### CHAPTER 64

**OTHER FORMS OF CITY GOVERNMENT**

#### Subchapter I

**City Manager Plan**

64.01 How to organize under 64.01 to 64.15. (1) Any city of the second, third or fourth class may reorganize under the provisions of ss. 64.01 to 64.15, either by enactment of a charter ordinance or by a petition and referendum election as provided by s. 66.01. Such petition and election shall be governed by s. 9.20 (1) to (6).

(2) When adopted in the manner hereinafter provided, the provisions of ss. 64.01 to 64.15 shall take effect and become operative on the third Tuesday in April.

(3) Any village qualified under s. 61.189 to become a city may organize under ss. 64.01 to 64.15 by the adoption of a charter ordinance or by a petition and referendum election as provided by s. 66.01. Such petition and election shall be governed by s. 9.20 (1) to (6).

64.02 Other laws, bylaws and ordinances in force. (1) Any law applicable to any city before its reorganization and not inconsistent with the provisions of ss. 64.01 to 64.15 shall apply to and govern such reorganized city.

(2) Any bylaw, 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lawfully passed and in force in any such city at the time of its reorganization shall remain in force until altered or repealed by the council elected under the provisions of ss. 64.01 to 64.15.

(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 here 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.

64.03 Petition for adoption; contents; question to be voted upon. (1) Every ordinance or resolution for the adoption of ss. 64.01 to 64.15, and every petition for a special election on the same, shall state the number of members of which the council herein provided for shall be composed, the term of office of its members, which term shall not exceed 2 years, whether they shall be nominated and elected from aldermanic districts or from the city at large, and the compensation, if any, which they shall receive.

64.04 Council, when elected; qualifications of electors; nominations. (1) At the election held as provided by law upon the first Tuesday in April next succeeding the adoption of the provisions of ss. 64.01 to 64.15, there shall be elected a council composed of (number of stated in petition) members, to be elected from the city (at large), or (by aldermanic districts) as provided in petition for terms of (number) year(s).”

(2) Nothing herein shall be construed to impugn the authority of a city to exercise its home rule power to provide a different method of electing members of the council by districts or otherwise, or by a combination of methods, or the number or terms thereof.

**Subchapter II**

**Commission Government**

64.05 Term of council members. (1) The term of office of such council member shall begin on the third Tuesday in April. If the term of council member as determined by the election is 2 years, the term of a bare majority of the members elected at the first election after the adoption of ss. 64.01 to 64.15, consisting of those members receiving the highest number of votes, shall be 2 years and that of the remaining members shall be one year. At the expiration of the terms of office of the council members, successors shall be elected for the full term.
(2) A vacancy in the office of council member shall be filled as provided in s. 17.23 (1) (a).

History: 1985 a. 135 s. 83 (1). (2).

64.06 Recall. Any council member may be recalled from office in accordance with the provisions of s. 9.10. This method of removal shall be in addition to the other methods provided by law.

History: 1985 a. 135 s. 83 (1).

64.07 Powers of council; its organization; quorum; meetings. (1) The council shall possess and exercise all legislative and general ordinance powers conferred and by general law or special charter upon the mayor and common council and the various boards and commissions not inconsistent with ss. 64.01 to 64.15, and in force in such city at the time of its reorganization and such additional powers as are hereinafter imposed and conferred, but such council shall not have the power to enact special executive or administrative orders, it being the intent of ss. 64.01 to 64.15 to separate the legislative and executive powers of city government.

(2) At its first meeting the council shall select by majority vote one of its members to act as president. The president shall be the presiding officer of the council and shall have a vote but shall have no veto power.

(3) A majority of the members of the council shall constitute a quorum, and a majority vote of all the members of the council shall be necessary to adopt any ordinance or resolution.

(4) The ayes and noes shall be called and recorded on the vote upon every ordinance and resolution.

(5) The council shall provide by ordinance for the time of holding regular meetings and special meetings shall be called by the president or by any 2 council members or by the city manager.

(6) All meetings of the council or of any committee thereof, whether regular or special, shall be open to the public.

History: 1985 a. 135 s. 83 (2).

64.08 Council members, their duties and compensation. The council members shall devote such time to the duties of their office as the interests and general welfare of the city demand and shall receive such compensation as determined in the petition, ordinance or resolution provided for in s. 64.03. The council shall have power by ordinance to fix the salary of their successors in office.

