



# SO YOU WANT TO BE AN ELECTED OFFICIAL...

PRACTICAL INFORMATION FOR PEOPLE RUNNING FOR  
OFFICE IN WISCONSIN'S CITIES AND VILLAGES





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# INTRODUCTION

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## **Why are you running for election to a local office?**

This is a question that every candidate will be asked – and a question that every candidate must carefully consider.

Most often, people run for office because they are deeply committed to their city or village and want to influence the community's direction. At times, people run because they are passionate about a single issue or problem. A single controversy – such as a land use or zoning decision – could dominate an entire election campaign.

**But once the election is over, things change.** Candidates who have won an election based on their position on a single issue soon discover that they are responsible for a much broader array of challenges. The platform they ran on may not even be on the governing body's agenda. Getting it placed there will only be possible if they are willing and able to work cooperatively with other members of the governing body, many of whom will have their own issues to champion.

In order to be effective, elected officials must work as part of a team to establish a shared vision for the future, develop goals and plans that make that future possible, and work with their colleagues and constituents to enact the local policies and laws that will ultimately lead to accomplishment.

Holding a public office is an act of service to the public – that is, service to all the residents of a city or village, not just those who share your views or those who voted for you. It is a challenge that will require you to rise above the fray, to reach beyond your comfort zones, and to work with others with whom you may have significant differences.

Rising to that challenge is what makes democracy work. It's what makes shaping our shared future possible. It's what others have done before us. And it's what has made our cities and villages places we can be proud of.

## WORKING AS PART OF A TEAM

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Getting elected as a council member, village trustee, village president or mayor brings a special status. It also comes with an obligation to look beyond yourself and cultivate the qualities of collaboration, teamwork, and civility.

Elected officials set the tone for the civic life in their community. When elected officials demonstrate how to differ with one another respectfully, find principled compromises, and focus on the common good, community members often will too. When elected officials get mired in blame, recrimination, or division, civic progress can grind to a halt, and the community's sense of common purpose can fracture.

To govern well, elected leaders must help each other and the public stay focused on the future and on the common good. That can be an uphill struggle when the passions of the moment lead to demands for instant solutions, or when there is a deep division over a single issue that threatens to push longer-term problems aside. There will always be occasions when elected officials differ among themselves. But the mark of leadership is the ability to handle those differences in ways that move the agenda forward, build trust, and create a civic culture of mutual respect that makes progress possible.

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# ROLES AND RESPONSIBILITIES

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Villages and cities provide services that are vital to community health, safety, and economic prosperity. While specific municipally-provided services may vary, most cities and villages include public safety, land use and planning, parks, and public works such as street maintenance and construction, water, sewer, and/or stormwater management. Understanding your role as an elected official is critical to ensure proper planning, oversight, and delivery of these essential public services.

## **Legislative vs. Executive Authority**

Governing bodies are legislative bodies – their members are elected to make policy decisions and pass budgets. The basic job of these elected officials is to find balance among themselves and represent municipal residents' best (and sometimes competing) interests, while also taking non-resident taxpayer and visitor interests into account.

While governing body members make policies via legislative authority, executive authority contemplates the implementation and administration of those policies. Learning the difference between these two key functions and respecting the boundaries between them is critical to a well-run government.

In cities, executive authority (e.g., day-to-day oversight over departments and employees) is granted to the chief executive officer – the mayor, unless the city has a manager form of government. In villages, executive authority is shared among the village board collectively, unless the village has a manager form of government – there, the manager is the chief executive officer and holds executive authority.

The separation of legislative and executive authority serves not only as a check on the exercise of authority between the two branches of local government, but also promotes efficient day-to-day operation and staff direction.



# UNDERSTANDING YOUR MUNICIPALITY'S FORM OF GOVERNMENT AND CLASSIFICATION

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In Wisconsin, cities and villages have different forms of government, but their respective powers are largely the same. Cities and villages in Wisconsin differ from other local governmental units such as towns, counties, and school boards because they possess more power to govern themselves in local matters without specific state authorization (i.e., cities and villages have more local autonomy than other local governments). This grant of considerable power given to municipalities to act autonomously is referred to as "home rule" authority. Home rule authority is both constitutionally and statutorily derived.

