

# The Town of Cedarburg, Wisconsin

IN THE NAME AND BY THE AUTHORITY OF THE TOWN OF CEDARBURG, WISCONSIN

## RESOLUTION #2007-15

“Designation of Public Depositories and Authorizing Withdrawal of Town Moneys”

- WHEREAS,** the Town of Cedarburg is a body corporate and politic within Ozaukee County, Wisconsin; and
- WHEREAS,** the Town Board of the Town of Cedarburg has the duty, by resolution, to designate one or more public depositories in which the Town Treasurer must immediately deposit all public moneys received by the Treasurer; and
- WHEREAS,** the Town Board pursuant to Wisconsin Statutes §74.25 may designate one or more public depositories, among those previously designated under §34.05 Wis. Stats., to which taxpayers may make tax payments under §§74.11 and 74.12 Wis. Stats..

**NOW THEREFORE, BE IT RESOLVED** that Ozaukee Bank (“Bank”), Grafton State Bank (“Bank”), Cornerstone Community Bank (“Bank”), M&I Bank (“Bank”), Tri-City National Bank (“Bank”), Bank Mutual (“Bank”) all individually referred to as “Bank” is qualified as a public depository under Ch. 34, Wis. Stats., is hereby designated as a depository in which the funds of the Town of Cedarburg may from time to time be deposited; that the following described account(s) be opened and maintained in the name of the Town of Cedarburg with the Bank subject to the rules and regulations of the Bank from time to time in effect; that the person(s) and the number thereof designated by title opposite the following designation of account(s) is hereby authorized, for and on behalf of the Town of Cedarburg, to sign order checks as provided in s. 66.042, Wis. Stats., for payment or withdrawal of money from said account(s) and to issue instructions regarding the same and to endorse for deposit, negotiation, collection or discount by Bank any and all endorsement for deposit may be in writing, by stamp, or otherwise, with or without designation of signature of the person so endorsing; and that any officer, agent or employee of this municipality is hereby authorized to make oral or written requests of the Bank for the transfer of funds or money between accounts maintained by the Town of Cedarburg at the Bank.

**BE IT FURTHER RESOLVED,** that the Bank be and is hereby authorized and designated public depositories to which taxpayers may make tax payments under §§ 74.11 and 74.12, Wis. Stats. A receipt for such payments issued by the bank has the same legal status as a receipt issued by the Town Treasurer.

**BE IT FURTHER RESOLVED,** that the Bank be and is hereby authorized and directed to honor, certify, pay and charge to any of the accounts of the Town of Cedarburg, all order checks for the payment, withdrawal or transfer of funds or money deposited in these accounts or to the credit of the Town of Cedarburg for whatever purpose or to whomever payable, including requests for conversion of such instruments in to cash as well as for deduction from and payment of cash out of any deposit, and whether or not payable to, endorsed or negotiated by or for the credit of any persons signing such instrument or payable to or for the credit of any other officer, agent or employee of the Town of Cedarburg, when signed, accepted, endorsed or approved as evidenced by original or facsimile signature by the person(s), and the number thereof, designated by title opposite the designation of the

accounts described in the foregoing resolution, and to honor any request(s) made in accordance with the foregoing resolution, whether written or oral, and including but not limited to, request(s) made by telephone or other electronic means, for the transfer of funds or money between accounts maintained by the Town of Cedarburg at the Bank, and the Bank shall not be required or under any duty to inquire as to the circumstances of the issuance or use of any such instrument or request or the application or use of proceeds thereof.

**BE IT FURTHER RESOLVED**, that the Bank be and is hereby authorized to comply with any process, summons, order, injunction, execution, distraint, levy, lien, or notice of any kind (hereafter called "Process") received by or served upon the Bank, by which, in the Bank's opinion, another person or entity claims an interest in any of these accounts and Bank may, at its option and without liability, thereupon refuse to honor orders to pay or withdraw sums from these accounts and may hold the balance therein until Process is disposed of to Bank's satisfaction.

