

# *The* Municipality

*Your Voice Your Wisconsin.*

September | 2020  
**21<sup>ST</sup> CENTURY FUNDING**



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# The Municipality

September | 2020

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Kenosha's O. Fred Nelson Water Production Plant lies at the end of this rainbow. Surface water from Lake Michigan has been Kenosha's source for drinking water since 1894. Photo by Curt Witynski, the League's Deputy Executive Director.



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# It's Time for ~~Revolution~~

Jerry Deschane, Executive Director, League of Wisconsin Municipalities

About once in a generation, usually driven by property tax complaints, Wisconsin updates its system of financing government. In 1911, frustration over taxing “property” such as cows and household furniture led Wisconsin to pioneer the income tax. In 1961 it was the sales tax. It’s time for another evolution.

Wisconsin has a growing fixed-income population, yet, irrationally we rely on the unforgiving property tax to fund schools, technical colleges, and local government. The lack of a balanced approach to local government revenue leads to the impression that Wisconsin is a “high tax” state, even though overall state and local revenues as a portion of personal income are squarely in the middle among states. Relatively high property taxation drags down our housing market and makes attracting people to Wisconsin difficult. According to research by the Wisconsin Policy Forum, *no other state* relies as heavily on the property tax.

Levy limits are killing Wisconsin. Cities and villages cut corner after corner as sub-inflationary levy limits choke the primary resource supporting first responders and educators. State leaders praise themselves for “holding the line” on property taxes, without having to endure the pain of cutting police officers and deferring critical maintenance. It’s time for an evolution.

In these pages, local leaders, legislators, and researchers talk about the need for reform, and ways to do it better. Most of their ideas are not new; they are tried and tested methods that have been working in other states. We’re not looking for a revolution; just a little bit of evolution.

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# Overtaxed and Underfunded

Eric Genrich, Mayor, Green Bay

The local revenue crunch was bad before COVID, and it's only gotten worse. The recent recession has had a significant impact on local budgets in the current year, and there's good reason to fear the negative fiscal effects could linger in 2021 and beyond. Now, more than ever, it's essential that local and state policymakers come together to develop a fair and resilient mix of local and state revenue sources that enable us to meet our shared challenges and obligations.

Paradoxically and confoundingly, Wisconsin cities and villages are overtaxed and underfunded. How can that be? Well, when compared to other municipalities around the country, Wisconsin communities have demonstrably higher property taxes, and, in most cases, less freedom to raise revenue from other sources. At the same time, we have seen state support in the form of shared revenue and other aid to local government reduced dramatically over the course of the last two decades. In Green Bay, this fiscal crunch has led to an increase in borrowing for things like vehicles and equipment, a deteriorating street grid, storm and sanitary sewers in need of significant upgrades, and police and fire stations that have long outlasted their useful lives and must be replaced. I truly believe the political will exists to address these needs among our citizenry. Unfortunately, there's no realistic fiscal tool available to us that wouldn't involve a dramatic increase in property taxes.

That was a lot of bad news, but there's room for optimism. During this current legislative session, state lawmakers introduced a bill to allow for a local sales tax option. Unfortunately, as the bill is written it would only apply to Milwaukee County. The fiscal challenges of our state's largest county and city are unquestioned, but they are not unique. This is a statewide problem, and we are in need of a statewide solution. That being the case, I was also encouraged by a discussion between members of the League's Urban Alliance and Rep. John Macco (R - Ledgeview). Rep. Macco is a longstanding proponent of sales tax reform and chairs the Assembly Committee on Ways and Means. He is uniquely positioned to facilitate a conversation between state and local leaders who share an interest in reducing property taxes and meeting the needs of our shared constituents. I am eager to participate, and I know I'm not alone.

As we edge into this discussion I would urge all participants to remain open to solutions in unexpected places. Oklahoma City might be one. Just as there aren't too many atheists in foxholes, there aren't a lot of ideologues in city halls. I have my philosophical biases and predispositions, but I am open to any and all proposals that will meet my community's needs without overburdening property taxpayers. And that's a good description of Oklahoma City's MAPS (Metropolitan Area Projects) process. Oklahoma City voters recently approved MAPS 4, which is the fourth iteration of a unique penny sales tax program that requires significant public participation and buy-in and does not involve any borrowing. The recent package of projects was compiled by a voluntary MAPS board, which makes recommendations to the city council before the initiative is placed on the ballot for approval. In this case, the proposal was approved by over 70% of voters in a community that voted for President Trump by a nearly 2-1 margin. The one-cent sales tax is projected to produce nearly \$1 billion dollars over the course of eight years, funding a comprehensive list of community needs. After all projects have been funded the sales tax ceases and the process begins anew.

No process is perfect, but having something like MAPS in Green Bay could be truly transformational. I am incredibly optimistic about our future as a city and state, but as it stands, we will be hard-pressed to meet the needs of our citizenry with our existing fiscal tools. That's not acceptable to me, and I trust it's not acceptable to our friends in Madison either. Those of us in local government take seriously our responsibility to construct the platform on which private citizens, businesses, and organizations create a dynamic community. I know our state officials share this mission, and I look forward to working with them to meet the needs of the Wisconsinites we represent together.

## About the Author:

Eric Genrich was elected the 42nd mayor of Green Bay in April 2019. Prior to becoming mayor, Eric was elected to the state Assembly in November 2012. Serving three terms, he represented the 90th Assembly District which comprises the majority of the city of Green Bay.

Eric was born and raised in Green Bay. He received his BA from UW-Madison and attained a graduate degree from UW-Milwaukee. Prior to his election to the state assembly, Eric worked in the state and federal governments, and later as an IT librarian for the Brown County Library. He has been actively supportive of several community organizations, including Neighborworks Green Bay, serving on its board for six years.

Eric and his wife, Emily, live on the east side of Green Bay with their two children, Henry and Amelia. Contact Eric at [Eric.Genrich@greenbaywi.gov](mailto:Eric.Genrich@greenbaywi.gov)



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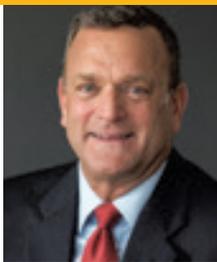
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## Where the Rubber Meets the Road

Wisconsin State Representative John J. Macco, 88th Assembly District

Folks occasionally remark that I must have always wanted to be in politics, but my response is the same, “no,” and I’m not sure I even need to be in it now. But if you truly believe in stewardship, in citizenry, and the concept that we are not so much inheriting our community from our parents but borrowing from our grandchildren ... you step up. You first volunteer to help with the Boy Scouts Christmas tree sale, and the next thing you know you’re being asked to run for public office.

At least I think that’s the way it should be. I’ve never found a politician (on any side) to be as fresh, focused, and selflessly committed as a freshman. I’m a big proponent of term limits. Last year Green Bay enacted term limits, and it resoundingly passed by 86.5%! But I digress.

If you have children in Scouts, you help with their tree sale. You have a business on Main Street, you serve on the Old Main Street board, or the BID board, or the Economic Development committee ... or all of them! You bring a breadth of talent and expertise honed from years of trial and error, failure, and success to the team. Rather than theory, you bring experience and connections to the leadership and stewardship of your community. A good elected official is accretive to the whole of the body, not looking to get something from it.

And thankfully, so many of the alderman, councilmen, and supervisors I get to work with have that same foundation and accretive value.

They are retired business-people, bankers, retailers, contractors. They’ve made payroll, negotiated insurance contracts, created jobs, expanded the economy ... many have signed the front of the check. They have implemented retirement plans and health plans to provide for their employees, borrowed and paid back (a concept lost on some politicians) large sums of money. Some of my favorite meetings are with towns. They are typically run by retired or active farmers, typically open at 7:00 p.m. and are gavelled down by 8:00 p.m. Leading their communities is a service, not a livelihood. To be sure, cities necessitate longer sessions, after all Green Bay’s annual operating budget requires prudently spending better than \$105 million. Their insurance contract alone hovers around \$17 million. You don’t just bang that out in an hour. But whether town, village, city or county

supervisors, the fact is those men and women are where the rubber meets the road, often literally! Routinely what they do for the citizens they represent will more quickly and strongly impact constituents than anything I or the state can do.

The gift in local leadership is responsiveness. And we all should be dubious in looking for state or federal managers to step in. Getting positive action from Washington, literally takes an act of Congress. It seems redundant to mention but getting 435 representatives and then another 100 senators to act in concert and get something done for the benefit of local government is profoundly optimistic. And the state? The concept that 132 legislators, all from varied backgrounds, geography, and issue base can come together on the day-to-day needs of local communities is simply not reasonable. There is a reason we have the 10th amendment and I will submit it should apply to state interactions with local leaders as well.

I’ve consistently advocated for local control. That’s not a new management principle for me. When we built our companies, I was quick to invest not just responsibility but also authority in my managers. They are the ones closest to their market. Sure, going without certain checks and balances could result in money being misappropriated, but only once. The cost of that risk was always less than layer upon layer of policy. And it’s my experience that people rise to the level of expectation, and not once in 40 years did I have anyone abuse the latitude they had.

We need to do more of that in Wisconsin.

To be sure, this should be applied in local government ... but also in public education, and other departments and agencies as well. I’ve never seen such an organizational mess of bureaucracy and management between front line workers (teachers) and a decision as I’ve seen in our school system.

Of course, *laissez-faire* didn’t work for everything in our companies and it won’t work for everything in state or local management. But there are many areas where the juice of financial or policy control does not justify the squeeze of layers of decision-makers and processes. This is certainly true with local funding issues. In a quest to be “accountable” and “fair” by consolidating funding issues in Madison, we have actually eliminated all accountability and fairness.

On the other side there are things where a standardized model is appropriate. Uber-type ride share platforms are one example where we needed a standard statewide protocol, and I felt it was necessary to step in. However, wind turbine and cell tower siting could and should be better left to local control and input.

And so here's where I come in.

To provide and advocate for local government control along with the authority to act we must include revenue options that provide accountability along with the ramifications of getting hired or fired by the local voters who know you best. I think most local councilmen would accept that responsibility if they had that authority.

As chairman of the Assembly Committee on Ways and Means and co-vice chairman of the Joint Audit Committee, I have seen, in nauseating detail, how this should NOT play out. With our current system, we've allowed local leadership the ability to abdicate responsibility, to play Pontius Pilot by pointing to deficiencies in state-shared revenue or transportation aids as an excuse for their budget problems. We've forced them to rely on one type of taxpayer, property owners, over all others to support services. Of course, some local authorities are very willing to externalize their woes, to let those nasty state purse string holders take the hit. But those are the ones who don't actually handle the freedom of being invested with both authority and responsibility. A better system, properly implemented would eventually, through local elections, vet out those underperformers. We live in Wisconsin, our work ethic is unique, I've hired thousands of people over the last four decades and I know most all local officials relish the idea of directly shouldering the responsibility and actually being allowed to do their jobs.

