

## CHAPTER 4

### FINANCE

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## 4.01 COMPTROLLER-TREASURER.

(1) Office of Comptroller-Treasurer Established. The office of the comptroller-treasurer is hereby established who shall hold the office and perform the duties of comptroller-treasurer as provided in sections 62.09 (9) and (10) of the Wisconsin statutes. He/she shall be elected as provided in chapter 3.07 of the city ordinances.

(2) Duties of Comptroller-Treasurer. The comptroller-treasurer shall be responsible for the financing, planning, reporting, and controlling the financial affairs of the city. He/she shall perform all the duties prescribed by statute and city ordinances for the office of comptroller-treasurer and shall have custody and control of all financial books and records of the city except as otherwise expressly provided. He/she shall keep suitable books of accounts and records in which shall be entered all financial transactions of the city.

(3) The comptroller-treasurer shall, upon being elected, take an oath of office to faithfully and impartially perform the duties of his/her office. In lieu of the requirement for an official bond under Wisconsin Statute 62.09(4)(b), the City shall maintain a dishonesty insurance policy in an amount of at least \$1 million dollars (\$1,000,000). The policy may cover other City employees as well, and need not be specific to the comptroller-treasurer, as long as he/she is covered under the policy.

(4) To Prescribe Forms. All accounts, demands, or claims presented to the city for payment shall be upon forms prescribed by the comptroller-treasurer and furnished by the city and no account, demand, or claim shall be received by the city or any of its officers unless the same shall be made out upon such form.

(5) Contracts to be Filed with Comptroller-Treasurer - Made a Matter of Record. It shall be the duty of each department head to file with the comptroller-treasurer a notice of any contract or agreement entered into on behalf of the city, of the sale of any supplies, articles, or materials, for any service performed or the levy of any special assessment, and they are further required to file with the comptroller-treasurer a notice giving the date of commencement and completion of any work or improvement whether done under contract or otherwise. It shall be the duty of said comptroller-treasurer to cause the same to be entered and made a matter of record.

(6) Appropriations. All resolutions carrying appropriations or involving the expenditure of money, before being presented to the mayor for his/her approval, shall be submitted to the comptroller-treasurer, who shall endorse thereon a statement showing the availability of the appropriation or otherwise, as the case may be.

In addition thereto, the comptroller-treasurer shall prepare a fiscal note which shall be affixed to all such ordinances, resolutions, agreements and contracts prior to their adoption; which fiscal effect shall detail the annual cost to the city, based on projections by then known sources.

The omission of such fiscal note shall not invalidate or otherwise render void such ordinance, resolution, agreement or contract.

(7) Assistants. The comptroller-treasurer is hereby authorized to appoint such assistants as are necessary for the proper conduct of the office at such salaries as may be provided by ordinance or resolution of the common council.

(8) Collection of Taxes: The comptroller-treasurer shall annually collect taxes levied on personal and real property and shall not be required to furnish a bond to the county treasurer of Portage County, pursuant to the provisions of section 70.67(2) of the Wisconsin statutes.

The City of Stevens Point hereby assumes all liability and covenants and agrees, in the event of the failure of the comptroller-treasurer of said city to pay the county treasurer any and all state and county taxes due from said city, pursuant to the provisions of the Wisconsin statutes, to pay such tax.

4.02 CONTINGENT FUND. The common council shall annually provide for a contingent fund in an amount judged sufficient by the comptroller-treasurer and finance committee. No appropriation shall be made from said fund except upon an affirmative vote of three-fourths of all members of the common council.

#### 4.03 DEBT SERVICE FUND

(1) Pursuant to Wisconsin Statute 67.11, the comptroller-treasurer shall establish and maintain a Debt Service Fund in accordance with generally accepted accounting principles. All monies derived from taxes levied and collected for the payment of bonds and interest thereon and all monies required to be placed in a Debt Service Fund by Chapters 62 and 67 of the Wisconsin statutes, shall be placed in one or more Debt Service Funds and no money shall be paid out of or withdrawn from said funds except for the express purpose for which collected and received or for the purpose of investment in the manner provided by law.

