Ordinance 2010-07-06 - Confidentiality of Information about Income and Expenses Requested by the Assessor in Property Assessment Matters in the Town of Montrose

STATE OF WISCONSIN
Town of Montrose
Dane County

SECTION I – TITLE AND PURPOSE

This ordinance is entitled the Town of Montrose Ordinance Relating to Confidentiality of Information about Income and Expense Records. The purpose of this ordinance is to provide confidentiality of the records of taxpayers who provide income and expense record information to the town assessor under s. 70.47(7)(af), Wis. stats., and to exempt that information from being subject to the right of inspection or copying as a public record under s. 19.35(1), Wis. stats.

SECTION II – AUTHORITY

The Town Board of the Town of Montrose, Dane County, Wisconsin, has the specific authority under s. 70.47(7)(af), Wis. stats., to provide confidentiality to taxpayers of certain income and expense records provided to the town assessor by those taxpayers for the purposes of valuation of real property in the Town of Montrose, owned by those taxpayers.

SECTION III – ADOPTION OF ORDINANCE

This ordinance, adopted by a majority of the town board on a roll call vote with a quorum present and voting and proper notice having been given, adopts by reference s. 70.47(7)(af), Wis. stats., providing for the confidentiality of information regarding income and expenses.

SECTION IV – ADOPTION BY REFERENCE AND COFIDENTIALITY REQUIREMENT

Section 70.47(7) (af), Wis. stats., is adopted by reference. Income and expense information provided by a property owner to the town assessor for the purpose of establishing valuation for assessment purposes by the income method of valuation shall be confidential and not a public record open to inspection or copying under s. 19.35 (1), Wis. stas. Unless a court determines that the information is inaccurate, the information proved to the assessor is not subject to the right of inspection or copying as a public record under s. 19.35(1), Wis. stats.

SECTION V – EXCEPTIONS TO CONFIDENTIALY

A Town officer in the Town of Montrose may make public disclosure or allow access to income and expense information provided by a property owner to the town assessor for the purpose of establishing valuation for assessment purposes by the income method of valuation in his or her possession as provided below:

A. The town assessor shall have access to the provided income and expense information in the performance of his or her duties.
B. The board of review may review the provided income and expense information when needed, in its opinion, to decide upon a contested assessment.
C. Any person or body who has the right or whose duty in his or her office is to review the provided income and expense information shall have access to this information.

D. A town officer who is complying with a court order may release the provided income and expense information in accordance with the court's order.
E. If the provided income and expense information has been determined by a court to be inaccurate, the information is open and public.
F. If the property owner has provided written approval for public disclosure or limited disclosure to that person, and the Town Board of the Town of Montrose has approved the disclosure, the provided income and expense information is open and public to the extent approved.

SECTION VII – SEVERABILITY

If any provision of this ordinance or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this ordinance that can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are severable.

SECTION VIII – EFFECTIVE DATE

This ordinance shall take effect immediately upon publication.

The town clerk shall properly post or publish this ordinance as required under s. 60.80, Wis. stats.

Adopted this _____ day of _____, 2010

_____
Roger Hodel, Chairperson

_____
Randy Francois, Supervisor

_____
Dan Palmer, Supervisor

Attest: _____
Julie L. Bigler, Town Clerk