So it's really the legislature who's to blame. We put in the system. We don't much appreciate Washington, D.C. taking our authority. So I don't understand how we are complicit in not treating local management like adults too, particularly with their sources of revenue.

So as we move into the 2021-2022 budget process, we are going to see profound revenue upheavals, some of it unavoidable as the nation struggles with this health crisis, but much of it a result of poor leadership and unresponsiveness from our governor, and bad, naive, and shortsighted Keynesian reactions to the recession.

But therein lies the silver lining for local government.

As state government struggles for revenue to provide the services we must provide, I fear municipalities will, once again, be left to fend for themselves. Fortunately, the various revenue

tax streams like sales, use, excise, income, and others, are performing in a way that is conducive to the reform I've argued for the last five years. Also fortunately, the legislature had the foresight last year to make structural changes in tax rates and usage as a result of the Supreme Court decision on the internet tax ruling along with adopting many provisions of TCJA. Our committee unanimously passed, as well as the full Assembly, the comprehensive Tax Payer Enhancement bill and it now awaits a Senate vote. That is all to say that the foundation is established to implement meaningful systemic change in local government revenue support.

For five years I have advocated a restructure of our local funding platform to give local government more control, to put less pressure on the incomes of hard working Wisconsinites, and on the property of fixed-income empty nesters. And we've already begun. I've held several full-scale informative meetings with mayors across the state including Milwaukee, our biggest city, Milwaukee County, and the Milwaukee Metropolitan Association of Commerce (MMAC). I've included Dept. of Revenue Secretary Barca and the nonpartisan Legislative Fiscal Bureau in the conversation. Dr. Noah Williams from the UW has created a tool that can take raw budget numbers and then layer on dynamic scoring to allow us a clearer picture of the ramifications of each change. The D.C.-based Tax Foundation has done various assessments of the benefits of repairing and replacing certain revenue anomalies. And I have even meet with Dr. Art Laffer to include his vast input in discussing competitive free-market solutions to local funding options.

Our whole committee will need your help, but as we look past our current management struggles to constructive leadership initiatives this next session, I am encouraged. The time may be right to build out a long-term growth platform and put control and performance back to where the rubber meets the road.

#### About the Author:

John Macco is a Green Bay, Wisconsin area businessman and 3rd term Representative of Wisconsin's 88th assembly district.

- With his father he cofounded Macco's Floor Covering Centers, now with 200 employees and seven locations in Wisconsin and Florida.
- He founded Macco Financial Group, a financial planning and asset management company with clients in 18 states, now run by his son Mike.
- His son Nick is founder and owner of LegacyBox and Kodak Digitizing, the largest digitizing company in the country, headquartered in Chattanooga, TN.

- His wife Sue founded NurseForHealth.com a nontraditional healthcare E-commerce site with clients in 30 states and eight foreign countries.

In his personal life he is a former member of the US Ski Patrol, an IFR rated private pilot, a certified scuba diver, a motorcycle enthusiast, has navigated the Great Lakes, keeps an organic garden, is a former deacon and elder at his church, and has even sung backup to Josh Grobin and Ray Charles.

For the last two terms John has served as Chairman of the Assembly committee on Ways and Means, where he is charged with vetting all tax policy for the state. He also serves on the Jobs and Economy committee, as well as Vice Chairman of the Joint Committee on Audit. He is a member of the National Council of State Legislators where he serves as co-chairman of their SALT committee and Budget and Revenue committee.

But he is most proud of Suzan his wife of 41 years, their two sons and daughters in law, and 6 grandchildren. Contact Rep. Macco at [Rep.Macco@legis.wisconsin.gov](mailto:Rep.Macco@legis.wisconsin.gov)

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## State's Share of Public Spending Rises

Because of higher state spending in areas like health care for low-income residents and slower growth in local government and school district revenues, the latest Census Bureau data show state government expenditures are now almost equal to the combined amount spent by schools, municipalities, counties, technical colleges, and other local governments in Wisconsin. The effects of the pandemic are unclear but the trend should be considered by policymakers as they contemplate COVID-19 responses and the next state budget.

In a gradual but far-reaching shift, state government in recent years has accounted for a much larger share of public spending in Wisconsin than a quarter-century ago. According to U.S. Census Bureau data, the state's share of that direct general spending increased from 38.7% in 1993 to 47.6% in 2017 (see Figure 1).

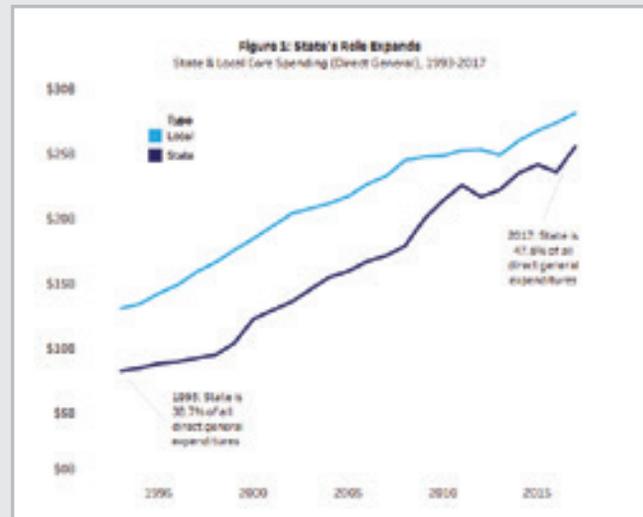
In other words, the balance of spending in Wisconsin has shifted to something much closer to an even split between local government services (such as K-12 schools, police and fire, local roads, and housing) and state services (such as health care for low-income residents, prisons, state highways, and the University of Wisconsin System).

In a related trend, a declining share of state spending is going to payments to other governments. Compared to 38.4% of all state spending in 1997, state payments to other governments dropped to just 26.6% in 2017, the most recent year available in the Census data. This factor has contributed to the slower growth in local government spending and reflects a shift in state priorities to other areas.

The local aid numbers do look larger if one looks at the separate figures commonly used in state budget debates. The downward trajectory is the same, however, with state financial statements showing "local assistance" programs falling from 62% of state general purpose revenue spending in 1997 to 53% in 2017.

These data predate the coronavirus pandemic, which likely will have profound effects on state and local taxes and spending. The Great Recession, for example, caused state individual income and sales tax collections to decrease from 2008 to 2010 by 11% and 8%, respectively. Meanwhile, local governments in Wisconsin rely much more heavily on the property tax, which is typically more stable during a recession: local property taxes increased by more than \$1 billion in the same time period.

The drop in state taxes could still impact local governments and school districts, which in addition to the property tax rely on revenue from the state for about 40% of their own



general revenues (schools receive more than that and cities and counties less). The full impacts depend in part on still unknown factors such as the length of the pandemic and the extent of any additional federal assistance to state and local governments. For instance, the 2009 American Recovery and Reinvestment Act provided funds for state and local infrastructure, state Medicaid programs, and K-12 schools, propping up public spending in Wisconsin despite the falling state tax collections.

### State Spending Shift

Total state spending increased far more quickly than state aid to local governments between 1997 and 2017. Growth in total state spending also far outpaced the rate of inflation (52.7%), while growth in local aids was at or below it.

During these years, the state sharply increased spending on public welfare, which includes programs like Medicaid and Temporary Assistance for Needy Families (TANF) that serve low-income residents. These programs made up 30.9% of the state's direct general expenditures in 1997 but increased to 41.0% by 2017.

Medicaid programs range from acute to long-term care. Factors contributing to the increase in Medicaid spending include the general rise in healthcare costs nationally, the state's aging population, and a series of coverage expansions going back to the creation of BadgerCare in 1999. Before any inflation adjustment, per capita spending in this area rose from \$546 in 1997 to \$1,822 in 2017, while Wisconsin's nationwide rank for welfare spending at just the state level rose from 36th to 26th.

Higher welfare spending has affected other priorities and will likely continue to do so given the high unemployment during the pandemic. State spending on education (including the UW System) dropped from 25.1% of core state spending in 1997 to 21.3% in 2017. Corrections spending declined from 5.3% to 3.8% over the same time span, and environmental and housing spending dropped from 5.2% to 1.9%. Again, these figures look at only state spending in these areas.

The greater growth in state spending and its increased share of overall public spending also is linked to increased tax collections. Revenues generated from the state individual income tax – the largest state tax – have risen far more swiftly than property tax collections, which in 2017 accounted for 92.7% of total local tax collections in Wisconsin. As noted earlier, however, this trend should reverse as a result of the economic disruption caused by the pandemic.

### **Constrained Local Governments**

Significant factors limiting local government spending in Wisconsin are the longstanding state limits on property tax increases for municipalities, counties, and technical colleges (see our April 2018 Taxpayer) and on school district revenues including the property tax. In 2011, state officials tightened these longstanding limits.

With both property taxes and state aid constrained, local governments increased their spending only 21% from 2007 to 2017, which modestly exceeded the rate of inflation but was less than half the 49% rise in state spending.

Local education (primarily K-12 schools and not including state efforts) and fire spending are two areas which have seen spending lag other states over recent years. Compared to 14th in the nation in 1997, local fire spending per capita in Wisconsin dropped to 30th in 2017. Local education spending, which was 5th per capita in 1997 and 10th in 2007, dropped to 18th in 2017. That said, police spending was 12th per capita in Wisconsin in both 2007 and 2017, while highway spending increased from 5th per capita in 2007 to 4th in 2017.

It is worth noting that Wisconsin Act 10 – adopted in 2011 – required most state and local employees to contribute more for their benefits, thus reducing local government spending on those benefits and making it harder to compare spending before and after the change. The legislation, which also repealed most collective bargaining for public workers, did not apply to local police and firefighters.

### **What Next?**

Wisconsin's position prior to this crisis – with state spending nearly matching local spending – reflects a confluence of factors, including healthcare expansions, property tax limits, and voter choices. Though local decisions such as school referenda will play a role going forward, the coronavirus pandemic and the state and federal response will dominate the coming months.

On the one hand, the hit to state tax revenues will have some downward effect on spending at the state level. On the other, the federal Coronavirus Aid, Relief, and Economic Security (CARES) Act provided a relief fund with an estimated \$2.3 billion for Wisconsin governments, principally the state. The CARES Act also has funds for K-12 schools, colleges and universities, and jobless benefits, and the Families First Coronavirus Response Act provides additional resources for both state Medicaid and unemployment programs.

