

## CHAPTER 63.

## COMMISSION GOVERNMENT FOR CITIES.

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|-------|--|--------|---|
| 63.01 | City commission plan; adoption; cities applicable to.                                      | 63.10  | City comptroller; financial statement; publication; annual examination.                           |
| 63.02 | Terms of officers in commission cities.  | 63.11  | Existing appropriations; powers concerning.   |
| 63.03 | Law applicable; existing ordinances, etc.; territorial limits; vested rights; liabilities. | 63.12  | Boards and commissions.   |
| 63.04 | Election of mayor and councilmen; terms; eligibility.                                      | 63.13  | Abandonment of commission plan.   |
| 63.05 | Council; powers; duties; president; quorum; vote.  | 63.14  | Application of commission plan statutes.  |
| 63.06 | Organization of city government.   | 63.15  | Number of aldermen in second and third class cities; election of officers in second class cities. |
| 63.07 | Curative act; salaries.  | 63.155 | Increasing membership of council in commission cities.  |
| 63.08 | Offices; council may create or abolish.  |        |   |
| 63.09 | Meetings.  |        |   |

**63.01 City commission plan; adoption; cities applicable to.** Any city of the second, third or fourth class may reorganize under the provisions of this chapter, either by enactment of a charter ordinance or by a petition and referendum election as provided by section 66.01 of the statutes. Such petition and election shall be governed by subsections (2) to (5) of section 10.43.

**Note:** Only discretion allowed any officer and how matter shall be submitted. State ex rel. Oaks v. Brown, 211 W 571, 249 NW 50.

**63.02 Terms of officers in commission cities.** (1) The term of office of the mayor and aldermen of any city so adopting the commission form of government shall end on the third Tuesday in April next succeeding the first municipal election held after such adoption. [1933 c. 433 s. 2]

**63.03 Law applicable; existing ordinances, etc.; territorial limits; vested rights; liabilities.** (1) Any law applicable to any city before its reorganization and not inconsistent with the provisions of this chapter, shall apply to and govern such reorganized city.

(2) Any by-law, ordinance or resolution lawfully passed and in force in any such city at the time of its reorganization shall remain in force until altered or repealed by the council elected under the provisions of this chapter.

(3) The territorial limits of such city shall remain the same as under its former organization.

(4) All rights and property of every description which were vested in such city under its former organization shall remain the same under the reorganization herein contemplated.

(5) No right or liability either in favor of or against such reorganized city, and no suit or prosecution of any kind, shall be affected by such change of government unless otherwise provided in this chapter.

**63.04 Election of mayor and councilmen; terms; eligibility.** (1) At the election held, as provided by law, upon the first Tuesday in April next succeeding the adoption of the provisions of this chapter, there shall be elected a council consisting of a mayor and two other members. Any person possessing all the qualifications of an elector in such city other than the qualification of residence therein shall be eligible to election as mayor or other member of the council, but no person who holds a license for the sale of intoxicating liquors shall be eligible to any such office. Both the mayor and the councilmen shall be nominated and elected by the voters of the city at large.

(2) The term of mayor shall be six years, and the terms of the other members of the council elected at the first election after the adoption of this chapter, shall be two and four years, respectively, and each term shall begin on the third Tuesday of April next succeeding the election. At the first meeting of the council after such election, the other two members of the council shall by lot determine who shall hold the long and who the short term. At the expiration of their respective terms, successors shall be elected whose terms of office shall be six years.

(3) In cities of ten thousand or more population, the mayor and other members of the council, except councilmen elected pursuant to section 63.15, shall devote their entire time to the performance of their official duties.

**63.05 Council; powers; duties; president; quorum; vote.** (1) If any city shall adopt the provisions of this chapter, all duties, liabilities, authority, powers and privileges theretofore imposed or conferred by general law or special charter upon the mayor and council of such city shall be deemed to be conferred and imposed upon the mayor and the councilmen provided for by this chapter, and all laws relating or referring to such mayor and councilmen in force at the time of the adoption of the provisions of this chapter shall apply to and be deemed to relate and refer to the mayor and council.

