

□ TOWNSHIP OFFICER DUTIES & RESPONSIBILITIES

2018 Township Officers Spring Short Course

1 **Who is on a Town Board?**

- Clerk
- Treasurer
- 3 or 5 Supervisors

Only the Supervisors vote, but each town official performs several important duties

2 **Traditional Board Versus Optional Forms of Town Government**

The default form of a township in Minnesota is an elected clerk, elected treasurer and three supervisors. However voters can approve the following changes:

- Five-supervisor board (Option A)
- Appointed clerk and/or treasurer (Option B)
- Town administrator (Option C)
- Combined clerk-treasurer (Option D) (See GI1000 for full discussion)

3 **When are officials elected?**

- If elections are held in March, supervisors serve a 3-year term; clerks and treasurers 2-year term; Clerks elected in even years (2018) and Treasurers in odd years (2019)
- If elections are held in November, all officials serve 4-year terms unless the town has adopted a 6-year term; clerk and treasurer are elected in alternating years and supervisors alternate as well. (Example: Clerk and 2 supervisors elected in 2018/2022, Treasurer and 1 supervisor in elected in 2020/2024.)
- If Option B has been adopted for both the Clerk and Treasurer, only the Supervisors are elected

4 **Duties of Town Clerk**

- Record minutes of the proceedings of every town meeting in the book of town records
- Act as clerk of town and keep a true record of all its proceedings
- Have custody of the records, books and papers of the town unless otherwise provided by law
- File and preserve all accounts audited by the town board or allowed at a townmeeting
- Record every request for a special vote or special town meeting and properly post the requisite notices

5 **Other Clerk Duties**

- Post, all meeting notices and ordinances of the town
- Furnish to the Annual Meeting the Board of Audit report
- Sign checks
- Perform other duties required by law
 - Elections – Administer township elections
 - Notary – Administer oaths of office
- Doesn't vote, except to fill a supervisor vacancy
- Learn about Clerk duties at New Clerk Training in May

Notes

- 6 Duties of Town Treasurer**
- Receive and take charge of all money to the town, or which is required to be paid into its treasury, and pay out upon the lawful order of the town or its officers; (Signchecks)
 - Keep a true account of all money received and the manner in which it is disbursed;
 - Help prepare the Board of Audit with the Clerk
 - Selecting a depository for town funds if the board fails to select
 - Deliver all books, property and money to successor;
 - Doesn't vote
 - Best Practices for Treasurers will be reviewed at SUSC
- 7 Combined Clerk-Treasurer**
- Townships can combine the duties of Clerks and Treasurers if they Adopt Option D.
 - Same duties of both offices
 - A town with a combined clerk/treasurer and annual revenue must have an outside audit performed. The frequency of the audit depends upon town's annual revenues. The amount is adjusted for inflation yearly. Town with less than \$216,000 in 2017 must have an outside audit done once every five years. Income, above that amount, requires an annual audit.
 - Towns - A town with a population over 2,500 and 2016 annual revenue of \$963,000 or more must have an annual audit.
- 8 Duties of Supervisor**
- Supervisors shall have charge of all town affairs not committed to other officers by law
 - Common Duties include
 - Award Contracts
 - Authorize Township Expenses; including setting compensation levels for all township officers
 - Adopt Ordinance and Resolutions
- 9 Specific Town Duties**
- Roads • Board of Appeal and Equalization
 - Board of Audit • Board of Canvass
 - Fence Viewers • Noxious Weed Inspectors
 - Planning and Zoning
- 10 Roads**
- Road Inspections (Road Tour) • Blade and Snowplow Roads
 - Town Line Roads – Agreements with bordering towns
 - Designate Minimum Maintenance Roads
 - Maintain Right-of-Way
 - Ditches • Trees • Culverts
 - Establish, Alter or Vacate Roads • Cartways
- 11 Board of Appeal and Equalization**
- Meets in April or May of each year
 - Determines if all taxable property in town is on the assessment list and properly valued
 - Hears objections from property owners on valuation
 - Can't exempt property from taxation
 - Training required for at least one supervisor every 4 years with the Department of Revenue. (MAT will offer at SUSC.)
 - Supervisor course at the Spring Short Course

Notes

12 **Board of Audit**

- Town Boards shall act as the Board of Audit
 - Settle all charges against the township
 - Create report for annual meeting, which Clerk posts before Annual Town Meeting
 - Statement of fiscal affairs of the township
 - Estimate the amount of money needed for the next year
 - Other recommendations board deems advisable

13 **Board of Canvass**

- Meet within two days of the town election held in March or within 3-10 days after November election.
- Review and certify the results of the election.
- Certification triggers the running of a seven-day election contest period.