The massive surge in unemployment will also drive up state spending on Medicaid and jobless benefits. Technically, unemployment payments lie outside state direct general expenditures – the main metric of spending we examine here – but they are a key part of total direct spending by the state.

In 2017, of \$31.1 billion in direct expenditures at the state level, \$463 million went to unemployment compensation. In 2010, state unemployment compensation reached \$3.1 billion (this number contains federally-funded benefits, boosted by the 2009 federal stimulus), then representing nearly 11% of state direct expenditures. U.S. Bureau of Labor Statistics data show peak unemployment in 2010 was slightly above 9%. Given that preliminary statistics for May of this year put it at 12% (April was even higher), it is clear that unemployment compensation spending in total and as a percentage of state spending is increasing dramatically in 2020, boosted once again by federal dollars.

Absent additional federal aid, lawmakers and Gov. Tony Evers will likely have to consider spending cuts that may extend to aid to schools and local governments. Their concerns should focus first on the health of the state's citizens and economy, not on statistics like those examined here. Yet, the trend toward greater constraints on local governments in Wisconsin – and on some parts of the state's own budget such as higher education – may be one factor to weigh during the deliberations to come.

**the League's 122nd Annual Conference (aka #LeagueWI2020)...**





## A Calculated Risk: An Independent Fiscal Analysis of the Village of Mount Pleasant

Study finds financial stability and risk in village where Foxconn development is underway

As local governments across Wisconsin contemplate how the COVID-19 pandemic will continue to affect their finances, a recent Forum study found that the village of Mount Pleasant can lean on healthy reserves and relatively steady revenue streams to ease the impacts. One key area to watch, however, is the financial impact of the considerable debt issued to support the tax incremental district that houses the Foxconn development, which now may be impacted by the struggling economy and changing project.

Once a quiet suburban community that few outside of the Milwaukee-Chicago corridor knew existed, the Village of Mount Pleasant plunged into national consciousness in 2017 with a White House announcement that the Taiwanese technology giant Foxconn had chosen it as the site for a huge new industrial plant. The plant - and the thousands of jobs it would create - promised to transform Mount Pleasant into the anchor of a new "Wisconsin Valley" that would move both the state and the region into global prominence as one of the world's technology hubs.

Three years later, the size of the Foxconn facility has been substantially reduced and its number and types of anticipated jobs have changed, but progress on the project continues. A one-million-square-foot advanced manufacturing facility is near completion at the Mount Pleasant site, with three more buildings soon to be completed.

To date, Mount Pleasant has issued \$203 million in revenue bonds to finance land acquisition and infrastructure in a tax incremental district (TID) created to support the Foxconn development. Debt service payments will be made over a 30-year period from the incremental increase in property values within the district that result from the project.

While this substantial amount of debt carries risk for the village and its taxpayers, the Forum found key protections in place. Chief among these is an agreement by Foxconn to pay property taxes

as if land within Area 1 of the TID has a \$1.4 billion valuation, even if its actual valuation is less. Other protections include the state of Wisconsin's moral obligation pledge to cover 40% of village and Racine County debt in the event that TID revenues are insufficient, as well as anticipated additional private development in the district.

Looking beyond Foxconn, the Forum found Mount Pleasant on a largely sound fiscal footing. Its strengths, prior to the onset of the pandemic, included rising property values, increasing net new construction rates, relatively steady general obligation debt payments, and a growing reserve fund balance. Challenges include growing fringe benefit and public safety costs, increasing road repair and improvement needs, and a heavy reliance on a single revenue stream, the property tax.

Furthermore, an analysis using fiscal metrics from the International City/County Management Association, or ICMA, finds the village was "financially secure and at little risk of short-term instability heading into 2020," according to the report.

Mount Pleasant's largely healthy finances are obviously good news, and the village is still positioned for increased economic development and population growth. However, modest challenges were emerging before the pandemic. Today, Foxconn's reduced plans for the first phase of its project and the impacts from the COVID-19 do cast some uncertainty.

The Forum produced the report to give citizens and policymakers a comprehensive, impartial analysis of the fiscal condition of Mount Pleasant's village government. The Johnson Foundation at Wingspread commissioned this research as part of its "Resilient Communities Initiative," the third in a series of local government fiscal analyses in the Greater Racine region.

Read the report <https://wispolicyforum.org/research/a-calculated-risk-village-of-mount-pleasants-fiscal-condition/>



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Expenditure Restraint Program (The increase reflects \$583,000 in annual payments made to Janesville and the Village of Maine between 2018 to 2022.)	\$58.1 million	\$59.3 million
Payments for Municipal Services Program (PMS)	\$25 million	\$18.5 million
PMS Funding as a Percentage of Cost to Municipalities	88%	34%
Municipal and County Recycling Grants	\$26.3 million	\$19 million
Recycling Funding as a Percentage of Cost to Municipalities	31%	16%
	<b>2010</b>	<b>2020</b>
General Transportation Aids (cities, villages, and towns)	\$318.9 million	\$383.5 million

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# It's Time for Ethical Communication

Eric Giordano, Ph.D., Executive Director, Wisconsin Institute for Public Policy and Service, University of Wisconsin System

I have been asked by the editors of *The Municipality* to write a series of articles on the topic of conflict management. I will begin by introducing a strategy known as *Ethical Communication* which is an effective collaborative approach to resolving interpersonal conflict.<sup>1</sup> Because ethical communication is an interactive process, I would like you to imagine for a moment that we are having a conversation. To get us started, I will present a set of thought questions that mirror the steps of the model (see Figure 1 below).

**Figure 1. Six Steps of Ethical Communication**

Problem Definition	Understanding & Choice	Solution
<p><b>1. Actively Listen</b></p> <ul style="list-style-type: none"> <li>- What is the problem?</li> <li>- My view/your view</li> <li>- How do we feel (sad, angry, scared, etc.)?</li> </ul> <p><b>2. Identify Concerns</b></p> <ul style="list-style-type: none"> <li>- What if no change?</li> <li>- What concerns us?</li> <li>- What is greatest fear?</li> </ul>	<p><b>3. Assert Needs</b></p> <ul style="list-style-type: none"> <li>- What do I want?</li> <li>- What do you want?</li> <li>- What would that look like?</li> </ul> <p><b>4. Share Values</b></p> <ul style="list-style-type: none"> <li>- Why do we want that (freedom, security, power, relationship, etc.)?</li> </ul>	<p><b>5. Make Decisions</b></p> <ul style="list-style-type: none"> <li>- What is best outcome?</li> <li>- What can we live with?</li> <li>- What are we willing to do to achieve it?</li> </ul> <p><b>6. Plan Actions</b></p> <ul style="list-style-type: none"> <li>- Who will do what, when, where, and how?</li> </ul>

**Thought Question #1.** When was the last time you faced a troubling interpersonal conflict and how did it make you feel? Whether the result of incompatible goals, scarce resources, or opposing viewpoints, conflict is endemic to human relationships. Personally, I deal with conflict nearly every day at work, at home, and beyond. I usually get through it without serious negative consequences. Occasionally, I bump up against a person or situation that confounds my best efforts. This can lead to a range of emotions, including sadness (when I am disconnected from people I care about); anxiety (when conflict interrupts my routine); indignity (when someone disrespects

me); anger (when someone says or does something hurtful); confusion (when conflict arises unexpectedly); and justification (when karma repays a bad actor); among many more – mostly negative and unproductive – feelings. Yet, according to numerous research studies, when conflict is well managed, it actually has the potential to create positive outcomes, including rewarding and satisfactory relationships.<sup>2</sup> This leads to a pertinent hypothesis: The problem isn't conflict – the problem is poorly managed conflict.<sup>3</sup>

**Thought Question #2.** What concerns you about conflict? What kinds of conflict and conflict outcomes do you most fear? I am concerned that conflict will damage relationships that are important to me. I also worry about the toxic effects of interpersonal conflict in the workplace. It doesn't help that our brains are wired in ways that sometimes exacerbate disagreements. For example, we are prone to motivated reasoning and confirmation bias which cause us to become entrenched in our viewpoints, no matter how objectively accurate or inaccurate they are. We are motivated to support positions we already hold, decisions we have already made, and groups to which we are already devoted. The bigger the potential threat to the things we care deeply about, the more self-protective our brains become.<sup>4</sup> This intensifies interpersonal and intergroup conflict and leads to what I actually fear most: escalatory conflict that pits individuals and groups against one another in emotion-laden, highly antagonistic relationships characterized by disdain for opposing viewpoints; incivility; prejudicial decision-making; and the erosion of trust in public institutions, including local government.

**Thought Question #3.** We know what we *don't* want, but what is it that we *do* want? What can we do to reduce the negative outcomes of conflict in our homes, our workplace, and the public square? I would like to see public officials develop and use conflict management skills and tools and serve as change agents in their organizations to build and sustain a culture of conflict management. This high-minded vision is not extraordinary or even unreachable. We can scarcely find a trade magazine or scholarly journal that doesn't publish recurring

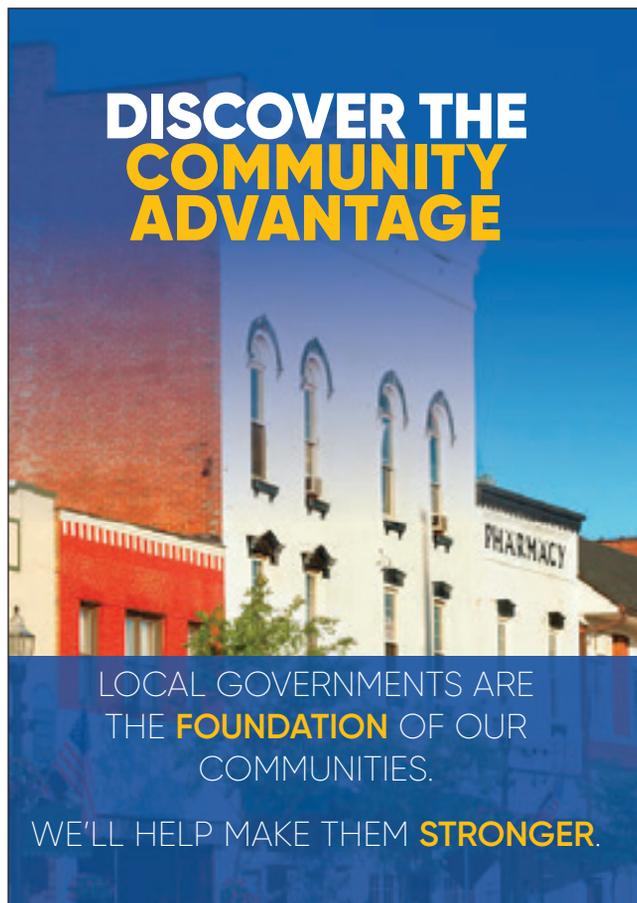
articles on conflict management principles, tips, skills, and tools. Researchers and practitioners agree that managing conflict, at its core, is about engaging effectively in difficult conversations. However, leaders and citizens alike appear to be retreating from, rather than embracing, principles of effective communication. I would like to see us reverse that trend.

