

ARTICLE II. CITY COUNCIL

Sec. 2-31. Composition.

The city council shall consist of the mayor and two council members from each district who shall be elected for two-year terms.

Sec. 2-32. Duties and powers.

The council members shall constitute the city council and shall have such duties and powers as are enumerated in Wis. Stats. § 62.01 et seq. and elsewhere in the statutes.

Sec. 2-33. Authority.

The city council shall have all powers of the city not specifically given to some other body or officer. Except as otherwise provided by law, the city council shall have the management and control of the city property, finances, highways, streets, utilities and the public service and may act for the government and good order of the city for its commercial benefit and for the health, safety, welfare and convenience of the public and may carry its powers into effect by license, regulation, suppression, borrowing, taxation, special assessment, appropriation, imposition of forfeiture and other necessary or convenient means. The city council may appoint such officers from time to time as may be deemed necessary for the benefit of the city. The powers conferred by this section shall be in addition to all other grants and shall be limited only by express language.

Sec. 2-34. Regular meetings.

(a) Following the spring election of each year, the city council shall meet on the third Tuesday of April for the purpose of organization. Regular meetings of the council shall be held on the first and third Tuesday of every month at 7:00 p.m. in the council chamber.

(b) If any meeting date, as fixed by subsection (a), falls on a legal holiday, the meeting shall instead be held on the first business day succeeding that holiday at the same hour and place.

Sec. 2-35. Special meetings.

(a) The mayor may call special meetings of the city council by written notice to each member. The notice shall be delivered to the members personally or left at their usual abode at least 24 hours before the meeting, unless for good cause a 24-hour notice is impossible or impractical. In such case, a shorter notice may be given; but the notice may not at any time be provided less than six hours in advance of the meeting. The notice shall specify the time, place and purpose of the meeting. Attendance by any council member is a waiver of any defect of notice.

(b) The mayor may call a special meeting without notice at a regularly convened council meeting if all members are present.

(c) A special meeting may be called if four members consent in writing to the holding of such a meeting. If written consent is obtained, it shall be filed with the clerk 36 hours before the commencement of the meeting.

(d) Special meetings shall be deemed regular meetings for the purpose of transacting any business permitted by law.

Sec. 2-36. Adjournment.

Any councilmember may move to adjourn a meeting. If any agenda item is not considered before a motion to adjourn is adopted, it shall automatically be referred to the council's next regular meeting unless the motion provides for a specific date and hour.

Sec. 2-37. Quorum required.

A quorum is necessary for transaction of any council business. Two-thirds of all members of the council, excluding the mayor, shall constitute a quorum.

Sec. 2-38. Call to order.

The presiding officer shall at the hour appointed call the members to order. If both the mayor and the council president are absent from the meeting, the clerk shall call the council to order and preside until the council selects a member to preside at that meeting.

Sec. 2-39. Absence of members.

(a) If a councilmember for any reason cannot attend a regularly scheduled meeting, he shall inform the clerk in writing at least one day before the meeting in question. The councilmember's excused absence shall be entered in the record of the council.

(b) A call of the council may be requested at any time by two or more members, and absent members shall be sent for; but a call shall not be made after voting has commenced. When a call of the council has been requested and ordered, the door shall be closed until the report of the police officer has been received and acted upon, or until further proceedings under the call are dispensed with by a majority of the entire council.

Sec. 2-40. Order of business.

The business of the council shall be conducted in the following order:

- (1) Roll Call;

- (2) Notice of open meeting;
- (3) Approval of agenda;
- (4) Approval of minutes;
- (5) Correspondence and communications;
- (6) Committee reports;
- (7) Old business;
- (8) New business;
- (9) Reports of city officers;
- (10) Comments of citizens present;
- (11) Adjournment.

Sec. 2-41. Introduction of business.

