

ORDINANCE O-7-11
Substitute Amendment #1

AN ORDINANCE AMENDING CHAPTER 2, MAYOR AND COMMON COUNCIL

INTRODUCED BY ALDERMAN SEVENICH

SEC. 2-2-1 COMMON COUNCIL

The Aldermen of the City shall constitute the Common Council. The Common Council shall be vested with all the powers of the City not specifically given some other officer, as those powers set forth elsewhere throughout this Code.

State Law Reference: Section 62.11, Wis. Stats.

SEC. 2-2-2 ALDERMEN

- (a) **ELECTION, TERM, NUMBER.** The City shall have ~~ten (10)~~ eight (8) Aldermen in addition to the Mayor, who is a member of the Common Council by virtue of ~~his~~ the office as Mayor. The ~~ten (10)~~ eight (8) Aldermen shall constitute the Common Council. ~~Two (2)~~ One (1) Alderman shall be elected from each Aldermanic District. ~~One (1) Alderman from each of the five (5) Aldermanic Districts~~ Aldermen from the even-numbered Aldermanic Districts shall be elected at the annual City election in the even-numbered years, and ~~one (1) each of said~~ Aldermen from the odd-numbered Aldermanic Districts shall be elected at the City election in the odd-numbered years, all to hold office for a period of two (2) years.
- (b) **APPOINTMENT AS MAYOR.** An alderman shall be eligible for appointment as Mayor to fill an unexpired term.

State Law Reference: Section 62.09, Wis. Stats.

SEC. 2-2-3 MAYOR

- (a) **ELECTION.** The Mayor shall be elected in even-numbered years for a term of four (4) years.
- (b) **DUTIES.**
- (1) The Mayor shall be the Chief Executive officer of the City. ~~He~~ The Mayor shall be responsible for directing the overall operations of the City. ~~He~~ The Mayor shall take care that the City ordinances and the State Statutes are observed and enforced.
 - (2) The Mayor shall, from time to time, provide the Council such information and recommend such measures as ~~he~~ the Mayor may deem advantageous to the City. When present, ~~he~~ the Mayor shall preside at the meetings of the Council.
 - (3) The Mayor shall be responsible for coordination and operation of all City departments.
 - (4) The Mayor shall review the development of the City budget.
 - (5) The Mayor shall provide direction for the City's economic development and other long-range plans.
 - (6) The Mayor shall work on plans for service and personnel levels.
 - (7) The Mayor may participate in the sale and purchase of property on behalf of the City.
 - (8) The Mayor shall analyze and interpret federal, state and county legislation to determine its impact on the City.
 - (9) The Mayor shall have such other duties and responsibilities as are prescribed in the Wisconsin Statutes and this Code of Ordinances.
- (c) **VETO POWER.** ~~He~~ 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. All such acts shall be submitted to ~~him~~ the Mayor by the City Clerk and shall be ~~enforced in force~~ upon ~~his~~ approval evidenced by ~~his~~ the Mayor's signature, or upon ~~his~~ failing to approve ~~and or~~ disapprove within five (5) days, which fact shall be certified thereon by the Clerk. If the Mayor disapproves, ~~he~~ the Mayor's objection shall ~~be~~ file ~~his objections~~ with the Clerk, who shall present ~~it~~ them to the Council at its next meeting. A two-thirds (2/3) vote of all the members of the Council shall ~~be necessary~~ then make the act effective, notwithstanding the objection of the Mayor.

State Law Reference: Section 62.09(8), Wis. State.

SEC. 2-2-4 PRESIDENT OF THE COUNCIL

The Common Council at its first meeting subsequent to the regular election and qualification of new members shall, after organization, annually 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 the President 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, w~~When so officiating, the President shall be styled "Acting Mayor." The President of the Council shall be elected for a one (1) year term of office.

State Law Reference: Section 62.09(9)(e), Wis. Stats.

SEC. 2-2-5 STANDING COMMITTEES; ACTION ON COMMITTEE REPORTS.

(a) **STANDING COMMITTEES.** At the organizational meeting of the Common Council in each year following the annual election, each of the following committees, shall be established; the general duties of which shall be as follows.