The most common form of city government is the mayor-council form. This form consists of a mayor elected at-large and a council (typically elected by district, but sometimes elected at-large, or a combination of the two). The most common form of village government is the president-board of trustees form. Under this form, a board consisting of a village president and village trustees governs a village. The trustees and the president are typically elected at large. The president-board of trustees form of government does not clearly distinguish between legislative and executive authority. Rather, the village board as a whole exercises executive and legislative authority. The president is a village trustee who presides at village board meetings and votes on all matters before the board. The village president is not designated "chief executive officer" but is assigned certain administrative responsibilities.

An alternate form of government currently used in Wisconsin is the city council-manager or village board-manager plan, which may be adopted by charter ordinance or through a petition and referendum election organized by municipal residents.

In some municipalities, a professional administrator assists with day-to-day operations. This is not a statutory "form" of government and the powers and duties of the elected officials remain the same.

## **Organization of City and Village Government**

There are 190 cities and 412 villages in Wisconsin. Most of these 602 municipalities use the mayor-council or president-village board form of government. Ten cities use the council-manager form of government and nine villages use the village board-manager form of government. The statutes also provide for the

commission form of government, but this form has not been used in Wisconsin since 1957.

In Wisconsin, cities are divided into four classes based on their population when incorporated. The four classes of cities are set forth in Wis. Stat. sec. 62.05(1) as follows:

- Cities of 150,000 population and over constitute cities of the first class.
- Cities of 39,000 and less than 150,000 population constitute cities of the second class.
- Cities of 10,000 and less than 39,000 population constitute cities of the third class.
- Cities of less than 10,000 population constitute cities of the fourth class.

Milwaukee is Wisconsin's only first-class city. Villages are not divided into classes. The biggest effect a city's class has is on the extent of its extra-territorial jurisdiction, which is a municipality's authority outside of its municipal boundaries. Extra-territorial jurisdiction only applies to a municipality's zoning and subdivision authority. First, second, and third class cities have extraterritorial jurisdiction extending three miles from their municipal boundaries. Fourth class cities and villages have extraterritorial jurisdiction extending 1.5 miles from their municipal boundaries.

### **The Third Branch**

A municipal court exists in each municipality but it is not activated unless, and until, a municipality chooses to do so. Cities and villages can choose to run their own municipal courts or join with another city or village to provide court services. As of February 2014, there were 237 municipal courts and 240 municipal judges in Wisconsin. Sixty-seven of these courts are joint courts that serve from two to 17 municipalities. Municipal judges are elected.

Municipal courts are a co-equal branch of municipal government. Although the governing body may determine the court's budget, the judge is responsible for running the court, including supervising court staff.

### **Working With Other Jurisdictions**

Elected officials' responsibilities don't stop at the city or village limits. Your streets must connect with county roads, town roads, and state highways. In many similar ways, cities and villages often work with neighboring jurisdictions as well as county, state, and federal agencies to serve a citizenry that doesn't know and often doesn't care where the village or city ends and the town begins. In some



cases, this can involve complex, technical inter-jurisdictional agreements for services such as zoning, public safety, sewage treatment, or other utilities.

Cities and villages must abide by state and federal laws and regulations and can benefit from state and federal funding programs. Your city or village may also be part of a special purpose district for fire protection, ports, transit, sewer and water, cemeteries, libraries, and a host of other specific functions. In Wisconsin, public safety departments from different jurisdictions routinely provide “mutual aid” to one another. The underlying agreements that facilitate these shared services can be difficult to negotiate and require an extraordinary level of collaboration by elected officials. Your residents expect these relationships to be well-managed, efficient, and collaborative – and it’s up to you and your fellow elected officials to make this happen.