14 **Fence Viewing**

- Requires supervisors to settle disagreements between neighbors if the two landowners own livestock. (Change in law in 2017.)
- Fence disagreements relating to building, maintaining, type and payments/ reimbursements
- Supervisors do NOT determine boundary for location of fence
- MAT Information Library memo: Understanding and Administering the Fence Law (TD5000)

15 **Noxious Weed Inspector**

- Examine all land, including highways, roads, alleys, and public ground in the territory over which their jurisdiction extends to ascertain if noxious weeds are controlled or if eradication must take place.
- See that control or eradication of noxious weeds is carried out by landowner.
- Issue permits for transportation of materials or equipment infested with noxious weed propagating parts when appropriate.

16 **Planning and Zoning**

- Power held by every township
- Town zoning has to be consistent with county zoning and can't be less restrictive
- Can choose to only do zoning on specific issues and leave rest to County
- Essence of Local Control

17 **Duties of Town Chair**

- Serves as presiding officer of town board meetings
- Signs checks and other documents
- Except for the statutorily designated tasks, and to the extent the board expressly assigns additional duties or powers, the chair is a supervisor with only the powers of a supervisor.
- Serves as the person to receive gophers (if township has gopher bounties)

18 **Other Officers?**

- 1 Should the Town Board have a Vice Chair?
 - 2 Vice-chair serves in the chair's absence.
- Good idea if something unexpected comes up
 - TO1000 –Resolution Appointing Vice Chair

Notes

Should the Clerk and Treasurer appoint Deputies?

- Good idea. Authorized to perform the duties of an absent clerk or treasurer.
- Appointed by clerk or treasurer, NOT by the supervisors, but Board determines pay.
- EL1300 & EL1350 Certificates of Appointment for Clerk and Treasurers

19 Minnesota Association of Townships Insurance & Bond Trust (MATIT)

- Insurance to Protect Town Officers
- Three Programs
 - Clerk and Treasurer Bond
 - Workers' Compensation
 - Consolidated Liability Coverage (CLC)
 - Property, Auto & Liability
 - Public Officials Liability (E&O)

20 Bond Program

- Clerks and treasurers are required by law to be bonded and provide proof to the county auditor
 - MATIT sends notice to the county auditor for members
- Protects public funds if theft by clerk, treasurer or their deputies
- Base coverage of \$100,000. Additional levels can be added up to \$500,000

21 Consolidated Liability Coverage (CLC Program)

- Property, Auto & Liability
 - Covers things such as storm damage to town buildings, autos (liability, comprehensive, collision), personal injuries, valuable papers, and limited inland marine
 - Can schedule equipment, computers, firefighters liability, crime coverage
- Public Officials' Liability (E&O)
 - Covers claims of procedural errors made against town, its officers and employees
 - Most active program in terms of litigation

22 Workers' Compensation

- Provides workers' compensation coverage to town employees and officers injured while working for the township
- Important for all towns, even if those that don't think they have employees
 - Without insurance workers' compensation benefits will be paid out of town treasury; town will be responsible for properly reporting injuries to state or pay penalties
 - Town officers not entitled to workers' compensation benefits because they are elected, insurance will pay benefits to town officers
- Worker Compensation Dividend – Approved in 2016 & 2017.

23 Question? Contact MAT Attorneys or MAT Trainers

MAT Attorneys: Steve Fenske & Ruth Simpson
MAT Trainers for Clerks/Treasurers
Lucinda Messman, Lori Stalker & Petra Hartness

Notes