

2. What Teleconferencing or Video Conferencing Options are Available?

WTA has assembled a non-exhaustive [list](#) of teleconference and video conference tools for those towns that want to exercise this option. We have not vetted the companies, except that WTA uses Wisline for teleconferencing and has used Zoom and Go to Meeting for video conferencing. Each of these tools likely comes with strengths and weaknesses that you’ll want to identify to determine the best option for your town. Towns should at least consider cost, bandwidth requirements, public accessibility, and technical capabilities such as the ability to mute participants entirely or individually. Towns should also consider the [Attorney General’s guidance](#) on this topic.

3. If we are following social distancing recommendations and we run out of room at a meeting, can we turn people away?

The Wisconsin Open Meetings Law requires that all governmental meetings be “reasonably accessible” to the public. What makes a meeting reasonably accessible is not defined in statute, creating a factual question that must be determined on a case-by-case basis.

Generally, a meeting is reasonably accessible when it is held in a room that is reasonably calculated to be large enough to accommodate all citizens who wish to attend. In other words, all meetings should be held in a room that is large enough for the size crowd that is reasonably expected to show up. You should consider social distancing recommendations when making this calculation. If a lot more people show up than the meeting room can accommodate, the meeting should likely be moved to a larger facility or postponed until the crowd size can be accommodated. Presumably, however, it is allowable to turn away some people in some situations.

4. Can we postpone the annual town meeting? What if the clerk or chair can't make it?

Under current law, the annual town meeting must be called to order as scheduled. Be aware, however, that the annual meeting may be called to order by a small group of electors and then immediately adjourned for up to 30 days. See s. 60.11(4), Wis. Stat. WTA has prepared a sample notice for an annual meeting when intending to adjourn to a later date that can be found in our information library under [Annual Meeting of Electors](#).

There are pros and cons associated with adjourning to a later date that a town must consider. Noticing that you plan to adjourn does not mean that the majority of electors will agree. If some electors don't come because they felt it was going to be adjourned and it was not, their voice will not have been heard. Also, if you planned to use the annual meeting to approve a project or strategy that requires town elector approval, postponing the meeting will cause a delay. Remember, however, that you can call a Special Town Meeting to achieve such approval at any time during the year.

If the town board chairperson is absent from the annual meeting, then another town board supervisor shall chair the meeting. If no town board supervisor is present, the town meeting shall elect the chairperson of the meeting. See s. 60.13(1)(a), Wis. Stat. Similarly, if the town clerk is absent, the deputy town clerk shall serve as town meeting clerk. If the deputy clerk is absent, or if there is no deputy clerk, the town meeting chairperson shall appoint a clerk for the meeting. See s. 60.15, Wis. Stat. Minutes of the annual meeting should be kept pursuant to s. 60.15, Wis. Stat. even if the meeting is immediately adjourned to a future date.

5. Can we postpone the board of review?

Similar to the annual meeting, the BOR can also meet briefly to adjourn to a future date if desired. See s. 70.47(4), Wis. Stat. This option is generally used when the assessment roll has not been completed in time. WTA has a sample notice of a meeting to adjourn the BOR to a later date available in our information library under [Board of Review](#), that can be amended for use because of the current emergency.

6. How do we purchase the board of review training video?

The 2020 BOR training video is now available for purchase through the [UW Extension Local Government Center](#).

7. Should we use the town hall as a daycare or for students to use the town's internet?

Town halls are likely not licensed as daycares and concentrating students in a town hall defeats the purpose of school closings and social distancing. We recommend town halls not be used as daycares or student gathering sites, especially in light of the ban on public and private gatherings.

8. What is happening with the upcoming elections in light of the COVID-19 emergency?

The Wisconsin Elections Commission has been continually releasing communications about the upcoming elections on their [website](#). These communications are also being sent directly to all municipal clerks. You will find information about absentee voting, recruiting poll workers, sanitation of election sites, and much more in these communications.

9. Should we cancel current and future town hall use/rentals?

There is a ban on gatherings of all sizes per the Governor's "[Safer at Home](#)" order. WTA recommends not taking any more reservations for events and cancelling currently scheduled events during the COVID-19 crisis.

10. How are travel, work closure, and gathering restrictions being enforced?

The Governor's "Safer at Home" order is enforceable by any local law enforcement official, including county sheriffs. Violation of the order is punishable by up to 30 days imprisonment, or up to a \$250 fine, or both.

11. Are town employees required to carry proof that they are exempt from the "Safer at Home" order's restrictions?

There is no requirement that anyone carry or show proof of town employment or exempt status from the "Safer at Home" order. Having a letter from the town may be useful, however, if town employees or contractors are questioned about their compliance with the order. WTA has prepared a sample letter for this purpose available in our information library under [Miscellaneous](#).

12. Can bars sell closed containers for off premises consumption?

Alcohol sales must continue to comply with all local ordinances and applicable alcohol licenses. Under state law, Class "B" license holders may sell beer for take-out in original unopened containers, and "Class B" license holders may similarly sell wine. Each municipality may, by ordinance, allow for take-out of other liquor in original unopened containers.

13. Will the Department of Revenue extend the deadline for filing the Municipal Financial Report?

Towns and villages with a population of 2,500 or less must annually file the Municipal Financial Report (Form C or Form CT) by March 31. Those with a population over 2,500 must file by May 1. DOR grants an **automatic** extension to May 15 for all towns and villages who do not file by their respective deadline. No GTA penalties are assessed until

you miss the May 15 deadline. You can read more about Municipal Financial Report requirements on the DOR [website](#).

14. What should we do if we have a sick board member?

We encourage towns to have backup plans in place in case any town officials are ill or absent. Attached is an article from the WTA website [here](#) that discusses how to hire deputy clerks and treasurers and authorize additional signatures on your town checking accounts, among other suggestions. Additionally, note that Governor Evers recently signed a bill into law that gives towns the option to fill temporary vacancies on a town board. Previously this option was only available for temporarily absent non-board member elected officials, such as clerks and treasurers. Now, if a town board member is temporarily unable to perform his or her town board duties due to illness or medical reasons, the board has the authority to appoint a temporary substitute to perform their duties until he or she can return. A copy of the new law with the relevant section highlighted for your review can be found [here](#).