(2) All interest accruing on monies, bonds or other securities belonging to a debt service fund shall be credited to the same and shall be deposited in the debt service fund account.

(3) If any particular bond issue shall have been retired and there shall thereafter remain in the Debt Service Fund any money derived from interest on the proceeds of taxes levied and collected for the retirement of said bond issue, such money shall continue to be a part of the Debt Service Fund and available for the purpose of retiring the bonds of any other issue that the council shall determine.

#### 4.04 RECEIVING OF MONIES - RECEIPT FOR SAME.

(1) The comptroller-treasurer, or his or her designee, shall provide a receipt for all money received through an in-person transaction.

## 4.05 PAYMENT OF MONIES.

(1) Payment of Claims. Payment of claims other than tort claims may be made by the comptroller-treasurer subject to the following conditions being complied with:

(a) that funds are available therefor pursuant to the budget approved by the governing body.

(b) that the item or service covered by such claim has been duly authorized by the proper official, department head, or board or commission.

(c) that the item or service has been or is expected to be actually supplied or rendered in conformity with such authorization.

(d) that the claim is just and valid pursuant to law.

The comptroller-treasurer may require the submission of such proof and evidence to support the foregoing as in his/her discretion may be deemed necessary.

(2) Filing of List of Claims. The comptroller-treasurer shall file with the finance committee monthly a list of the claims approved showing the date paid, name of claimant, purpose, and amount. For claims associated with the enterprises, the list of claims shall be presented to the appropriate commission at its regular meeting for action thereupon, and subsequently provided to the Common Council at its next regular meeting along with the minutes of each commission.

(3) There shall be an annual detailed audit of the financial transactions and accounts of the City of Stevens Point which said audit shall be performed by public accountants licensed under the provisions of Chapter 442 of the Wisconsin statutes.

## 4.06 GENERAL PROPERTY TAX COLLECTION.

(1) The provisions of section 74.12, Wisconsin statutes, are adopted and incorporated by reference into this chapter, and real estate taxes and personal property taxes are to be paid in full or in three (3) equal installments as follows:

(a) Real estate taxes, special assessments and charges and personal property taxes in full on or before January 31; or

(b) Real estate as follows:

<u>Installment</u>	<u>1/3 on or before</u>
1 <sup>st</sup>	January 31
2 <sup>nd</sup>	April 30
3 <sup>rd</sup>	July 31

(2) Pursuant to Section 74.11 of Wisconsin Statutes, special assessments are due on the same dates and in the same percentages as installments of real property

taxes. If the total special assessment is less than \$100.00, it shall be paid on or before January 31. All special charges shall be paid on or before January 31.

#### 4.07 SPECIAL ASSESSMENTS - PAYMENT IN INSTALLMENTS.

(1) Annual Installments. Whenever any special assessments shall be levied to defray the cost of any public improvement, except sprinkling or oiling streets, such special assessments may be paid in annual installments of not more than ten in number as determined by the board of public works.

(2) Interest Rate. The first installment shall include a proportionate part of the principal of the special assessment determined by the number of installments, together with interest at the rate not to exceed nine per cent (9%) per annum. Said interest rate shall be computed for a period of one year from the date of the notice hereinafter provided for, and each subsequent installment shall include a like proportion of the principal and one year's interest upon the unpaid portion of such assessment.

(3) Installments Entered on Tax Roll. The first installment shall be entered in the first tax roll prepared after said installments shall have been determined as a special tax on the property upon which the special assessment was levied and thereafter this tax shall be treated in all respects as any other municipal tax. One of the subsequent installments shall be entered in a like manner and with like effect in each of the annual tax rolls thereafter until all are levied, except that all remaining installments may be paid in full at any time.

(4) Delinquent Installment. If any installment so entered in the tax roll shall not be paid to the municipal treasurer with the other taxes it shall be returned to the county as delinquent and accepted and collected by the county in the same manner as delinquent general taxes on real estate.

