

City of Whitewater Memorandum

To: Common Council & Staff

From: Attorney Jonathan K. McDonell

Date: March 25, 2024

Re: In re: Change in City Classification for the City of Whitewater

As per Wisconsin law, cities are divided into four classes for governmental administration and exercise of corporate power based on population, determined by the federal decennial census or special interim census. The current classification of the City of Whitewater is a fourth-class City. The City of Whitewater could meet the criteria to be classified as a third-class city if the following conditions are met:

A city transitions from one class to another only when the following conditions are met:

1. A federal census demonstrates that the city's population has reached the required threshold for the desired class.
2. Provisions for any necessary changes in government have been properly made.
3. A proclamation by the mayor (manager), declaring the change, has been published under ch. 985, Sec. 62.05(2), Stats.

The classifications and corresponding population thresholds are as follows:

- Cities of 150,000 population and over: First Class
- Cities of 39,000 and less than 150,000 population: Second Class
- Cities of 10,000 and less than 39,000 population: Third Class
- Cities of less than 10,000 population: Fourth Class

Additionally, it's important to note that statutory references to a particular class of city under s. 62.05(1) do not automatically include cities with a population eligible for that class unless the city has completed the necessary actions to transition into that class under s. 62.05(2). Library boards in fourth class cities consist of seven members while library boards in cities of the second or third class consist of nine members.

Moreover, specific regulations and requirements vary based on the class of the city. For instance, fourth-class cities have extraterritorial zoning and plat approval jurisdiction for one and one-half miles beyond their corporate boundaries as contrasted with three miles for other classes of cities. Wis. Stat. secs. 62.23(7a)(a) and 236.02(s). Wis. Stat. secs. 62.13(11a) requires all but fourth-class cities to split firefighters into two or more platoons and Wis. Stat. Sec 213.13 requires minimum hours of rest for firefighters based on classification of city.

Furthermore, Wis. Stat. s. 145.05 outlines different appointment requirements for plumbing supervisors based on the city's class. The common council of a 1st, 2nd or 3rd class city with a water system or sewerage system, or the officer or board in charge, shall appoint one or more plumbing supervisors, who shall be licensed plumbers, and unless under civil service shall serve for a term of 4 years or more.