

# ***CITY OF FOND DU LAC - Memorandum***

---

**City Attorney/Human Resources Department**

**Date:** June 8, 2022

**To:** Joseph Moore, City Manager  
Members of the City Council

**From:** Deborah S.R. Hoffmann

**Re:** Charter Ordinances

Charter ordinances are covered under Section 66.0101, Wis. Stats. A charter ordinance is the most permanent of all local legislative actions and may only be altered or nullified by another charter ordinance. A municipality cannot adopt a charter ordinance to deny the effect of a statute which is of uniform statewide concern. A City might choose to pass a charter ordinance when they want the process to be deliberative and to ensure that the ordinance cannot be quickly and easily changed.

When a governing body adopts a charter ordinance, it must do so by a two-thirds vote of the members elect. The ordinance is not effective until 60 days after its passage and publication. If within 60 days a petition signed by electors of the city equal to not less than seven percent of the votes cast for governor at the last general election is filed in the municipal clerk's office, the charter ordinance must be submitted to a referendum and approved by a majority of the voting electors before it becomes effective.

In Fond du Lac, we have additional requirements for passing a charter ordinance in our City Code. Section 26-5 of our City Code provides:

## **§26-5 Charter ordinances.**

### **A.**

Notice and hearing. In addition to the requirements contained in § 66.0101, Wis. Stats., the City Council shall not act upon a charter ordinance until the proposed ordinance is published as a Class 1 notice in the official newspaper and public hearing on the matter is held before the City Council.

### **B.**

Filing of objection. After the public hearing, the proposed charter ordinance may be adopted at the next subsequent regular Council meeting unless a written

objection by a resident of the City of Fond du Lac has been filed with the City Clerk prior to or at the public hearing on the matter. If such an objection is filed, the charter ordinance shall not be acted upon until 60 days after the date of the public hearing.

**C.**

Intent and purpose. All requirements of § 66.0101, Wis. Stats., pertaining to charter ordinances shall remain in effect. It is the intent of this section to supplement, not amend or repeal, the provisions of § 66.0101. If any provisions of this section conflict with any provision of § 66.0101, the statutory provision shall prevail.

Based on our City Code and the Wisconsin statutory provisions, a Fond du Lac charter ordinance would need to follow several steps to be adopted.

1. The City Council would need to agree on the wording of the proposed charter ordinance and authorize the City Clerk to publish a Class 1 notice of a public hearing.
2. The City Council would hold the public hearing at the date and time published in the notice.
3. If a written objection is filed with the City Clerk on or before the public hearing, the City Council would hold the charter ordinance for 60 days before acting upon it.
4. If no written objection is filed, the City Council would be able to vote on the charter ordinance at the next meeting after the public hearing. If it passes with a two-thirds vote, it would then be published as a charter ordinance. It would go into effect after 60 days unless City electors file a petition with the requisite signatures that force it to referendum.
5. If a valid, fully executed petition is filed, the charter ordinance would be submitted for a referendum and would need to be approved by a majority of the voting electors to become effective.

Thank you for your attention. Please feel free to contact me if you have any questions regarding the charter ordinance process.