

CHAPTER 2
COMMON COUNCIL

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2.01 COMPOSITION.

- (1) The Mayor and 10 Aldermen 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 Aldermen 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, 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 Clerk. He shall, when so officiating, be styled "Acting Mayor."

2.02 COUNCIL MEETINGS.

- (1) ANNUAL ORGANIZATIONAL MEETING. The Council shall meet annually on the third Tuesday of April for the purpose of organization.
- (2) REGULAR MEETINGS. The regular meetings of the Council shall be held in the Council Room in the City Hall on the second Tuesday of each month at 6:00 P.M., except the Council may, by majority vote, change the date and/or time of the regular meeting of the Council.
- (3) 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 personally or left at his usual place of abode, at least 6 hours before the meeting.
 - (b) 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.
 - (c) In addition to all other notice requirements, the requirement of sub. (5) below shall be complied with.
 - (d) If a special meeting of the Council is called at the request of a citizen, the citizen shall be required to pay a fee as established by Council resolution for the calling of the special meeting. The fee shall not be charged if the special Council meeting is called at the request of a Council member, City official or staff member.

(4) 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.

(5) 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 subunit 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 bulletin board. The subject matter of all closed sessions shall be announced by the Mayor 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.

(6) ATTENDANCE BY CITY OFFICIALS. Unless excused by the Mayor, the Clerk, the City Attorney, the Director of Public Works, the Parks and Recreation Director, the Chief of Police and the Building Inspector or their designated representatives shall be required to attend all regular meetings of the Council. Other department heads and City officials shall attend Council meetings when requested by the Mayor or a member of the Council.

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 Clerk shall call the meeting to order and the Aldermen present shall elect one of their number president pro tem. In the absence of the Clerk, the Mayor shall appoint a clerk for that meeting.

(2) ROLL CALL. After the presiding officer calls the meeting to order, the Clerk shall call the roll, to be followed by the Pledge of Allegiance.

(3) 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) Call to order
- (b) Roll call and Pledge of Allegiance
- (c) Approval of Agenda
- (d) Approval of previous minutes
- (e) Public hearings
- (f) Citizens' forum; 10 minute limit, except by consent of Council
- (g) Reports of committees, commissions, boards, the Clerk and the Mayor
- (h) Approval of claims
- (i) Unfinished business requiring formal action by the Council including matters from previous meetings or committee reports contained in previous agenda
- (j) Any new business, including introduction of ordinances, resolutions or other communications requiring formal action by the Council, and including action items in committee reports

- (k) Appointments
- (l) Miscellaneous business
- (m) Closed sessions under §19.85, Wis. Stats.
- (n) 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 as provided in sec. 2.04(17) of this chapter.

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

(1) ADJOURNMENT OF REGULAR MEETINGS.

(a) If the business of the Council is not completed at 11:30 P.M., the meeting shall recess automatically to the next regularly scheduled meeting time unless the Council shall establish by a majority vote, a later time for adjournment or recess of the meeting. Provided however, that the presiding officer shall recognize any Alderman who wishes to move for a later time of adjournment or recess of the meeting.

(b) The Council shall automatically consider at 11:30 P.M., as a special order of business, a motion to adjourn. The motion to adjourn shall be made by the President of the Council, seconded by the senior member of the Council. All agenda items not dealt with before the motion to adjourn regular meetings shall be automatically referred to the next regular meeting of the Council unless the time for adjournment has been extended by par. (a) above.

(2) INTRODUCTION OF BUSINESS.

(a) 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 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. The committee to which any matter shall be referred shall report thereon, in writing, no later than the second regular meeting after such reference unless there is no objection by the Council to further time being taken.

(b) Unless otherwise provided in these rules, no ordinance or resolution, having once been defeated, may again be introduced in the same or in substantially similar form until the expiration of 30 days from the date when such ordinance or resolution was defeated. (See also sub. (9) below)

(3) 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.

(4) PRESIDING OFFICER TO PRESERVE ORDER. It shall be the duty of the presiding officer to preserve decorum. If any member transgresses the rules of the Council, the presiding officer shall, or any member may, call such offending member to order, in which case the member called to order shall immediately be silent, unless permitted to explain, and the Council, if appealed to, shall decide the matter. If any member is not recognized by the presiding officer, he may appeal to the Council to be heard and the

Council shall decide, by a majority vote, whether the member shall be heard.

(5) 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 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.

(6) 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.

(7) 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 respectfully 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) No member shall speak more than a total of 10 minutes on any question unless the Council, by a majority vote, shall grant an extension of time for a member to speak.

(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.

(8) 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 cast the deciding 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.) The Council may allow an alderperson to vote by telephone if all of the following conditions occur:

- (1) There is a quorum physically present at the meeting.
- (2) The alderperson who desires to vote by telephone is available by telephone to hear all of the debate leading up to the vote on any particular issue.
- (3) The meeting is a special council meeting, not the regularly scheduled council meeting.

(b) The ayes and noes shall be taken and recorded by voice vote except for those issues involving financial, contractual, ordinances or other items that require roll call vote by law. Any member of the Council may request that a roll call vote be taken, which request shall be granted without the necessity of voting on said request. While the Clerk is calling the roll, each member shall vote inside the bar of the Council and it shall not be in order for any member to explain his vote during the call. On confirmation and on the adoption of any measure assessing or levying taxes, appropriating or disbursing the money, or creating any liability or charge against the City, or any fund thereof, the vote shall be ayes and noes. The Clerk shall progress one name on the Council roster when beginning each roll call vote.

(c) All laws, 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.

