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HUMAN RESOURCES DEPARTMENT

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January 16, 2020

TO : Mayor Hanna and the Common Council
FROM :  Sandy Matz, Human Resources Director
RE : Resolution #1-R-20 City Administrator Position

On January 15, 2020 the above resolution was discussed at the Human Resources Committee meeting. The committee referred the resolution to my office for the purpose of researching and providing general information regarding Council-Mayor and Council-Manager forms of government as well as a Mayor-Administrator model. A general comparison outline follows:

Council-Mayor form of government:

Probably the most understood, since this is the current form of government in Appleton. Under this form of government, the Mayor is elected separately from the Council, is often full-time and paid, and has significant administrative and budgetary authority. The responsibilities are outlined in Chapter 62.09 (8) of the Wisconsin State Statutes. The Mayor directly supervises the day-to-day conduct of city activities and the department directors report directly to the mayor and receive assignments from the mayor. Council is elected and maintains legislative powers. Some cities appoint a professional manager who maintains limited administrative authority. (Often referred to as a Chief of Staff, Deputy Mayor or other similar title)

Council-Manager form of government:

Under this form of government, the City Council oversees the general administration, makes policy and sets the budget. The Council appoints a professional city manager to carry out day-to-day administrative operations. Chapter 64 of Wisconsin State Statutes outlines the major responsibilities of the manager and the council. Chapter 64 makes no reference to a mayor and the president of the council is the highest elected official. (Often the Mayor is chosen from among the council on a rotating basis).

Chapter 64 makes a clear distinction between the administrative role of the manager and the legislative role of the council.

The manager is hired and can be dismissed by the council by majority vote.

The manager oversees day-to-day operations of the City and the department directors report directly to the manager and receive assignments from the manager.

Mayor-Administrator model:

Under this model, Cities remain under Chapter 62 of the Wisconsin State Statute (Mayor)

The duties of the administrator are not described by Statute and may be tailored to fit the needs of the municipality.

The position of Mayor remains and the mayor exercises the executive responsibility indirectly by monitoring the activities of the administrator and the various departments. This model was considered in Wausau and is described in the attached materials.

The administrator oversees day-to-day operations of the City including supervision of the department directors.

Mayor may be full or part time and is paid.

I am attaching a few resources that may be helpful in outlining the forms and models that may be adopted as well as a letter from City Attorney Carman from September, 1998 regarding a proposed resolution to consider a City Manager form of government. I am also attaching a listing of the ten cities in the State that have adopted a Council-Manager form of government and some cities who have retained a Council-Mayor form either with or without an administrator.

Forms of Local Government

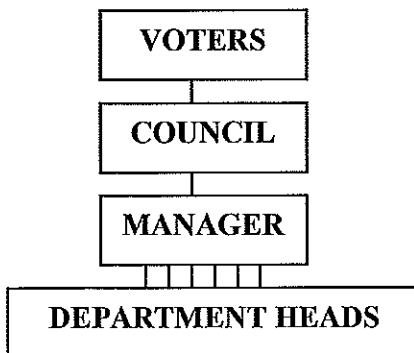
Council-Manager

In the council-manager form of government, the council is the governing body of the city, elected by the public, and the manager is hired by the council to carry out the policies it establishes. The council usually consists of five to nine members including a mayor (or council president) who is either selected by the council or elected by the people as defined in the city charter. The size of the council is generally smaller than that of a mayor-council municipality and council elections are usually nonpartisan.

The council provides legislative direction while the manager is responsible for day-to-day administrative operations of the city based on the council's recommendations. The mayor and council, as a collegial body, are responsible for setting policy, approving the budget, and determining the tax rate. The manager serves as the council's chief advisor. Managers also serve at the pleasure of the council and are responsible for preparing the budget, directing day-to-day operations, and hiring and firing personnel.

Typically, the mayor is recognized as the political head of the municipality but is a member of the legislative body and does not have the power to veto legislative actions.

Council-Manager Organizational Structure



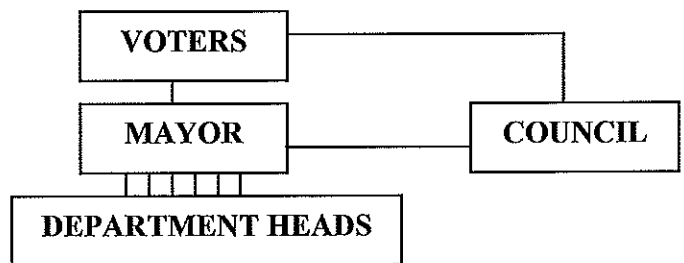
Mayor-Council

The mayor-council (council-elected executive counties) form of government is the form that most closely parallels the American federal government with an elected legislature and a separately elected executive.

