

TOWNSHIP OFFICER DUTIES & RESPONSIBILITIES

2019 Township Officers Spring Short Course

Who is on a Town Board?

- Clerk
- Treasurer
- 3 or 5 Supervisors

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

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)

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

How to fill a vacancy?

- When a vacancy occurs, the Board of Supervisors to appoints someone to fill the vacant position.
- The appointment stays in effect until the next election when the position is on the ballot, for the remaining years of the term or for the full term if the position is on the ballot.
- If a supervisor position becomes vacant, an appointment committee comprised of the remaining supervisors and the town clerk seeks to fill the vacancy. This is the only time the clerk votes. The clerk does NOT vote to break any ties on other questions during the period of the vacancy.

Notes

What happens if someone is ill or refuses to attend meetings?

- It can be considered a vacancy if a town officer is unable to serve in the office or attend board meetings for a 90-day period because of illness, or because of absence from or refusal to attend board meetings for a 90-day period.
- The board must pass a resolution to declare the vacancy, and then must appoint someone to the position using the same procedure it would to fill a permanent vacancy. The person appointed serves for the remainder of the unexpired term or until the ill or absent officer is again able to resume duties and attend board meetings.

Duties of Town Clerk Other Clerk Duties

- 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 town meeting
- Record every request for a special vote or special town meeting and properly post the requisite notices
- Post, all meeting notices and ordinances of the town
- Furnish to the Annual Meeting the Board of Audit report
- Open the Annual Town Meeting and Take Minutes
- Sign checks
- Perform other duties required by law
- Doesn't vote, except to fill a supervisor vacancy
- New Clerk Training offered at MAT Office

Perform Other Duties as Required by Law

- Elections – Administer township elections – See 2018 Township Clerk Election Guide
- Ex-Officio Notary – Administer oaths of office/attest signatures; See TO5000

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
- Select a depository for town funds if the board fails to select one
- Doesn't vote
- New Treasurer Class will be held at the MAT Office on May 2

<p>Notes</p>

Who prepares and signs the checks?

- Each township may handle this differently, but Minn. Stat. § 367.18 appears to envision this as a Treasurer duty. Three town officers sign checks: Treasurer, Clerk & Chair.
- “Accounts audited and allowed, and the amount of any account voted to be allowed, at any town meeting, shall be **paid by the town treasurer, on the order of the town board, signed by the chair and countersigned by the clerk.** Each order shall be drawn so that when signed by the treasurer in an appropriate place, it becomes a check on the town depository.”

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, require an annual audit.
- Towns - A town with a population over 2,500 and annual revenue of \$963,000 or more must have an annual audit.

Make Sure Records are Transferred

Minn. Stat. § 367.01 provides that duly elected and qualified town officers can demand from the officer's predecessor or other person having control or possession of them, all books, records, and other property belonging to the office. Every person having control or possession of any of them shall, upon the demand, deliver them to the officer.

Penalty for not turning over records

Minn. Stat. § 609.44 provides the really muscle to public officials to turn over records, “Whoever intentionally and without lawful right thereto, exercises a function of a public office or, having held such office and the right thereto having ceased, refuses to surrender the office or its seal, books, papers, or other incidents to a successor or other authority entitled thereto may be sentenced to imprisonment for not more than one year or to payment of a fine of not more than \$3,000, or both.”

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 Ordinances and Resolutions

<p>Notes</p>

Powers of the Town Board

Minn. Stat. § 366.01 lists a number of powers Town Boards have:

- They may by ordinance prohibit or license and regulate the keeping of billiard, pool, and pigeonhole tables, games of amusement, games of skill, juke boxes, roller skating rinks, bowling alleys, circuses, shows, and theatrical performances. They may fix the price and duration of the license. When in their opinion the public interest requires it, they may revoke the license.
- Within any platted residential area of the town, they may license and regulate the presence or keeping of dogs or domestic animal pets and regulate or prohibit the discharge of firearms, when deemed to be in the public interest.
- They may sell and convey or lease real or personal property belonging to the town, not required to be held by the town for a special purpose.
- They may declare that a violation of an ordinance is a penal offense and prescribe penalties for violations, except as otherwise provided by law. No penalty shall exceed that provided by law for a misdemeanor, but the costs of prosecution may be added.
- They may employ an attorney for town business including the prosecution or defense of actions at law or other proceedings in which the town may be interested.
- They may appropriate out of the general fund of the town and draw orders on the treasurer to disburse money to pay the annual dues in the Minnesota Association of Townships or a county unit that belongs to the association and to pay the actual and necessary expenses of town officers for meetings relating to town business including meetings of town associations.

Reorganization Meeting

- The first regular board meeting after the annual town meeting each year is usually designated as the reorganization meeting.
- Variety of issues that Board can consider – choosing regular meeting date, compensation
- For township officers and employees and designate one or more places in the town as public places where legal notices shall be posted and provide facilities for posting notices there. (See Manual § 3.5, page 14)

Roads

- Road Inspections (Road Tour)
- Blade and Snowplow Roads
- Town Line Roads – Agreements with bordering towns

Notes

- Designate Minimum Maintenance Roads
- Maintain Right-of-Way: Ditches, Trees, Culverts
- Establish, Alter or Vacate Roads
- Establish Cartways

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.
- Supervisor course at the Annual Meeting in 2019 and Summer Specialized Training in 2020

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

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.
- See E17000 for Board of Canvass duties.

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)

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.

Notes

- 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.

Planning and Zoning

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

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)

Other Officers?

Should the Town Board have a Vice Chair?

- Vice-chair serves in the chair's absence.
- Good idea if something unexpected comes up
- TO1000 –Resolution Appointing Vice Chair

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

Questions? Contact MAT Attorneys or MAT Trainers

MAT Attorneys: Steve Fenske & Ruth Simpson

MAT Trainers for Clerks/Treasurers: Lucinda Messman, Lori Stalker & Petra Hartness

Changes in Township officers?

Go to the back cover of the Manual and remember to contact Sherry Elleraas, MAT Receptionist, with changes.

<p>Notes</p>
