



## WISCONSIN LEGISLATIVE COUNCIL

### DIFFERENCES IN LAWS APPLICABLE TO CITIES AND VILLAGES

Room 225 Northwest, State Capitol  
Madison, Wisconsin

September 11, 2008

10:00 a.m. – 11:35 a.m.

[The following is a summary of the September 11, 2008 meeting of the Special Committee on Differences in Laws Applicable to Cities and Villages. The file copy of this summary has appended to it a copy of each document prepared for or submitted to the committee during the meeting. A digital recording of the meeting is available on our Web site at <http://www.legis.state.wi.us/lc.>]

#### Call to Order and Roll Call

Chair Gottlieb called the meeting to order. The roll was called and it was determined that a quorum was present.

COMMITTEE MEMBERS PRESENT: Rep. Mark Gottlieb, Chair; Sen. Jeff Plale, Vice-Chair; Reps. Joan Ballweg and Suzanne Jeskewitz; and Public Members Patrick Cannon, Dan Mahoney, Mike May, Jerry Menne, Mike Morse, and Curt Witynski.

COMMITTEE MEMBERS EXCUSED: Public Member Christine Nuernberg.

COUNCIL STAFF PRESENT: Don Dyke, Chief of Legal Services; and Ronald Sklansky, Senior Staff Attorney.

#### Approval of the Minutes of the August 5, 2008 Meeting

*Mr. May moved, seconded by Senator Plale, to approve the minutes of the August 5, 2008 meeting. The motion carried on a voice vote.*

#### Discussion of Committee Assignment

Staff summarized for the committee Memo No. 5 and the drafts listed below. A brief summary of committee consideration of the issues follows. (Reference below to committee “acceptance” of a

draft means there was consensus for preliminary approval of the draft, with any changes requested by the committee.)

- WLC: 0003/1, relating to establishing and changing salaries for village and city elective offices

The committee accepted WLC: 0003/1 with the following amendments:

1. The last sentence of s. 62.09 (6) (b), Stats. (“In cities newly incorporated the compensation of the first officers may be fixed during their terms”) should be retained for cities and applied to villages.
2. The term “compensation” should be used rather than the term “salary.” However, the definition of the term “compensation,” as used in s. 60.32, Stats., should be applied to cities and villages.
3. When determining the deadline for setting compensation based on the filing of nominations for elective office, the deadline will be the earliest time for filing nominations for an elective office.

- WLC: 0004/1, relating to publication by the city clerk of fund receipts and disbursements

The committee delayed its consideration of WLC: 0004/1 until its next meeting at which time it will review how a statement published under s. 62.09 (11) (g), Stats., compares with a budget summary prepared under s. 65.90 (3) (b) 6., Stats.

- WLC: 0005/1, relating to officer-of-the-peace status of village board members

The committee accepted WLC: 0005/1, which repeals a provision stating that the village president and each trustee are officers of the peace.

- WLC: 0006/1, relating to liability of counties and cities for mob damage

The committee accepted WLC: 0006/1, repealing the liability of counties and cities for mob damage. While the Joint Legislative Council directed the committee to review laws relating to cities and villages, the committee decided to include counties in the draft for the purpose of maintaining statutory and policy consistency among local units of government with regard to liability exposure.

- WLC: 0007/1, relating to municipal regulation of political signs

The committee accepted WLC: 0007/1, which expands the authority of municipal regulation of political signs to fourth class cities and villages.

- WLC: 0023/1, relating to the provision of police and fire protective services in a city

The committee accepted WLC: 0023/1 regarding the ability of a city to contract with other local units of government for the provision of police and fire protective services. The committee directed that on page 2 of the draft, the language beginning with the phrase “the county” on line 3 and ending with

the word “located” on line 4 be replaced by the phrase “a county.” The same change will be made in s. 61.65 (1) (a), Stats., relating to police protective services for villages.

- WLC: 0024/1, relating to signing village contracts

The committee accepted WLC: 0024/1, which provides that various official village documents must be signed by the village president and the village clerk, unless otherwise provided by resolution or ordinance.

- WLC: 0025/1, relating to village contracts for public construction

The committee accepted WLC: 0025/1, which provides that the process to be followed by a village contracting for works of public construction will follow the law applicable to cities.

- WLC: 0002/1, relating to terms of office for appointive city officers

The committee accepted WLC: 0002/1, providing that in a city, comparable to the law applicable to villages, a person serving in an appointive office will serve until the person’s successor is appointed and qualifies. The committee directed that the provisions applicable to villages and cities also be amended by providing that persons will so serve in appointive offices unless otherwise provided by ordinance.

- Memo No. 5, Application of Section 32.05 Condemnation Procedure to Villages for Certain Housing and Urban Renewal Condemnations (September 2, 2008)

The committee directed staff to prepare a draft providing that villages have the same authority as cities to use the condemnation procedure under s. 32.05, Stats., for housing and urban renewal condemnations.

- Discussion of giving villages express statutory authority to elect village trustees by district

The committee tabled this issue on the advice of various members of the committee that current statutes do not prevent villages from electing trustees by district and on information from staff regarding the apparent involved drafting to expressly provide that authority in the statutes.

- Additional issues for possible consideration

No additional issues for possible consideration were presented to the committee.

### **Other Business**

There was no other business brought before the committee.

### **Plans for Future Meetings**

The next meeting of the Special Committee will be held on **Monday, October 6, 2008, at 10:00 a.m., in Room 225 Northwest, State Capitol, Madison.** The drafts under consideration by the

committee will be included in a single draft for committee consideration. It is anticipated that following that consideration, the draft, with any additional recommended changes, will receive a final recommendation of the committee.

### **Adjournment**

The meeting was adjourned at 11:35 a.m.

RS:jal