The mayor or elected executive is designated as the head of the city or county government. The extent of his or her authority can range from purely ceremonial functions to full scale responsibility for day-to-day operations. But the mayor's or elected executive's duties and powers generally include the following: hiring and firing department heads, preparation and administration of the budget, and veto power (which may be overridden) over acts of legislature. The legislature has the following responsibilities: adoption of the budget, passage of resolutions with legislation, auditing the performance of the government, and adoption of general policy positions.

In some communities, the mayor or executive may assume a larger policy-making role, and responsibility for day-to-day operations is delegated to an administrator appointed by and responsible to the chief executive.

Mayor-Council Organizational Structure



Commission

The commission form of government, characterized by an elected governing board that holds both legislative and executive powers, is the oldest form of government in America. A descendant of the old English shire-moot or county governing board, the board is usually composed of three to five members, although the number varies.

The board of commissioners is the county governing board and serves as the head of the government. It has responsibility for adopting the budget, passing resolutions, and enacting ordinances and regulations. A number of other officials are also popularly elected and serve as heads of some of the major county departments (although the number of these independently elected officials varies considerably. Some of the common are sheriff, treasurer, and clerk).

Town Meeting

All qualified voters of the town gather on a given day (usually once a year, but more often if necessary) to elect a board of officers (selectmen) and to make policy decisions. The board of selectmen has the responsibility for carrying out the policy set by the citizens. In some towns, a manager or administrator is appointed to carry out the administrative operations of the town.

Representative Town Meeting

The representative town meeting form of government is structured in much the same way as the town meeting form, with the exception that a large number of citizens are chosen by the general electorate to represent them in voting. All citizens can attend the meetings and participate in debates, but only those chosen as representatives have a direct vote.

ICMA

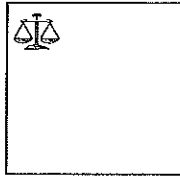
Leaders at the Core of Better Communities

*Wausau
Considerations
City Administrator*

RELATED SUBJECT	MAYOR	CITY ADMINISTRATOR
A. COMMON COUNCIL	<ol style="list-style-type: none"> 1. Preside at all Common Council meetings. 2. Veto power on all acts where allowed. 3. Provide information to the Council. 4. Recommend measures seen as advantages to the City. 5. Implement policy set by Council. 6. Call special Common Council meetings. 7. Appoint Common Council Committee members and chairs. 	<ol style="list-style-type: none"> 1. Attend meetings of Common Council. 2. Advise Mayor on vetoes. 3. Provide information to the Council. 4. In cooperation with the Mayor, recommend measures seen as advantages to the City. 5. Assist Mayor in interpreting policies of the Council. 6. Act as liaison between Mayor and Common Council.
B. DAILY DIRECTION AND OPERATION OF THE CITY	<ol style="list-style-type: none"> 1. Responsible for ensuring that all City ordinances and state laws are observed and enforced. 2. Ensure that resolutions, policies, and programs are efficiently administered. 3. Ensure that all City officers and employees discharge their duties. 4. Provide day-to-day supervision and direction to all Dept. Heads on policy and program matters. 5. Provide day-to-day supervision and direction to 4 Depts. on operations (E/PW, BINS, Dev, Health). 6. Make recommendations to Council and Council Cmtes. on improvements in Dept. operations. 	<ol style="list-style-type: none"> 1. Assist the Mayor in ensuring that all City ordinances and state laws are observed and enforced. 2. Assist the Mayor in ensuring that resolutions, policies, and programs are efficiently administered. 3. Assist the Mayor to ensure that all City officers and employees discharge their duties, and assist in day-to-day supervision. 4. Provide day-to-day supervision and direction to all Dept. Heads on administrative and financial matters. 5. Supervise 5 Depts. (Clk, HR, Fin/Trs, IT, Assr.) on operations. 6. Prepare studies on operations and finances and do research and reports on trends, technology, innovations, etc., and make recommendations to Council and Council Cmtes. on improvements in Dept. operations. 7. When necessary, and as directed by Council, carry out duties as described in Mayor's column.
C. MEDIA RELATIONS	<ol style="list-style-type: none"> 1. Spokesperson for the City. 2. Responsible for public relations plan and activities. 	<ol style="list-style-type: none"> 1. Spokesperson when Mayor or Common Council President is unavailable.
D. COMMUNITY RELATIONS	<ol style="list-style-type: none"> 1. Official representative of the City at public, business, and social events. 	<ol style="list-style-type: none"> 1. Representative of the City when Mayor or CC President is unavailable.
E. LEGISLATIVE ACTIVITIES	<ol style="list-style-type: none"> 1. Responsible for conveying official City position on legislative matters either through personal testimony or other methods. 2. Serve as Chair of the Legislative Committee. 	<ol style="list-style-type: none"> 1. Assist in preparation of either oral or written testimony for Mayor or Common Council President. Present City position when Mayor or Common Council President unavailable. 2. Participate and serve as Secretary of the Legislative Committee.
F. INTERGOVERNMENTAL RELATIONS AND ACTIVITIES	<ol style="list-style-type: none"> 1. Represents City in organizations where participation will benefit the City (ICC, League of Wis. Municipalities). 	<ol style="list-style-type: none"> 1. Participate along with Mayor where appropriate. 2. Prepare specific details on intergovernmental projects. 3. Represents City when Mayor or Common Council President is unavailable.
G. BUDGET	<ol style="list-style-type: none"> 1. Provide guidance and direction to CA to prepare budget for presentation to the Common Council for action. 2. Formally presents the Mayor's Budget to the Common Council. 	<ol style="list-style-type: none"> 1. Directs Dept. Heads in budget request proposals. 2. Sets up reviews of requests for Mayor's consideration. 3. Advise and assist Mayor in preparation of final budget for submission to Common Council.

