

**CHAPTER 2
COMMON COUNCIL**

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2.01 COMPOSITION. (1) The Mayor and 8 Alderpersons shall constitute the Council. See sec. 1.02 of this Code.

(2) The Mayor shall be the chief executive officer of the City. He shall have the powers and duties prescribed in Ch. 62, Wis. Stats., and applicable sections of the Wisconsin Statutes.

(3) The regular terms of office of the Mayor and the Alderpersons shall commence on the third Tuesday of April in the year of their election.

(4) The Council shall be the judge of the election and qualification of its members, may compel their attendance, and may fine or expel members for neglect of duty. (See §62.11(3), Wis. Stats.)

(5) The Council shall adopt the proper rules of procedure as necessary and shall have such duties and powers as are provided by State law and this Code.

(6) At its first meeting subsequent to the regular election and qualification of new members to be held at 7:00 P.M. on the third Tuesday of April, the Council shall, after organization, choose from its members a President, who, in the absence of the Mayor, shall preside at meetings of the Council and, during the absence or inability of the Mayor, shall have the powers and duties of the Mayor, except that he shall not have power to approve an act of the Council which the Mayor has disapproved by filing objections with the City Clerk. He shall, when so officiating, be styled "Acting Mayor."

(7) Appointment of Alderpersons and Mayor. a) Should a vacancy occur in the position of Alderperson or Mayor, the City Administrator shall provide notice of such vacancy to the official newspaper and such other media outlets as the City Administrator believes necessary to inform the public of the vacancy. The notice shall provide a deadline of at least twenty-one (21) days for interested persons to submit a letter of interest in receiving an appointment for the vacant position to the City Administrator.

b) Should a vacancy occur in the position of Mayor, the President of the Common Council shall act as Mayor until such time as the vacancy can be filled under the procedure described herein.

c) The City Administrator shall review all letters of interest received and shall notify the applicant and Common Council regarding the applicant's eligibility.

d) All eligible applicants shall be invited to address the Common Council regarding their interest in the vacant position.

e) The Common Council shall vote on appointing an applicant to fill the vacant posts. The voting shall be done by written ballot. Following the voting, the Clerk shall read aloud a roll of the Common Council members and how each voted.

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f) Should no eligible person apply for a vacancy, the Common Council shall attempt to fill the vacancy in any manner reasonably calculated to identify an eligible Alderperson.

2.02 COUNCIL MEETINGS. (1) **REGULAR MEETINGS.** The regular meetings of the Council shall be held in the City Hall on the first Tuesday of each month at 6:00 P.M., except that when the day for holding any regular meeting shall be a legal holiday, the regular meeting shall be held on the next following secular day at the same place and hour unless otherwise determined by the Council.

(2) **SPECIAL MEETINGS.** (a) Special meetings of the Council may be called by the Mayor, or in his absence the President of the Council, at such time as he may appoint, by written notice of the purpose and time thereof to each member delivered to him person-ally or left at his usual place of abode.

(3) Upon petition of 3 or more of the members of the Council, the Mayor, or in his absence the President of the Council, shall call a special meeting of the Council.

(4) In addition to all other notice requirements, the requirement of sub. (4) below shall be complied with.

(3) **ADJOURNMENTS.** Any regular or special meeting may be adjourned by a majority of the members present, but no adjournment shall be made to a time later than the next regular meeting.

(4) **OPEN MEETINGS.** Except as provided in §19.85, Wis. Stats., all meetings of the Council or of any City board, commission, committee or otherwise designated formally constituted sub-unit of City government shall be open sessions as defined by §19.82, Wis. Stats. Pursuant to §19.84, Wis. Stats., notice of all meetings shall be given as to time, place and subject matter not less than 24 hours prior to the commencement of such meetings unless for good cause such notice is impossible or impractical, in which case shorter notice may be given, but in no event less than 2 hours in advance of the meeting. In addition, such notice shall be posted for a like period on the City Hall entrance door and a copy sent to the official newspaper and other requesting media. The subject matter of all closed sessions shall be announced by the Mayor or committee, board or commission chairperson and a roll call vote taken on the motion to go into closed session so as to comply with the requirements of §19.85, Wis. Stats.

