



WISCONSIN LEGISLATIVE COUNCIL

DIFFERENCES IN LAWS APPLICABLE TO CITIES AND VILLAGES

Room 225 Northwest, State Capitol
Madison, Wisconsin

October 6, 2008
10:00 a.m. – 10:35 a.m.

[The following is a summary of the October 6, 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

Chairperson 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.

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

<p>*ATTENTION: This was the final meeting of the Special Committee on Differences in Laws Applicable to Cities and Villages. Committee members are requested to send any corrections regarding these Minutes to the Legislative Council staff. After the incorporation of any corrections, these Minutes will be considered approved by the committee.</p>

Approval of the Minutes of the September 11, 2008 Meeting

Mr. Morse moved, seconded by Mr. May, that the minutes of the September 11, 2008 meeting be approved. The motion carried unanimously.

Discussion of Committee Assignment

- WLC: 0046/1, relating to establishing and changing compensation for city and village elective offices; signing village contracts; bidding procedure for village public construction contracts; officer-of-the-peace status of village officers; publication by the city clerk of fund receipts and disbursements; village and fourth class city regulation of political signs; liability of counties and cities for mob damage; means of providing police and fire protection by cities; holdover status of appointed city and village officers; and use of the s. 32.05 procedure in villages for certain housing and urban renewal condemnation.

The committee's review of WLC: 0046/1, a compiled draft consisting of drafts and issues previously reviewed by the committee, focused on the following provisions:

- Staff reviewed SECTION 2 of the draft, which amends s. 32.05, Stats., to clarify that the condemnation procedure under that section may be used in villages for condemnation for housing under ss. 66.1201 to 66.1211, Stats., and for urban renewal under s. 66.1333, Stats. The committee had previously reviewed the issue but not the proposed draft language.
- Staff pointed out new provisions contained in SECTIONS 3 and 12 of the draft, relating to establishing and changing compensation for elective city and village offices. The changes reviewed were: (1) reference to "compensation" for elective offices, rather than to "salary," and a definition of "compensation;" (2) a deadline for establishing compensation for an elective office linked to the "earliest" time for filing nomination papers for the office, rather than the "latest time" for filing nomination papers; and (3) for village elective offices, a provision that in a newly incorporated village, the compensation for the office may be established during the first term of office (a corresponding provision for cities is carried over from current law).
- Mr. Morse suggested and the committee agreed that the title of s. 61.193, created by SECTION 3 of the draft, be amended to substitute "compensation" for "salaries." Mr. May noted that in the third paragraph of the note to SECTION 3, the reference should be to "SECTION 6" of the draft, rather than "SECTION 2."
- Staff pointed out the amendment to s. 61.65 (1) (a) 2., made by SECTION 11 of the draft to allow a village to contract with any county for police protective services, rather than only the county in which the village is located.
- Mr. May pointed out that the reference to "SECTION 4" in the first paragraph of the note to SECTION 12 of the draft should be to "SECTION 13."

- The committee revisited the proposed repeal of s. 62.09 (11) (g), Stats., by SECTION 14 of the draft. The SECTION repeals the requirement imposed on city, but not village, clerks to publish as a Class 1 notice a statement showing the receipts and disbursements as to each fund during the preceding fiscal year.

Mr. Witynski reported he had contacted 11 cities regarding publication of this information in response to a request at the last meeting to compare this publication requirement to the budget summary requirement under s. 65.90, Stats. Mr. Witynski said that none of the cities contacted publish the receipts and disbursements information under s. 62.09 (11) (g). He furnished committee members a s. 65.90 budget summary from the City of Sheboygan which, as previously discussed by the committee, overlaps in many respects the notice requirements of s. 62.09.

Mr. May reported that the City of Madison does not publish the information under s. 62.09 (11) (g) as well. He reported that the audit of the previous years' expenditures is not received until mid-year, making it impossible to comply with the March 15 publication requirement of s. 62.09. He furnished the committee Madison's publication of the budget summary required under s. 65.90.

The committee concluded that the budget information required under s. 65.90 is adequate and there is no need to have a separate publication that applies only to cities under s. 62.09.

- Staff pointed out that SECTION 21 of the draft now provides that persons serving in city appointive offices serve until their respective successors are appointed and qualify; however, both cities and villages are permitted to provide otherwise by ordinance.
 - Staff suggested that the interplay of SECTIONS 15 and 16, amending s. 62.13 (1), Stats., and creating s. 62.13 (2g), be clarified by expressly providing that a city that contracts with another city, village, or town for **all** of its police protective services need not have a board of police commissioners (a similar change will be made to the provision relating to contracting for fire services in SECTION 18 of the draft).
 - Staff pointed out that SECTION 21 of the draft should create s. 62.09 (5) (e) rather than s. 62.23 (5) (a).
 - Staff pointed out the new paragraph at the end of the note to SECTION 27 of the draft, repealing s. 893.81, Stats.
 - Staff reviewed SECTION 28 of the draft, relating to initial applicability.
- WLC: 0103/1, relating to the application of public contract bidder prequalification requirements to first class cities.

The committee reviewed WLC: 0103/1, an issue presented for the first time. Currently, the bidder prequalification authority for public contracts under s. 66.0901 (2), Stats., does not apply to the City of Milwaukee. Staff explained that the Milwaukee exemption was first enacted in 1955; at the

time, the prequalification requirement was mandatory, not optional. In the 1957 Legislative Session, the prequalification procedure was made optional but the City of Milwaukee exemption was not deleted.

Mr. Witynski reported that the City of Milwaukee supports deletion of the current exemption so that the city may utilize the prequalification procedure. The committee agreed to make the change.

Chairperson Gottlieb requested staff to combine WLC: 0103/1 into WLC: 0046/1 and to include any necessary changes in the combined draft resulting from today's meeting.

Mr. Morse moved, seconded by Mr. Menne, that the committee recommend that the committee's draft legislation (which will become WLC: 0046/2), be recommended to the Joint Legislative Council for introduction in the 2009-10 Legislature. The motion passed on a vote of Ayes, 10; and Noes, 0.

Other Business

Chairperson Gottlieb thanked committee members for their service and diligence and informed the members they will be notified of the progress of the legislation in the next legislative session. He noted the first step will be consideration of the proposal by the Joint Legislative Council for introduction. If introduced, the proposal will proceed through the normal legislative process.

There was no other business brought before the committee.

Adjournment

The meeting was adjourned at 10:35 a.m.

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