(1) **ADMINISTRATION COMMITTEE.** The Administration Committee shall consist of eight (8) aldermen. The Administration Committee shall have jurisdiction over the departments of City Clerk, City Treasurer, City Assessor and City Attorney. It shall be the duty of this Committee to audit and act on all demands, claims and actions against the City. ~~This Committee together with the Mayor and Clerk and two citizen members constitute the Insurance Board which has complete charge of insurance affairs. Recommendations of the Insurance Board are subject to Council ratification.~~ The Administration Committee shall study all resolutions referred to it. ~~shall meet with department heads under its jurisdiction.~~ The Administration Committee shall also have jurisdiction over the departments of Director of Public Health, City Physician, Board of Health, ~~Sealer of Weights and Measures, Community Development Department, Finance Department, Health Department, Parks & Recreation Department, Personnel Department, and the Police and Fire Departments in all matters not under the jurisdiction of the Police Commission, and Fire Commission and Joint Finance and Personnel Committee.~~ This Committee shall have jurisdiction ~~over operator licenses, and shall confer with the Police Chief, Fire Chief, and other department heads under its jurisdiction.~~ This Committee shall investigate all applications for licenses that are brought before the Common Council, except licenses and permits issued by the City Clerk as a ministerial duty. When action is required ~~Regular Administration Committee meetings and audit of all bills by all Committees shall take place on the first and third Monday of the month preceeding following~~ the regular Common Council meetings provided that all such demands, claims, and accounts shall not be acted upon except at regular meetings of the Council. In addition, the Committee shall have the following general responsibilities:

a. ~~Monitor expenditures.~~

b.a. Review any proposed changes in the City's insurance coverage and risk management program

e.b. Have primary, but not exclusive, responsibility for reviewing the City's Code of Ordinances for adequacy.

d.c. Review Common Council action regarding proposed federal, state and county legislation impacting upon the City and its residents.

e.d. Review for Common Council adoption policies and procedures regarding City operations and the delivery of services to the public.

f.e. Review for Common Council adoption resolutions expressing the policy of the City regarding matters for which a formal declaration of official policy is required.

g. ~~Review with the Mayor, and with the City Attorney, regarding potential and pending litigation involving the City.~~

h.f. Consider any other matters which may be referred by the Common Council.

i. Review and keep a record of all the insurance policies, the amount of each policy, the name of the company insuring each policy, the date of the expiration thereof, and the amount of premium. ~~It shall have complete charge of investigating and looking into all the insurance affairs of the City, including health insurance coverage. It shall from time to time make~~

~~recommendations to the Common Council on its own motion and in turn shall handle investigatory matters referred to it by the Common Council. It shall attempt to meet with representatives of the Water and Electric Utilities Commission to the end that all health insurance and insurance coverage on municipal properties, both real and personal and liability, as well as group insurance shall be unified so that the greatest economical savings will be achieved. As the Water and Electric Utilities Commission desires to take part in such a program, the Committee shall consider and forward to the Common Council the recommendations of the Water and Electric Utilities Commission relating to insurance matters.~~

~~j.g~~ The Administration Committee is empowered to seek bids or quotes, or neither, and has the obligation and the right to call on representatives of various insurance companies to discuss their program.

~~k.h~~. Selection of insurance companies to service the City's requirements shall be based upon residence of the full time agent handling the insurance, but not limited thereto; net premium, and service rendered in the past and ability to perform in the future. The recommendations of the Administration Committee shall be subject to Common Council ratification, as to selection of the individual carrier and the amounts thereof.

(2) **BOARD OF PUBLIC WORKS.** The Board of Public Works shall consist of eight (8) Aldermen. Pursuant to Charter Ordinance O-24-79, the City of Menasha hereby elects pursuant to Chapter 66 of the Wisconsin Statutes to provide that the actions of the Board of Public Works shall be subject to Common Council approval and mayoral veto. The Board of Public Works shall have jurisdiction over the Department of Public Works which is supervised by the Director of Public Works and consists of the following divisions: Engineering, Streets, Bridges, Sanitation, and Municipal Buildings. This ~~Committee~~ Board also has jurisdiction over parking meter and parking lot operations. It shall be the duty of this ~~Committee~~ Board to study all resolutions referred to it, confer with the Director of Public Works, order street improvements and order work to be performed by personnel under its jurisdiction. All ~~actions~~ recommendations of this ~~Committee~~ Board must be approved by the Common Council before going into effect. The Board of Public Works shall have jurisdiction over all public buildings and grounds, voting places for elections and all public improvements. When action is required ~~Regular~~ Board of Public Works meetings shall take place on the first and third Monday of the month preceding the regular Council meeting. In addition, the Board shall perform such duties as outlined by State Law. The Board of Public Works shall also have the following general responsibilities:

- a. Review policy guidelines regarding public improvements.
- b. ~~Mediate any dispute between a property owner and the City regarding public improvements.~~
- c. Review and approve any unusual requests for use of the City buildings.
- d. Review any proposed changes, remodeling, additions, etc., to the City Hall or other city buildings and/or property.
- e. Review traffic or pedestrian safety matters, prior to needed action for Common Council approval.
- f. Except for traffic enforcement, all other matters pertaining to traffic, traffic flow, streets, and related matters shall be referred to the Board of Public Works for recommendation.
- g. Consider any other matter which may be referred by the Common Council.

(3) **PERSONNEL COMMITTEE.** The Personnel Committee shall consist of all members of the Common Council and the Mayor. The Personnel Committee shall have jurisdiction over but not be limited to personnel matters, administration of labor contracts and contract negotiations as well as any other matters which may be forwarded to it by the Mayor or the Common Council. It may be considered an Executive Committee. The Personnel Committee shall also have the following general responsibilities:

- a. Establish policies for the supervision and control of City officers and employees unless state law otherwise provides.
- b. The Committee Chairman shall take an active part in labor negotiations with all collective bargaining units.
- c. Review for the Council all salary adjustments for non-union personnel. In addition to

other duties which may be delegated to the Personnel Committee from time to time by the Common Council, it shall review for the Council the hiring of full-time new personnel that are not considered replacements but added employees.

- d. Review for the Common Council any issue involving grievances as required by any labor contract.

(4) NEENAH-MENASHA JOINT FIRE FINANCE & PERSONNEL COMMITTEE.

a. **ORGANIZATION AND APPOINTMENT.** The Neenah Menasha Fire Rescue Joint Finance & Personnel Committee shall consist of six Council members, three from Neenah and three from Menasha and shall include the Council Presidents of both cities, a member of the Neenah Finance & Personnel Committee, the chair(s) of the Menasha Administration Committee or Personnel Committee, and two alderpersons at-large, one appointed by the Mayor of Neenah from the Neenah Common Council and one appointed by the Mayor of Menasha from the Menasha Common Council. The at-large alderperson shall be appointed for one-year terms that may be renewed. In the event of the chair of either the Neenah Finance & Personnel Committee or the Menasha Administration Committee or Personnel Committee is also the President of the respective Council, then the Mayor of that city shall appoint one additional at-large alderperson so that at all times each city shall have three representatives to this Committee. Such appointment(s) shall be subject to confirmation by the Common Council.

b. **POWERS & DUTIES.** The oversight of the day-to-day operations & budgetary matters of the Neenah Menasha Fire Rescue shall be conducted by the Joint Fire Finance & Personnel Committee. The Joint Fire Finance & Personnel Committee shall review budgetary issues, labor contracts, position vacancies, proposed new positions, capital outlay items and expenses of \$5000 or more and make recommendations to the Common Councils of the Cities of Neenah and Menasha. The recommendations of the Joint Finance & Personnel Committee shall be acted upon separately by the common councils of both Neenah and Menasha and shall be effective only upon the concurrence of both councils.

c. **SEVERABILITY.** In the event any section, subsection, clause, phrase or portion of this ordinance is for any reason held illegal, invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remainder of this ordinance. It is the legislative intent of the Common Council that this ordinance would have been adopted if such illegal provision had not been included or any illegal application had not been made.