OFFICE OF THE CITY ATTORNEY

CITY ATTORNEY
Greg J. Carman



Deputy City Attorney
James P. Walsh

Assistant City Attorneys
Maureen C. Roberts
Christopher R. Behrens

September 16, 1998

TO: Mayor Hanna and the Common Council

FROM: Greg Carman, City Attorney

RE: Legal Opinion on Resolution #57-R-98
(Proposing a City Manager Form of Government)

On September 2, 1998 the above resolution was filed with the City Clerk. At that time, the Mayor directed this office to provide a legal opinion regarding the procedures extent when changing from a Mayor- Council form of government to a City Manager form of government. My opinion follows.

Chapter 64 of the Wisconsin Statutes deals with the City Manager form of government. More specifically, ss. 64.01 to 64.15, Stats, outline both the procedural process for changing to a City Manager form of government as well as the division of powers under that form. Sec. 64.01, Stats, is "on point" to Appleton's specific situation. That statute relates, in pertinent part, that:

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

Alderman Meyer's resolution calls for a referendum of the citizens addressing the following:

1. A change from the Mayor-Council form of government to the City Manager form; and
2. A change from eighteen aldermen elected by district to nine aldermen elected at large (with the highest vote getter serving as honorary Mayor).

With regard to the last parenthetical comment, be advised that sec. 64.07 (2), Stats, requires the selection of the Council president by a majority of the Common Council under the City Manager form of government. Accordingly, an honorary Mayor would be a departure from that model. That can be

Finally, the Wisconsin Supreme Court has previously found that municipalities can place an advisory referendum on the ballot.

The alternatives set forth above should no way be read as being in any way critical of the resolution submitted by Alderman Meyer. It is not this office's role to dictate to the Common Council matters solely within its purview, such as the form of government Appleton should have. The alternatives are offered simply to illustrate the fact that the Common Council has far ranging powers in dealing with the resolution it finds before it. As long as the final form meets the legal requirements of the Wisconsin Statutes and Appleton Ordinances, it may be either adopted by the Common Council or sent to the populous in referendum form. Of course, the Common Council can also choose to maintain the present form of government without change.

If any further clarification or application of this opinion is required, I will be glad to provide that information as expeditiously as possible.

GC/ejv

Council-Manager Form of
Government:

Population

1/23/2020

Eau Claire	68,587
Oshkosh	66,665
Beloit	36,773
Fond du Lac	42,809
Whitewater	14,540
Janesville	64,359
Platteville	12,457
Two Rivers	11,153
Fort Atkinson	12,482
Lake Mills	5,898

Mayor-Council Form with
Administrator Position:

Sheboygan	48,329
Kenosha	99,877
Menomonee	16,429
Sturgeon Bay	8,919
Racine	77,542
Waukesha	72,489
West Allis	59,934
Sun Prairie	32,894
Middleton	19,660
Wauwatosa	48,277
DePere	25,034
Oak Creek	36,354

Mayor-Council Form with
no Administrator Position:

Wausau	39,114
Wisconsin Rapids	17,806
Manitowoc	32,697
Menasha	17,748
Neenah	25,951
Green Bay	105,116
Madison	255,214
Stevens Point	26,293
Brookfield	37,920
Appleton	74,653

Population as of 2017