**Thought Question #4.** Why does effective conflict management matter and why should we encourage public leaders and representatives to learn and implement relevant principles, skills, and tools? Improving competence and confidence in dealing with conflict can yield positive effects in the real world such as healthier relationships, better morale, increased productivity, decreased frequency and intensity of conflict, and greater trust among people. In a governance context, building capacity for conflict management can help restore the notion that we are working toward the collective good, as opposed to privileging one group over another. I have had multiple conversations recently with career civil servants and elected officials who have lamented how far removed we are from the days when political rivals could come together to negotiate in good faith; jointly advocate policies; or socialize

in the local watering hole. While it is naïve to imagine the past as all rainbows and sunshine, we seem to have crossed the River Styx to a dark place with no clear path of return. We see intense conflict encroaching into city, village, and county meetings, school board meetings, and in a variety of other community settings. Although the divides are not strictly ideological, the tone and tenor of our disagreements have escalated in unhealthy ways, reinforced by our respective “preference bubbles,” “information cocoons,” and “echo chambers.”

**Thought Question #5.** What can we do to build personal and organizational capacity for conflict management? There are five basic strategies: avoidance, accommodation, competition, compromise, and collaboration.<sup>5</sup> While specific circumstances favor each, only a collaborative approach explores shared values; repairs and strengthens relationships; and seeks win-win solutions. It is also the only strategy that does not avoid, repress, control, surrender, postpone, or potentially sow seeds for future conflict. You may have already learned about effective interpersonal communication tools such as courageous conversations or crucial conversations, which share

► p.16



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important collaborative principles. However, I prefer the term “ethical communication” because it reminds us that well-designed processes encourage the best in ourselves and others. The “ethical” part of collaborative problem-solving can be summed up by the following characteristics:

- Beneficence (desires good for all parties and does no harm)
- Empathy (encourages awareness and understanding of others’ feelings)
- Fairness (promotes just, equitable, and balanced solutions)
- Agency (allows freedom to choose)
- Integrity/Honesty (seeks out and adheres to truth)
- Respect (listens to and recognizes others’ viewpoints)

**Thought Question #6.** What is our plan going forward? What does ethical communication look like in practical terms and how do we implement it in our interpersonal relationships? As mentioned previously, ethical communication has six steps:

1. Actively listen to identify the problem and how we feel about it
2. Share our concerns if the problem is not addressed
3. Assert our wants and needs
4. Explain why our needs are valuable to us
5. Propose and negotiate joint decisions
6. Plan and implement appropriate actions

These steps are designed as joint actions that put us on a pathway to resolving conflict. Collectively they create a safe space to understand new perspectives, consider alternative evidence, and discard negative emotions without being blamed, losing face, or giving up what is valued most. The process

of ethical communication isn’t always quick and easy, nor does it work to resolve conflict in every instance. But it helps to humanize those with whom we disagree. It allows us to recognize our respective concerns and feelings, and to value each other as individuals, even if we don’t see eye to eye. It is ethical because it allows us to break down stereotypes, remove false dichotomies (and the false choices that they present), expand opportunities for changing behavior, and repair and strengthen relationships.

As a next step, I propose that we invest in formal training and coaching using an ethical approach to interpersonal communication. This is particularly important because we spend most of our lives being unconsciously trained not to speak ethically to one another. In addition, we have barely scratched the surface here and have yet to address a number of critical topics such as conditions that favor ethical communication versus other approaches; personal preparation and techniques to maximize effectiveness; and how to build on this approach to address intergroup conflict; among others.

Thanks for engaging in this brief ethical “conversation” and I look forward to continuing our journey toward effective conflict management.

Contact Eric at [egiordano@uwsa.edu](mailto:egiordano@uwsa.edu)

*Editor’s Note:* Eric will be writing a quarterly column as part of the new resource the League and League Mutual are providing to League members in partnership with the Wisconsin Institute for Public Policy and Service (WIPPS). To learn more, refer to the article “New League Conflict Management Resource” in the League’s June 2020 *The Municipality* and see the League’s website <https://www.lwm-info.org/1592/11985/Conflict-Management>

1. The primary text underlying research and practice of ethical communication is based on the work of William Glasser in his 1998 book, *Choice Theory: A New Psychology of Personal Freedom*.

2. See, for example, D.J. Canary and Susan J. Messman, “Relationship Conflict,” in *Close Relationships: A Sourcebook*, eds. Clyde Hendrick and Susan S. Hendrick (Thousand Oaks, CA: Sage, 2000), 261-70; Jonathan Bundy, Ryan M. Vogel, and Miles A. Zachary, “Organization-stakeholder fit: A dynamic theory of cooperation, compromise, and conflict between an organization and its stakeholders,” *Strategic Management Journal* 39, no. 2 (February 2018): 476-501; and Jane. E. Dutton and Belle. R. Ragins, eds. *LEA’s organization and management series. Exploring positive relationships at work: Building a theoretical and research foundation* (New York: Psychology Press, 2007), 137-158.

3. Abdul Ghaffar, “Conflict in Schools: Its Causes & Management Strategies,” *Journal of Managerial Sciences* 3, no. 2 (2009): 213.

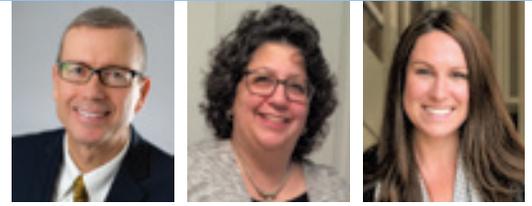
4. Cordelia Fine, *A Mind of Its Own: How Your Brain Distorts and Deceives* (New York: W.W. Norton & Company, 2006), 8.

5. Kenneth W. Thomas and Ralph H. Kilmann, *The Thomas-Kilman Conflict Mode Instrument* (Mountain View, CA: CPP, Inc., 1974).

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# Funding Streets Through Transportation Utility Fees



Curt Witynski, J.D., Deputy Executive Director, Claire Silverman, Legal Counsel,  
Maria Davis, Assistant Legal Counsel, League of Wisconsin Municipalities

Wisconsin municipalities are searching for alternative ways to pay for essential services like street maintenance and other transportation services. One reason is lack of adequate funding to pay for those services. Although Wisconsin municipalities' main source of revenue is the property tax, Wisconsin local governments have operated under the strictest property tax levy limits in the country for nearly a decade. Moreover, the state expressly prohibits municipalities from imposing other taxes such as a sales tax (with extremely limited exceptions) and local income taxes. At the same time, funding for state aid programs, such as shared revenue, has been flat or decreasing for years. State transportation aids currently cover, on average, sixteen percent (16%) of city and village transportation-related costs.

In addition to lack of funding, some municipal leaders have concluded that paying for street improvements through special assessments imposed on abutting property owners is inequitable and places a disproportionate burden on property owners for improvements that benefit the area or community in general. Substantial assessments can jeopardize the ability of some residents (e.g., those living on fixed or limited incomes) to remain in their homes.

As a result of these factors, some municipalities are turning to alternative revenue options like local vehicle registration fees and transportation utility fees to pay for street maintenance and other transportation services. Several

League members have requested the League's legal opinion on whether Wisconsin municipalities may create transportation utilities and charge property owners transportation utility fees.

We conclude that a municipality may rely on its broad statutory and/or constitutional home rule powers to create a transportation utility and charge property owners transportation utility fees. Alternatively, a municipality may charge property owners a street maintenance user fee under Wis. Stat. § 66.0627. Any fee must be reasonably related to the cost of the services provided. The League suggests that a transportation utility fee is most defensible against challenge if the basis for the fee is closely related to property occupants' use of the local street network. It is the League's opinion that transportation utility fees with such a basis are accurately characterized as fees and not taxes. Such fees should be segregated and used only for street maintenance and other transportation services. To avoid needing to reduce the community's property tax levy under § 66.0602(2m)(b) of the levy limit law, municipalities should avoid using transportation utility fee revenue to pay for snow plowing or street sweeping.

## Sources of Authority for Transportation Utility Fees

While no state statute expressly authorizes Wisconsin communities to create transportation utilities and charge transportation utility fees, Wisconsin municipalities have broad authority to

create, manage, and finance utilities. Transportation utility fees are financing mechanisms that treat the community's street network and other transportation services like a utility. Residents and businesses are charged fees based on their use of the transportation system, analogous to how municipalities provide and pay for water, sewer, electric, and stormwater services.

In the state's early years, no statutes existed expressly authorizing cities and villages to own and operate water, sewer, or other common municipal utilities. Instead, municipalities relied on non-specific, broad police power authority to create and fund such now-familiar utilities. Similarly, in the early 1990s, municipalities like Appleton, Glendale, and Eau Claire initially relied on their broad police power authority to create stormwater utilities and charge property owners stormwater fees based on the amount of impervious surface on the property. Cities over 10,000 in population began to charge such fees to help pay for the cost of complying with new state regulations requiring the removal of pollutants from stormwater. Only later did the Legislature add language to the predecessor of Wis. Stat. § 66.0681 expressly confirming municipal authority to create stormwater utilities and stormwater fees. See 1997 Wis. Act 53, which took effect January 9, 1998.

Notably, the Wisconsin Supreme Court determined fairly early that Wisconsin municipalities do not need explicit

statutory authorization to create a municipally-owned utility. In 1895, the Court held that “it is not necessary to seek an expressed delegation of power to the city to build a water works and an electric lighting plant, because the power expressly granted to the city to pass ordinances for the preservation of the public health and general welfare includes the power to use the usual means of carrying out such powers, which includes municipal water and lighting services.”<sup>1</sup> Similarly, a general grant of authority to act for the public health or general welfare is adequate legal authority today for Wisconsin cities and villages to create, operate, and finance through user charges, a transportation utility.

### Statutory Home Rule Authority

Wisconsin cities and villages are vested by the state legislature with broad general police powers. The general city charter law, Chapter 62, gives cities the “largest measure of self-government compatible with the constitution and general law.” Wis. Stat. § 62.04. Wisconsin Stat. § 62.11(5), the general authority statute for city councils, provides:

Except as elsewhere in the statutes specifically provided, the council shall have the management and control of the city property, finances, highways, navigable waters, and the public service, and shall have power to act for the government and good order of the city, for its commercial benefit, and for the health, safety, and welfare of the public, and may carry out its powers by license, regulation, suppression, borrowing of money, tax levy, appropriation, fine, imprisonment, confiscation, and other necessary or convenient means. The powers hereby conferred shall be in addition to all other grants, and shall be limited only by express language.

