CHAPTER 64
OTHER FORMS OF CITY GOVERNMENT

SUBCHAPTER I
CITY MANAGER PLAN

64.01 How to organize under ss. 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. 66.0101. Such petition and election shall be governed by s. 9.20 (1) to (6).

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

(3) Any city of the second, third or fourth class may reorganize 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. 66.0101. Such petition and election shall be governed by s. 9.20 (1) to (6).

History: 1999 a. 150 s. 672; 2015 a. 197 s. 51.

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lawfully passed and in force in any such city at the time of its reorganization shall remain in force until altered or repealed by the council elected under the provisions of ss. 64.01 to 64.15.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

(2) At every election for the adoption of ss. 64.01 to 64.15, the question to be submitted shall be substantially as follows: "Shall the city of (name) be reorganized under ss. 64.01 to 64.15 of the statutes, providing for the city manager plan, with a council composed of (number stated in petition) members, to be elected from the city (at large), or (by aldermanic districts) as provided in petition for terms of (number) years(s)?"

(3) 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.

History: 1971 c. 304 s. 29 (1).

64.04 Council, when elected; qualification 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 as provided in the ordinance or resolution adopted by the council or in the petition and election as provided by s. 64.03. Any person possessing the qualifications of an elector in such city shall be eligible to election as council member. If the provisions of ss. 64.01 to 64.15 are adopted at the regular spring election, the council elected at that election shall have all of the powers and duties of the council elected on the first Tuesday in April next succeeding the adoption of ss. 64.01 to 64.15.

(2) Except as herein otherwise provided, candidates for council member shall be nominated and elected after the manner provided by law for the nomination and election of other municipal officers and all provisions of the statutes relating to city primary and general elections not inconsistent with the provisions of ss. 64.01 to 64.15 shall apply to such elections for cities reorganized under ss. 64.01 to 64.15 the same as to cities organized under general law.

History: 1981 c. 390; 1985 a. 135 s. 83 (1); 1995 a. 16 s. 2.

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, succes-
sors 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 leg-
islative and general ordinance powers imposed and conferred
by general law or special charter upon the mayor and common coun-
cil 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 reorga-
nization 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 city 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 compensa-
tion. 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 reorganiza-
tion 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 elect-
ing 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 man-
ger 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 national-
ity, political, or religious affiliations, or to any other consider-
ations 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 newspa-
papers, magazines, advertising agencies, employment bureaus or
other advertising mediums and for such length of time as it shall
demn 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-
after kept on file and shall be matters of public record and open to
the examination and inspection of the public at all reasonable
times.

(6) The salary of the city manager shall be fixed by the coun-
cil.

(7) The council shall have the power to remove the city man-
ger at any time that the city manager’s conduct of the city admin-
istration becomes unsatisfactory and to engage a successor after
the manner prescribed in this section, but such city manager shall
serve until a successor is elected and qualifies.

(8) Before the council shall remove the city manager for any
cause other than willful neglect of duty, malfeasance, or misfeas-
ance in office, it shall give such city manager at least 60 days’
notice of its contemplated action and in all cases shall present in
writing a statement of the specific grounds or reasons for such
removal and shall give such city manager an opportunity to be
heard in regard thereto. Such statement of reasons shall be imme-
diately placed and thereafter kept on file and shall be matter of
public record open to the examination and inspection of the public
at all reasonable times, and such hearing shall be a public hearing.

(9) The action of the council in removing the city manager
shall be final.

(10) In case of vacancy in the office of city manager by reason
of removal, resignation or other cause the council may elect an
acting city manager for a period of not exceeding 6 months to fill
the vacancy while considering the selection of a city manager.
Provided, if the council is unable within such 6 months’ period
to secure a qualified city manager specified in this section it may by
a majority vote of its members present at any regular meeting
appoint the employment of such acting city manager or elect
another acting city manager for an additional 6 months. The act-
ing city manager shall have all the powers and perform all the
functions of city manager. The acting city manager may be
removed by the council without cause or regard to sub. (8) and
such removal shall be final.

History: 1991 a. 269, 316.

64.10 City departments, boards and commissions.

(1) The council shall upon the report and recommendation of
the city manager have the power to create general departments of
city administration. The report and recommendations of the city
manager showing the necessity or desirability of creating such depart-
ments shall be placed on file and shall be matters of public record,
open to the examination and inspection of the public at all reason-
able times.

