

▼ Salaries

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1. **1. Is a three-fourths vote required to change the salaries of governing body members?**
2. **2. Can the salary of governing body members be increased or decreased during a term?**

The answer is no, unless the salary increase or decrease has been established in accordance with statutory deadlines. With regard to increases, sec. 66.0505 of the Wisconsin Statutes prohibits city and village officials who by virtue of their office are entitled to participate in setting the salary for that office, from collecting salary in excess of the salary provided at the time they took office during their term of office. Since village board and common council members are entitled to participate in setting the salary for those offices, this essentially prohibits governing body members from raising their own salaries during their term. The legislature has declared this prohibition to be of “statewide concern” which essentially means that municipalities may not enact a contrary law.

This prohibition does not prevent the members of a municipal governing body from receiving prescheduled salary increases during the middle of their term. Rather, it prohibits mid-term increases determined by current governing body members. A governing body may decide that a salary increase will take effect at the beginning of the next term, or at some other time, such as after the first year of the next term. This means, if seats are staggered, that newly elected officers could get more than officers continuing to serve out their terms.

In recent past, the statutes governing salaries for governing body members in cities and villages were inconsistent. The statute governing villages expressly prohibited a decrease in salary during the term. A similar provision prohibiting reduction of salaries for city governing body members’ salaries had been deleted back in 1967. These statutes were amended by 2009 Wisconsin Act 173 and the statutes governing cities and villages are now consistent. The statutes (secs. 61.193 and 62.09(6)) expressly provide that compensation for elective offices may not be “changed” after the deadline for establishing the compensation has passed. The word “change” is broad and encompasses decreases as well as increases. (reviewed 1/28/14)

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3. **3. May a municipal governing body member waive his or her annual salary?**

Yes, provided the refusal complies with the procedures and time constraints set forth in Wis. Stat. § 66.0505(3). Under § 66.0505(3), a member or member-elect of a governing body may send written notification to the municipality's clerk and treasurer that he or she wishes to refuse to accept the salary he or she is otherwise entitled to receive. To be valid, the notification must be given within certain time frames. Initially, the notification must be sent no later than the day on which the elective officer takes the oath of office and before he or she performs any services in his or her official capacity, and the notification only applies to the taxable year in which the officer's election is certified or in which the officer is appointed, if the elective officer's current taxable year ends within 3 months of his or her certification or appointment, the notification applies until the end of his or her next taxable year. For subsequent taxable years, the notification must be sent at least 30 days before the start of the elective officer's next taxable year to be valid, and the notification applies only to that taxable year although the notification may be renewed annually.

Once the clerk and treasurer receive written notification as described above, the treasurer may not pay the officer his or her salary during the time period to which the notification applies, beginning with the first pay period that commences after notification applies. Governing body members or members-elect who send the written notification described above may not rescind the notification. If the notification no longer applies, the municipal treasurer shall pay the elective officer any salary that he or she is entitled to receive, beginning with the first pay period that commences after the expiration of the notification.

(rev. 2/21)

4. **4. Can fringe benefits be initially given to officials or increased during an official's term without violating the prohibition against increasing salary during an official's term?**
5. **5. Can the ordinance which sets the salary for governing body members contain a cost-of-living adjustment?**