(5) **ATTENDANCE BY CITY OFFICIALS.** Department heads and City officials shall attend Council meetings when requested by the Mayor.

2.03 CONDUCT OF MEETINGS. (1) **CALL TO ORDER.** The Mayor, or in his absence the President of the Council, shall promptly call each meeting of the Council to order at the hour fixed for the holding of such meeting. In case of the absence of the Mayor and the President, the City Clerk shall call the meeting to order and the Alderpersons present shall elect one of their

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number president pro tem. In the absence of the Clerk, the Mayor shall appoint a clerk pro tem for that meeting.

(1) ROLL CALL. After the presiding officer calls the meeting to order, the City Clerk shall call the roll.

(2) ORDER OF BUSINESS. At all meetings, the following order shall be observed in disposing of business before the Council unless otherwise provided in the agenda:

- (a) Approval of the minutes of the last meeting.
- (b) Comments and suggestions from citizens present.
- (c) Reports of committees, and accounts and vouchers.
- (d) Unfinished business from previous meetings.
- (e) Communications and recommendations of the Mayor.
- (f) New business, including the introduction of ordinances and resolutions.
- (g) Reports of City officers.
- (h) Communications, petitions, memorials and miscellaneous business.
- (i) Adjournment.

(4) BUSINESS TAKEN IN ORDER; EXCEPTION. No business shall be taken up out of said order except by either unanimous consent and without debate or by 2/3 vote under suspension of the rules.

2.04 STANDING RULES. The standing rules for the government of the Council shall be as follows:

(1) INTRODUCTION OF BUSINESS. All ordinances, resolutions or other communications shall be in writing with a brief statement of their contents endorsed thereon, and shall be delivered to the City Clerk and entered on the minutes. The Council shall refer the ordinance, resolution or communication to the appropriate committee or to the appropriate place on the agenda.

(2) QUESTIONS OF ORDER. The presiding officer shall decide all questions of order, subject to an appeal to the Council. No appeal shall be debatable and the appeal may be sustained by a majority of the members.

(3) MOTIONS. (a) When a motion is made and seconded, it shall be deemed to be in the possession of the Council and shall be stated by the presiding officer, or, if written, shall be delivered to the City Clerk and read by him before debate begins.

(b) Unless otherwise provided in these rules, the rules of order pertaining to motions shall be according to Robert's Rules of Order, Revised.

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(4) DIVISION OF QUESTION. Any member may call for a division of the question when the same will admit thereof and such division shall be made by the chair and a separate vote shall be taken on each division.

(5) DEBATE. (a) No member shall address the Council until he has been recognized by the presiding officer. When a member wishes to speak to a question or make a motion, he shall respect-fully address the presiding officer. No member shall address the Council until he has been recognized by the presiding officer. When 2 or more members desire to address the presiding officer at the same time, the presiding officer shall designate the member who shall have the right to speak first. The presiding officer's determination on who shall speak first under this subsection shall be final.

(b) Whenever the presiding officer shall desire to speak upon any question or to make any motion, he shall vacate the chair and designate the President of the Council, if present, and, if not, any Alderperson, to preside temporarily.

(c) When a question is under discussion, no action shall be in order except to adjourn, to lay on the table, to postpone to a certain day, to refer to a committee, to amend, or to postpone indefinitely. All such motions shall have precedence in the order listed.

(d) Any member wishing to terminate debate on a question may move to put the question before the Council. The presiding officer shall then state that the previous question has been moved and a vote shall be taken on whether the question shall be put to a vote. If a majority of the members vote in the affirmative, debate shall be terminated and the presiding officer shall then clearly state the question before the Council. The Council shall vote first upon pending amendments and then upon the main question.

