

Town Government Operations During COVID-19: Frequently Asked Questions

UPDATED: May 14, 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. A second “Safer at Home” order extended those restrictions but was subsequently [struck down](#) by the Wisconsin Supreme Court as an unlawful and unenforceable administrative rule. There are currently no statewide restrictions on gatherings, travel, or business operations because of the COVID-19 pandemic, but the Wisconsin Department of Health Services has begun an emergency rulemaking process that may reinstitute restrictions in the near future. Additionally, local restrictions may still apply.

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 still 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 continue to maintain social distancing of six (6) feet from any other person, and follow all other public health recommendations issued by the [Wisconsin Department of Public Health](#).

Town boards may also wish to consider adopting policies for 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.

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. We postponed our annual town meeting pursuant to Act 185. When should we hold that meeting?

2019 Wisconsin Act 185 allowed the town board (or the chair if the town board is unable to promptly meet) to postpone the annual town meeting to a date “that is not during the period beginning on the first day of the public health emergency declared on March 12, 2020, by executive order 72, and ending 60 days after the termination of that order.” Executive order 72 which first declared a public health emergency expired on May 12, 2020. **Therefore, any annual meeting that was postponed pursuant to Act 185 may not be held until after July 11, 2020.** Act 185 does not indicate a final deadline by which a postponed annual meeting must be held, but we strongly encourage towns to schedule them before the end of the calendar year 2020.

If the town did postpone the annual meeting, we recommend providing the public as much notice as possible of this change. At minimum, the town should adhere to the public notice requirements under Wis. Stat. 60.12(3), Wis. Stat. and provide notice at least 15 and not more than 20 days prior to the rescheduled meeting.

5. We called the annual meeting to order as scheduled but immediately adjourned to a future date. Can we postpone that meeting any further?

Many towns chose to have a small group of electors call the annual meeting to order and immediately adjourn (recess) the meeting for up to 30 days under Wis. Stat. s. 60.11(4).

These towns may still postpone the annual meeting pursuant to Act 185 and reschedule to a date after July 11, 2020 (see question 4). Postponing the annual meeting under Act 185 does not require anyone to physically meet and adjourn on the scheduled meeting date.

Alternatively, these towns may hold the annual meeting as scheduled.

6. What if the clerk or chair can't make it to the annual meeting?

If the town board chairperson is absent from the annual meeting, then another town board supervisor shall chair the meeting. If no 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.

7. Can we postpone the board of review?

The BOR can 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 on time. Act 185 provided that towns with health concerns related to COVID-19 may also immediately adjourn their first BOR meeting, whether or not their assessment roll is completed.

WTA has developed a [summary](#) of these options that can be found on our COVID-19 web page. WTA also has sample BOR notices available in our information library under [Board of Review](#).

8. 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](#).

9. 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 public health guidelines related to public and private gatherings.

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

WTA recommends not taking any more reservations for events and cancelling currently scheduled events during the COVID-19 crisis. Local rules may also prohibit gatherings at this time.

11. 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.

12. Our town received a letter requesting that that we waive alcohol license application and renewal fees. Can the town waive these fees?

The town board may not simply waive alcohol license fees, but it may reduce them to some extent by amending the ordinance(s) that provide for them. Alcohol license fees must fall within the statutorily required minimums and maximums for each license type. Some

licenses have no minimum required fees while other licenses do. You will find more information about alcohol licensing and fees in Atty. Lara Carlson's article in the [May 2020 issue of the WTA Magazine](#).

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](#).

15. The county board has decided to waive late property tax payment interest and penalties. Should the town board waive interest and penalties as well?

WTA has developed a [summary](#) of town options for waiving interest and penalties on late property tax payments under Act 185 that can be found on our COVID-19 web page.