**BE IT FURTHER RESOLVED**, that any one of the persons holding the offices of the Town of Cedarburg designated above is hereby authorized (1) to receive for an on behalf of the Town of Cedarburg, securities, currency or any other property of whatever nature held by, sent to, consigned to or delivered to the Bank for the account of or for delivery to the Town of Cedarburg, and to give receipt therefore, and the Bank is hereby authorized to make delivery of such property in accordance herewith, (2) to sell, transfer, endorse for sale or otherwise authorize the sale or transfer of securities or any other property of whatever nature held by, sent to, consigned to or delivered to the Bank for the account of or for delivery to the Town of Cedarburg, and to receive and/or apply the proceeds of any such sale to the credit of the Town of Cedarburg in any such manner as he/she/they deem(s) proper, and the Bank is hereby authorized to make a sale or transfer of any of the aforementioned property in accordance herewith, and (3) pursuant to s. 34.07, Wis. Stats, to accept such security and to execute such documents as said officer deems proper and necessary to secure the funds of the Town of Cedarburg and to issue instructions regarding the same.

**BE IT FURTHER RESOLVED**, that the Town of Cedarburg assumes full responsibility for any and all payments made or any other actions taken by the Bank in reliance upon the signatures, including facsimiles thereof, of any person or persons holding the offices of the Town of Cedarburg designated above regardless of whether or not the use of a facsimile signature was unlawful or unauthorized and regardless of by whom or by what means the purported signature or facsimile signature may have been affixed to any instrument if such signatures resemble the specimen or facsimile signatures provided to the Bank, for refusing to honor any signatures not provided to the Bank, for honoring any requests for the transfer of funds or money between accounts or for the instructions from the persons designated in the foregoing resolutions regarding security for the accounts notwithstanding any inconsistent requirements of the Town of Cedarburg not expressed in the foregoing resolutions, and that the Town of Cedarburg agrees to indemnify and hold harmless the Bank against any and all claims, demands, losses, costs, damages or expenses suffered or incurred by the Bank resulting from or arising out of any such payment or other action.

**BE IT FURTHER RESOLVED**, that the Clerk of the Town of Cedarburg be and hereby is authorized and directed to certify to the Bank the foregoing resolutions, that the provisions thereof are in conformity with law, the names, incumbencies and specimen or facsimile signature(s) on signature cards of the officer or officers named therein, and that the foregoing resolutions and signature cards and the authority thereby conferred shall remain in full force and effect until the Town of Cedarburg notifies the Cashier of Bank to the contrary in writing; and the Bank may conclusively presume that such resolutions and signature cards are in effect and that the persons identified therein from time to time as officers of the Town of Cedarburg have been duly elected or appointed to and continue to hold such offices.

Passed and adopted this 7<sup>th</sup> day of November, 2007.

Bank Name and Type of Account	Number of Signatures Required	Type of Print Titles of Authorized Persons
_____	_____	Clerk, Treasurer, and Countersigned by _____
_____	_____	Clerk, Treasurer, and Countersigned by _____
_____	_____	Clerk, Treasurer, and Countersigned by _____
_____	_____	Clerk, Treasurer, and Countersigned by _____
_____	_____	Clerk, Treasurer, and Countersigned by _____
_____	_____	Clerk, Treasurer, and Countersigned by _____

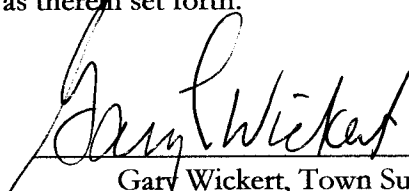
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This is to Certify, that the foregoing is a true and correct copy of resolutions duly and legally adopted by the Town Board of Supervisors of the Town of Cedarburg at an open legal meeting held on the 7<sup>th</sup> day of November, 2007 and said resolutions are now in full force and effect.

Signed and sealed this 7<sup>th</sup> day of November, 2007.

  
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Karen Behrens, Town Clerk

The undersigned member of the governing body not authorized to sign order checks certifies that the foregoing is a correct copy of a resolution passed as therein set forth.

  
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Gary Wickert, Town Supervisor