

CHAPTER 5

Invoicing of Village Expenses and Charges

<i>Section Number</i>	<i>Title</i>	<i>Ordinance Number</i>	<i>Date of Ordinance</i>
3-5-1	Reimbursement of Village Expenses and Charges: Interest; penalties for Nonpayment	2009-06	12/15/09

SEC. 3-5-1 REIMBURSEMENT OF VILLAGE EXPENSES AND CHARGES; INTEREST; PENALTIES FOR NONPAYMENT.

- (a) **Intent; Purpose.** The Village regularly incurs expenses in providing services to persons, both Village residents and non-residents and other requests by third parties. Providing these services and fulfilling these requests result in the necessity to incur legal, consulting, engineering, and incidental costs and expenses on behalf of the requester. The Village recognizes that a certain level of services should be provided without charging a service fee or charging back costs incurred. However, for some services where there are repeated requests or which require unusually large amounts of staff time and resources or request services that require increased attention and result in a disproportionate use of staff resources, the Village Board deems it necessary to charge a fee for such services. The purpose of this ordinance is to authorize the collection by the Village Finance Department, or its designee, of these costs and expenses and to invoice the requester for these costs
- (b) **Costs and Expenses to be Charged Back.**
- (1) **In General.** Costs and expenses incurred by the Village on behalf of, for the benefit of, or at the request of a third party, and for services rendered by the Village, for any of the following shall be charged to the property owner, developer and/or requester unless otherwise directed by the Village Board: legal services, consulting services, Village Engineering Department, outside planning or engineering consultants or other similar professionals, special events, asphaltting and other improvement costs, and costs and expenses for compliance with any Village ordinances and State and Federal laws. This charge back shall occur whenever either the Village Board, Village Clerk or other Village Official has authorized a developer, requester and/or property owner to contact the Village Attorney, Village Engineer or other Village professional consulting staff, or the Village Board, Village Clerk or other Village Official contacts said Village Attorney, Village Engineer or any of the Village's professional staff, and said contact results in a charge to the Village for that professional's time and services. This charge back provision also applies to other services provided to individuals that results in a cost or expense to the Village. This charge back provision includes charging of time and costs for the Village Engineering Department employees which shall be charged based upon the classification of the employee and the rates established by the Village Board, from time to time, for each such classification. The Village may require the individual to enter into a reimbursement agreement

prior to any cost or expense being incurred by the Village. If the request relates to real property, the real property owner shall also execute the reimbursement agreement. The Village may require a deposit in the estimated amount of costs and expenses to be incurred to be made with the Village prior to any cost or expense being incurred. The individual shall pay for all costs that exceed any required deposit amount and the individual shall be reimbursed if the deposit amount exceeds the costs and expenses. The Village may also require that any used deposit be replenished from time-to-time if the matter is ongoing. The requester shall receive an itemization of charges as provided for in this Chapter. This ordinance shall not modify any requirements or obligations of real property owners or individuals as provided for in any other Village ordinance. In the event of a conflict, the more restrictive provisions shall apply.

- (2) **Fees for Engineering Department Services.** The Engineering Department of the Village of Caledonia (“Engineering Department”) shall charge a fee for certain services identified by the Engineering Department that are not covered by a Pre-development Agreement required by other Village ordinances. The decision to charge a fee will be based on the complexity of the request and/or the staff time required. The Engineering Department shall create a fee schedule for tasks and services performed by the Engineering Department which shall be posted in such a manner as to be seen and accessible by the public beforehand (the “Engineering Fee Schedule”). The Engineering Fee Schedule shall be approved by Resolution of the Village Board from time-to-time. Included on the Engineering Fee Schedule shall be the statement that “any service requested and not listed herein may be charged at the hourly fee rate identified upon written notice to the requester of the service by the Village Engineer.” Any fees charged shall be invoiced and collected in accordance with this Chapter.
 - (3) **No fee For First Meeting.** The first meeting with the Engineering Department shall be at no charge unless the person requests the presence of outside Village consultants (for example legal, financial, consulting planners and engineers) at which time the person requesting the presence of the outside consultant shall be informed that there will be a charge back of costs incurred. Prior to the meeting, the person requesting the presence of the Villages’ outside consultants shall sign a reimbursement agreement in a form acceptable to the Village and such costs shall be invoiced and collected in accordance with this Chapter.
- (c) **Invoices; Time to Pay; Interest Charged.** The Village Finance Department shall provide an itemized invoice for costs incurred or fees charged and give each developer, property owner or requester billed for the costs, expenses or services thirty (30) days to pay except where a deposit is posted and in such case the deposit (or balance thereof) will be applied to the amount due with any balance due to be paid within thirty (30) days. All invoices shall include a notice of interest accruing after thirty (30) days as provided in this subsection as well as any administrative charge that could be imposed for a delinquent payment. In the event the charge remains unpaid after 30 days, then the Village Finance Department shall notify the Village professionals of said nonpayment and the Village professionals shall cease providing any professional services on that account unless advised otherwise by a Village Official. In addition, the Village Finance Department shall charge