#### 4.08 SPECIAL ASSESSMENTS - ADDITIONAL METHOD.

(1) In addition to other methods provided by law, special assessments for any public work or improvement or any current service may be levied in accordance with the provisions of this ordinance.

(2) Whenever the common council shall determine that any public work or improvement or any current service shall be financed in whole or in part by special assessments levied under this ordinance, it shall adopt a resolution setting forth such intention and the time, either before or after completion of the work or improvement, when the amount of such assessments shall be determined and levied, the number of annual installments, if any, in which such assessments may be paid, the rate of interest to be charged on the unpaid balance and the terms on which any of such assessments may be deferred while no use of the improvement is made in connection with the property.

(3) The provisions of section 66.0703 of the Wisconsin statutes shall apply to special assessments levied under this ordinance except that when the common council determines by resolution as provided in section 2 of this ordinance that the hearing on such assessments shall be held after bids have been taken on the work

or improvement or subsequent to the completion of the work or the retention of the service, the report required by section 66.0703 shall contain a statement of the bid cost or final cost of the work, service, or improvement in lieu of an estimate of such cost.

(4) Notice of the time and place of the public hearing on any special assessment proposed to be levied and notice of the final assessment and terms of payment thereof shall be given by mail to every person whose property is affected by such assessment and whose mailing address can be determined with reasonable diligence.

(5) Any special assessment levied under this ordinance shall be a lien against the property assessed from the date of the final resolution of the common council determining the amount of such levy.

(6) The provisions of section 66.0703(12) and 66.0701 relating to appeal shall apply to any special assessment levied under this ordinance.

#### 4.09 DEFERRED ASSESSMENTS.

(1) The Common Council of the City of Stevens Point has made the following findings:

(a) In the interest of the public health, welfare and safety it is often necessary to construct certain public improvements in areas which are undeveloped or outside the territorial limits of the city.

(b) In certain cases the common council may determine, in its sole discretion, that payment for such improvements should be delayed until such time as the area benefitted is ultimately developed or the use of the improvements is desired by property owners outside the limits of the city.

(2) Where such condition is found the common council may defer the due date of any special assessment levied against property abutting on or benefited by a public improvement which abutting property is undeveloped or lies outside the city limits.

(3) Owners of property for which a special assessment has been deferred under this section shall not have use of the improvement until:

(a) The amount of the deferred assessment, including interest due thereon, is paid in full to the city, or

(b) Such an owner desiring to make use of the improvement shall enter into an agreement with the city to pay the assessment, plus future interest over a stipulated period of time in equal installments of principal plus variable installments of interest as determined by the city

(4) Any special assessment deferred under this section shall be a lien against the property assessed from the date of the resolution making the levy.

(5) Whenever the due date of a special assessment shall be deferred under this section a notice shall be published in the official paper substantially as follows:

*DEFERRED ASSESSMENT NOTICE*

*Notice is hereby given that the special assessments for the improvement of (describe the improvement) have been determined as to each parcel of real estate affected thereby and a statement of the same is on file with the city clerk. It is proposed to defer payment of the same.*

4.10 SPECIAL ASSESSMENTS - CHAPTER 66 OF THE WISCONSIN STATUTES ADOPTED. The provisions of the Wisconsin statutes relating to street improvements, the laying of sanitary sewers, water mains, storm water sewers, paving, and any other public improvement providing for the costs of installing and constructing the same and the manner of levying special assessments against the property benefited thereby, are hereby adopted for the City of Stevens Point and shall be in full force and effect as ordinances of said city as if fully set forth herein except that wherever said statute provides for the giving of notice in addition to the posting and publication of notice as provided in such statutes, personal notice shall also be given by mailing such notice to each interested person whose post office address is known or can with reasonable diligence be ascertained at least ten days before the hearing or proceeding specified in said notice.