(2) The mayor shall be president of the council, and have a vote therein, but shall have no power of veto. On the first Tuesday in May following the reorganization of any city under this chapter, and biennially thereafter, or whenever there shall be a vacancy in the office, the council shall elect one of its members vice mayor, who in the absence or disability of the mayor for any cause, shall perform all the duties thereof.

(3) A majority of the members of the council shall constitute a quorum, and a majority vote of the members of the council shall be necessary, and no more than a majority shall be required, to adopt any ordinance, resolution or motion, including all ordinances, resolutions and motions which under the aldermanic or any other system of city government requires a three-fourths vote for the adoption thereof.

(4) The ayes and nays shall be called and recorded upon every vote, and no vote shall be taken except upon a motion, a resolution or ordinance reduced to writing.

(5) All boards and commissions created and existing under laws heretofore in force in any such city shall continue to exist, and all powers, authority, jurisdiction and duties conferred and imposed upon such boards and commissions shall remain unaffected by this chapter, except that the mayor shall not be ex officio a member of any such board or commission.

(6) Upon the first Tuesday in May following the reorganization of any city as provided for in this chapter, and annually thereafter, the council shall select from among their number some one to act as a member of each of such boards and commissions, including the board of education. Such members so selected shall have all the power and authority vested by law in any other member of such board or commission, and shall serve as a member thereof so long as he shall remain in office or until the council selects his successor.

**63.06 Organization of city government.** (1) The council may create any general department of city affairs, such as (a) public finance and accounts; (b) public health, safety and sanitation; (c) streets and public improvements; (d) public property; (e) public charities and corrections; and designate one of its members as the head thereof; but such head may be changed whenever it appears that the public service would be benefited thereby.

(2) At its first meeting, or as soon thereafter as possible, the council shall appoint, by a majority vote, a city clerk, a corporation counsel, a comptroller, a treasurer, a superintendent of streets, an assessor and such other officers and assistants as are necessary to the efficient conduct of the affairs of the city, and shall fix the terms of service and salaries of all such officers. Any member of the council in cities of the third and fourth classes may hold any office included within this subsection in addition to his office as a member of the council. The council in any such city may, by majority vote, appoint the mayor or any one of the councilmen to any of such offices. The mayor or councilman, serving under any such appointment, shall receive no compensation therefor and, as such appointee, shall be subject to all provisions of law applicable to any person holding such office. [1939 c. 513 s. 19]

**63.07** [Repealed by 1939 c. 107]

**63.075 Curative act; salaries.** (1) Cities which have not by ordinance established the salaries of councilmen and mayor, are hereby authorized and empowered to pay salaries to councilmen and mayor in accordance with the schedule contained in section 63.07 of the statutes of 1937, notwithstanding its repeal by chapter 107 of the laws of 1939; and such authority shall continue in force until salaries of said offices have been established by the city, pursuant to subsection (6) of section 62.09.

(2) Such cities shall fix the salaries of councilmen and mayor at the earliest date legally possible.

(3) All payments of salaries by any city in accordance with the terms of said section 63.07 prior to the time when salaries fixed under subsection (2) become payable are hereby validated. [1941 c. 45]

**63.08 Offices; council may create or abolish.** The council shall have power from time to time to create and fill offices and fix the term of service and salaries other than those described in the preceding section and to discontinue any office so created or any office included within section 63.06 according to their judgment of the needs of the city.

**63.09 Meetings.** (1) The council shall provide by ordinance for the time of holding regular meetings, and special meetings may be called by the mayor or by the two councilmen.

(2) The meetings of the council or of any committee thereof whether regular or special, to which any person not a city officer is admitted shall be open to the public.