(a) Introduction requirements. Before introduction, all ordinances, resolutions or motions must be referred to one of the common council standing committees. All ordinances, resolutions or motions shall be approved by a majority vote of one of standing committees before the ordinance, resolution or motion is placed on the common council agenda. An ordinance, resolution or motion may be voted upon at a common council meeting without review and recommendation from a standing committee if the common council adopts a motion to suspend the rules. Ordinances and resolutions pertaining to zoning and subdivisions issues referred to the common council by the plan commission may be placed on the common council meeting agenda without referral from a standing committee.

(b) Filing. Each proposed ordinance or resolution shall be filed in the office of the clerk at least four days prior to that scheduled council meeting at which the measure is to be introduced. If for good cause this pre-filing is impossible or impracticable, the council may waive this requirement.

(c) Reintroduction restricted. Unless otherwise provided by city ordinance, no proposed ordinance or resolution having once been defeated may again be introduced in the same or in the substantially same form until 30 days after the date when that ordinance or resolution was defeated.

Sec. 2-42. Presiding officer.

(a) Designation of. The mayor shall be the presiding officer. In the absence of the mayor, the president of the council shall preside at the meetings of the council and be styled acting mayor. If both the mayor and council president are absent, the clerk shall call the council to order and preside until the council selects a member to preside at that meeting.

(b) Function. The presiding officer shall preserve order, conduct the proceedings of the council and be its parliamentarian. Unless otherwise provided by statute or this chapter, the parliamentary rules in Robert's Rules of Order, Ninth Edition (1990), shall govern. If a member does not follow the council's rules, the presiding officer may on his own motion or shall at any member's request, call the offending member to order. The council, if appealed to, shall decide the matter.

(c) Questions of order. Any councilmember may raise a point or question of order. The question of order shall be raised at the time the alleged breach of order occurs. The presiding officer shall, in turn, immediately rule on the question of order, subject to an appeal by a member to the council. The appeal may be sustained by a majority vote of the members present, exclusive of the presiding officer.

(d) Motion. The mayor may speak on any question or make any motion if he vacates the chair and designates the council president to preside temporarily.

(e) Veto. The mayor may veto all acts of the council as permitted by law. The council may override the mayor's veto by a two-thirds vote of all its members.

Sec. 2-43. President of the council.

(a) Selection. The council president shall be selected by a majority vote of all council members at the annual organizational meeting conducted on the third Tuesday of April.

(b) Absence of mayor. During the mayor's absence or inability to serve, the council president shall be acting mayor and shall be vested with the powers and duties of the mayor; except the council president may not approve a council act that the mayor has vetoed. When presiding, the council president retains his right to vote as a council member.

Sec. 2-44. Voting.

(a) Mode of voting. Any member may demand a roll call vote on any matter. However, the vote shall be by roll call vote if the council is:

- (1) Confirming appointments.
- (2) Adopting any measure that assesses or levies taxes.
- (3) Appropriating or disbursing money.
- (4) Creating any liability or charge against the city or any fund of the city.
- (5) Adopting an ordinance or resolution.
- (6) The point of beginning on all roll call votes shall be rotated in order on each successive vote. This order shall be maintained for each successive meeting.

(b) Majority vote required. Except as otherwise provided by law, a majority of the votes cast shall be necessary for council action, provided a quorum has voted.

(c) Tie vote. The mayor shall not vote except in the case of a tie. When the mayor does vote in the case of a tie, his vote shall be counted in determining whether a sufficient number of members have voted favorably or unfavorably on any measure.

(d) Abstentions.

(1) A councilmember shall not vote on any proposed ordinance, order, resolution or proposition in which he has a direct pecuniary or personal interest not common to other members of the council.

(2) A councilmember who is required by law to abstain from voting on any particular matter shall not be counted for determining the number of members present if the passage of that measure requires a favorable vote by a majority or other fractional vote (i.e., two-thirds or three-fourths) of the council members present or the presence of a quorum for purposes of that particular vote.

(e) Vote change. A councilmember may change his vote on a matter up to the time the result of the vote is announced.

Sec. 2-45. Reconsideration of question.

Any member who voted in the majority may request and be granted a reconsideration of the vote at the next regular or special meeting of the council.