4.11 CONNECTION FEE. The Common Council of the City of Stevens Point, in the interest of providing sewage treatment and water facilities to undeveloped areas, may by resolution provide for a special connection fee to defray the cost of installation of such improvements at such time as the land is developed and service connected.

4.12 BI-WEEKLY PAY FOR CITY EMPLOYEES.

(1) All employees of the City of Stevens Point, including members of the police and fire departments and employees of all other branches of city administration and government where the expenditure of funds of such department is subject to the control of the common council shall be paid bi-weekly on the Friday following the two weeks services completed and to be compensated for. As used in this subsection, a week is defined to be that period of time commencing on Sunday and terminating a midnight on the following Saturday.

(2) All department heads shall file with the comptroller-treasurer or his/her designee the payrolls required by subsection (1) above indicating thereon the number of days worked by each employee, the number of days of sick leave and vacation taken, the number of hours of overtime worked, together with such other information as may be prescribed by the comptroller-treasurer.



## 4.13 ROOM TAX.

## (1) Definitions.

(a) "Hotel" or "motel" means a building or group of buildings in which the public may obtain accommodations for a consideration, including, without limitation, such establishments as inns, motels, bed and breakfasts, tourist homes, tourist houses or courts, lodging houses, rooming houses, summer camps, apartment hotels, resort lodges and cabins, and any other building or group of buildings in which accommodations are available to the public, except accommodations rented for a continuous period of more than one month and accommodations furnished by any hospital, sanatoriums, or nursing homes, or by corporations or associations organized and operated exclusively for religious, charitable or educational purposes provided that no part of the net earnings of such corporations and associations inures to the benefit of any private shareholder or individual.

(b) "Gross receipts" has the meaning as defined in Wisconsin statutes, Section 77.51(4) [1993-1994] insofar as applicable.

(c) "Transient" means any person residing for a continuous period of less than one month in a hotel, motel, or other furnished accommodations available to the public.

(2) Pursuant to Wisconsin Statutes, Section 66.0615, a tax is hereby imposed on the privilege and service of furnishing, at retail, rooms or lodging to transients by hotelkeepers, motel operators, and other persons furnishing accommodations that area available to the public, irrespective of whether membership is required for the use of the accommodations. Such tax shall be at the rate of eight percent (8%) of the gross receipts from such retail furnishing of rooms or lodgings. Such tax shall not be subject to the selective sales tax imposed by Wisconsin Statutes, Section 77.52(2)(a)1.

## (3) Tax Monies.

(a) Collection of Tax. This section shall be administered by the treasurer. The tax imposed for the months of July, August, and September, 1980, and for each calendar quarter thereafter is due and payable on the last day of the month next succeeding the calendar quarter for which imposed. A return shall be filed with the treasurer, by those furnishing at retail such rooms and lodging, on or before the same date on which such tax is due and payable. Such return shall show the gross receipts of the preceding calendar quarter from such retail furnishing of rooms or lodging, the amount of taxes imposed for such period, and such other information as the treasurer deems necessary. Every person required to file such quarter return shall, with his/her first return, elect to file an annual calendar year or fiscal year return. Such annual return shall be filed within ninety (90) days of the close of each such calendar or fiscal year. The annual return shall summarize the quarterly returns, reconcile and adjust for errors in the quarterly returns, and shall contain certain such additional information as the treasurer requires. Such annual returns shall be made

on forms as prescribed by the treasurer. All such returns shall be signed by the person required to file a return or his duly authorized agent, but need not be verified by oath. The treasurer may, for good cause, extend the time for filing any return, but in no event longer than one month from the filing date.

(b) Distribution of Tax. Commencing January 1, 2017, the room tax collection shall be allocated as follows:

1. Thirty percent (30.00%) to the general fund of the City of Stevens Point.
2. Seventy percent (70.00%) to the Tourism Commission.