(6) VOTING. (a) Two-thirds of the members of the Council shall be a quorum. A lesser number than a quorum may compel the attendance of absent members and may adjourn. A majority of all the members shall be necessary to a confirmation on all questions. In case of a tie, the Mayor shall have a casting vote. When the Mayor does vote in case of a tie, his vote shall be counted in determining whether a sufficient number of the Council has voted favorably or unfavorably on any measure. The Mayor shall not be counted in determining whether a quorum is present at a meeting. (See §62.11, Wis. Stats.)

(b) Unless approved by unanimous consent of the members, the ayes and nays shall be taken and recorded by roll call upon all questions before the Council.

(c) All ordinances, rules, resolutions and motions shall be passed by an affirmative vote of a majority of all the members of the Council unless an extraordinary vote is otherwise required.

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(d) The Mayor shall have the veto power as to all acts of the Council, except such as to which it is expressly or by necessary implication otherwise provided by Wisconsin law. All acts of the Council shall be submitted to the Mayor by the City Clerk and shall be enforced upon approval evidenced by the Mayor's signature or upon failing to approve or disapprove within 5 days, which fact shall be certified thereon by the Clerk. If the Mayor disapproves, the Mayor's objection shall be filed with the Clerk, who shall present them to the Council at the next meeting. A 2/3 vote of all the members of the Council shall then be required to make the act effective notwithstanding the objection of the Mayor. If the last day for exercising a veto falls on a Sunday or a holiday, the Mayor may exercise a veto on the next succeeding secular day.

(7) RECONSIDERATION. It shall be in order for any member who voted in the affirmative on any question which was adopted, or for any member who voted in the negative when the vote is evenly divided, or for any member who voted in the negative when the number of affirmative votes was insufficient for adoption, to move a reconsideration of such vote at the same or next succeeding regular meeting of the Council. A new Council member shall succeed to the voting position of his predecessor. A motion to reconsider shall not be in order when the same result can be obtained by another motion.

(8) ORDINANCES. No ordinance shall be adopted until the same shall have been submitted in writing. Following passage of any ordinance, the City Clerk shall cause the same to be published in the official City newspaper, as provided by §62.11(4), Wis. Stats., unless the Council, by majority vote, directs the Clerk to cause the ordinance to be published, pursuant to §66.0103, Wis. Stats.

(9) **COUNCIL AGENDA:** (a) All reports, resolutions, ordinances or other written documents to be brought before the Council at its regular meeting shall be filed with the City Clerk by 4:00 p.m. on the Friday immediately preceding the regular Tuesday meeting.

(b) Any Council member may cause a resolution, ordinance, or discussion item to be placed on the Agenda by notifying the City Clerk not later than 4:00 p.m. on the Friday immediately preceding the regular Tuesday meeting. A proposed agenda, together with relevant materials and communications, shall be prepared by the City Clerk and available to the Mayor, the Council members, and City officers required to attend regular meetings not later than 4:00 p.m. on the Monday prior to each regular Council meeting. A similar agenda shall be prepared and delivered for special meetings of the Council if time permits. No item may be acted on by the Council unless it is included in the agenda. The proposed agenda together with relevant materials and communications shall be available at the Clerk's office for public inspection and copying by 4:00 p.m. on the Monday immediately preceding the regular Council meeting. The agenda and materials for a special Council meeting shall be available as soon as prepared and assembled by the Clerk.

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(10) **RIGHT OF CITIZENS TO ADDRESS COUNCIL.** (a) Any citizen shall have the right to speak on any subject if he is recognized by the presiding officer. Speakers may be limited to 5 minutes, except by consent of the Council.

(b) No person, except members and officers of the Council, shall be allowed to address the Council during the session of the Council without the permission of the presiding officer.