### **Celebrating Community Achievements and Promoting Civic Pride**

City and village elected officials also serve as champions for civic achievement. By appearing at ribbon-cutting ceremonies, participating in charity events, and attending celebrations, elected officials bring recognition and attention to the values of civic engagement and individual accomplishment. This might not be in your official job description, but it is an important part of how elected leaders bring out the best in their communities and strengthen the traditions that build civic pride.



# KNOWING THE LAW

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## Ethics

You may think of yourself as an ethical and law-abiding person, but that may not be enough to keep you on the right side of the law once you are elected. Wisconsin takes pride in its public official ethics laws and high ethical standards of conduct for elected officials. One of the first and most important tasks for you as a new elected official is to become thoroughly informed about them. All city and village officials must abide by these laws, which aim to prevent favoritism in government decision-making and ensure that elected officials are serving the public rather than reaping personal benefits from their positions.

State laws that municipal elected officials must abide by include:

**No special privileges** - Elected officials must pay the same fees for permits or services as any other resident. They cannot receive or give any special privileges, discounts, or exemptions or use city resources for private purposes. For example, a city official cannot borrow a city pickup truck for the weekend or arrange for a friend or relative to use it.

**No gifts or rewards from private sources** - Elected officials may not receive gifts or substantial benefits that are in any way connected to their public service. For instance, if a councilmember votes for a specific project and a constituent or local business sends a thank you gift of tickets to a concert or game, the tickets must be returned.

**No disclosure of confidential information** - Elected officials should not disclose confidential information and may not use it for personal gain. This means that you may not accept a job or engage in a business that might require you to disclose confidential information you gained from your city position.

**No conflicts of interest** - With limited exceptions, elected officials may not have any financial interest in any public contracts. This includes contracts for employment, sales, leases, and purchases.

In addition, elected officials may not vote on any matter that would have a personal direct financial impact on them or members of their immediate family. This prohibition does not include matters that have a general impact, such as taxes or utility rates.

Conflicts of interest can also include “remote” interests – interests that would not personally benefit you but might benefit people or organizations with whom you have a special relationship. For instance, if you are on the governing board of a nonprofit organization seeking a contract with the city, you should disclose your interest and you may not vote on that contract or attempt to influence the votes of others.

## **Open Public Meetings**

The Open Meetings Law requires that all council and board meetings (and meetings of planning commissions, and committees, and library boards, and all other governmental bodies) be noticed and open to the public, except under special circumstances, such as discussing a lawsuit with legal counsel, considering promotion of a public employee, or deliberating or negotiating the purchase of real estate.

Elected officials should always be cognizant of the open meetings law requirements. Whenever a quorum of the governing body is present, municipal business cannot be the topic of discussion unless the public has been notified and the meeting is open to them. Even if a quorum is not present, if the number of elected officials present is enough to defeat a governing body vote, no municipal business may be discussed without adhering to the open meetings law. If this act is violated, there may be personal penalties for the elected officials involved. In addition, a court can void any final action that is taken in a meeting that did not comply with the law.

## **Public Access to Records**

The Public Records Law gives any person full access to a wide range of information about how government does business. All information relating to the conduct of government that is prepared, owned, used, or retained by a municipality is presumed to be a public record that must be made available to the public for inspection and copying. This includes papers, photos, maps, videos, and electronic records (such as email, text messages, and social networking sites). It also includes reports that are prepared for government by hired contractors.

While you may use social media and websites for your campaign, be cautious about continued use when elected. All of your public communications, whether written or electronic, are subject to the public records law when you are an elected official. If it is used for official municipal business, elected officials may find that records on their own personal phone and computer must be produced in response to a public records request.

Cities and villages must make municipal records available for everyone. There are a limited number of exemptions from disclosure for some personnel records and other confidential matters. Every elected official is an authority with responsibilities under the public records law and is the custodian of their own records.

