City of Stoughton
Council Members Pay Matrix
Data as of January 2022

	Budget Year									
Month	**2022**	**2023**	**2024**	**2025**	**2026**	**2027**	**2028**	**2029**	**2030**	**2031**
January	$ 3,600	$ 3,600	$ 3,933	$ 4,267	$ 4,600	$ 4,933	$ 5,267	$ 5,600	$ 5,767	$ 5,933
February	3,600	3,600	3,933	4,267	4,600	4,933	5,267	5,600	5,767	5,933
March	3,600	3,600	3,933	4,267	4,600	4,933	5,267	5,600	5,767	5,933
April	3,600	3,600	3,933	4,267	4,600	4,933	5,267	5,600	5,767	5,933
May	3,600	3,933	4,267	4,600	4,933	5,267	5,600	5,767	5,933	6,100
June	3,600	3,933	4,267	4,600	4,933	5,267	5,600	5,767	5,933	6,100
July	3,600	3,933	4,267	4,600	4,933	5,267	5,600	5,767	5,933	6,100
August	3,600	3,933	4,267	4,600	4,933	5,267	5,600	5,767	5,933	6,100
September	3,600	3,933	4,267	4,600	4,933	5,267	5,600	5,767	5,933	6,100
October	3,600	3,933	4,267	4,600	4,933	5,267	5,600	5,767	5,933	6,100
November	3,600	3,933	4,267	4,600	4,933	5,267	5,600	5,767	5,933	6,100
December	3,600	3,933	4,267	4,600	4,933	5,267	5,600	5,767	5,933	6,100
Salary total	43,200	45,867	49,866	53,866	57,866	61,866	65,866	68,532	70,533	72,533
FICA taxes	3,305	3,509	3,815	4,121	4,427	4,733	5,039	5,243	5,396	5,549
Total wages and benefits	$ 46,505	$ 49,375	$ 53,681	$ 57,987	$ 62,293	$ 66,599	$ 70,904	$ 73,775	$ 75,928	$ 78,082
Budgetary annual increase	**$ -**	**$ 2,871**	**$ 4,306**	**$ 4,306**	**$ 4,306**	**$ 4,306**	**$ 4,306**	**$ 2,871**	**$ 2,153**	**$ 2,153**
Highest annual salary	$ 3,600	$ 4,600	$ 4,600	$ 4,600	$ 5,600	$ 5,600	$ 5,600	$ 6,100	$ 6,100	$ 6,100
Lowest annual salary	3,600	3,600	3,600	4,600	4,600	4,600	5,600	5,600	5,600	6,100
Variance	**$ -**	**$ 1,000**	**$ 1,000**	**$ -**	**$ 1,000**	**$ 1,000**	**$ -**	**$ 500**	**$ 500**	**$ -**
January through April										
Council members	8	8	8	8	8	8	8	8	8	8
Monthly salary	$ 300.00	$ 300.00	$ 300.00	$ 383.33	$ 383.33	$ 383.33	$ 466.66	$ 466.66	$ 466.66	$ 508.33
Council members	4	4	4	4	4	4	4	4	4	4
Monthly salary	$ 300.00	$ 300.00	$ 383.33	$ 300.00	$ 383.33	$ 466.66	$ 383.33	$ 466.66	$ 508.33	$ 466.66
May through December										
Council members	8	8	8	8	8	8	8	8	8	8
Monthly salary	$ 300.00	$ 300.00	$ 383.33	$ 383.33	$ 383.33	$ 466.66	$ 466.66	$ 466.66	$ 508.33	$ 508.33
Council members	4	4	4	4	4	4	4	4	4	4
Monthly salary	$ 300.00	$ 383.33	$ 300.00	$ 383.33	$ 466.66	$ 383.33	$ 466.66	$ 508.33	$ 466.66	$ 508.33

Dave Ehlinger

From: Tim Swadley
Sent: Tuesday, March 15, 2022 10:16 AM
To: Dave Ehlinger
Subject: FW: Elective Officer Refusal of Salary

Tim Swadley
Mayor-City of Stoughton
207 S. Forrest St.
608-873-6459

"Committed to You and Your Community"

From: Joyce Tikalsky <JTikalsky@ci.stoughton.wi.us>
Sent: Wednesday, January 26, 2022 5:02 PM
To: Tim Swadley <TSwadley@ci.stoughton.wi.us>
Subject: Elective Officer Refusal of Salary

Call anytime with questions or comments.

