



### **TESTIMONY ON AB 262**

#### **Mr. Chair and members of the Assembly Committee on Urban and Local Affairs:**

Thank you for the opportunity to testify in favor of Assembly Bill 262. AB 262 is a bipartisan bill that would allow local units of government to decide for themselves whether or not to utilize a residency requirement on city or village managers in those cities and villages that use a manager form of government.

There are currently 10 cities in Wisconsin which operate under a Chapter 64 council-manager form of government, rather than the more traditional mayor-council form of government under Chapter 62. In addition, 9 villages with populations over 1,000 operate under the Chapter 64 village manager form of government. A list of the cities and villages operating under a Chapter 64 manager system is attached to my written testimony.

Under a manager system, elected council or board members appoint a city or village manager, who acts as the chief executive officer in place of an elected CEO such as a mayor. A city manager is often the face of the city, much as a mayor would be. While some council-manager cities use the title “Mayor” to refer to their equivalent of city council president, most do not have a mayor at all.

The 2013 Biennial Budget (2013 WI Act 20) included a general prohibition on residency requirements for municipal employees, with certain exceptions. It is my understanding that residency requirements for managers were not the motivation behind the general prohibition on residency requirements, but no exception was created for managers at that time.

The City of Beloit, which I represent, has used a city manager form of government since the 1920s. Beloit previously enacted a residency requirement ordinance that included the office of city manager. In 2013, while I was serving on the Beloit City Council, the city was forced to repeal this requirement as a result of the change in state law. I know from that time, as well as community and council feedback during Beloit’s most recent city manager search earlier this year, that the Beloit community continues to feel strongly about city residency for its manager.

#### **45<sup>TH</sup> ASSEMBLY DISTRICT**

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Other council-manager cities have considered placing residency requirements on their managers, or have had these requirements in the past.

AB 262 carves out a narrow exception to the prohibition on residency requirements, and permits only those cities and villages with a manager system of government to impose a residency requirement. I'd like to make sure this part is clear: under this bill, **ONLY** those cities and villages that operate under this specific form of government may impose a requirement if they so choose.

Additionally, the residency requirement may only be imposed on the city or village manager. It does not apply to heads of departments, police and fire chiefs, nor city administrators, which may be hired in cities operating under a mayor-council system to assist the mayor in administration of the city.

AB 262 is intended to be permissive - it does not mandate that any city or village impose a residency requirement. The goal of the bill is merely to allow this decision to be made where it's best decided: at the local level. This allows for local requirements that reflect the unique needs of each community.

Finally, this bill contains a grandfather clause that ensures that a residency requirement could first be imposed on a manager hired on or after the effective date of this bill, so no currently serving manager can be required to move as a result of adopting this legislation.

It is important to understand that a city with an elected mayor already has a residency requirement for its chief executive: Chapter 62 of state statutes requires that in order to stand for election, a mayoral candidate must reside in the city. AB 262 creates parity for cities operating under a manager form of government by giving them the option of having a residency requirement on their chief executive officer.

In Beloit and other cities operating under this system, it is the manager more so than the elected city councilors who gets invited to speak at public events, to attend ribbon-cuttings, and to participate in a variety of other ceremonies on behalf of the city. It is only fair to allow the city the flexibility to ensure this individual is a city resident if the community feels that is important. However, this bill also recognizes that a residency requirement may not be necessary or wanted in some communities, and leaves that decision entirely up to the elected officials in each municipality.

As you can see by the authors on this bill, AB 262 has already received bipartisan support both from members of this committee and the entire legislature. I appreciate the work that Representative Thiesfeldt, Senator Ringhand, and Senator Gudex did in reviewing this bill and authoring it with me. I also appreciate the League of Wisconsin Municipalities, which provided guidance and is in support of this legislation. I also wanted to note that the Beloit City Manager, Lori Luther, and Beloit City Council President, Charles Haynes, have submitted written testimony in support of this legislation. I thank the committee for its consideration of AB 262 and I am happy to answer any questions.

<b>Cities with manager system</b>	<b>Villages with manager system</b>
<ul style="list-style-type: none"> <li>• Eau Claire</li> <li>• Fond du Lac</li> <li>• Janesville</li> <li>• Oshkosh</li> <li>• Beloit</li> <li>• Fort Atkinson</li> <li>• Two Rivers</li> <li>• Lake Mills</li> <li>• Platteville</li> <li>• Whitewater</li> </ul>	<ul style="list-style-type: none"> <li>• Bayside</li> <li>• Brown Deer</li> <li>• Elm Grove</li> <li>• Fox Point</li> <li>• Greendale</li> <li>• Menomonee Falls</li> <li>• River Hills</li> <li>• Shorewood</li> <li>• Whitefish Bay</li> </ul>



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**TESTIMONY BEFORE**

**THE ASSEMBLY COMMITTEE ON URBAN AND LOCAL AFFAIRS**

**ASSEMBLY BILL 262**

**RELATING TO AUTHORIZING LIMITED RESIDENCY REQUIREMENTS**

**FOR A CITY OPERATING UNDER THE CITY MANAGER PLAN**

Dear Chairman Brooks and Honorable Members of the Committee on Urban and Local Affairs:

Thank you for the opportunity to present our opinion on Assembly Bill 262 relating to authorizing limited residency requirements for a city operating under the city manager plan.

The City of Beloit has operated under a manager system since 1929. The citizens often express their desire that City employees be required to live in the community that employs them. Many conversations start out with "My tax dollars pay your wages" or some similar sentiment. Citizens appear to see the City Manager as the "face" of the city, and residency demonstrates the Manager's support of the industry, commerce and social activities on a daily basis.

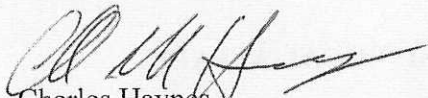
Prior to 2013, the City of Beloit had a residency requirement in place through city ordinances that applied to the City Manager as well as certain other management positions. The 2013 Biennial Budget (WI Act 20) included a prohibition on residency requirements for municipal employees, and the City of Beloit was forced to repeal its ordinance, much to the chagrin of many tax paying citizens. How can we, as City Managers, expect our community to grow and prosper if we, ourselves, live outside of the city limits?

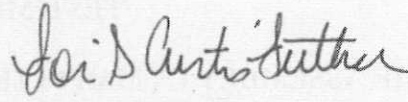
AB 262 seeks to regain local control so that local elected officials will have the choice of requiring their City Manager to obtain residency in Beloit. Putting aside our personal feelings, as we feel it is essential for a City Manager to live in the community in which they are employed, we encourage the legislature to give back the power of choice to each municipality operating under a council-manager form of government.

We do not make assumptions or take a position on whether a residency requirement for city managers is a good policy for Beloit or any other community. We simply want to put that decision back in the hands of the City Council rather than the State legislature.

We encourage your support of Assembly Bill 262 and sincerely thank you for the opportunity to present our viewpoint on this important proposal.

Sincerely,

  
Charles Haynes  
City Council President

  
Lori S. Curtis Luther  
Beloit City Manager