- (b) **SPECIAL COMMITTEES.** The Mayor may, from time to time, appoint such special committee or committees as he/she may deem advisable or as provided for by motion or resolution stating the number of members to perform such duties as may be assigned to them.
- (c) **TIME FOR MAYORAL APPOINTMENTS.** All mayoral appointments to boards, commissions or committees of whatever nature which require Council confirmation shall be submitted to the Common Council no later than thirty (30) days after the expiration of a particular term of office, unless the Mayor submits reasons why said position cannot be filled.
- (d) **COUNCIL ORGANIZATION.** All Council Committees, including the Board of Public Works, at their first organizational meeting shall name their own chairman and vice-chairman for purposes of organization only. The City Clerk shall call the organizational meeting of the Administration Committee as soon after Council approval as is convenient. The Director of Public Works shall call the organizational meeting of the Board of Public Works as soon after Council approval as is convenient. The ~~Personnel~~ Human Resources Director shall call the organizational meeting of the Personnel Committee as soon after Council approval as is convenient.
- (e) **MAYOR'S MEMBERSHIP.** The Mayor shall be an ex-officio member of the Administration Committee and the Board of Public Works, but, however, he shall be a voting member of the Personnel Committee.
- (f) **REFERENCE AND REPORTS.**
 - (1) The Mayor shall refer new business coming before the Common Council to the appropriate committee, unless otherwise referred or disposed of by motion of the Council.
 - (2) Committee reports shall be in writing and shall be filed with the City Clerk.
- (g) **COOPERATION OF CITY OFFICERS.**
 - (1) All City officers shall, upon request of the chairman of the committee, confer with the committee and supply to it such information as may be requested in connection with any

matter pending before the committee.

- (2) It shall be the duty of the City Clerk, or his deputy, and all department heads Chief of the Fire Department and Chief of the Police Department, Director of Public Works, or in their absence, their assignee, to attend all meetings of their committee of jurisdiction unless for due cause their attendance has been excused by the Mayor. In the event the Chiefs of the respective Fire and Police Departments cannot attend and have been excused by the Mayor, they may delegate a command officer to represent them. The Fire Chief and the Chief of Police need not attend regular Council meetings unless requested by the Mayor, the President of the Council or a chairman of a standing committee. It shall further be the duty of all salaried officers of the City to attend the Common Council's regular meeting whenever requested by the Mayor, the President of Council, or the head of any standing committee. When the Chief of Police is not in attendance at the regular Council meeting, he shall designate an officer to act as sergeant at arms.
 - (3) Unless required by any State Statute, no standing committees will have the power to make recommendations to the Common Council nor to bind the City in any fashion. All issues reviewed by standing committees must be considered by the Common Council.
- (hg) ~~SECRETARY.~~ The City Clerk or designee shall be secretary of the Administration Committee, ~~the Director of Public Works, or designee shall be the secretary of the Board of Public Works, and the Personnel Director, or designee shall be the secretary of the Personnel Committee.~~ Should a secretary of a standing committee or Board of Public Works not be able to attend a meeting for any reason whatsoever, ~~he shall notify the City Clerk who will appoint an acting secretary on a meeting by meeting basis.~~

SEC. 2-2-6 GENERAL POWERS OF THE COMMON COUNCIL

- (a) **GENERAL.** The Common Council shall be vested with all the powers of the City not specifically given some other officer. Except as otherwise provided by law, the Common Council shall have the management and control of the City property, finances, highways, streets, navigable waters and the public service, and shall have the power to 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, fine, imprisonment and other necessary or convenient means. The powers hereby conferred shall be in addition to all other grants and shall be limited only by express language.
- (b) **ACQUISITION AND DISPOSAL OF PROPERTY.** The Common Council may acquire property, real or personal, within or without the City, for parks, libraries, historic places, recreation, beautification, streets, waterworks, sewage or waste disposal, harbors, improvement of watercourses, public grounds, vehicle parking areas and for any other public purpose; may acquire real property within or contiguous to the city, by means other than condemnation, for industrial sites; may improve and beautify the same; may construct, own, lease and maintain buildings on such property for instruction, recreation, amusement and other public purposes; and may sell and convey such City owned property.
- (c) **ACQUISITION OF EASEMENTS AND PROPERTY RIGHTS.** Confirming all powers granted to the Common Council and in furtherance thereof, the Council is expressly authorized to acquire by gift, purchase or condemnation under Ch. 32, Wis. Stats., any and all property rights in lands or waters, including rights of access and use, negative or positive easements, restrictive covenants, covenants running with land, scenic easements and any rights for use of property of any nature of the public or for any public purpose, including the exercise of powers granted under Sections 61.35 and 62.23, Wis. Stats.; and may sell and convey such easements or property rights when no longer needed for public use or protection.
- (d) **CITY FINANCES.** The Common Council may levy and provide for the collection of taxes and special assessments; may refund any tax or special assessment paid, or any part thereof, when satisfied that the same was unjust or illegal; and generally may manage the City finances.
- (e) **CONSTRUCTION OF POWERS.** Consistent with the purpose of giving to cities the largest measure of self-government in accordance with the spirit of the home rule amendment to the Constitution, the grants of power to the Common Council in this Section and throughout this Code of Ordinances shall be liberally construed in favor of the rights, powers and privileges of cities to promote the general welfare, peace, good order and prosperity of the City and its inhabitants.