History: 1985 a. 135 s. 83 (2).

64.09 City manager; qualifications, selection, removal. (1) The council first elected after the reorganization of a city under the provisions of ss. 64.01 to 64.15 shall as soon after the reorganization as possible engage for an indefinite term a city manager who shall have charge of the executive side of the city government and who shall be responsible for the efficiency of its administration.

(2) The city manager shall be elected purely on merit. In electing the city manager the council shall give due regard to training, experience, executive and administrative ability, and efficiency and general qualifications and fitness for performing the duties of the office, and no person shall be eligible to the office of city manager who is not by training, experience, ability, and efficiency well qualified and generally fit to perform the duties of such office. No weight or consideration shall be given by the council to nationality, political, or religious affiliations, or to any other considerations except merit and direct qualifications for the office.

(3) Residence in the city or state shall not be a qualification for the office of city manager.

(4) The council may advertise for applicants in such newspapers, magazines, advertising agencies, employment bureaus or other advertising mediums and for such length of time as it shall deem necessary to secure applications from the available persons best qualified to fill such office.

(5) Except as provided in s. 19.36 (7), the applications, records, recommendations and qualifications of all applicants for the office of city manager shall be immediately placed and there-}

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offices and positions according to the city manager’s judgment of the needs of the city.  
(3) The city manager shall have the power to appoint all heads of departments, all subordinate city officials and all city employees and to remove such appointees at any time their services or the conduct of their offices becomes unsatisfactory to the city manager. This subsection shall not be construed as depriving the board of fire and police commissioners or the chiefs of fire or police departments of any city of all the powers conferred by s. 62.13.  
(4) No head of a department, city official, or city employee shall be appointed for a fixed term, but during good behavior and satisfactory service.  
(5) All appointments shall be purely on merit and with a view to securing the best available appointee for the place. Due consideration shall be given to training, experience, ability, and general qualifications and fitness for performing the duties of the office and no weight or consideration shall be given to residence, nationality, or to political or religious affiliations.  
(6) Residence in the city or state shall not be a qualification for any such appointment.  
(7) Except as provided in s. 19.36 (7), the applications, records, recommendations and qualifications of all applicants shall be immediately placed and thereafter kept on file and shall be matters of public record subject to the examination and inspection of the public at all reasonable times.  
(8) In the event that such a city has established under the provisions of s. 66.19 a civil service system, then the powers and duties of the city manager as provided in this section shall be limited and governed by such rules and regulations as may be promulgated under such civil service system. 

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64.12 City manager to present monthly reports and accounts. (1) The city manager shall each month prepare and present to the council a summarized statement of the income and expenditures of the city for the preceding month arranged in standard form and detailed as to appropriations, funds, and character of expenditures.  
(2) Such summaries shall be accompanied by a general account balance sheet, a capital account balance sheet, a statement of current assets and liabilities, a statement of funded assets and liabilities, and a consolidated financial statement showing the exact financial condition of the city at the end of such month. The city manager shall also prepare and present to the council such other detailed schedules and statements of account as the council may by ordinance require.  
(3) All such summaries, schedules, and statements, together with a summary of the acts and proceedings of the common counsel for such month, shall be published in pamphlet form and copies thereof shall be furnished to all the newspapers and libraries of the city and to all persons who shall apply therefor.  
(4) At the end of each fiscal year the council shall cause a full and complete examination of all the books and accounts of the city to be made by competent public accountants who shall report in full to the council. The summaries of such audits shall be presented and furnished to all newspapers and libraries of the city and to such other persons as shall apply therefor.
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64.13 First council may revise appropriations already made; state commission work continued. (1) If at the beginning of the term of office of the first council elected under ss. 64.01 to 64.15 the appropriations 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.  
(2) Any city work done under the direction of commissions appointed by the state shall continue to be done in the manner prescribed by law prior to the reorganization of such city under ss. 64.01 to 64.15.  

64.14 City may return to its former government. Any city which shall have adopted the provisions of ss. 64.01 to 64.15 may abandon the same and reorganize under the provisions of ch. 62 or ss. 64.25 to 64.40, or under a home rule charter by proceeding in accordance with the provisions of s. 64.01.  