Sec. 2-46. Ordinances.

(a) Reading ordinances.

(1) All proposed ordinances shall be read a total of two times before the council may vote for final passage. Each ordinance shall be read:

a. At the time the report of the committee to which the ordinance was referred is submitted to the council for its consideration, in full.

b. Immediately prior to the council's actual vote on it, by title only.

(2) By adoption of a motion to suspend the rules, the council may dispense with any or all of the required readings.

Sec. 2-47. Resolutions.

(a) Referral of resolutions. All resolutions shall be referred to an appropriate committee unless the council adopts a motion for immediate consideration of the resolution.

(b) Immediate consideration of the resolutions. Upon a motion for immediate consideration, the presiding officer shall put the question, "Is there any objection to an immediate consideration of the resolution?" If an objection is voiced by a member, a roll call vote on the motion for immediate consideration is required. If no objection is voiced, the clerk shall record a unanimous consent to the motion for immediate consideration. The presiding officer shall then state the principal question.

Sec. 2-48. Committees.

(a) Appointments. The mayor shall appoint a chairperson and two other members to each of the standing committees at the organizational meeting of the newly elected council conducted on the third Tuesday of April. Unless otherwise provided by law, the mayor's appointments shall be subject to confirmation by the council.

(b) Standing committees. The standing committees of the council shall be:

(1) Finance and planning. The finance and planning committee will advise the common council on those matters concerning general financial management practices, debt administration, budget preparation, insurance and risk management issues, and matters of general administrative operation including planning for public buildings and facilities.

(2) Public works. The public works committee will advise the common council on those matters relating to streets and alleys, storm drainage system, wastewater treatment, traffic and parking, public buildings and grounds, parks and the cemetery.

(3) Judiciary. The judiciary committee will advise the common council on those matters relating to the provisions of the Code of Ordinances, legislative (code) initiatives, ordinance reviews, licensing and permits.

(4) Wage, salary and personnel. The wage, salary and personnel committee will advise the common council on those matters relating to personnel policies and practices, compensation administration, labor relations and collective bargaining, and employee relations.

(c) Committee of the whole. The mayor may declare at any meeting the entire council a committee of the whole for informal discussion on any matter unless a member objects. If an objection is made, the entire council may not convene as a committee of the whole unless a motion for that purpose is adopted. This motion shall not be debatable. A majority vote of the members present is required for approval of the motion. Except as provided in section 2-396, the mayor shall ex officio be the chairperson of the committee of the whole.

(d) Special committees. The council may provide for special committees as it may deem necessary. Appointments to special committees shall be made by the mayor. Unless otherwise provided by law, the mayor's appointments shall be subject to confirmation by the council.

(e) Committee reports.

(1) Each committee shall submit a written report to the council on all matters referred to it. Each report shall be submitted at the next regular council meeting after the date of referral unless the council extends the time for submittal. Committee reports shall be adopted by a majority of the committee, filed with the clerk before each meeting and entered in the proceedings. Minority reports may also be submitted to the clerk. Reports may be in the form of part of the minutes of the committee meeting. (2) For each ordinance or resolution referred to it, the committee shall submit a written report and recommendation to the council. The report may be in the form of part of the minutes of the committee meeting. Immediately following the submission of the report, the proposed ordinance or resolution shall be read in full once unless a motion to suspend the rules and dispense with the reading is adopted. In either case, the council thereafter may at the same meeting consider and vote on the ordinance or resolution. The council, however, may defer action on the measure to its next regular meeting or other specified meeting.

(f) Notice of committee meetings. The committee chairperson shall file notice of each committee meeting with the clerk. The notice shall comply with the notice requirements of Wis. Stats. § 19.84.

(g) Committee referrals. The presiding officer shall make all committee referrals, except as provided under section 2-49.

Sec. 2-49. Financial matters.

All bills and other financial claims against the city shall be itemized and presented to the clerk-coordinator for examination. The clerk-coordinator shall then refer the bills and claims to the committee on finance, which shall report on them at the next council meeting. Payment of regular wages and salaries of officers and employees according to schedules adopted by the council shall be made by the clerk-coordinator without submission to the council after ratification by the department head submitting them and approval by the treasurer.

