

City of Whitewater Memorandum

To: Common Council & Staff
From: Attorney Jonathan K. McDonell
Date: 12/12/2024
Re: Public Hearing Requirements for Resolutions

QUESTION PRESENTED

Is a public hearing required under Wisconsin law for the adoption of municipal resolutions?

SHORT ANSWER

No, a public hearing is not generally required for the adoption of municipal resolutions under Wisconsin law unless a state or federal law, agency regulation, or local ordinance specifically mandates such a hearing. However, municipalities have the discretion to hold public hearings voluntarily.

ANALYSIS

1. General Rule for Public Hearings

Under Wisconsin law, most municipal actions, including the adoption of resolutions, do not need to be preceded by a public hearing. Public hearings are generally required only when explicitly mandated by a state or federal statute, agency regulation, or local ordinance. For example, certain types of municipal actions, such as zoning changes or budget approvals, may require public hearings because of specific statutory provisions (see Wis. Stat. § 66.1001 and § 65.90).

2. Local Ordinances

Municipalities may adopt local ordinances requiring public hearings for certain types of actions, including resolutions. In such cases, the municipality is bound by its own rules and must follow the procedures set forth in the ordinance.

3. Discretionary Public Hearings

Even in the absence of a legal mandate, a municipality may choose to hold a public hearing. This can provide transparency, promote public participation, and build community trust. However, such hearings are discretionary and not legally required unless otherwise specified.

4. Publication Requirements for Resolutions

In general, resolutions need not be published in full. However, specific statutes may require the publication of resolutions. For example, Wisconsin Statute § 66.0703 requires the publication of preliminary and final resolutions for special assessments. Municipalities must review the relevant statutes to determine whether publication is necessary for a particular resolution.

CONCLUSION

A public hearing is not generally required for the adoption of municipal resolutions in Wisconsin unless mandated by state or federal law, agency regulation, or local ordinance. Similarly, resolutions do not typically need to be published in full unless required by specific statutes, such as those governing special assessments. Municipalities retain the discretion to hold public hearings and to publish resolutions voluntarily if they deem it appropriate. To determine if a public hearing or publication is required in a particular instance, one must review the relevant state statutes, federal regulations, and local ordinances applicable to the resolution in question.