SEC. 2-2-7 COOPERATION WITH OTHER MUNICIPALITIES

The Common Council, on behalf of the City, may join with other villages, towns, or cities or other governmental entities in a cooperative arrangement for executing any power or duty in order to attain greater economy of efficiency, including joint employment of appointive officers and employees and joint purchasing programs.

State Law Reference: Section ~~66.30~~, 66.0301 Wis. Stats.

SEC. 2-2-8 INTERNAL POWERS OF THE COUNCIL

The Common Council has the power to preserve order at its meetings, compel attendance of Aldermen and fine or expel for neglect of duty and punish by fine members or other persons present for disorderly behavior. The Common Council shall be judge of the election and qualification of its members. Any Alderman who cannot attend a Council meeting or Committee meeting shall be recorded absent-excused if he/she has notified the Mayor, City Clerk, President of the Council, or Committee Chair if he/she is unable to attend such meeting. Failure to so notify shall result in that Alderman being recorded absent-unexcused.

State Law Reference: Section 62.11, Wis. Stats.

SEC. 2-2-9 SALARIES

- (a) The Mayor and Aldermen who make up the Common Council, whether operating under general or special law, may, by majority vote of all the members of the Common Council, determine that a salary or per diem compensation be paid the Mayor and Alderman.

State Law Reference: Section 62.09(6), Wis. Stats.

- (b) The annual salary for aldermen shall be ~~\$4,940.00 commencing on the third Tuesday of April, 2003; \$5,060 commencing on the third Tuesday of April, 2006; and \$5,190 commencing on the third Tuesday of April, 2007~~
- (c) The salary of the president of the Common Council shall be \$300 per annum over and above the salary given the other aldermen and shall be payable bi-weekly consolidated with his regular aldermanic salary.
- (d) The aldermen's salary shall be paid bi-weekly.
- (e) ~~It is the intent of this ordinance that not all members of the Common Council will necessarily be paid the same in a particular year.~~
- (~~f~~ g) The annual salary for the mayor shall be ~~\$60,900.00 effective the third Tuesday of April, 2003; \$62,400 commencing on the third Tuesday of April, 2006; and \$64,000 commencing on the third Tuesday of April 2007.~~
- (~~g~~ f) The mayor's salary shall be paid bi-weekly.

SEC. 2-2-10 MEETINGS OF THE COMMON COUNCIL

- (a) **ANNUAL ORGANIZATION MEETING.** Following a regular City election, the Common Council shall meet on the third Tuesday of April for the purpose of organization.
- (b) **REGULAR MEETINGS.** Regular meetings of the Common Council, except the Annual Organization Meeting, shall be held on the first and third Mondays of each calendar month, at the hour of ~~7:00~~ 6:00 p.m. Any regular meetings falling upon a legal holiday shall be held on the next following secular day, at the same hour and place, or as otherwise designated by majority vote of the Common Council. For purposes of this Section, "legal holiday" shall mean: New Year's Day,

Memorial Day, July 4th, Christmas, Labor Day, and any day in which elections are held in the City of Menasha as authorized by State Law. For the purpose of this Section, legal holidays shall also include Days of National Commemoration, Celebration or Mourning as proclaimed by the President of the United States and the Governor of the State of Wisconsin. All meetings of the Council shall be held in the Menasha City Hall, including special and adjourned meetings, unless another location is designated by the Common Council at a previous meeting.

- (c) The annual organizational meeting shall be the third Tuesday in April at 7:30 ~~6:30~~ p.m.
- (d) Department Attendance at Common Council Meetings.
 - (1) All Department Heads shall attend all meetings of the Common Council, unless specifically excused by the Mayor or the Council President. Such excused absences shall be noted on the official minutes.
 - (2) In lieu of the Department Head, a Supervisory employee of that department may be designated to represent any Department Head at any meeting.
 - (3) For any Department that has been consolidated with a department from another municipality, that Department Head need only attend the Council meeting if there is a specific item on the agenda related to that department, or if the Mayor or any Committee Chair has specifically requested that Department Head to attend.
 - (4) The attendance requirement shall not extend to any Special Council meetings. Department Heads shall attend Common Council meetings whenever the Mayor or any Committee Chair has specifically requested that Department Head to attend.