Sec. 2-50. Deliberation.

(a) Manner of. No member shall address the council until recognized by the presiding officer. The member shall then address the presiding officer and keep all remarks to the question under discussion. The member shall also avoid personal confrontations when speaking.

(b) Recognition. When two or more members simultaneously seek recognition, the presiding officer shall name the member who is to speak first.

(c) Motions. No motion shall be discussed or acted upon until it has been seconded unless the rules of the council specifically permit one councilmember to initiate action. No motion shall be withdrawn without the consent of those members making and seconding the motion.

(d) Motions, precedence of. When a question is under consideration, no motion shall be entertained except a motion to:

- (1) Adjourn.
- (2) Recess.
- (3) Lay on the table.
- (4) Move the previous question.
- (5) Postpone to a certain day.
- (6) Refer to a committee.
- (7) Amend.
- (8) Postpone indefinitely.

(e) Termination of debate. Any member wishing to terminate the debate may move the previous question. The presiding officer shall then announce the question as, "Shall the question before the council now be put?" If two-thirds of the members present vote in the affirmative, the question before the council shall be taken without further debate. The council then votes, first on any pending amendments and then on the main question.

Sec. 2-51. Citizen's right to address council.

(a) Public comments concerning issues on the council agenda.

(1) Any person desiring to comment on any topic on the agenda shall complete a sign in sheet prior to the meeting being called to order by the chair. The sign in sheet shall list the persons name, address and topic upon which they wish to speak. If a person desires to speak on an issue on the agenda but failed to register on the sign in sheet they may speak if three city council members agree to allow them to speak.

(2) When the item on the agenda is being discussed the chair will recognized the members of the public who have registered on the sign in form requesting to speak on the agenda item. They will then be allowed to address the council. People addressing the city council will approach the podium, state their name, and spell their last name, state their home address before they are allowed to speak. Public comments will occur prior to the discussion of the agenda item by the city council.

(b) Public comments concerning issues not on the council agenda. Members of the public may address the city council on any topic at the conclusion of the city council meeting. After the city council agenda is completed the television cameras will be turned off and the mayor will invite members of the public to address the city council. Any person desiring to comment on a topic not on the agenda shall complete a sign in sheet prior to the meeting being called to order by the

chair. The sign in sheet shall list the persons name, address and topic upon which they wish to speak. If a person desires to speak on an issue on the agenda but failed to register on the sign in sheet they may speak if three city council members agree to allow them to speak.

(c) Public suggestions and complaints. When citizen suggestions are brought before the council, other than for items already on an agenda, the presiding officer shall first determine whether the issue is legislative or administrative in nature and then:

(1) If legislative, and a complaint about the letter or intent of legislative acts or suggestions for changes to such acts, and if the council finds such complaint suggests a change to an ordinance or resolution of the city, the council shall refer the matter to a standing committee.

(2) If administrative, and a complaint regarding administrative staff performance, administrative execution or interpretation of legislative policy, or administrative policy within the authority of the city administrator, the presiding officer should then refer the complaint directly to the city administrator for his/her review with a written report concerning this issue to the council.

(d) Other restrictions. If the presiding officer, or a majority of the council members, decides that the comments are not relevant or are abusive, the presiding officer may:

- (1) Order the citizen to modify his comments.
- (2) Order the citizen to refrain from speaking.
- (3) Order the citizen to leave the council chambers.
- (4) Take such other steps as may be necessary to ensure the efficient conduct of the council's business.
- (5) The presiding officer may place a time limit on public comments.

Sec. 2-52. Suspension of rules.

The rules of the council or any part of them may be suspended in connection with any matter under consideration by a recorded vote of five council members voting for suspension.

Sec. 2-53. Amendment of rules.

By a recorded vote of five members of the council, the rules of the council or any part of them may be amended.

Secs. 2-54--2-85. Reserved.