



Steven A. Braatz, Jr.
City Clerk
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DATE: March 29, 2018

FROM: Steven Braatz, Jr., City Clerk

TO: Advisory Committee

RE: Options for filling the 2nd District Aldermanic Vacancy

On February 6, 2018, Alderperson Cathleen Probst submitted a resignation letter to Mayor Devine and President Lajsic, resigning from the Common Council effective March 31, 2018.

Sec. 2.05(a) of the Municipal Code states, "In the office of Mayor, except as provided in Sec. 9.10 of the Wisconsin Statutes, by appointment by the Common Council." Sec. 2.05 (b) of the Municipal Code states, "The office of Alderman, by the Common Council, except as provided in Sec. 9.10 of the Wisconsin Statutes."

Wis. Stat. §17.23(1)(a) states, "In cities of the 2nd, 3rd, or 4th class, in the office of mayor, except as provided in s. [9.10](#), by appointment by the common council for the residue of the unexpired term unless a special election is ordered by the common council, in which case the person appointed shall serve until his or her successor is elected and qualified. In the office of alderperson, by the common council, except as provided in s. [9.10](#). A person so appointed shall hold office until a successor is elected and qualified. Unless otherwise ordered by the common council, a successor shall be elected for the residue of the unexpired term on the first Tuesday of April next after the vacancy happens, in case it happens no later than December 1 preceding the first Tuesday in April, but if the vacancy happens after December 1 preceding the first Tuesday in April and before that day, then the successor shall be elected on the first Tuesday in April of the next ensuing year. The common council may, if a vacancy occurs before June 1 in the year preceding expiration of the term of office, order a special election to fill a vacancy to be held on the Tuesday after the first Monday in November following the date of the order. A person so elected shall serve for the residue of the unexpired term."

After reviewing the Wisconsin Statutes, the City Municipal Code, the Handbook for Wisconsin Municipal Officials published by the League of Wisconsin Municipalities, conferring with colleagues, and verifying with Attorney Scott Post, it is determined that an election to fill an Aldermanic vacancy is not mandatory. It is, however an option.

The term for the position being vacated by Alderperson Probst ends April 21, 2020.

In the event of a vacancy, the Council has several options: 1) appoint a person to serve the duration of the unexpired term; 2) appoint a person to serve until a successor is chosen by special election on the first Tuesday after the first Monday in November, 2018 (approximately

an eight-month appointed term followed by a 17-month elected term); 3) the Council may chose to leave the seat vacant until a successor is chosen by special election on the first Tuesday after the first Monday in November, 2018 (approximately a 17-month term); or 4) the Council may chose to leave the seat vacant until the next regular election on the first Tuesday in April, 2019, when a successor would be determined. A majority vote of all members of the Common Council is required to fill the vacancy through appointment.

Neither State law nor local ordinance lays out the procedure for filling the vacancy. The procedures for the last couple vacancies were as follows:

- A. In April 2003, 2nd District Alderperson Paul Murphy resigned to become the Municipal Judge. The Council appointed Martin Weigel to fill the residue of the term. Ald. Weigel then ran for election in April 2004, which was the normal election cycle.
- B. In November 2013, 5th District Alderperson James Sengstock resigned for personal reasons. The Council ordered a special election for April 1, 2014.

Sincerely,

A handwritten signature in black ink, appearing to read 'S. Braatz, Jr.', with a long horizontal flourish extending to the right.

Steven A. Braatz, Jr.
City Clerk