State Law Reference: Section 62.11(2), Wis. Stats.

SEC. 2-2-11 SPECIAL MEETINGS

- (a) Special meetings may be called by the Mayor upon written notice of the time and purpose thereof to each member of the Council delivered to ~~him~~them personally or left at ~~his~~their usual place of abode at least six (6) hours before the meeting. The City Clerk shall cause an affidavit of service of such notice to be filed in ~~his~~the office prior to the time fixed for such special meetings. A special meeting may be held without such notice when all members of the Common Council are present in person, or consent in writing to the holding of such a meeting, provided the provisions of Wisconsin's Open Meeting Law are complied with. If written consent is obtained, it shall be filed with the City Clerk prior to the beginning of the meeting. Attendance by any Council member shall be deemed a waiver on ~~his~~their part of any defect of notice. Any special meeting attended by all Aldermen shall be a regular meeting for the transaction of any business that may come before such meeting.
- (b) Parties requesting a special meeting of the Council shall pay the cost of such meeting.
- (c) The agenda for special Common Council meetings shall include an item on the agenda "PEOPLE FROM THE GALLERY TO BE HEARD ON MATTERS PERTAINING TO THIS AGENDA".
- (d) Any person speaking pursuant to Sec. 2-2-11(c) shall be limited to 5 minutes.

State Law Reference: Section 62.11(2), Wis. Stats.

SEC. 2-2-12 OPEN MEETINGS.

Except as provided in Sec. 19.85, Wis. Stats., all meetings of the Common Council, committees thereof, and boards and commissions, shall be open to the public.

State Law Reference: Section 62.11(3)(c) and Ch. 19, Subch. IV, Wis. Stats.

SEC. 2-2-13 QUORUM.

- (a) A two-thirds (2/3) majority of the members-elect of the Common Council shall constitute a quorum. ~~but a lesser number may adjourn if a majority is not present or~~ A less number may compel the attendance of absent members and adjourn. The Mayor shall not be counted in computing a quorum. No action shall be taken unless a quorum is present. A majority of all the members shall be necessary to a confirmation. In case of a tie the Mayor shall have a casting vote as in other cases.
- (b) The Council may, by a majority vote of those present, adjourn from time to time to a specific date and hour.

State Law Reference: Section 62.11(3)(b), Wis. Stats.

SEC. 2-2-14 PRESIDING OFFICERS.

- (a) **PRESIDING OFFICER.** The Mayor shall preside over all meetings of the Common Council. In the absence of the Mayor, the President of the Council shall preside. In case of absence of the Mayor and President of the Council, the City Clerk shall call the meeting to order.
- (b) **DUTIES.** The presiding officer shall preserve order and decorum, decide all questions of order, and conduct the proceedings of the meeting in accordance with the parliamentary rules contained in Robert's Rules of Order, Newly Revised (1990), unless otherwise provided by statute or by these rules.

State Law Reference: Section 62.09(8), Wis. Stats.

SEC. 2-2-15 ORDER OF BUSINESS.