The Legislature has directed courts to liberally construe this provision “in favor of the rights, powers and privileges of

cities to promote the general welfare, peace, good order and prosperity of such cities and the inhabitants thereof.” Wis. Stat. § 62.04.

A virtually identical grant of authority is provided to Wisconsin village boards

by Wis. Stat. § 61.34(1). That authority is also to be liberally construed in favor of “the rights, powers and privileges of villages to promote the general welfare, peace, good order and prosperity of such villages and the inhabitants thereof”

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to give villages the largest measure of self government compatible with the Wisconsin constitution. Wis. Stat. § 61.34(5).

These grants of power to cities and villages are substantial and give the governing body of a city or village “all the powers that the legislature could by any possibility confer upon it.” *Hack v. Mineral Point*, 203 Wis. 215, 219, 233 N.W. 82 (1931). These provisions are sufficient on their face to authorize city councils and village boards to create a municipal transportation utility and charge property owners transportation utility fees.

However, these broad powers are not absolute. Home rule powers granted by §§ 62.11(5) and 61.34(1) are constrained if the state has preempted municipal authority in a particular area. Statutory home rule powers may not be exercised if: the legislature has expressly withdrawn the power of municipalities

to act; municipal action would logically conflict with state legislation; municipal action would defeat the purpose of state legislation; or, municipal action would go against the spirit of state legislation. See *Anchor Savings & Loan Ass’n v. Equal Opportunities Comm’n*, 120 Wis. 2d 391, 355 N.W.2d 234 (1984); *DeRosso Landfill Co. v. City of Oak Creek*, 200 Wis. 2d 642, 651, 547 N.W.2d 770 (1996). Nonetheless, municipalities may enact ordinances in the same field and on the same subject covered by state legislation where such ordinances do not conflict with, but rather complement, the state legislation. *Johnston v. City of Sheboygan*, 30 Wis. 2d 179, 184, 140 N.W.2d 247 (1966).

Municipalities are not preempted in the area of creating transportation utilities and charging transportation fees. In applying the above preemption tests to creating a transportation utility and charging transportation user fees,

the state has not expressly prohibited communities from creating such a utility and imposing such fees. Indeed, the state has not entered the field of municipal transportation finance other than to explicitly authorize certain methods of funding transportation infrastructure improvements such as through the levying of special assessments under Wis. Stat. § 66.0703, imposing special charges for current services under Wis. Stat. § 66.0627, and charging local vehicle registration fees under Wis. Stat. § 341.35.<sup>2</sup>

The state has also created and funded several aid programs to assist local governments with transportation costs, including the General Transportation Aids and the Local Road Improvement programs. None of these grants of authority and financial assistance programs impliedly preempt municipal authority to create a transportation utility and charge property owners a

► p.20

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transportation user fee. Indeed, the statute authorizing special charges for current services expressly provides “The authority under this section is in addition to any other method provided by law.” Wis. Stat. § 66.0627(2). Similarly, the special assessment authority granted pursuant to § 66.0703 expressly states that it is a “complete alternative” to other methods provided by law. Wis. Stat. § 66.0703(1)(a). Likewise, we are not aware of any statutory provisions that creation of a transportation utility would logically conflict with, defeat the purpose of, or go against the spirit of. Although there is an argument that Wis. Stat. § 66.0907 preempts municipalities from using transportation utility fees to finance sidewalk construction and repair because it specifies certain ways in which municipalities may cover expenses associated with sidewalks, we believe the stronger argument is that municipalities can use alternative means for financing sidewalks, such as transportation utility fees, because the language in § 66.0907 regarding financing options is permissive rather than mandatory.

The exercise of home rule authority under §§ 62.11(5) or 61.34(5) must also serve a legitimate public purpose. This is usually not a significant bar to action because Wisconsin courts have adopted a very expansive view of public purpose. See *State ex rel. Hammermill Paper Co. v. La Plante*, 58 Wis. 2d 32, 55, 205 N.W.2d 784 (1973). (“Public purpose is not a static concept. The trend of both legislative enactments and judicial decisions is to extend the concept of public purposes in considering the demands upon municipal governments to provide for the needs of the citizens.”) Examples of public purposes that may be served by creating a transportation utility and imposing a user fee include protecting the health, safety, and general welfare of the public as well as acting for the municipality’s commercial benefit

by ensuring the fiscal ability to safely maintain municipal transportation systems and improve such systems to accommodate and facilitate economic growth. Funding and maintaining a transportation system is critically important to a community’s economy, tourism, and ability to attract and retain people and jobs. A well-maintained street network is also vital to ensuring that municipal emergency services can quickly and efficiently access commercial buildings and residences throughout the community.

### Constitutional Home Rule Authority

A city or village may also rely on its constitutional home rule authority to create a transportation utility and charge transportation user fees. This authority is found in Article XI, Sec. 3 of the Wisconsin Constitution, which provides:

Cities and villages organized pursuant to state law may determine their local affairs and government, subject only to this constitution and to such enactments of the legislature of statewide concern as with uniformity shall affect every city or every village.

The method of exercising such authority is specified in Wis. Stat. § 66.0101 and requires enacting a charter ordinance.

A charter ordinance exercising home rule authority is preempted if it conflicts with an existing state law that applies to all cities and villages. *Black v. City of Milwaukee*, 2016 WI 47, 369 Wis. 2d 272, 882 N.W.2d 333. However, no state law prohibits municipalities from creating transportation utilities and imposing transportation utility fees. For example, there are no state laws requiring communities to fund local transportation systems in a specific and exclusive way, precluding other options, such as a user fee. Similarly, no statute limits the type of utilities a municipality may create

or the types of user fees it may charge. Indeed, the Legislature has chosen not to prohibit communities from charging transportation utility fees even though several municipalities, like the City of Neenah, Village of Harrison, and Village of Weston, along with the Town of Buchanan have implemented such fees in recent years.

### Special Charges for Current Services

In addition to the statutory and constitutional home rule powers mentioned above, Wis. Stat. § 66.0627 provides authority for a municipality to charge property owners for municipal transportation-related services. Under § 66.0627(2), a municipal governing body may impose a special charge against real property for current services rendered by allocating all or part of the cost to the properties served. The statutory definition of “services” includes transportation maintenance activities like “street sprinkling, oiling, and tarring” and repair of sidewalks, curb and gutter. The definition of “services” is not an exclusive list. The examples given are not meant to limit its application in any way, but merely to highlight possible uses. *Rusk v. City of Milwaukee*, 2007 WI App 7, ¶ 17, 298 Wis. 2d 407, 727 N.W.2d 358.

Fees for current services are not invalidated merely because a property does not use the service. In *City of River Falls v. St. Bridget’s Catholic Church*, 182 Wis.2d 436, 512 N.W.2d 673 (Ct. App. 1994), the Wisconsin court of appeals held that charging user fees for making water available for fire protection services was valid, even though the party charged the fee had not used the water. Services under § 66.0627 can be rendered within a district and need not be performed for specific, individual properties. In *Grace Episcopal Church v. City of Madison*, 129 Wis. 2d 331, 385 N.W.2d 200 (Ct. App. 1986), the court of appeals upheld service

charges imposed under a predecessor to § 66.0627 (Wis. Stat. § 66.60(16)) on all properties within the State Street Mall and Capitol Concourse *district*, not just those abutting the pedestrian mall and concourse. The services the city provided to the district included lawn, tree, and shrub care, snow removal from walks and crosswalks, trash cleanup and removal, and bus shelter and fixture maintenance. The city charged a portion of the annual cost of providing such services against property owners adjacent to or near the State Street Mall and Capitol Concourse. Municipalities may, therefore, rely on § 66.0627 to charge all property owners in a community a fee for current maintenance of the community's street network even though not all properties being charged actually abut the streets being reconstructed or maintained with the fee revenue at any one time. The fact

that the entire transportation system is being maintained is sufficient to charge all property owners using the system a fee for current services rendered under § 66.0627.

### Fees Must Reasonably Relate to Costs

Whether a community relies on its broad statutory or constitutional home rule authority or § 66.0627, a transportation utility fee must bear a reasonable relationship to the service for which it is being charged. Wis. Stat. § 66.0628. That is, the fee amount that a community charges a property owner may not exceed the municipality's reasonable direct costs associated with activities the community takes related to the fee. Wis. Stat. § 66.0628(1).

In addition, the fee amount that any property owner pays should reasonably

relate to how much the property's occupants use the transportation system. According to an expert on the use of transportation utility fees in the U.S., a transportation utility fee with a basis that is most closely related to actual use of the street network has the greatest chances of successful implementation and withstanding critical scrutiny by a court or a tax appeals commission.<sup>3</sup> A transportation utility fee is most appropriate if its basis is closely related to property occupants' use of the local street network and is sensitive to local context and individual variation.<sup>4</sup> For example, a commercial business that generates a high amount of traffic may be charged a higher fee than a one-car household based on the different usage rates of a municipality's transportation system.