(d) A member shall have the right to change his vote up to the time the vote is finally announced. After that, he can make the change only by permission of the Council, which may be given by general consent; that is, by no member objecting when the presiding officer inquires if anyone objects. If objection is made, a motion may be made to grant the permission which motion shall be undebatable. It shall be the duty of every member to express his opinion on a question by voting thereon; however, no member can be compelled to vote.

(e) 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 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 objections 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.

(9) 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 eventually 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 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.

(10) PROTEST OF COUNCIL ACTION. Any member shall have the right to have the reasons for his dissent from or protest against any action of the Council entered on the minutes.

(11) ORDINANCES/RESOLUTIONS.

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(a) No ordinance shall be adopted until the same shall have been introduced and seconded at 2 successive meetings of the Council. An ordinance does not need to be read, unless a request for the ordinance to be read is made by 1 alderperson. Following passage of any ordinance, the 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 §66.035, Wis. Stats.

(b) A resolution may be adopted without the reading of said resolution, unless a request for the ordinance to be read is made by 1 alderperson requiring said resolution to be read.

(12) 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 Clerk by 4:00 P.M. on the Friday immediately preceding the regular Tuesday meeting, provided, however, any member shall have the right to bring any resolution before the Council at a regular Council meeting.

(b) A proposed agenda, together with relevant materials and communications, shall be prepared by the Clerk-Treasurer and delivered 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 except by a 2/3 vote of the members or by suspension of the rules as provided by sub. (17) below. 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.

(c) The proposed agenda shall be subject to approval of the Council by majority vote of the members.

(13) CITIZENS' RIGHT TO ADDRESS COUNCIL.

(a) Any citizen shall have the right to speak on any action item of business that is on the agenda for Council action if he is recognized by the presiding Officer. Speakers may be limited to 10 minutes, except by consent of the Council. No citizen shall be permitted to speak on petitions, communications and reports when first introduced before the Council and which are scheduled to be referred to and reported back at a later meeting or which will be taken up at a later time in the regular meeting.

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

(14) 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.

(15) 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.

(16) BUSINESS AT SPECIAL MEETINGS. At special meetings of the Council, no business shall be transacted but for which the meeting shall have been called, unless by a 2/3 vote of the members.

(17) SUSPENSION OF RULES.

(a) 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.

(b) When a member moves for a suspension of the rules, he shall be required to state the particular standing rule to which the motion is addressed. The presiding officer shall then put the question, "Is there any objection to the suspension of the rules in accordance with the motion?" An objection voiced to suspension of the rules by one member shall require a roll call on the motion for suspension. If no such objection is made, the Clerk shall record a unanimous consent to the suspension, and the presiding officer shall then proceed to state the principal questions.

(18) RECORDING OF COUNCIL MEETINGS. All regular meetings of the Council shall be recorded electronically. These recordings shall be considered public records subject to inspection by request, as provided by law.

(19) 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.

(20) 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.

(21) PAYMENT OF CLAIMS. See Sec. 3.08 of this Code.

2.05 STANDING COMMITTEES. The following committees shall be appointed by the Mayor at the organizational meeting of the Council each year, and the Chairperson of each shall be designated by the Mayor.

(1) FINANCE AND INSURANCE.

(a) Membership. The Finance and Insurance Committee shall consist of five (5) council members.

(b) Jurisdiction. The Finance and Insurance Committee shall have jurisdiction over all matters dealing with finance, insurance, licensing, approval of claims, the annual budget, all matters

involving City health, and any other duties assigned by the Council.

(2) SAFETY AND ORDINANCE COMMITTEE.

(a) Membership. The Safety and Ordinance Committee shall consist of five (5) council members. The Chief of Police and Publics Works Manager shall be an ex-officio members.

(b) Jurisdiction. The Safety and Ordinance Committee shall have jurisdiction over safety matters, traffic matters and the review of ordinances to be introduced.

(3) PERSONNEL COMMITTEE.

(a) Membership. The Personnel Committee shall consist of the Mayor and five (5) alderpersons.

(b) Jurisdiction. The Personnel Committee shall have jurisdiction over hiring, discipline, salary, and related matters.

(4) STREET COMMITTEE.

(a) Membership. The Street Committee shall consist of five (5) council members.

(b) Jurisdiction. The Street Committee shall supervise the operation of the Street Department and Wastewater Treatment Utility. In addition, the Street Committee shall perform the duties and powers of the Board of Public Works as set forth in § 62.14(6), Stats.

(5) UTILITY COMMITTEE. Repealed.

(6) LABOR RELATIONS COMMITTEE.

a. Membership. The Labor Relations Committee shall consist of the Mayor and four (4) alderpersons.

b. Jurisdiction. The Labor Relations Committee shall have jurisdiction over all labor negotiation matters.

(7) VETERANS MEMORIAL COMMITTEE.

(a) Membership. The Veterans Memorial Committee shall consist of a member of the Council, a city department head, and three local veterans.

(b) Jurisdiction. The Committee shall have jurisdiction over the maintenance of and improvements to the Clintonville Veterans Memorial located on Main Street.

(c) Chairman. The Chairman of the Committee will be appointed by the Mayor, and will normally be a veteran.

2.06 BOARD OF PUBLIC WORKS. The Common Council shall exercise all authority granted to a Board of Public Works by State Statute.

2.07 SPECIAL COMMITTEES. In addition to the standing committees, special committees may be appointed from time to time to deal with special matters of interest to the City. All such committees shall be appointed by the Mayor unless otherwise directed by the Council.

2.08 CLOSED SESSIONS. No member of the Common Council shall be excluded from any closed session meeting of any City Committee, City Board, or City Commission created by State Statute or City Ordinance.