



CITY OF WAUWATOSA
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COMMITTEE ON LEGISLATION, LICENSING & COMMUNICATIONS

Tuesday, January, 3, 2012 – 6:30 p.m.

PRESENT: Alds. Birschel, Hanson, Causier, Nikcevich, Roznowski, Wilson -6

ALSO Mr. Kesner, City Attorney

PRESENT: Alds. Berdan, Donegan, Pantuso, McBride, Wilke

Ald. Birschel in the Chair

Request for Binding Referendum Concerning Common Council Structure. Ald. McBride explained that he was seeking concurrence to place a binding referendum on the city's April 3rd ballot concerning reduction in the size of the Common Council from 16 members to 8 members. This issue has been considered many times by different councils over the past 20 years; however, efforts to reduce the size have been repeatedly defeated.

The reasons to once again consider this issue center on competition, accountability, and efficiency. The city's population has been shrinking for many years and five of the eight seats up for election in April are uncontested. Some citizen boards have had to be restructured because of quorum insufficiency. A council member who has no competition in an election is not fully accountable to the voters since his/her positions on issues are never fully challenged. Having one representative per aldermanic district means there is no question of who electors need to call with concerns.

Furthermore, a reduction in the council size will effect some salary savings that could be reallocated for other purposes.

The 2009 economic development study performed by a consultant contained several recommendations that have since been implemented. One recommendation, however, concerning the size of the council, has not. The consultant's report pointed to many communities locally and nationwide that function effectively with councils having 4-7 members.

Mr. Kesner stated that there is only one way to reduce the number of council members representing each aldermanic district, and that is by amending the charter ordinance and putting that action to a binding referendum. If an ordinance were introduced at the Council meeting later this evening, it would be referred back to this committee on January 10th and could then be adopted on January 17th. A two-thirds vote of the council is necessary for passage. The ordinance itself would not be effective unless the referendum were passed on April 3, 2012.

Ald. Berdan voiced opposition to the proposal and opined that Ald. McBride has put his colleagues in a difficult position. Who on the council will vote not to put this to a vote of the people, even if they oppose the reduction?

Ald. Donegan stated that this is the second time this issue has been brought forward in the past five years. While he does not have a strong feeling either way about the proposal, he agreed that the issue should be brought to the people. He added that a clear transition plan must be developed, if the referendum does pass. He suggested that some public meetings be held to educate the public prior to Election Day.

Ald. Pantuso also voiced opposition to the reduction proposal, but noted that he did not want to vote against sending the issue to the people. He stated that the timing makes this feel like the referendum is being rushed through. Will there be enough time for people to learn about both sides of the proposal? There is limited room on a ballot in which to explain a binding referendum.

He added that he has not received a lot of constituent comments about the need to reduce the council's size; once the issue is raised, however, some people seem to feel reduction makes sense. Reducing the size of the council will double the work for the remaining members and makes the annual \$4,200 salary seem like even less. He acknowledged that certain efficiencies could be achieved with reduction, however. Should this issue be part of a larger discussion on the type of city government the community wants?

Ald. Wilke suggested that the entire council, sitting as a Committee of the Whole, ought to debate this proposal, especially if a change in the government structure is contemplated. There needs to be an informational campaign organized to educate the public.

Ald. McBride disagreed with the suggestion that this is a quick timeline, inasmuch as council reduction has been discussed several times over the past years. If this issue is not placed on the April ballot, when will it be done? It will be lost on the November ballot. He agreed that public meetings are important; perhaps the city website can be another educational tool.

Jim Price, Wauwatosa Patch, asked about other savings that will be realized from a council reduction in addition to the \$34,000 in base salaries.

Mr. Kesner replied that some savings will occur in terms of life insurance costs and Wisconsin Retirement System (WRS) contributions.

Ald. Nikcevich asked about the implementation timeline, if the reduction is approved.

Mr. Kesner explained that Ald. McBride is proposing the implementation occur in 2016. Those council members running in 2014 would be running for two-year positions only; all 16 terms would expire in 2016. However, it could be implemented as soon as 2014, if desired.

Mr. Kesner also cautioned that the city should avoid taking a position on this issue and should not campaign. Forums, however, can be held at city facilities.