Generally, municipalities establish a more convincing link between transportation

► p.22

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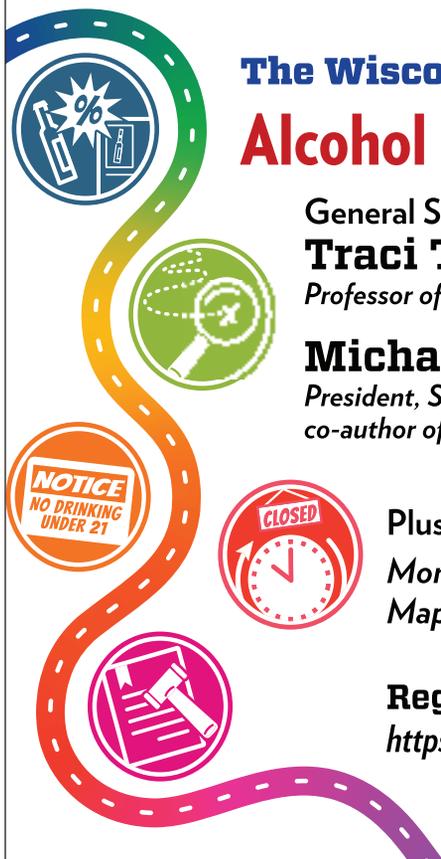
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infrastructure usage and user fee charges when they base their transportation utility fee on the number of trips generated by the property. That is why, according to the U.S. Department of Transportation Federal Highway Administration, Center for Innovative Finance Support, most transportation utility fee programs in the United States use trip generation rates prepared by the Institute of Transportation Engineers (ITE).<sup>5</sup>

**Fees vs. Taxes**

Transportation utility fees are susceptible to challenge if the fees resemble an unauthorized tax. The primary difference between a tax and a fee is the source of the municipality’s power and, more importantly, the municipality’s purpose in imposing the payment requirement. The Wisconsin Court of Appeals explained the primary difference between a tax

and fee as follows in *Bentivenga v. City of Delavan*, 2014 WI App 118, ¶ 6, 358 Wis. 2d 610, 856 N.W.2d 546:

A tax is an “enforced proportional contribution[ ] from persons and property” levied to support a government and its needs. *State ex rel. Bldg. Owners & Managers Ass’n v. Adamany*, 64 Wis.2d 280, 289, 219 N.W.2d 274 (1974) (citation omitted). The purpose, and not the name it is given, determines whether a government charge constitutes a tax. *City of Milwaukee v. Milwaukee & Suburban Transp. Corp.*, 6 Wis.2d 299, 305-06, 94 N.W.2d 584 (1959). “[T]he primary purpose of a tax is to obtain revenue for the government” as opposed to covering the expense of providing certain services or regulation. *City of River Falls v. St. Bridget’s Catholic Church of River Falls*, 182

Wis. 2d 436, 441-42, 513 N.W.2d 673 (Ct.App.1994). A “fee” imposed purely for revenue purposes is invalid absent permission from the state to the municipality to exact such a fee. *Milwaukee & Suburban Transp.*, 6 Wis. 2d at 306, 94 N.W.2d 584.

Municipal taxing power in Wisconsin is very limited. A municipality cannot impose a tax unless it is specifically authorized by the Legislature. Wisconsin municipalities are authorized to impose only property taxes and room taxes. (Six communities statewide are authorized to levy a sales tax on tourism-related retail sales under the Premier Resort Area tax laws. Wis. Stat. § 66.1113.) In contrast, municipal fees are charged to cover the costs of specific services provided or the costs associated with regulating in a specific area.

► p.23

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As discussed above, a transportation utility fee would be imposed under a community’s statutory or constitutional home rule powers or as a special charge for current services under § 66.0627. A transportation utility fee would not be implemented pursuant to a community’s power to levy general property taxes under Wis. Stat. Chap. 70.

The Wisconsin Court of Appeals addressed service charges and their relation to general property taxes under the predecessor statute to Wis. Stat. § 66.0627 in *Grace Episcopal Church v. City of Madison*, 129 Wis. 2d 331, 385 N.W.2d 200 (Ct. App. 1986). The court held that since the services provided were authorized by the Legislature by the predecessor to Wis. Stat. § 66.0627, the service charges were not general property taxes and the property tax exemption provided to churches by Wis. Stat. § 70.11(4) did not exempt the church from paying the fees. *Grace Episcopal*, 129 Wis. 2d at 335.

In contrast to the general property tax, the purpose of a transportation utility fee is exclusively to help pay for the cost of a specific governmental service, street maintenance.

A review of case law and scholarly literature on transportation utility fees suggests best practices that municipal officials can implement to avoid having

a transportation utility fee ruled an illegal tax:

1. Place all transportation utility fee revenue in a separate fund used only on street maintenance and other transportation projects. *Emerson College v. City of Boston*, 462 N.E.2d 1098 (Mass. 1984).
2. Collect the transportation utility fee in the same manner as the community does other municipal utility fees by including the amounts on property owners’ utility bills alongside sewer, water, and stormwater service charges.
3. Ensure the formula used to calculate fees is as accurate as possible. Over-generalization of fee-paying entities and ignoring real differences in their use of the street network or end-trip generation gives the fee strong tax-like characteristics. *Clintonville Road Maintenance and Transportation Utility Fee*, Andrew Robert Eveland (2019).
4. Transportation utility fee policies should avoid exempting tax-exempt properties as this gives the fee the appearance of being a tax. For the same reason, such policies should exempt undeveloped properties and vacant buildings. *Clintonville Road Maintenance and Transportation Utility Fee*, Andrew Robert Eveland (2019).

5. To the extent practicable, a transportation utility fee policy should include a process by which users are permitted to demonstrate reduced use of the street system to qualify for a lower fee. (e.g., Austin, Texas transportation utility fee ordinance allows residents who do not own or regularly use a motor vehicle to opt out of fee; Corpus Christi, Texas likewise has a process by which property applicants may appeal their fee level). *A TUF Sell: Transportation Utility Fee as User Fees for Local Roads and Streets*, by Carole Turley Voulgaris, Public Works Management & Policy 2016 Vol. 4.

**Avoiding Levy Limit Consequences**

The levy limit law requires a municipality to reduce its allowable levy by the estimated amount of fee revenue it collects for providing certain listed services, including snow plowing and street sweeping, if those services were funded in 2013 in part or whole by the property tax levy. Wis. Stat. § 66.0602(2m)(b). To avoid having this statute apply, a community that imposes a transportation utility fee to help pay for street maintenance and other transportation services, must not use the fee revenue to pay for snow plowing or street sweeping services.

► p.24



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## Conclusion

Wisconsin cities and villages struggling to pay for the cost of maintaining quality streets and other transportation services residents and businesses demand, may rely on their broad statutory or constitutional home rule powers or, alternatively, Wis. Stat. § 66.0627, to charge property owners transportation utility fees. Such fees must be reasonably related to the cost of the services provided. Transportation utility fees are

most defensible against a challenge if the basis for the fee is closely related to how much a property's occupants use the local street network. It is possible to design a transportation utility fee policy that is defensible against a challenge that the fee is more like an illegal tax. Finally, to avoid needing to reduce the community's property tax levy, municipalities should not use transportation utility fee revenue to pay for snow plowing or street sweeping.

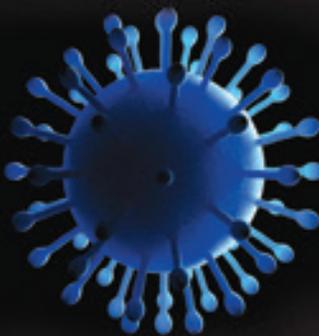
## Powers of Municipalities #939

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1. *Ellinwood v. Reedsburg*, 91 Wis. 131 (1895).
2. Wis. Stat. § 66.1113 authorizes six cities and villages to impose a sales tax on tourism-related retail and requires that the revenue be used on infrastructure costs.
3. *A TUF Sell: Transportation Utility Fee as User Fees for Local Roads and Streets*, by Carole Turley Voulgaris, Public Works Management & Policy 2016 Vol. 4 pages 305-323 (2016).
4. *Id.*
5. See *Transportation Utility Fees*, Center for Innovative Finance Support, U.S. Department of Transportation Federal Highway Administration, available at [https://www.fhwa.dot.gov/ipd/value\\_capture/defined/transportation\\_utility\\_fees.aspx#](https://www.fhwa.dot.gov/ipd/value_capture/defined/transportation_utility_fees.aspx#). For discussion of the pros and cons of basing transportation utility fees on trip generation rates for different classes of property, see the following sources:
  1. *Transportation Utility Fees: Possibilities for the City of Milwaukee*, a 2007 research paper prepared by students at the Robert M. La Follette School of Public Affairs, UW Madison. <https://lafollette.wisc.edu/images/publications/workshops/2007-tuf.pdf>
  2. *Clintonville Road Maintenance and Transportation Utility Fee*, Andrew Robert Eveland (2019) <https://www.lwm-info.org/DocumentCenter/View/3516/Eveland-Clintonville-TUF-Final-Thesis>
  3. *A TUF Sell: Transportation Utility Fee as User Fees for Local Roads and Streets*, by Carole Turley Voulgaris, Public Works Management & Policy 2016 Vol. 4 pages 305-323 (2016). [https://journals.sagepub.com/doi/pdf/10.1177/1087724X16629961?casa\\_token=RJ3FY9IWC7gAAAAA:uzmdZqQTPn5YPKej33W2pYmTky3rY0zxmAhw8otjF8gpthIKMQcpnA9fjsH2JGwTPhaTHXGDyKunQ](https://journals.sagepub.com/doi/pdf/10.1177/1087724X16629961?casa_token=RJ3FY9IWC7gAAAAA:uzmdZqQTPn5YPKej33W2pYmTky3rY0zxmAhw8otjF8gpthIKMQcpnA9fjsH2JGwTPhaTHXGDyKunQ)

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# Five Important Facts About Compensatory Time

Lisa Bergersen, Principal Attorney at EngageHR Law, Former HR Director, City of Pewaukee

The Fair Labor Standards Act (FLSA) allows public sector employers to give compensatory time off, also referred to as comp time, in lieu of overtime pay to non-exempt employees.<sup>1</sup> An employee must accrue an hour and a half of comp time for every hour of overtime worked.<sup>2</sup>

There are several considerations when using compensatory time. The five factors outlined below will help evaluate your provision of this benefit.

1. Employees must agree to receipt of compensatory time.<sup>3</sup>

Employers can grant compensatory time as overtime compensation if employees agree to it prior to working the overtime. This agreement can be evidenced by providing, prior to the overtime, a notice or policy to employees that compensatory time will be given instead of overtime pay.<sup>4</sup> If comp time will be the exclusive means of overtime compensation as an express condition of employment, explain the parameters of accrual, use, and payout and secure the employee's agreement as part of an offer of employment.

While the law does not require a written agreement, a record of the agreement must be kept.<sup>5</sup> Employees should acknowledge their agreement by signing receipt of the comp time policy. The key is to secure the

agreement prior to the commencement of the overtime.<sup>6</sup>

2. The FLSA regulates the accrual and use of compensatory time.

The FLSA caps the accrual of comp time. Protected service, emergency response, and seasonal staff can accrue comp time to 480 hours; all other employees accrue to 240 hours.<sup>7</sup> Overtime beyond the caps must be paid at the rate of time and a half.

Employers must allow employees to use comp time "within a reasonable period after making the request if the use does not unduly disrupt the operations."<sup>8</sup> Thus, it is important to set caps on comp time accrual that realistically permit employees to take the time off that they have accrued. Further, as described below, comp time balances must be paid out at termination, and the accrual limit should reflect what the organization can afford to pay at termination.

3. Accrued compensatory time must be paid upon separation.

Whether employees leave because of involuntary termination, resignation, or retirement, employers must pay out all unused compensatory time at termination.<sup>9</sup> Policies that include "use it or lose it" provisions for compensatory time are unlawful. In addition, the comp time payout must be at the employee's final regular rate,

or the average regular rate during the last 3 years of employment, whichever is higher.<sup>10</sup>

Employers can pay compensatory time balances at any time. For example, the comp time policy may specify that any unused balance will be paid at the end of each calendar year. This might make sense given Wisconsin Retirement System (WRS) provisions discussed below.