ISSUE — Elective Officer: Refusal of Salary

Retrieved 1/25/2022 from Wisconsin Statutes:
https://docs.legis.wisconsin.gov/statutes/statutes/66/v/0505

Proposed addition to the discussion of alder salaries item "Council Pay Adjustments" on the agenda for the February 8, 2022, Finance Committee meeting and subsequent Common Council meeting:

- Proposing a process change to create a Refusal of Salary Option form, as defined in Wis. Stat. § 66.0505, to share with elected officials before they take the oath of office.

  The text and a link to Wis. Stat. § 66.0505 would be included with the Refusal of Salary Option form, alder orientation documents, and other materials for newly elected alders.

SUBCHAPTER V
OFFICERS AND EMPLOYEES

66.0505 Compensation of Governing Bodies

(1) Definitions. In this section:
(a) "Elective officer" means a member or member-elect of the governing body of a political subdivision.

(b) “Political subdivision" means any city, village, town, or county.
(2) Establishment of salary. An elected official of any political subdivision, who by virtue of the office held by that official is entitled to participate in the establishment of the salary attending that office, shall not during the term of the office collect salary in excess of the salary provided at the time of that official's taking office. This provision is of statewide concern and applies only to officials elected after October 22, 1961.
(3) Refusal of salary.
(a)
1. Notwithstanding the provisions of s. 59.10 (1) (c), (2) (c), (3) (f) to (j), 60.32, 61.193, 61.32, or 62.09 (6), an elective officer may send written notification to the clerk and treasurer of the political subdivision on whose governing body he or she serves that he or she wishes to refuse to accept the salary that he or she is otherwise entitled to receive.
2. Except as provided in subd. 3., to be valid 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 applies only 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.
3. Except as provided in subd. 2., to be valid the notification must be sent at least 30 days before the start of the elective officer's next taxable year, and the notification applies only to that taxable year although the notification may be renewed annually as provided in this subdivision.
4. If a clerk and treasurer receive notification as described in subd. 2. or 3., the treasurer may not pay the elective officer his or her salary during the time period to which the notification applies. Upon receipt of such notification, the political subdivision's treasurer shall not pay the elective officer the salary that he or she is otherwise entitled to receive, beginning with the first pay period that commences after notification applies.
(b) An elective officer, or officer-elect, who sends the written notification described under par. (a) may not rescind the notification. If an elective officer's notification no longer applies, the political subdivision's 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.
History: 1991 a. 316; 1993 a. 213; 1999 a. 150 s. 312; Stats. 1999 s. 66.0505;

Link to this document:

https://docs.google.com/document/d/1tFHpHNBMhPEL7XV7iLG5HayCPE6nxb5LRMoUMpGMmcw/edit?usp=drivesdk

Best regards,

Joyce Tikalsky (she/her/hers)
District 1 Alder, representing Wards 1 and 2
109 West Prospect Street

Dave Ehlinger

From: Tim Swadley
Sent: Tuesday, March 15, 2022 10:10 AM
To: Dave Ehlinger
Subject: FW: council pay

Tim Swadley
Mayor-City of Stoughton
207 S. Forrest St.
608-873-6459

"Committed to You and Your Community"

From: Tim Swadley <TSwadley@ci.stoughton.wi.us>
Sent: Thursday, January 27, 2022 8:55 AM
To: Tim Swadley <TSwadley@ci.stoughton.wi.us>
Subject: council pay

There is a question regarding council pay. Does the statute allow the current council to set the pay 3 years from now? The purpose is to raise the pay for everybody at the same time and without conflicting with statutes.