one and one-half (1½) percent interest per month on all amounts unpaid after 30 days. Interest shall be pro-rated from 30 days after the date of the original invoice). Such interest shall be compounded on a monthly basis.

(d) **Notice of Delinquency.**

(1) **Costs and Expenses Related to Real Property.** The Village of Caledonia Finance Department shall give notice not later than October 15th of each year to the property owner and/or developer where the invoiced costs and expenses relate to real property and were delinquent prior to October 1st of that year. The notice shall state the amount due and delinquent, including compounded interest pursuant to this ordinance. The notice shall state that the total amount due shall be paid by November 1st of that year or an administrative collection charge of Seventy-Five Dollars (\$75) will be added to the total amount due. If the total amount due is not paid by November 15th, the total amount due including the compounded interest and any administrative charge will be levied on the tax roll as a special charge, in accordance with Sec. 66.0627, Wis. Stats., against the real property for which the cost and expense were incurred or the service was furnished and for which payment is delinquent. In the event the notice rendered to the property owner or the time given for the property owner to pay is too late in the current year for the charge, when it becomes delinquent, to be extended on that year's tax roll, then the delinquent charge shall be extended to the following year's tax roll.

(2) **Other Costs and Expenses.** In the event amounts due for costs and expenses unrelated to real property are unpaid after ninety (90) days, the Village Finance Department shall notify the person who requested or caused the costs and expenses to be incurred that the open invoice will be referred to the Village Board and that the Village Board will determine whether the open invoice shall be referred for collection by a third-party or authorize the Village Attorney to commence a lawsuit.

(e) **Certificate of Delinquency; Placement on Tax Rolls.** On November 16th, or as soon thereafter as is practicable, the Village Finance Department shall provide the Village Clerk a list of all lots or parcels of real property (giving the legal description of each and parcel identification number) and the names of the property owners/developers or individuals for which notice of delinquency has been given and the total amount due including any compounded interest and administrative charge. For those amounts due that relate to real property, the Village Clerk shall insert the total delinquent amount as a special charge against the lot or parcel of real estate. The Village shall thereafter take reasonable actions to collect the delinquent amounts, including interest. For those amounts due that do not relate to real property, the Village Clerk shall refer the delinquency to the Village Board for review and action.

(f) **Financial Hardship Review.** Where a financial hardship exists, an individual may submit a statement in writing to the Village Board explaining the reason for the hardship. The Village Board may consider a payment plan for up to a Ten (10) year period, with interest, at a rate set by the Village Board. The Village Board shall require a written agreement for any payment plan approved which shall include additional monetary penalties for noncompliance.

- (g) **Severability.** If any part or provision of this Section or the application of this Section to any person, property or circumstances is adjudged invalid by any court of competent jurisdiction, the judgment shall be confined in its operation to the part, provision, subsection, or application directly involved in the controversy in which the judgment shall be rendered. It shall not affect or impair the validity of the remainder of this section or the application of this section or its subsections to other persons or circumstances. The Village Board hereby declares that it would have enacted the remainder of these regulations even without any such part, provisions, subsection, or application which is judged to be invalid.”