4. WRS late interest penalties may apply to compensatory time carryover.

Section 503 of the WRS Administration Manual (ET-1127) requires unused comp time that is paid out to be reported to the year in which employees earned it. The following example from the manual illustrates the point:

"A city employee earns 40 hours of compensatory time during 2018 . . . and the employee carries it over into the following year.

In 2019, the employee requests to have the 40 hours of compensatory time paid out as cash. At this point, the compensatory time reverts back to overtime; the earnings and hours are WRS reportable to 2018, the year in which the compensatory time was earned. The employer must report these hours and earnings to ETF by submitting a prior year adjustment transaction.

ETF will invoice the employer for the required contributions plus interest at the effective rate.”

The administration manual explains:

“In cases where the employee decides to bank compensatory time, but later elects to take cash in lieu of the compensatory time, late reported interest may be assessed to the employer per Wis. Stat. § 40.06 (5), since the payment (and hours) must be reported to the year when the hours were worked...”

\*\*\*

It is not required that employers institute a broadly applicable policy mandating that employees use any accrued compensatory time or it will be paid out routinely, such as at year’s end, for compensatory pay to be WRS reportable. However, a policy of this nature will eliminate the potential for employers to be subject to late interest assessments that will be due if they must report the payment to a prior year, i.e., when the service was performed, and the payment was earned.”<sup>11</sup>

When setting comp time policies, organizations need to take into account the potential WRS late interest assessments that may incur under these provisions, and the administrative burden of tracking comp time that accumulates year to year and filing prior year adjustments.

## 5. Employers can grant time off for extra hours to exempt employees.

The law does not entitle exempt employees to overtime pay for hours worked over 40 in a work week, nor does a public employer have to grant compensatory time to exempt employees, even if they provide it for non-exempt employees.

Employers can choose to provide exempt staff with time off for working extra hours. It should be called something other than compensatory time to avoid confusion with the comp time policy for non-exempt staff. Often employers refer to it as “personal” or “flex” time for exempt employees.

Employers can structure this benefit in any manner they choose, including for

example, setting it up as a half-hour or an hour off for every hour worked in excess of a set number of weekly hours, which might be some number higher than 40. If the organization formalizes an accrual of personal time for exempt staff, the best practice is to set an annual cap, and structure it as an unpaid “use it or lose it” benefit.

A formal accrual policy, however, is not required. The policy can be as informal as allowing exempt staff to take personal time with the approval of their supervisor.<sup>12</sup>

## Conclusion

Compensatory time can be a cost-effective means of compensating non-exempt employees for overtime work. A written comp time policy should be in place that takes into consideration the factors discussed in this article to ensure it is lawful and workable for the organization.

## Employees 365

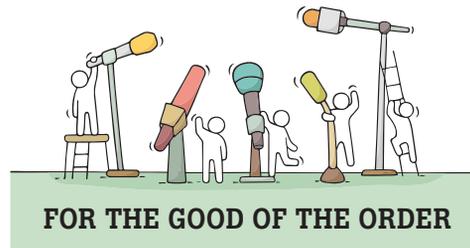
1. “Non-exempt employees” are those who are not exempt from overtime pay under the Fair Labor Standards Act. 29 Part 541. These employees are typically paid on an hourly basis and must receive one and a half times their regular rate of pay for hours worked in excess of 40 in a work week. There are different calculations for some police and fire personnel. U.S. Dept. of Labor Fact Sheet #8: Law Enforcement and Fire Protection Employees Under the Fair Labor Standards Act (FLSA).  
2. 29 CFR § 553.20.  
3. 29 CFR § 553.23.

4. *Overtime Final Rule and State and Local Governments*, U.S. Dept. of Labor (2016).  
5. 29 CFR § 553.23(c).  
6. For represented employees, the agreement must be included in the collective bargaining agreement or a memorandum of understanding. 29 U.S.C. § 553.23(b).  
7. 29 CFR § 553.24.  
8. 29 U.S.C. § 553.25.  
9. 29 CFR § 553.27(b).  
10. 29 CFR § 553.27(b).

11. See also Section 504 of the WRS Administration Manual.  
12. See the League’s sample handbook for helpful language: <https://www.lwm-info.org/DocumentCenter/View/4023/SAMPLE-EE-HANDBOOK---FINAL> Properly classifying employees as exempt from overtime is crucial. Please see the HR Matters on this subject for guidance: <https://www.lwm-info.org/DocumentCenter/View/3682/HR-Matters-Positions-Exempt-from-Overtime-Under-Federal-Law>

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# RONR 12th Edition – Changes from 11th Edition & Subsidiary Motions

Daniel Foth, JD, Local Government Specialist, Local Government Center, UW-Madison, Division of Extension

## Robert’s Rules of Order, Newly Revised 12th ed., and RONR *In Brief*, 3rd ed.

The 12th edition of Robert’s Rules of Order, Newly Revised (RONR), is now available. Although detailed update information is not yet available, book-seller websites note the following relevant changes, as applied to local governments:<sup>1</sup>

- Expanded appendix of charts, tables, and lists;
- Sample rules for electronic meetings;<sup>2</sup>
- Guidance on postponing a motion, reconsidering a vote, and making and enforcing points of order and appeals; and
- Clarifications, additions, and refinements to improve the presentation of existing rules, incorporate new interpretations, and address common inquiries.

Also, Robert’s Rules of Order Newly Revised *In Brief* (RONR *In Brief*) has been updated to the 3rd edition. RONR *In Brief* provides a concise and straightforward introductory guide for parliamentary procedure questions, and is cross-referenced to RONR 12th ed.

Municipalities whose meeting rules (or procedures) expressly reference RONR 11th edition may want to consider updating the reference to RONR 12th ed. If your meeting rules reference the “latest edition of RONR,” then no action is required.

When the 11th edition was published, the Roberts Organization published detailed changes between the 10th and 11th editions. I expect a similar approach after the publication of the 12th edition.

## Subsidiary Motions

This month, we discuss subsidiary motions and will focus on the differences between Lay on the Table (Table), Postpone, and Postpone Indefinitely. Subsidiary motions relate to the treatment or disposition of the main motion and other motions. A subsidiary motion applies to another motion and, if adopted, impacts the other motion. They are in order when the main motion is pending.<sup>3</sup>

RONR recognizes seven subsidiary motions. Ranked lowest to highest in order of precedence, they are the motions to:

- §11 Postpone Indefinitely – kills the main motion without a direct vote on the main motion. A majority vote is required to pass.
- §12 Amend – changes the main motion or amends certain other motions.
- §13 Commit or Refer – sends the main motion and any pending subsidiary motions to a committee (or other identified group) for consideration. This motion usually includes a defined time to report back to the governing body.
- §14 Postpone to a Certain Time (or Definitely) – delays consideration of the main motion and any pending subsidiary motions until the day/time set by motion.
- §15 Limit or Extend Limits of Debate (discussion) – changes the discussion rules, set by the approved meeting rules, by increasing or decreasing the number of times to speak or the length of time each speaker may use.
- §16 Previous Question – closes discussion, further action, and brings an immediate vote, for any motion or pending series of motions.

§17 Table – suspends consideration of the main motion and any pending subsidiary motions to allow for immediate consideration of more urgent business; usually, for consideration later at the same meeting, without specifying a time, but only when a majority decides to revisit it.<sup>4</sup>

Subsidiary Motions §11, §12, §13, §14, and §17 require a second and a majority vote to pass. Close Discussion and Limit/Extend Discussion (§15 & §16) require a two-thirds majority to pass.

## Table, Postpone, and Postpone Indefinitely

An area of continuing confusion is when to use Table, Postpone to a Certain Time, or Postpone Indefinitely. Under RONR, to Table a motion does NOT mean to end the discussion on the item indefinitely. To “Table” means a temporary delay and implies that this motion will be discussed later (usually in the same meeting). Where it gets confusing is that when a motion is tabled, it requires another motion to bring the item off the table. A frequent misconception is that if a motion is tabled, it means ending discussion forever.

To avoid confusion, both the motion maker and the chair should make clear their intent about handling the motion. Does the maker wish to stop discussion for the foreseeable future? If yes, use the Motion to Postpone Indefinitely. Or does the motion maker wish to resume the discussion at the next or a future meeting? Then use the Motion to Postpone to a Certain Time. Finally, if the desire is to stop the discussion to take up a more pressing matter, using the Motion to Table clarifies that. Again, recognizing that a Motion to bring off the Table will then be required.

For now, let’s move to postpone further discussion of Subsidiary Motions to the October edition of *The Municipality*.

1. <https://www.robertsrules.com/>

2. <https://www.robertsrules.com/pdfs/electronic-meeting-sample-rules.pdf>

3. A FEW FAQ'S ON PARLIAMENTARY PROCEDURE, Larmer & Hill, 2006

4. RONR 12th ed. Pages 66-64 and 126-218

## Legal Captions

### Employees 365

HR Matters column article, by Attorney Lisa Bergersen, discussing five important facts about compensatory time for non-exempt employees, including: employee agreement to receive compensatory time, FLSA regulations regarding accrual and use, paying compensation time upon separation of employment, WRS late interest penalties that may apply to compensatory time carryover, and granting time off for extra hours to exempt employees.

### Powers of Municipalities #939

A municipality may rely on its broad statutory and/or constitutional home rule powers to create a transportation

utility and charge property owners transportation utility fees. Alternatively, a municipality may charge property owners a street maintenance user fee under Wis. Stat. § 66.0627. Any fee must be reasonably related to the cost of the services provided. A transportation utility fee is most defensible against challenge if the basis for the fee is closely related to property occupants’ use of the local street network. Transportation utility fees with such a basis are accurately characterized as fees and not taxes. Such fees should be segregated and used only for street maintenance and other transportation services. To avoid needing to reduce the community’s property tax levy under § 66.0602(2m)(b) of the levy limit law, municipalities should avoid using transportation utility fee revenue to pay for snow plowing or street sweeping.



