

Local Government

United States is truly a Constitutional Federal Representative Republic Democracy government that is separated into three equally powerful governmental bodies, the legislative, executive, and judicial powers of government.

This “Separation of Powers”, therefore, refers to the division of government responsibilities into distinct branches to limit any one branch from exercising the core functions of another. The intent is to prevent the concentration of power and provide for checks and balances.

As Charles-Louis de Secondat said, “...to most effectively promote liberty, these three powers must be separate and acting independently.”

The traditional characterizations of the powers of the branches of American government are:

- * The legislative branch is responsible for enacting the laws of the state and appropriating the money necessary to operate the government.
- * The executive branch is responsible for implementing and administering the public policy enacted and funded by the legislative branch.
- * The judicial branch is responsible for interpreting the constitution and laws and applying their interpretations to controversies brought before it.

This same branch system and separation of powers exists in most local governments and Cudahy is no different.

Branches/Separation of Powers

Legislative Branch – In Cudahy, the Legislator is call an Alderperson, Alderwoman, Alderman, or generically Common Council Member (that is not exactly the most correct way to reference since the Mayor is a member of the Common Council however is the Executive Branch). This is an elected position.

Executive Branch – In Cudahy, the Executive or CEO of the City is called the Mayor who has powers and duties imposed on the office by the State of Wisconsin. We have a full time Mayor who oversees the City, has the general supervision of all City Officers, Department Heads, and Managers. This is an elected position.

The City Attorney is part of the Executive Branch and is an elected position.

Judicial Branch – In Cudahy, the Judicial is the Municipal Judge and is an elected position.

Given all three branches are elected, truly makes the voters of Cudahy the Stockholders of the City.

What powers does the Common Council legally have?

WI Statute 62.11(5)

Powers of the Common Council

“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,

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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...”

What is the Common Council?

The Common Council consists of the Mayor who is the presiding officer and “chairs” [runs] it and the Alderpersons. When the Mayor is not present, the Common Council President is the presiding officer and “Chair”. The Mayor only votes in a tie if they choose to. The mayor cannot be compelled to break a tie vote. If the mayor refuses to break a tie, the measure fails for a lack of a majority.

What does the Common Council do?

As a whole, the City’s legislative body, the Council holds the reins over policy and funding. The Council has final authority over the annual budget, the appropriation of funds, and any changes to city policy or rules.

The Council sets the policy direction and priorities of the City by establishing ordinances (laws), passing declaratory resolutions, and considering, denying or approving motions at city meetings including mayoral member appointments to council committees and various boards.

The Council oversees all city properties (excluding CDA owned properties), and providing services for the health, safety, and well-being of the public.

As well, it is responsible for setting tax rates (water rate is set by the PSC and either accepted or denied by the Council) and assessing fees to meet operational and contingency needs of the city.

Council also approves for economic development and financing for capital expenditures.

What is the role of an Alderperson?

Represent the interests of the district’s constituents, as well as those of the entire city and if those interests, wishes, views or thoughts are in conflict to weigh what is best to do for the City as a whole not just for now, but what is best for the future of the City and its residents and taxpayers. They work for the taxpayers, work with the City and in the best interest of the City.

Set the city’s policy direction, considering constituent ideas and city staff expertise, as well as relevant evidence and data from a wide range of sources.

What does the Alderperson do?

Attend Common Council, committee, and board meetings.

The principal job of an Alderperson is to make policy for the governance of the City and its populace. Has policy-making authority only as a voting member of the Common Council.

The Alderpersons act as a voice and representative of their constituents and what is best for the City as a whole to approve ordinances, resolutions, alcohol licenses, the executive budget, and disbursal of funds.

Participate in borrowing to finance capital improvements projects.

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Consider override of Mayoral vetoes.

The principal forum for local government policy-making is the City Council meeting. The Council does not administer or become involved in the day-to-day administration of city affairs.

A policy is a course of action for a community. Policy-making often takes the form of passing ordinances or resolution at City Council meetings.

After policy decisions are made by the legislative body, the Mayor has the administrative task of implementing the policies. The distinction between formulation and implementation may not always be clear, necessitating open communication between legislators and administrators.

The Council has all the legislative powers and authority allowed cities in the State of Wisconsin.

The Council has general ordinance-making powers and control over the City finances and properties.

Legislates local laws as needs dictate to allow the staff to efficiently operate the daily business of the City while maintaining and in accordance to Federal and State laws.

Adopts an annual budget that was prepared by Mayor and staff to meet the needs of the citizens within the resources available and is subject to State law in that it must be a balanced budget; and (Council receives from the Mayor a preliminary annual budget and after public hearings and staff presentations, when necessary, Council passes a final annual budget that will most effectively meet the needs of the citizens within the parameters of the resources available.)

Establishes all policies for the efficient operation of the City; and Adopts Robert's Rules of Order, Revised, for all parliamentary rules not otherwise provided by the Charter.

Ordinances may be used for a variety of purposes, including administrative actions such as establishing offices and setting salaries or they may be used for actions that control the conduct of the public. An ordinance is a legislative enactment, within its-sphere, as much as an act of the state legislature.

Serve as a link between district residents and the city in resolving issues, needs, and complaints.

Alderspersons have no direct authority over city staff, have no right to direct a city employee to do anything or refrain from anything. That authority lies with the Mayor through a chain of command.

If your call to a City department does not resolve an issue to your satisfaction, then a call to your Alderperson is in order.

How many Aldermanic Districts does Cudahy have?

Cudahy has five Aldermanic Districts and NO At Large (where an alderperson just for the whole city).

As of April 2019, Cudahy will have two districts offset and staggered. Districts 1 and 3 will be on the same cycle and Districts 2, 4, 5 will be on the same cycle.