



Roles and Authority of Governing Body Members

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League attorneys frequently receive requests for information explaining the duties and authority of governing body members (common council and village board members). Most often, these requests are prompted by situations where a governing body member's authority has been, or is being, questioned. Although the Wisconsin Statutes detail statutory authority and responsibilities for certain governing body members, such as mayors and village presidents, the statutes do not particularly detail or define the responsibilities of alderpersons and trustees.

Mayor

The statutes provide that the mayor and alderpersons shall be the common council.¹ A mayor is the city's chief executive officer.² As that title denotes, mayors possess executive authority, though they exercise administrative authority as well. As the chief executive, the mayor is responsible for ensuring that city ordinances and state laws are observed and enforced, overseeing day-to-day operations, and making sure that all city officers and employees discharge their duties.³ Although mayors do not possess legislative authority (that is reserved for the council, as discussed below), the statutes do provide mayors with certain executive authority relating to the legislative branch. For example, a mayor shall, from time to time, give the council information and make recommendations that the mayor

deems advantageous to the city.⁴ As executive, the mayor also presides at council meetings.⁵ Mayors do not have voting authority on matters before the council, unless there is a tie, in which case the mayor may vote to break the tie. However, the mayor does have the ability to veto acts/decisions of council – though, this is subject to council override.⁶ As chief executive, the mayor is also head of the city's police and fire departments – unless the city's police and fire commission has optional powers.⁷ The statutes also authorize the mayor to make various appointments, which are subject to confirmation by the council unless otherwise provided by law.⁸

Village President

In villages, the village president is a trustee, with a vote on all matters, and shares executive authority with the entire board of trustees. In contrast to mayors, village presidents are not statutorily designated as the village's chief executive officer. However, it's worth noting that there are some statutory references in statutes pertaining to cities, villages, and towns, that refer to "chief executive" and include a corresponding provision defining "chief executive" to include village president.⁹ Some references do not contain a definition and simply refer to the chief executive office of a village.¹⁰ In those instances, it is reasonable to

infer the legislature is referring to the village president.

Although the president is not generally considered a chief executive officer, the president does have certain unique, statutory duties and also serves as a figure-head of sorts for the village. A village president's statutory duties include presiding at all board meetings and signing ordinances, bylaws, regulations, licenses, etc. authorized by the board.¹¹ The president also maintains peace and good order; sees that ordinances are faithfully obeyed; and in case of disturbance, riot or other apparent necessity may appoint as many special marshals as the president deems necessary.¹² Additionally, the president has charge of the village jail, which includes certain recordkeeping duties, but may delegate this responsibility to the village constable or a village police officer.¹³ Unlike mayors, village presidents do not have veto power – because they always have voting authority. The statutory default affords village boards the power to appoint "other officers."¹⁴ However, some statutes specifically give the village president appointing authority for certain offices – e.g., election officials,¹⁵ plan commission,¹⁶ and zoning board of appeals.¹⁷

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1. Wis. Stat. sec. 62.11(1).

2. Wis. Stat. § 62.09(8)(a).

3. Wis. Stat. § 62.09(8)(a).

4. Wis. Stat. § 62.09(8)(b).

5. Wis. Stat. § 62.09(8)(b).

6. Wis. Stat. § 62.09(8)(c).

7. Wis. Stat. § 62.09(8)(d).

8. Wis. Stat. § 62.09(3)(e).

9. E.g., Wis. Stat. §§ 66.1007(1)(c), 66.1109(1)(c).

10. E.g., Wis. Stat. § 30.37(3).

11. Wis. Stat. § 61.24

12. Wis. Stat. § 61.24.

13. Wis. Stat. § 61.24.

14. Wis. Stat. § 61.19.

15. Wis. Stat. § 7.30.

16. Wis. Stat. §§ 61.35, 62.23(1).

17. Wis. Stat. §§ 61.35, 62.23(7)(e)2.