Ald. Nikcevich opined that technology makes it is much easier to stay in touch with constituent when one is out of town than it used to be. People should not be concerned that they will have no representation if their sole alderperson is out of town. Residents should always feel they can call

council members from other districts for assistance. The website has a lot of useful information for residents. She agreed that the current committee structure will likely need to be revised if the number of council members is reduced. Educating the public about this issue is important. She voiced support for the proposal.

Ald. Wilson voiced mixed feelings. Sixteen members offer more manpower, but having fewer representatives also has merits. He suggested that this issue should not go forward, however, simply as a way to save a modest amount of money. He stated he is troubled by the notion of a binding referendum. If a groundswell of citizens feel council reduction is a compelling issue, a mechanism exists for them to act on that concern. The city attorney has advised caution about the city taking sides, yet having the council bring this issue forward lends some credibility in some peoples' minds. He asked whether reduction could be addressed without a referendum.

Mr. Kesner responded affirmatively, stating that changes can be made to charter ordinances without referenda. Charter ordinances do not take effect for 60 days after passage. During that time, citizens can petition that the charter ordinance change be put to a vote if they disagree with the change.

Ald. Roznowski noted that some residents feel a 16-member council is too large, but it is generally part of a larger discussion about the size of government in general. The April ballot should encourage a lot of voter participation and this is an opportunity for the people to weigh in. He noted that the efficiency of a smaller elected body was attractive. There could be fewer demands made on staff. The monetary savings, while modest, are positive. Ald. Roznowski added that of the cities in Milwaukee County, and the cities of Brookfield, Waukesha, and New Berlin in Waukesha County, only three have two representatives per district (South Milwaukee, St. Francis, and Brookfield.) If this change is made, a transition plan must be developed.

Mr. Kesner stated that another option is a non-binding referendum. The committee could recommend to council to vote tonight to place the issue on the April 3rd ballot. This vote would not require a two-thirds majority. If the referendum were to pass, the charter ordinance would still need to be amended.

Ald. Birschel noted that in 1992 Mayor Walsh convened a committee to study the council size. In surveying cities statewide, the committee learned that many communities have two representatives per district. The consensus at that time was not to recommend a change in structure. In 1996, Ald. Spalatin recommended reducing the council size, but the council voted down a proposal to reduce representation to one alderperson per district. Ald. Herzog recommended a 10-member structure a few years ago. He also noted that three council members have died while in office during the past 20 years; having one representative per district means a district will go unrepresented if the alderperson dies.

Ald. Birschel suggested that another option to consider may be to retain the current number of wards (24), but reduce the number of aldermanic districts to six (4 wards per district). This would result in a 12-member council.

Ald. Hanson voiced opposition to the current proposal. Fewer people in power means power is concentrated in the hands of a few. Is this desirable? West Allis spends more money on fewer representatives than does Wauwatosa. A smaller council means more work for the remaining members; there should be more compensation.

Ald. Causier expressed mixed feelings on the subject. While she appreciates the economies that can be realized by a size reduction, comparing Wauwatosa's structure to other cities' structures isn't necessarily valid. Wauwatosa is like a small town and people are used to the personal touch with their representatives. This process does have a rushed feel to it. Ald. Causier concurred that there needs to be thoughtful planning. Perhaps a non-binding referendum is preferable.

In response to a timeline question, Mr. Kesner advised that the Milwaukee County Election Commission needs the referendum wording no later than January 24, 2012 for the April 3rd ballot. Replying to a second question, Mr. Kesner also stated that if an issue passes by direct legislation, it cannot – by state law – be changed for two years.

It was moved by Ald. Nikceovich, seconded by Ald. Roznowski to recommend introduction to council of a charger ordinance that will reduce the council size from 16 alderpersons (2 per district) to 8 alderpersons (1 per district), subject to passage on April 3, 2012 of the referendum, including implementation details and a transition plan. Ayes 3 (Nikceovich, Roznowski, Wilson), Noes 3 (Birschel, Causier, Hanson). –Forwarded without recommendation.

The meeting adjourned at 7:35 p.m.

Carla A. Ledesma, City Clerk

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