(4) Every person furnishing rooms or lodging under subsection (2) shall file with the treasurer an application for a permit for each place of business. Every application for a permit shall be made upon a form prescribed by the treasurer and shall set forth the name under which the applicant transacts or intends to transact business, the location of his/her place of business, and such other information as the treasurer requires. The application shall be signed by the owner if a sole proprietor and, if not a sole proprietor, by the person authorized to act on behalf of such sellers. At the time of making an application the applicant shall pay to the treasurer a fee of ten dollars (\$10.00) for each permit.

(5) After compliance with subsection (4) and subsection (14) by the applicant, the treasurer shall grant and issue to each applicant a separate permit for each place of business within the city. Such permit is not assignable and is valid only for the person in whose name it is issued and for the transaction of business at the place designated therein. It shall at all times be conspicuously displayed at the place for which issued.

(6) Whenever any person fails to comply with this section the treasurer may, upon ten (10) days notification and after affording such person the opportunity to show cause why his permit should not be revoked, revoke or suspend any or all of the permits held by such person. The treasurer shall give to such person written notice of the suspension or revocation of any of his/her permits. The treasurer shall not issue a new permit after the revocation of a permit unless he/she is satisfied that the former holder of the permit will comply with the provisions of this section. A fee of ten dollars (\$10.00) shall be imposed for the renewal or issuance of a permit which has been previously suspended or revoked.

(7) If any person liable for any amount of tax under this section sells out his/her business or stock of goods or quits the business, his/her successors or assigns shall withhold sufficient of the purchase price to cover such amount until the former owner produces a receipt from the treasurer that it has been paid or a certificate stating that no amount is due. If a person subject to the tax imposed by this section fails to withhold such amount of tax from the purchase price as required, he/she shall be come personally liable for payment of the amount required to be withheld by him/her to the extent of the price of the accommodations valued in money.

(8) The treasurer may, by office audit, determine the tax required to be paid to the city or the refund due to any person under this section. This determination may be made upon the basis of the facts contained in the return being audited or on the basis of any other information within the treasurer's possession. One or more such office audit determinations may be made of the amount due for anyone or for more than one period.

(9) The treasurer may, by field audit, determine the tax required to be paid to the city or the refund due to any person under this section. The determination may be made upon the basis of the facts contained in the return being audited or upon any other information within the treasurer's possession. The treasurer is authorized to examine and inspect the books, records, memoranda, and property of any person in order to verify the tax liability of that person or of another person. Nothing herein shall prevent the treasurer from making a determination of tax at any time. Failure to comply with a request to inspect and audit financial records shall result in a penalty of five percent (5%) of the tax, or estimated tax.

(10) If any person fails to file a return as required by this section, the treasurer shall make an estimate of the amount of the gross receipts under subsection (2). Such estimate shall be made for the period for which such person failed to make a return and shall be based upon any information which is in the treasurer's possession or may come into his/her possession. On the basis of this estimate the treasurer shall compute and determine the amount required to be paid to the city. One or more such determinations may be made for one or more than one period.

(11) The tax imposed by this section shall become delinquent if not paid:

(a) In the case of a timely filed return, within thirty (30) days after the due date of the return, or within thirty (30) days after expiration of an extension period if one has been granted.

(b) In the case of no return filed or a return filed late, by the due date of the return.

(12) If the tax is not paid by the relevant due date, a penalty equal to the lesser of \$5000 or twenty-five percent (25%) of the previous year's tax for the same time period, may be imposed,

(13) All unpaid taxes under this section shall bear interest at the rate of one percent (1%) per month from the due date of the return until the first day of the month following the month in which the tax is paid or deposited with the treasurer.

(14) In order to protect the revenue of the city, the treasurer may require any person liable for the tax imposed by this section to place with him/her, before or after a permit is issued, such security up to \$15,000 maximum or other suitable securities as the treasurer determines. If any taxpayer fails or refuses to place such security, the treasurer may refuse or revoke such permit. If any taxpayer is delinquent in the payment of the taxes imposed by this section, the treasurer may,

upon ten (10) days notice, recover the taxes, interest and penalties from the security placed with the treasurer by such taxpayer. No interest shall be paid or allowed by the city to any person for the deposit of such security.