(2) All administrative boards and commissions existing in the
city prior to its reorganization shall continue to exist after its reor-
ganization under this subchapter until abolished, altered or reor-
ganized by ordinance of the council. The council may, upon
receipt of the report and recommendation of the city manager,
alter, reorganize or abolish by ordinance any administrative board
or commission except the board of police and fire commissioners.
History: 1985 a. 225.

64.105 Optional powers. Any city or village which has
determined by ordinance or petition and referendum to operate
under the city manager form of government may by charter ordi-
nance allocate powers to the council, president of the council and
city manager in a manner other than provided by this chapter.

64.11 Powers of city manager, appointments. (1) The city
manager shall be the chief executive officer of the city and
head of the city administration and shall possess and exercise all
the executive and general administrative powers imposed and
conferred by general law or special charter upon the mayor and
council of the city prior to its reorganization and upon the various
boards, commissions and administrative offices and positions accord-
gen in force in such city at the time of its reorganization under
ss. 64.01 to 64.15, and such additional powers as are herein
imposed and conferred.

(2) The city manager shall have the power to create minor
administrative offices and positions and to discontinue such
offices and positions according to the city manager’s judgment of
the needs of the city.
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 council 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 certified public accountants licensed or certified to practice by the state. 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.

**History:** 2001 a. 16.

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 and any other work that was to be done in the manner prescribed by law prior to the reorganization of such city under ss. 64.01 to 64.15 may continue to be done in the manner prescribed.

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 return to its former government.

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.

**Subchapter II COMMISSION GOVERNMENT**

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. 66.0101. Such petition and election shall be governed by s. 9.20 (1) to (6).

**History:** 1999 a. 150 s. 672.

64.26 **Terms of officers in commission cities.** 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.

**History:** 1993 a. 184; 2011 a. 257.

64.27 **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 ss. 64.25 to 64.40, 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. 64.25 to 64.40.

(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 ss. 64.25 to 64.40.

64.28 **Election of mayor and council members; 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 ss. 64.25 to 64.40, there shall be elected a council consisting of a mayor and 2 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 council members shall be nominated and elected by the voters of the city at large.

(2) The term of mayor shall be 6 years, and the terms of the other members of the council elected at the first election after the adoption of ss. 64.25 to 64.40, shall be 2 and 4 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 2 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 6 years.

(3) In all cities of 15,000 or more population, the mayor and other members of the council, except council members elected pursuant to s. 64.39, shall devote their entire time to the performance of their official duties.

**History:** 1985 a. 135 s. 83 (2); 1995 a. 16 s. 2.

64.29 **Council; powers; duties; president; quorum; vote.** (1) If any city shall adopt the provisions of ss. 64.25 to
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 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, the council 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.
64.39 Number of alderpersons in 2nd and 3rd class cities; reorganization of council from mayor and council membership for a term of 2 years. 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. 

(3) Any city which has adopted the provisions of ss. 64.25 to 64.36 may abandon 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 first incorporated.

(3) The common council of any such city that has abandoned the commission form of government and before effective reorganization 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. Thereafter the membership of the council shall not be increased or decreased except as provided in s. 62.09 (1) (b), (3).

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 cities; 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 number 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 members to be elected by the electors of the respective aldermanic districts 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 percent 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 as provided in s. 8.37 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 sub. (1) at a special election 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 member from each aldermanic district. 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 ss. 64.25 to 64.40. The term of each such officer shall commence on the 3rd Tuesday of April next succeeding after the election of the mayor and council members. In the event that the council member from the even-numbered aldermanic districts shall continue for 2 years and in the case of council members from the odd-numbered aldermanic districts shall continue for one year, and until their respective successors are elected and qualified. 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 comptroller, 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 resolution 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. 135 s. 83 (1), (2); 1987 a. 403; 1989 a. 192; 1993 a. 184; 1995 a. 16 s. 2; 1999 a. 182.

64.40 Increasing membership of council in commission cities. (1) Any city described in s. 64.39 may, in the manner 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 year 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 provided by law for the nomination and election of candidates in cities 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. 60 (13); 1985 a. 135 s. 83 (2); 1993 a. 184; 1995 a. 16 s. 2; 1999 a. 225.