**63.10 City comptroller; financial statement; publication; annual examination.** (1) The city comptroller shall each month prepare and present to the council a summary statement of the revenues and expenses of the city for the preceding month, detailed as to appropriations and funds, and arranged in standard form, together with a balance sheet statement of the current assets and current liabilities of such city at the close of such month. These summaries shall be accompanied by such detailed schedules as the council may by ordinance require. The full detailed acts and proceedings of the council at every general or special meeting thereof, including the full text of all reports filed and presented at such meeting, shall be published in a newspaper published and of general circulation in such city, in a regular issue of such newspaper subsequent to the day of each such council meeting; and in the months of January, April, July and October in each year the council shall cause to be published in such newspaper detailed schedules of the receipts and disbursements of moneys for the three calendar months next preceding the month of such publication. The compensation to be paid for such publications shall not exceed the rate provided by law for the publication of legal notices.

(2) At the end of each year the council shall cause a full and complete examination of all of the books and accounts of the city to be made by competent public accountants, who shall report in full thereon to the council. Copies of such reports shall be furnished by the council to all newspapers of the city and to all persons who shall apply therefor. [1939 c. 81, 107]

**63.11 Existing appropriations; powers concerning.** If, at the beginning of the term of office of the first council elected under this chapter, the appropriation for the expenditures of the city government for the current fiscal year have been made, the council shall have power by ordinance to revise, repeal or change such appropriations and to make additional appropriations.

**63.12 Boards and commissions.** (1) The board of public works shall continue as constituted, or it shall be composed of such city officers as the council shall designate, or the council may act ex officio as a board of public works, or the board may be dispensed with and the functions thereof exercised by the council, as may be provided by ordinance.

(2) Any other board or commission, except the board of police and fire commissioners, may be dispensed with or the number of members thereof be changed by a vote of the people held in the manner provided by section 10.43, and in case of discontinuance the powers and duties of any such board or commission, shall be exercised and performed by the council. Unless the board of public works shall be dispensed with or changed by ordinance, or other boards or commissions shall be dispensed with by such vote of the people, they shall continue to have and perform the same powers and functions that they possessed and exercised at the time when the city adopted the commission form of government, and shall continue to be elected or appointed as then provided by law, except that members then appointed by the mayor shall be elected by a majority vote of the council like other city officers under section 63.06.

(3) Any city work done under the direction of commissions appointed by the state shall continue to be done in the manner prescribed by law immediately prior to the adoption by the city of the commission form of government.

(4) All boards and commissions in any city of the second class under commission form of government shall continue to be elected or appointed as provided by law at the time when said city adopted such commission form, and shall continue to have and exercise all the authority they then possessed. Any such board or commission, excepting the board of education and the board of police and fire commissioners, may be dispensed with or changed in membership by a vote of the people held in the manner provided by section 10.43.

**63.13 Abandonment of commission plan.** (1) Any city which shall have adopted the provisions of this chapter may abandon the same and reorganize under the provisions of chapter 62 or 64, or under a home rule charter by proceeding in accordance with the provisions of section 63.01.

(2) The common council of any city which is first elected after such city abandons the commission plan of government shall fix the salaries of all city officers therein in the same manner as when a city is first incorporated.

(3) The common council of any such city that has abandoned the commission form of government and before effective reorganization under chapter 62, may by an ordinance

adopted by a two-thirds vote of all its members, provide that the membership of the common council to be first elected upon such reorganization shall consist of one alderman from each ward, and may further provide that the alderman of each ward shall be the supervisor therefrom. Thereafter the membership of the council shall not be increased or decreased except as provided in section 62.09 (1) (b). [1943 c. 6]

**63.14 Application of commission plan statutes.** Except as may be otherwise expressly provided every amendment of this chapter shall affect and be applicable to each city operating under its provisions at the time of the amendment.

**63.15 Number of aldermen in second and third class cities; election of officers in second class cities.** (1) Any city of the second or third class operating under this chapter may, by a vote of the electors therein, as herein provided, increase the number of the members of the council in such cities from a mayor and two councilmen, to a mayor and one councilman from each ward, the mayor to be elected at large and to be paid such salary as may be fixed by the council and the councilmen to be elected by the electors of the respective wards and each to be paid a salary not exceeding fifty dollars per month. The question of increasing the council as provided in this section and subject to the provisions hereof, shall, upon petition as hereinafter provided, be submitted to the electors. The question to be submitted, shall be substantially as follows: "Shall the council in the city of . . . be increased from a mayor and two councilmen to a mayor and one councilman from each ward, in accordance with the provisions of section 63.15 of Wisconsin Statutes?"