(15) Every person liable for the tax imposed by this section shall keep or cause to be kept such records, receipts, invoices and other pertinent papers in such form as the treasurer requires.

(16) In accordance with Wisconsin Statute 66.0615(3), all tax returns, schedules, exhibits, writings or audit reports relating to such returns, on file with the treasurer, are deemed to be confidential, except the treasurer may divulge their contents to the following and no others:

- (a) The person who filed the return.
- (b) Officers, agents, or employees of the Federal Internal Revenue Service or the State Department of Revenue.
- (c) The assessor, city attorney, mayor, and finance committee chair.
- (d) Such other public officials of the City of Stevens Point, when deemed necessary.

(17) No person having an administrative duty under this section shall make known in any manner the business affairs, operations, or information obtained by an investigation of records of any person on whom a tax is imposed by this section, or the amount or source of income, profits, losses, expenditures, or any particular thereof, set forth or disclosed in any return, or to permit any return or copy thereof to be seen or examined by any person, except as provided in subsection (16).

(18) Any person who is subject to the tax imposed by this section who fails to obtain a permit as required in subsection (4), or who fails or refuses to permit the inspection of his records by the treasurer after such inspection has been duly requested by the treasurer, or who fails to file a return as provided in this section, or who violates any other provisions of this section, shall be subject to a forfeiture not to exceed two hundred fifty dollars (\$250) each day, or portion thereof, that such violation continues, and each day in violation is deemed to constitute a separate offense.

#### 4.14 LICENSES WITHHELD FOR UNPAID TAXES.

(a) The comptroller-treasurer shall furnish the city clerk and building inspector with a list and schedule of individuals who have failed to pay any and all local city taxes, including real estate tax owed to the county, personal property tax and room tax or who owes the city any money for any service rendered or any obligation incurred. Prior to the issuance of any license or permit the clerk, building inspector, or other authorized person, shall ascertain whether or not the applicant is indebted to the city as provided above and if so, shall refuse to issue the license and/or permit.

Any applicant for a license or permit who is denied such license pursuant to this section shall have the right to an administrative hearing on the same pursuant to chapter 68 of the Wisconsin statutes.

(b) In the event of request for a transfer of license, the City Comptroller-Treasurer shall require that adequate funds have been deposited or escrowed with the City to insure payment of personal property taxes on property located at the premises for which a license transfer is requested.

4.15 TAX EXEMPTION REPORTS. The city clerk shall collect the sum of five dollars (\$5.00) for each entity reporting tax exempt properties pursuant to Wisconsin statutes 70.337, Tax Exemption Reports.

4.16 CONDUCTING PRIVATE BUSINESS ON CITY OWNED PROPERTY. Any person, firm or corporation who shall occupy and use city owned property, except for public right-of-way and municipal airport lands, for the purpose of conducting business, either for profit or not for profit, shall first obtain the consent of the appropriate city committee and the Common Council of the City of Stevens Point for a specified period of time, shall comply with any special conditions imposed by such bodies as determined to be necessary for the conduct of such business, and shall pay a fee to said city. The fee for not for profit business shall be 10% of the gross receipts. The fee for profit making business shall be 15% of the gross receipts.

4.17 LIMITATION OF GENERAL OBLIGATION INDEBTEDNESS. The aggregate amount of general obligation indebtedness, which is secured by the City's taxing authority, shall not exceed 3 percent of the value of the taxable property located in the City as equalized for state purposes (Equalized Value).

4.18 Prior to the start of any physical construction of any municipally financed (in whole or in part) public roadway or transportation project requiring a city capital expenditure of \$1,000,000.00 or more, the common council shall submit to the electorate a binding referendum for approval of the project. Failure of the binding referendum shall preclude the city from proceeding with the project. The wording of any referendum shall provide the specific purpose, location and cost of the project. Nothing in this provision shall be construed to preclude the city from exercising its role in the planning or design of such publicly financed projects.