Given the importance of these laws to the proper operation of representative government, and the penalties for violation, it is vital that new elected officials quickly bring themselves up to speed on both the open meetings and public records laws. This is also no place for armchair attorneys; elected officials should rely on the advice of the city's or village's attorney in these matters.

# IMPLEMENTING POLICY

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## **Adopting a Budget**

One of the most challenging tasks for local elected officials is developing and adopting annual budgets. They can be complex and technical documents, and they are important expressions of your governing body's vision, values, priorities, and strategic goals. Budgets are also a tool for oversight and for evaluating past performance. Elected leaders and staff make note of what was accomplished in the past year and how actual costs compared to estimated projections.

Mastering the budget process can be a steep learning curve for newly elected leaders. There are guiding state laws about the timing and content of city and village budgets. Once in office, elected officials soon find that the budget is such an important policy document that they can't be effective unless they fully understand it (and can explain it to their constituents).

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***Budgets are important expressions of a city's or village's vision, values, priorities, and strategic goals.***

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## **Comprehensive Planning, Growth Management, and Environmental Protection**

Every city and village needs to plan its future in order to provide a healthy and vibrant community for its residents. Municipalities adopt comprehensive plans that spell out a specific vision for how the city or village will develop. Comprehensive plans provide for vital public services and foster economic growth while protecting critical natural resources and open space. Engaging the community in developing a comprehensive plan is necessary to ensure that the plan represents a shared vision for the future, and that everyone takes part in the work of achieving it.

Planning also needs to recognize the broader community in which your city or village exists. Adjacent municipalities should work together to avoid conflicts within their individual plans.

All Wisconsin cities and villages regulating land use (e.g., subdivision, zoning) are required to adopt a comprehensive plan, and to make sure that any land use

decisions are consistent with it. Once adopted, a comprehensive plan is used to guide decisions about zoning, subdivision, extending municipal services, and other regulatory matters. Local zoning codes can create incentives for the kind of growth a city or village wants by providing such things as density bonuses for projects that provide affordable housing or preserve natural areas.

State and federal environmental laws and regulations also affect local comprehensive planning, because they require protection of certain natural resources such as drinking water supplies, surface waters, wetlands, and critical wildlife habitat. Learning about these laws and how they affect your municipality is an important part of an elected leader's job.

Keeping the comprehensive plan in mind – and keeping it in the public eye – ensures that the municipality stays focused on creating the future residents want for the next generation and beyond.

# PUBLICATIONS AND RESOURCES

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## **Publications**

You can find many materials, publications, and other resources online. Below are two key websites that will be of value to you even before and definitely after becoming an elected leader.

### **League of Wisconsin Municipalities ([lwm-info.org](http://lwm-info.org))**

- The League has many publications available, such as Mayor, Council member, Village Board, Village President, and Municipal officials handbooks. There are also several frequently asked questions (FAQ) resources available on the website.

### **Local Government Center, University of Wisconsin Madison, Division of Extension (<https://lgc.uwex.edu>)**

- The Local Government Center coordinates UW Extension educational programs supporting local government and expands the research and knowledge base for local government education.
- The Center and its website host a variety of useful information for local officials.

After getting elected, the League offers “Local Government 101” regional workshops tailored to meet the needs of newly-elected leaders. Many cities and villages will pay registration costs for these one-day events. In addition, the League hosts a Chief Elected Officials workshop for Village Presidents, Managers, Administrators, and Mayors every August. For over 120 years, the League has also organized an Annual Conference for all local officials. More than three-dozen workshops on a variety of municipal topics are explored at this Conference. The Annual Conference takes place in October.



The League of Wisconsin Municipalities was created by municipal leaders in 1898 to help cities and villages share ideas and learn from one another, to train and provide information to the people elected and appointed to govern those cities and villages, and to advocate on their behalf with the Wisconsin Legislature, governor, and state agencies. The League is a nonprofit, nonpartisan organization and is one of the oldest municipal Leagues in the nation. League membership is voluntary and includes 189 of Wisconsin's 190 Cities and 404 of its 412 villages.

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