Governing Body Member Salaries

Claire Silverman, Legal Counsel, League of Wisconsin Municipalities
November, *The Municipality*, pg. 30

Salaries 426 R-2 Discusses common questions concerning governing body member salaries such as how salary is established or changed, timing constraints on changes, what is considered salary, whether use of automatic cost-of-living adjustments are permissible, whether ethics code allows governing body members to vote on own salaries, and procedures/timing for refusing salary.
10/1/2121 Read the article. (PDF)

Tim Swadley
Mayor-City of Stoughton
207 S. Forrest St.
608-873-6459

"Committed to You and Your Community"

Governing Body Member Salaries

Claire Silverman, Legal Counsel, League of Wisconsin Municipalities

Most village board and common council members are dedicated public servants who spend long hours tackling the tough challenges facing their community and working to create future opportunities within the municipality. Although the Wisconsin statutes authorize governing bodies to establish salaries to compensate local officials for their service, it's probably safe to say that most elected local officials are not drawn to public service by the compensation!

While lucrative compensation may not be the driving force behind public service, the fact that governing body members are responsible for establishing the compensation for their office creates a certain degree of tension, and statutes governing compensation for city council and village board members are aimed at preventing potential abuse. For example, changes to governing body compensation must be made within a certain time frame, and mid-term compensation changes for governing body members are prohibited. Such requirements help ensure that compensation is set for the office rather than the particular person holding the office and enable potential candidates for the office to determine what the compensation is before deciding whether to pursue the office. The prohibition on mid-term compensation changes for governing body members prevents persons elected to an office from increasing their own compensation once they are elected, but changes made during a governing body member's term can take effect if and when that officer is elected for a new term.

This month's comment addresses the legal requirements pertaining to governing body member salaries and the questions we receive most frequently on the topic.

How does a governing body establish compensation for governing body members or change the amount of compensation previously established?

Establishing salaries for governing body members requires a three-fourths vote of all the members of the governing body.[1] Once established, the salaries of governing body members remain in effect for ensuing terms unless changed by ordinance.[2] Although the statutes require governing body member salaries to be established by a three-fourths vote of the entire body, subsequent changes to the ordinance may be made without an extraordinary vote (i.e., made by a majority vote) unless local procedure dictates otherwise.[3]

Compensation for governing body members must be established before the earliest time for filing nomination papers for the office[4] or, in villages that don't use nomination papers, before the caucus date determined under Wis. Stat. § 8.05(1)(a). After that time or date, no changes to governing body compensation may be made that apply to the term of office for which the deadline or date applies.[5] In newly incorporated cities and villages, compensation for governing body members may be established during the first term of office.[6] Although the statutes don't address when village board members are paid, § 62.09(6) provides that salaries for city council members shall be paid at the end of each month unless the council shall, at any regular meeting by ordinance, order payment at more frequent intervals.

Can the salary of governing body members be increased or decreased during a term?

Regarding increases, § 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, during their term of office, salary in excess of the salary provided at the time they took 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 current term. The legislature has declared this prohibition to be of "statewide concern"

► p.31

1. Wis. Stat. §§ 61.32 and 62.09(6)(a).
2. Wis. Stat. §§ 61.32, 61.193(2) and 62.09(6)(a).
3. Wis. Stat. §§ 61.32 and 62.09(6)(b); Salaries 340 & 263.
4. The first day for circulating nomination papers for offices to be filled at the spring election is December 1 preceding the election. Wis. Stat. § 8.10(2)(a). Nomination papers can be filed any time after that, up until the deadline.
5. Wis. Stat. §§ 61.193 and 62.09(6)(am)2.
6. Wis. Stat. §§ 61.193(3) and 62.09(6)(1)(am)3.

which means that municipalities may not enact a contrary law.

This prohibition does not prevent governing body members 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.[7] If seats are staggered, this means that newly elected officers could receive more compensation than officers continuing to serve out their terms.

In the 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 member 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 expressly provide that compensation for a governing body member office may not be "changed" after the deadline for establishing the compensation has passed.[8] The word "change" is broad and encompasses decreases as well as increases.

How are salary and compensation defined?

The statutes governing changes to "compensation" define the term "compensation," for purposes of those sections, to mean "a salary, a per diem compensation for each day or part of a day necessarily devoted to the service … and the discharge of duties" for the city or village, or "a combination of salary and per diem compensation."[9] The Wisconsin Supreme Court has defined the term "salary" as a "fixed, periodical compensation paid for services rendered … "[10] "Salary" does not include "fringe benefits."[11] Section 66.0137(5)(b) of the Wisconsin Statutes allows local governmental units to "provide for the payment of premiums or cost sharing for hospital, surgical and other health and accident insurance and life insurance for employees and officers, their spouses, and dependent children." The League has opined that the prohibition on mid-term governing body salary increases does not prevent governing bodies from providing for mid-term insurance coverage or changes.[12]

Can expense reimbursement policies be altered mid-term?