64.15 Village manager plan. The provisions of ss. 64.01 to 64.14 shall also apply to villages, and such plan shall be known in villages as the village manager plan. Provided, however, that in villages adopting such plan, the council shall be composed of the board of trustees. 

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64.25 City commission plan; adoption; cities applicable to. Any city of the second, third or fourth class may reorganize under the provisions of ss. 64.25 to 64.40, either by enactment of a charter ordinance or by a petition and referendum election as provided by s. 66.01. Such petition and election shall be governed by s. 9.20 (1) to (6).  
64.26 Terms of officers in commission cities. (1) The term of office of the mayor and alderpersons 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. 
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64.29 MANAGER AND COMMISSION CITIES

64.40, all duties, liabilities, authority, powers and privileges there-

tofore 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 council members provided

for by ss. 64.25 to 64.40, and all laws relating or referring to such

mayor and council members in force at the time of the adoption

of the provisions of ss. 64.25 to 64.40 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 ss. 64.25 to

64.40, 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 ordi-

nances, 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 unaf-

fected by ss. 64.25 to 64.40, except that the mayor may not be a

member of any such board or commission because of holding

office as mayor.

(6) On the first Tuesday in May following the reorganization

of any city as provided under this subchapter, and annually therea-

fter, the council shall select from among its members a person to

act as a member of each of the city’s boards and commissions.

Each member selected shall have all the power and authority

vested by law in any other member of the board or commission,

and shall serve as a member thereof so long as he or she remains

in office or until the council selects a successor.

History: 1979 c. 110; 1985 a. 135 s. 83 (2); 1985 a. 225.

64.30 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.

(1m) The council may designate one of its members as the

head of a general department created under sub. (1). A department

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 corpora-

tion 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 the office as

a member of the council. The council in any such city may, by

majority vote, appoint the mayor or any council member to any of

such offices. The mayor or council member, 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.


64.31 Salaries. (2) Cities which have not by ordinance

established such salaries shall fix the salaries of council members

and mayor at the earliest date legally possible.

(4) The council may at any regular meeting increase or
decrease the salary of the members of the council, including the

mayor, by an amount not to exceed 20 per cent of the salary estab-

lished prior to the commencement of the term to which such

increase or decrease is applicable.

History: 1985 a. 135 s. 83 (2).

64.32 Offices; council may create or abolish. The coun-

cil may from time to time create and fill offices and fix the term

of service and salaries other than those described in s. 64.31 and

discontinue any office so created or any office included within s.

64.30 according to their judgment of the needs of the city.

64.33 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 2 council members.

(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.

History: 1985 a. 135 s. 83 (2).

64.34 City comptroller; financial statement; publica-

tion; annual examination. (1) The city comptroller shall

each month prepare and present to the council a summary state-

ment 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 cur-
ent 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 as a class 1

notice, under ch. 985, subsequent to the day of each such council

meeting; and in the months of January, April, July and October the

council shall cause to be published as a class 1 notice, under ch.

985, detailed schedules of the receipts and disbursements of mon-
ey for the 3 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 fur-

nished by the council to all newspapers of the city and to all per-

sons who shall apply therefor.

64.35 Existing appropriations; powers concerning. If,
at the beginning of the term of office of the first council elected

under ss. 64.25 to 64.40, 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.

64.36 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 as a board of public works, or the board may be dispensed with

and the functions thereof exercised by the council, as may be pro-

vided 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 s. 9.20, and in case of discontinuance the

powers and duties of any such board or commission, shall be exer-
cised 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 s.
64.30.

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

(4) All boards and commissions in any 2nd class city under the
commission form of government shall continue to be elected or
appointed as provided by law at the time when the city adopted the
commission form and shall continue to have and exercise all the
authority they then possessed. Any board or commission, except
the board of police and fire commissioners, may be dispensed with
or changed in membership by a vote of the people held in the man-
ner provided by s. 9.20.

History: 1979 c. 110; 1985 a. 225.

64.37 Abandonment of commission plan. (1) Any city
which has adopted the provisions of ss. 64.25 to 64.36 may aban-
don the same and reorganize under ch. 62 or ss. 64.01 to 64.14, or
under a home rule charter by proceeding in accordance with s.
64.25.