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### Taxation FAQ #16

**Under Wis. Stat. § 74.69, a property tax payment is considered timely paid if "it is mailed in a properly addressed envelope, postmarked before midnight of the prescribed due date for making the payment, with postage prepaid, and is received by the proper official, regardless of when it is received." What does the term "postmarked" mean for purposes of this statute? More specifically, if an envelope has a non-USPS postage meter stamp applied to it showing a date before midnight of the prescribed due date, does that qualify as "postmarked" for purposes of the statute?**

It is unclear whether a non-US Postal Service (USPS) mark on an envelope, such as a stamp made by a postage meter machine, qualifies as "postmarked" for purposes of determining whether a mailed property tax payment is timely paid. The term "postmarked" is not defined in Ch. 74 or anywhere else in the Wisconsin Statutes. Nor is it defined in the Wisconsin Administrative Code. In addition, no Wisconsin published court decisions have interpreted or defined the term "postmarked." Courts in other states have concluded that a postage meter stamp is a "postmark," reasoning that the USPS strictly regulates the use of postage meters thereby safeguarding its evidentiary value as to the date of mailing. See, for example, *Lozier Corporation v. Douglas County Board of Equalization*, 285 Neb. 705, 895 N.W.2d 652 (2013); *Bowman v. Administrator, Ohio Bureau of Employment Services*, 30 Ohio St.3rd 87, 507 N.E.2d 342 (1987). Other courts have rejected such a reading and concluded that only a USPS mark qualifies as a postmark for purposes of indicating the date an item was mailed. See, for example, *Smith v. Idaho Dept. of Labor*, 148 Idaho 72, 218 P.3d 1133 (2009); *Lin v. Unemployment Comp Bd. of Review*, 558 Pa. 94, 735 A.2d 697 (1999).

In the absence of a statutory or case law definition, a court will give statutory language its plain and ordinary meaning.

The USPS defines "postmark" as:

A postal imprint made on letters, flats, and parcels that shows the name of the Post Office that accepts custody of the mail, along with the two-letter state abbreviation and ZIP Code of the Post Office, and for some types of mail the date of mailing, and the time abbreviation a.m. or p.m. The postmark is generally applied, either by machine or hand, with cancellation or killer bars to indicate that the postage cannot be reused. United States Postal Service, Glossary of Terms, [https://about.usps.com/publications/pub32/pub32\\_terms.htm](https://about.usps.com/publications/pub32/pub32_terms.htm)

Blacks Law Dictionary (11th edition) defines a "postmark" as "an official mark put by the post office on an item of mail to cancel the stamp and to indicate the place and date of sending or receipt."

Merriam-Webster's dictionary defines "postmark" as "an official postal marking on a piece of mail; specifically: a mark showing the post office and date of mailing." *Merriam-Webster.com Dictionary*, Merriam-Webster, <https://www.merriam-webster.com/dictionary/postmark>.

Each of these definitions indicates that a "postmark" is an official mark or imprint made by the post office. These definitions would seem to preclude non-USPS marks, such as those made by private postage meter machines, from qualifying as a "postmark" under Wis. Stat. § 74.69.

Still, much business mail is processed by postage meter machines. Moreover, the USPS licenses and regulates the use of postage meters. Only authorized entities, such as Pitney Bowes, can provide postage meters and only the USPS may own a postage meter. *Lozier Corp. v. Douglas County Bd. of Equalization*, 829 N.W.2d at 660.

Additionally, the Legislature presumably was aware that there were various types of postmarks and chose not to specify or otherwise define the term "postmarked" in § 74.69. Arguably, if the Legislature had meant the term "postmarked" to mean only a USPS postmark, it could have said so explicitly.

Clearly, a mark made by the USPS on an envelope indicating the state and zip code of the post office and the date of mailing qualifies as a "postmark" for purposes of determining whether a property tax payment was timely paid under Wis. Stat. § 74.69. It is less clear that a stamp made by a postage meter machine also qualifies as a "postmark" under § 74.69, though a court might reasonably conclude as such. (New 8/20)

## 2020 League Workshops, Institutes, and Conferences

EVENT	DATES	LOCATION	REGISTRATION FEE
Municipal Attorneys Institute	September 2-3	Webinar	\$125 Member \$150 Non-Member
Avoiding Common Mistakes	September 10	Webinar	\$0 LWMMI Insured \$50 all others
Local Government 101	September 11	Webinar	\$70 Member
Municipal Assessors Institute	September 15-17	Webinar	\$125 Member \$150 Non-Member
Plumbing Inspectors Institute	<i>Plumbing Inspectors Institute is Canceled for 2020 - See You Next Year!</i>		
Annual Conference and Engineering & Public Works Institute	<b>The League's 122nd Annual Conference will be a series of In-Person Regional and Virtual Events. October 6-8 &amp; 13-15. Check our website for details!</b>		
Police & Fire Commission Workshop	November 13	Webinar	\$75 Member \$100 Non-Member

**CHECK WEBSITE FOR UPDATES**  
[www.lwm-info.org](http://www.lwm-info.org)



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**Details & Registration at:**  
<https://lwm-info.org/731/Annual-Conference>





# Adapt, Emerge & Thrive

## It's the League's 122nd Annual Conference

### #LeagueWI2020



Join us from wherever you are in Wisconsin via Zoom to connect on important issues with experts and your peers! Sessions are geared to you and will be interactive. Register today at <https://lwm-info.org/>

Date	Time	Title
Tuesday, October 6	10:00 AM	Opening Keynote: The Positive Power of Servant Leadership with Tom Thibodeau and League Business Meeting
Tuesday, October 6	12:00 PM	Unpacking 2020: Lessons Learned in Crisis Communications
Tuesday, October 6	2:00 PM	Racial Equity Local Government Action Steps
Wednesday, October 7	10:00 AM	Tax Incremental Financing Basics
Wednesday, October 7	12:00 PM	Roundtable: Small Communities
Wednesday, October 7	2:00 PM	How Secure is Your Municipality's Network? Assessing Cyber Risk
Thursday, October 8	10:00 AM	Best Practices for Recruiting & Interviewing Your Next Hire
Thursday, October 8	12:00 PM	Finding Lowest Responsible Bidders for your Construction Projects
Thursday, October 8	2:00 PM	Roundtable: Large Communities
Tuesday, October 13	10:00 AM	Ask the Attorneys
Tuesday, October 13	12:00 PM	Innovative and Affordable Ways to Comply with Phosphorus Standards
Tuesday, October 13	2:00 PM	Locally Sourced Downtowns: Supporting and Cultivating a Thriving District
Wednesday, October 14	10:00 AM	New Tools for Environmental Cleanup
Wednesday, October 14	12:00 PM	Managing Conflict in Local Government
Wednesday, October 14	2:00 PM	How Some Rural Communities Thrive While Shedding Population: Learning to Shrink Smart
Thursday, October 15	10:00 AM	Budget Strategies for Surviving the Recession and Thriving Post-Pandemic
Thursday, October 15	12:00 PM	Three Feisty Clerks: Candid Feedback for Municipal Leaders
Thursday, October 15	2:00 PM	Closing General Session: Featuring a Surprise Guest



### In-Person Meetings

We know there's a unique value to local leaders being able to get together and share ideas, so we're hosting a series of six in-person regional meetings. Join us at the meeting nearest to you. Space will be limited, so only registered conference attendees may attend. Your health is our first concern, so it is possible that we may have to cancel one or more regional meetings based on pandemic conditions.

Date	Time	Location	Building/Room	Address
Tuesday, October 6	6:30–8:00 PM	Spooner	Council Chambers	515 N. Summit Street, Spooner, WI 54801
Wednesday, October 7	6:00–7:30 PM	Strum	Village Hall Community Room	202 5th Avenue South, Strum, WI 54770
Thursday, October 8	6:00–7:30 PM	Lancaster	Lancaster Municipal Golf Course Club House	5 E. Golf Road, Lancaster, WI 53813
Tuesday, October 13	6:00–7:30 PM	Waterford	Inside Pole Barn	625 S. 1st Street, Waterford, WI 53185
Wednesday, October 14	6:00–7:30 PM	Brillion	Brillion City Center Council Chambers	201 N. Main Street, Brillion, WI 54110
Thursday, October 15	6:00–7:30 PM	Clintonville	Community Center	305 S. Main Street, Clintonville, WI 54929

## REGISTER NOW

<https://lwm-info.org/731/Annual-Conference> • \$150 League Member • \$175 Non-Member

Join us for one or join us for all – the price is the same.

The registration deadline is the close of business October 5, 2020. A refund minus a \$10 administrative fee will be provided for cancellations received by September 28, 2020.

# Transitions

**City Development Commissioner:**

Milwaukee - Lafayette Crump

**Director of Public Works:** Hilbert - Kim Plate

**Economic Development Director:**

Mount Horeb - Rowan Childs

**Mayor:** Dane - Marry Lou Hyatt

New Holstein - Jeffery R. Hebl

**Trustee:** Mount Horeb - Aaron Boehnen

## RETIREMENT



**Milwaukee.** Richard “Rocky” Marcoux, Milwaukee’s longest-serving city Development Commissioner retired recently. Rocky joined the city Housing Authority in 1986 and was appointed by Mayor Barrett as Development Commissioner in 2004. In a *Milwaukee Journal-Sentinel* interview, the mayor said Marcoux did “a phenomenal job” in a very challenging position. “In every single neighborhood, in every single opportunity, he gave 100%,” Barrett said.



**Eau Claire.** Pat Ivory retired in August after a 36+ years of public service with the city. He has been the staff advisor to countless city boards and commissions such as the landmark commission, the Bicycle and Pedestrian Advisory Committee, and many others. He’s helped draft volumes of code provisions, and has been instrumental in the city’s successful redevelopment efforts during his tenure. He will be missed!

## CONDOLENCES



**Marinette.** Sandra A. Saunier, a Ward 1 alderperson for 26 years (1987 to 2013), passed away in July. She was 81. In remembering Saunier, city officials unanimously point to her tireless work for the people in her Ward 1 district of Menekaunee. “I think she’s been a fixture in city government,” Mayor Steve Gensiot said. “She certainly was very interested in the benefits of the city, particularly Menekaunee and trying to bring improvements there. She was a very good person who genuinely cared for Menekaunee and the community as a whole.”

**Have an update?** Please send changes, corrections, or additions to Robin Powers at [rpowers@lwm-info.org](mailto:rpowers@lwm-info.org), fax (608) 267-0645 or mail to the League at 131 West Wilson Street, Suite 505, Madison, WI 53703

## 122<sup>ND</sup> ANNUAL CONFERENCE



### The Rumors are True!

WEA Trust is excited to continue our sponsorship of the annual Run/Walk for this year’s conference. As our first virtual run/walk, we’re asking you to send us a “hometown selfie” with your WEA Trust #LeagueWI2020 t-shirt to spread our excitement across the internet and the state! Sign up as part of the Annual Conference registration and we’ll send you a link to receive your t-shirt and details on posting a photo. - *Your WEA Trust Team*



Stay up to date on the Annual Conference, aka #LeagueWI2020 at:



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