- (a) **ORDER OF BUSINESS.** At all regular meetings, the order of business shall be according to the tentative agenda prepared by the City Clerk and ~~mailed~~ provided to the Mayor and each member of the Common Council no later than the Friday preceding the regular meeting. The order of business of Council meetings, unless temporarily suspended by unanimous vote or by two-thirds (2/3) vote, shall be as follows, if there are no objections:
 - (1) Call to order.
 - (2) Pledge of Allegiance.
 - (3) Roll Call/Excused Absences.
 - (4) ~~Minutes to Approve/Minutes and Communications to Receive.~~ Public Hearing
 - (5) Public Comment on any matters of concern to the City (five (5) minute time limit for each person).
 - (6) ~~Appointments.~~ Report of Department Heads/Staff/Consultants
(Minutes to receive and Communications)
 - (7) ~~Claims against the City.~~ Consent Agenda
 - (8) Report of Department Heads/Staff/Consultants. Items Removed from Consent Agenda
 - (9) ~~Report of Committees, Boards and Commissions.~~ Action Items
 - (10) Ordinances and resolutions.
 - (11) ~~Held Over Business. Subject matter must be specifically itemized on the agenda or no action may be taken until the succeeding meeting, except in emergencies.~~ Appointments.
 - (12) ~~Council Directives.~~ Held Over Business
 - (13) ~~Citizen Reprise (people from the gallery to be heard, only pertaining to matters on the agenda; five (5) minute time limit for each person).~~ Claims against the City
 - (14) ~~Adjournment.~~ Citizen Reprise (people from the gallery to be heard, only pertaining to matters on the agenda; five (5) minute time limit for each person).
 - (15) Adjournment.
- (b) **ORDER TO BE FOLLOWED; CITIZEN COMMENTS.** No business shall be taken up out of order unless by unanimous consent of all aldermen and in the absence of any debate whatsoever. The Parliamentarian shall enforce the time limit on the length of time citizens may address the Council.
- (c) **REVIEW OF MINUTES.** ~~Immediately after the Council is called to order, the President of the Council shall move that all minutes of all boards, commissions and committees filed with the City Clerk since the last council meeting be received and placed on file. If an Alderman objects he may ask that certain minutes be deleted from the foregoing motion and it shall immediately become the second order of business. Where a paragraph required specific Council action, any Alderman may move that the council specifically subscribe to (or reject or lay over) the recommendation of the paragraph in the minutes. It shall be the duty of the city Clerk to enter in the official minute book of the Common Council the specific items that the Common Council acted upon in language so ascertainable that recourse to the actual minutes will not have to be resorted to.~~
- (d) **ROLL CALL; PROCEDURE WHEN QUORUM LACKING.** As soon as the Council shall be called to order, the City Clerk shall proceed to call the names of the members, noting who are present and who are absent and record the same in the proceedings of the Council. If it shall appear that there is not a quorum present, the fact shall be entered on the journal and the Council shall adjourn.

- (e) **CREATION OF THE AGENDA FOR COMMON COUNCIL MEETINGS AND COMMITTEE MEETINGS.** Members of the Council and City officers desiring a matter to be placed on the agenda shall submit the same in writing to the City Clerk, who shall be responsible for agenda preparation and distribution, not later than ~~noon~~ end of business day on the Tuesday preceding the regular meeting. Items not received by the Clerk prior to the Tuesday deadline shall require the approval of the Mayor for placement on the Council agenda or approval of the Committee Chair for placement on any Committee agenda. In no event shall any item be placed on the agenda after noon on the Thursday preceding the regular meeting unless an emergency exists. The person placing such emergency item on the agenda shall be required to file with the City Clerk a written statement as to the emergency.
- (f) No item may be included in the Common Council packet nor be listed as a communication unless it is authored ~~and contains the mailing address of the author.~~ The Clerk may reject any communication if the Clerk determines that the author ~~or addresses are~~ is not valid.

SEC. 2-2-16 INTRODUCTION OF BUSINESS, RESOLUTIONS AND ORDINANCES; DISPOSITION OF COMMUNICATIONS.