(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 reorga-
nization under ch. 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 alderperson from each aldermanic district. There-
after the membership of the council shall not be increased or
decreased except as provided in s. 62.09 (1) (b).

History: 1971 c. 304 s. 29 (1); 1993 a. 184.

64.38 Application of commission plan statutes. Except
as may be otherwise expressly provided every amendment of ss.
64.25 to 64.40 shall affect and be applicable to each city operating
under its provisions at the time of the amendment.

64.39 Number of alderpersons in 2nd and 3rd class cit-
ies; election of officers in 2nd class cities. (1) Any city
of the 2nd or 3rd class operating under ss. 64.25 to 64.40 may, by
a vote of the electors therein, as herein provided, increase the num-
ber of the members of the council in such cities from a mayor and
2 council members, to a mayor and one council member from each
aldermanic district, the mayor to be elected at large and to be paid
such salary as may be fixed by the council and the council mem-
ers to be elected by the electors of the respective aldermanic dis-
tricts and each to be paid a salary not exceeding $50 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 2 council members to a
mayor and one council member from each aldermanic district,
in accordance with the provisions of s. 64.39 of the Wisconsin
Statutes?”

(2) Such petition shall conform to the requirements of s. 8.40
and shall be signed by qualified electors of such city at least equal
in number to 25% of the total number of votes cast in such city for
all candidates for governor at the last preceding general election.
Such petition shall be filed with the city clerk and after being so
filed, no name shall be erased or removed therefrom and no signa-
ture 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 proclama-
tion, submit the questions prescribed in sub. (1) at a special elec-
tion to be held at a time specified therein and within 2 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 council mem-
ber from each aldermanic district. Each such officer shall be nomi-
nated and elected in the manner provided by law for the nomina-
tion and election of candidates in cities other than those operating
under ss. 64.25 to 64.40. The term of each such officer shall com-
ence on the 3rd Tuesday of April next succeeding, and in the
case of the mayor and council member from the even-numbered
aldermanic districts shall continue for 2 years and in the case of
the council members from the odd-numbered aldermanic districts
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 council member elected for a full term shall be 2 years
and the successor to each such officer shall be elected for a term of
2 years.

(5) The terms of office of the mayor and council members 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 has adopted the provisions of this section
may abandon the same and reorganize under ch. 62 or ss. 64.01 to
64.36 by proceeding in accordance with s. 64.25.

(7) In any city of the second class operating under ss. 64.25 to
64.40, the mayor, with the confirmation of the majority of the
council, shall appoint a city clerk, a corporation counsel, a comp-
troller, a treasurer, a superintendent of streets, an assessor and
such other officers, assistants and employees 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
employees. Provided, if the council shall so determine by resolu-
tion it may by a majority vote appoint all such officers, assistants
and employees and fix their terms of service and salaries.

History: 1971 c. 304 s. 29 (1); 1985 a. 403; 1989 a. 192;
1993 a. 184; 1995 a. 16 s. 2.

64.40 Increasing membership of council in commis-
sion cities. (1) Any city described in s. 64.39 may, in the man-
ner therein provided, vote on the question of changing from a
mayor and 2 council members to a mayor and one alderperson for
each 4,000 or major fraction thereof of population to be elected at
large, the mayor to receive a salary of not to exceed $3,600 per
month and each alderperson to receive a salary of not to exceed $100
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 2 council members to a mayor and one alderperson for
each 4,000 or major fraction thereof of population in accordance
with the provisions of s. 64.40 of the statutes?”.

(2) If a majority of the votes cast upon the question described
in sub. (1) are 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 alderperson for each 4,000 or major
fraction thereof of population, all elected at large. The mayor and
alderpersons shall be nominated and elected in the manner pro-
vided by law for the nomination and election of candidates in cit-
ies other than those operating under this chapter. The alderpersons
first elected shall be divided as nearly as may be into 2 equal
classes, one class to serve for one year and the other class to serve
for 2 years from the 3rd Tuesday of April following their election.
Thereafter the term of each alderperson elected for a full term shall
be 2 years. The term of office of the mayor shall be 2 years. The
mayor and alderpersons shall hold office until the election and
qualification of their respective successors.

History: 1979 c. 110 s. 40 (13); 1985 a. 35 s. 83 (2); 1993 a. 184; 1995 a. 16 s.
2; 1995 a. 225.