(11) **PUBLIC HEARINGS.** In conducting a public hearing, the Council shall allow all interested parties an opportunity to speak on the subject matter of the hearing. At the beginning of a public hearing, the presiding officer shall request all speakers to remain in the Council chambers until the conclusion of the public hearing so that each speaker will be available for questioning by the Council members. Public hearings shall be conducted by first allowing those citizens to speak who are against the question. Each side shall be given an opportunity to rebut new evidence presented by the opposing side.

(12) **ROBERT'S RULES OF ORDER TO GOVERN.** In the absence of a special ordinance or State Statute, the Council shall be governed by Robert's Rules of Order, Revised.

(13) **BUSINESS AT SPECIAL MEETINGS.** At special meetings of the Council, no business shall be transacted but for which the meeting shall have been called.

(14) **SUSPENSION OF RULES.** Except as otherwise provided by law or this chapter, 2/3 of the members shall be required to suspend, alter or modify any of the rules in this section.

(15) **DISTURBANCES AND DISORDERLY CONDUCT.** Whenever any disturbance or disorderly conduct occurs in any meeting of the Council, the presiding officer may cause the room to be cleared of all persons guilty of such disorderly conduct, except the Council members. If any Council member is guilty of disorderly conduct, the presiding officer may order the police to take the member into custody for the time being or until the meeting adjourns. Such member may appeal from such order to the Council as in other cases.

(16) **FAILURE TO OBSERVE RULES NOT A WAIVER.** The failure to observe or enforce the standing rules under this section shall not constitute nor be deemed a waiver of the future enforcement of the rules.

2.05 COMMITTEES. (1) **COMMITTEE OF THE WHOLE.** The entire Common Council shall constitute the Committee of the Whole. The Committee of the Whole shall meet monthly to discuss all matters, which are to come before the Common Council and to make recommendations to the Common Council.

(2) **SPECIAL COMMITTEES.** The Mayor may, from time to time, appoint such special committees as he may deem advisable or as the object thereof to perform such duties as may be assigned to them.

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(3) RULES OF THE COMMITTEE OF THE WHOLE.

- (a) All bills and other financial claims against the City shall be itemized and, upon receipt thereof, shall be examined by and referred by the City Clerk to the Committee of the Whole, provided that payment of regular wages and salaries of officials and employees according to schedules adopted by the Council shall be made by the Clerk without submissions to the Council or Committee of the Whole after approval and verification by the Mayor.
- (b) The Committee of the Whole shall, at the next regular meeting, submit a written report on all matters referred to it unless a longer time be granted by vote of the Council and such report be entered in the proceedings. Such report shall recommend a definite action by the Council on each item and shall be filed with the City Clerk prior to each meeting. Minority reports may be submitted.
- (c) Previous notice of each Committee of the Whole meeting shall be filed with the City Clerk by the Chairperson and each meeting shall be noticed to the official newspaper at least 24 hours prior to the meeting, and each meeting shall be open to the public in accordance with the open meeting law.
- (d) In addition to the right of the Chairperson of a committee to call a meeting, a majority of the committee may call a meeting by giving written notice to the City Clerk.
- (e) The Committee of the Whole may require any City official to confer with it and supply information needed in connection with any matter pending before the committee.
- (f) Each Committee of the Whole meeting shall be held at the City Hall.
- (g) An aye and nay vote shall be taken on each Committee of the Whole report immediately following its submission, provided that any Alderperson may require a separate vote on any ordinance, resolution or other matter in any report. Action upon a specific matter included in any committee report shall be deferred until the next regular meeting following the submission of the report upon the request of any two (2) Alderpersons.
- (h) The approval of a Committee of the Whole report in which the adoption of an ordinance or resolution is recommended shall not constitute final action on such ordinance or resolution. Any ordinance recommended for adoption shall have had one full reading before the Council at a meeting of the Council unless an action on an ordinance shall be taken pursuant to a motion

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temporarily suspending the rules. The approval of a committee report recommending action on a matter other than an ordinance or resolution shall constitute final action on that matter.