Yes. While salary is, as noted above, a "fixed periodical compensation paid for services rendered," an expense is "a charge incurred in performing those services."[13] In order for a payment to be considered an expense reimbursement rather than compensation in the form of salary or a per diem payment, the payment must be reasonably related to the actual expenditures incurred. Just calling a monthly or per-meeting payment "expense reimbursement" does not make it such if the amount is not reasonably related to the costs incurred. Expense reimbursements need not be made by voucher for itemized claims and can be a fixed amount that the governing body determines reasonably approximates actual expenses.[14] Nevertheless, we have suggested in past opinions that a better approach is to provide for reimbursement of actual mileage, parking, lodging, telephone, postage, meals, and other expenses.[15] This latter approach requires itemization of expenses and review of claimed expenses.

Can compensation include automatic cost-of-living increases or provide different compensation based on a governing body member's years of service?

No, and maybe, but it is not advisable. Wisconsin Stat. § 66.0507 authorizes municipalities to set automatic cost-of-living adjustments (COLAs) for municipal employees and officers but does not permit the setting of COLAs for members of the governing body.[16]

Although the League has opined in the past that a range of salaries may be set for elected municipal officers based on the number of years an incumbent has served in office,[17] the legality of such a salary arrangement is questionable and probably inadvisable. An attorney general opinion issued after the League opinions concluded that a county board lacked authority to establish a compensation scheme for elected county officials based upon the incumbent's performance or length of service.[18] The attorney general reasoned that compensation must be attendant to the office, not the personal characteristics of the individual who holds that office at a particular time.

► p.32

7. Wis. Stat. § 66.0505(2).
8. Wis. Stat. §§ 61.193(2), 62.09(6)(am)2 and 66.0507(2).
9. Wis. Stat. §§ 61.193(1) and 62.09(6)(am)1.
10. *Geyso v. Cudahy*, 34 Wis. 2d 476, 483, 149 N.W.2d 611 (1967); Salaries 412.
11. *State ex rel. Manitowoc v. Police Pension Board*, 56 Wis. 2d 602, 203 N.W.2d 74 (1973); 70 Op. Att'y. Gen. 266 (1981).
12. Salaries 416 & 396.
13. *Geyso*, supra.
14. *Id.*; Salaries 401.
15. Salaries 412.
16. Salaries 413 & 391.
17. Salaries 414 & 330.
18. 80 Op. Att'y Gen. 258 (1992).

Does the state ethics law for local officials prohibit governing body members from voting to increase or authorize their own salaries, benefits and/or expense reimbursements?

No. Local public officials may act concerning the lawful payment of salaries or employee benefits or reimbursement of actual and necessary expenses without violating the state ethics code for local officials.[19]

Why do governing body members who receive a salary receive a W-2 when they are not municipal employees?

For purposes of taxes, the Internal Revenue Service Code treats any individual who serves as a public officer as an employee of the government for whom he or she serves. Therefore, the government entity is responsible for withholding and paying federal income tax, Social Security and Medicare taxes, and issues a Form W-2, Wage and Tax Statement to the public official.

Can a municipal governing body member waive or refuse his or her annual salary?

Yes, provided the refusal complies with the procedures and time constraints set forth in § 66.0505(3). Under § 66.0503(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, 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 applies only to the taxable year in which the officer's election is certified. If the elective officer's current taxable year ends within three 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.

Governing body members or members-elect who send the written notification described above may not rescind the notification. Once the clerk and treasurer receive the written notifications, the treasurer may not pay the officer the salary he or she is otherwise entitled to receive during the time period to which the notification applies, beginning with the first pay period that commences after notification applies. 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.

Salaries 426 R-2

About the Author:

Claire Silverman is Legal Counsel for the League of Wisconsin Municipalities. She joined the League staff in 1992. Contact Claire at cms@lwm-info.org

19. Wis. Stat. § 19.59(1)(d).

So You've Been Elected...

The League's new booklet for newly elected officials has been described as "Pithy yet entertaining and very insightful." Two free copies have been mailed to each League member municipality.

You can order it here:
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