(2) Such petition may be circulated by any number of persons, may consist of more than one sheet of paper fastened together and shall be signed by qualified electors of such city equal in number to twenty-five per cent of the total number of votes cast in such city for all candidates for governor at the last preceding general election, and shall give the date of signature and place of residence of each elector next after his signature. Each separate sheet of such petition shall have appended thereto the affidavit of a qualified elector to the effect that he is personally acquainted with all persons who have signed the said sheet of said petition, that they are electors and their places of residence and date of signature are truly stated therein. Such petition shall be filed with the city clerk and after being so filed, no name shall be erased or removed therefrom and no signature shall be valid or be counted unless its date is less than one month preceding the date of such filing.

(3) Upon filing such petition, the mayor shall, by proclamation, submit the questions prescribed in subsection (1) at a special election to be held at a time specified therein and within two months after such petition is filed. The election upon such question shall be conducted, the vote canvassed, and the result declared in the same manner as provided by law for other city elections.

(4) If a majority of the votes cast upon the question at such election be in favor thereof, there shall be elected at the election held as provided by law upon the first Tuesday of April next succeeding, a mayor from the city at large and one councilman from each ward. Each such officer shall be nominated and elected in the manner provided by law for the nomination and election of candidates in cities other than those operating under this chapter. The term of each such officer shall commence on the third Tuesday of April next succeeding, and in the case of the mayor and councilmen from the even-numbered wards shall continue for two years and in the case of councilmen from the odd-numbered wards shall continue for one year, and until their respective successors are elected and qualify. Thereafter the term of office of the mayor and of each councilman elected for a full term shall be two years and the successor to each such officer shall be elected for a term of two years.

(5) The terms of office of the mayor and councilmen in office at the time of the first election of officers under this section shall terminate on the third Tuesday of April next succeeding such election.

(6) Any city which shall have adopted the provisions of this section may abandon the same and reorganize under the provisions of chapter 62 or 64 or sections 63.01 to 63.12 by proceeding in accordance with the provisions of section 63.01.

(7) In any city of the second class operating under this chapter, the mayor, with the confirmation of the majority of the council, shall appoint a city clerk, a corporation counsel, a comptroller, a treasurer, a superintendent of streets, an assessor and such other officers, assistants and employes as are necessary to the efficient conduct of the affairs of the city and shall fix the terms of service and salaries of all such officers, assistants and employes. Provided, if the council shall so determine by resolution it may by a majority vote appoint all such officers, assistants and employes and fix their terms of service and salaries. [1931 c. 149; 1933 c. 93; 1935 c. 18; 1941 c. 60]

**63.155 Increasing membership of council in commission cities.** (1) Any city described in section 63.15 may, in the manner therein provided, vote on the question of

changing from a mayor and two councilmen to a mayor and one alderman for each four thousand or major fraction thereof of population to be elected at large, the mayor to receive a salary of not to exceed thirty-six hundred dollars per annum and each alderman to receive a salary of not to exceed one hundred dollars per month. The question to be submitted shall be substantially as follows: "Shall the council of the city of . . . be increased from a mayor and two councilmen to a mayor and one alderman for each four thousand or major fraction thereof of population in accordance with the provisions of section 63.155 of the statutes?"

(2) If a majority of the votes cast upon the question be in favor thereof there shall be elected at the election held as provided by law upon the first Tuesday of April next succeeding a mayor and one alderman for each four thousand or major fraction thereof of population all elected at large. Each such officer shall be nominated and elected in the manner provided by law for the nomination and election of candidates in cities other than those operating under this chapter. The aldermen first elected shall be divided as nearly as may be into two equal classes, one class to serve for one year and the other class to serve for two years from the third Tuesday of April following such election. Thereafter the term of each alderman elected for a full term shall be two years. The time of office of the mayor shall be two years. The mayor and aldermen shall hold office until the election and qualification of their respective successors.