

RISK MANAGEMENT FOR SUPERVISORS

1. There is a distinction in the types of duties of supervisor and that of clerks and treasurers. Policy vs. Ministerial (listed duties). Even so, what supervisors can do is controlled by statute.
2. Statutory authority can be both general (joint powers) and specific (donate to county historical society) and procedural requirements can be both general (OML) and specific (special assessment).
3. Decision making has to follow a certain structure
 - a. Statutory authority – Does it exist and what is required?
 - b. Is the town in a position to exercise the authority?
 - c. Is elector authority needed (annual meeting or election)?
 - d. Is notice required; if so, what kind?
 - e. Is a hearing required?
 - f. Are there any time limits for acting?
 - g. Is the board in the proper forum to make a decision?
 - h. Is there a sufficient basis for the decision?
 - i. Is more than a majority vote of the board required?
 - j. Are there any subsequent notice requirements?
 - k. Are there any subsequent recording requirements?
4. What happens if the decision-making process is not followed?
 - a. Could invalidate the decision
 - b. Could invalidate the town's ordinance
 - c. Could result in civil liability (personal or against the town)
 - d. Could result in criminal penalties
 - e. Matter could proceed without a decision

5. Roads

- a. Cartways – Get an attorney
- b. Special assessment or subordinate service districts – get an attorney
- c. Anything but the simplest of road establishments or vacations – get an attorney
- d. Tree removal
 - i. Either written permission from the owner, or follow statutory procedure if the road is platted or was recorded when established
- e. Drainage Issues
 - i. Make a finding that there is adequate outlet for any changes or improvements to drainage
- f. Maintenance policies
 - i. Sign review, repair & replacement
- g. Storm Water Permit (5 acres down to 1 acre)

6. Make sure you have adequate insurance

- a. E & O Renewal will be sent soon (need back by Sept. 1)
- b. For those with \$500,000 coverage, increase to \$1 mil. (\$64)
- c. Obtain certificates of insurance from contractors before they begin working
 - i. General liability
 - ii. Workers Compensation
- d. Call your MSI agent if you have had any changes

7. Contracting

- a. Know the contracting levels
- b. Write good specifications
- c. Lease-purchase
- d. Need to obtain contractors bonds at \$10,000