- (a) **ORDINANCES TO BE IN WRITING.** Ordinances can only be introduced by the request of the Mayor, any Alderman, standing or special committees of the Common Council. All ordinances submitted to the Council shall be in writing and shall begin with a brief statement of the subject matter, a title and the name of the Alderman or Mayor introducing the same. Any written material introduced may be referred to the appropriate committee pursuant to Section 2-2-5. Any member of the Council may require the reading in full of any ordinance or resolution at any time it is before the Council.
- (b) **HOW INTRODUCED.** The Mayor or any Alderman may introduce an ordinance at any Council meeting simply by stating, "I desire to introduce the following ordinance." An ordinance may also be introduced by the Mayor or an Alderman directing the City Attorney to draft such ordinance and file it with the Clerk to be placed on the next Council agenda. The Clerk shall cause such proposed ordinance to be printed in the official City newspaper if any Alderman so requests. Such notice shall state the date the proposed ordinance will be considered by the Council or any committee. The public will be permitted to address the Council or any committee when the Council or committee considers any such ordinance. A specific public hearing shall be scheduled to consider any such ordinance upon request of any Council member. No second is required to introduce any ordinance, to request its publication, or to request a public hearing.
- (c) **SUBJECT AND NUMBERING OF ORDINANCES.** Each ordinance shall be related to no more than one (1) subject. Amendment or repeal of ordinances shall only be accomplished if the amending or repealing ordinance contains the number and title of the ordinance to be amended or repealed, and title of amending and repealing ordinances shall reflect their purpose to amend or repeal.
- (d) **NOTICE.**
- (1) The Common Council may take action on an ordinance only if it appears on the written agenda for the meeting at which action is requested.
 - (2) a. No ordinance may be passed by the Common Council until the next Council meeting following its introduction at either a Committee or Council level. When said ordinance on its face does not adequately advise the public of its contents, the City Attorney shall add a brief note of explanation.
 - b. Any Alderman may request that any issue be held for two weeks in addition to the requirements of sec. 2-2-16 (d)(2)a. When so requested, the Mayor shall inquire as to whether another Alderman also wished the hold. If another Alderman does so request, the issue shall be placed on the agenda of the next regularly scheduled meeting. Once invoked, no other Alderman may attempt to use this procedure to delay any action. Any further delay requires a majority vote of the Common Council or Committee. An issue held in Committee may not be held in the Common Council, an item held in the Common Council may not be held in Committee. Any request to hold must be made before the beginning of debate on the issue.
 - c. This Section shall not apply if such holding results in the item being moot because of any other deadline imposed by some other party or organization outside the control of the City.

- d. Any resolution may be acted upon at the meeting at which it is introduced unless one alderman holds such resolution until the succeeding Council meeting. This delay may only be used one time for any resolution.
- (e) **SUSPENSION OF RULE.** Whenever the Common Council decides to waive the rule pertaining to ordinances or resolutions as provided in this Section, it may do so by suspension of its rules requiring a two-thirds (2/3) vote of all the Aldermen.
- (f) **SPECIAL RULES PERTAINING TO RESOLUTIONS AND MAYOR'S APPOINTMENTS**
- (1) Resolutions and Mayor's appointments may be introduced by the Mayor or any member of the Common Council provided the Mayor and the Common Council receive advance notice. Advance notice shall consist of placing the resolution or Mayor's appointment in the Aldermen's boxes in the City Hall by at least the ~~Friday~~ Thursday before the Common Council meets or by ~~giving it to the Police Department on a Friday for delivery to the Mayor's or Aldermen's homes or place of business; having it available for pick up by the Aldermen at the Police Department.~~ Giving such a resolution or Mayor's appointment to the Police Department is prima facie evidence that the Aldermen received said resolution or Mayor's appointment.
- (2) The advance notice requirement for resolutions under this Subsection shall not apply to matters in which the State Statutes set a time limit within which the Common Council can act on the subject matter of the resolution or matters related to it or when a public hearing is required by State Statutes.

SEC. 2-2-17 CONDUCT OF DELIBERATIONS.

- (a) A roll call shall not be necessary on any questions or motions except as follows:
- (1) When the ayes and nays are requested by any member.
 - (2) When required by the State Statutes of Wisconsin or this Code of Ordinances.
- (b) All aye and nay votes shall be recorded in the official minutes.
- (c) Except as provided below, the Common Council shall in all other respects determine the rules of its procedure, which shall be governed by Robert's Rules of Order (Newly Revised 1990), which is hereby incorporated by reference, unless otherwise provided by ordinance or Statute, except when otherwise limited or modified by this Code of Ordinances;
- (1) No Alderman shall address the Council until ~~he has been~~ recognized by the presiding officer. ~~He~~ They shall thereupon address ~~himself~~ themselves to the presiding officer and confine ~~his~~ their remarks to the question under discussion.
 - (2) When two (2) or more members simultaneously seek recognition, the presiding officer shall name the member who is to speak first.
 - (3) The Mayor shall not vote except in the case of a tie. When the Mayor does vote in case of a tie, ~~his~~ the Mayor's vote shall be counted in determining whether a sufficient number of the Council has voted favorably or unfavorably on any measure. A majority vote of all members of the Council in favor of any proposed ordinance, resolution or appointment shall be necessary for passage or approval, unless a larger number is required by ordinance or State Statute. Except as otherwise provided, a majority vote of those present shall prevail in other cases.
 - (4) Any member of the Council may demand an aye and nay vote on any matter, and all aye and nay votes shall be recorded in the journal. The Clerk shall rotate the order in which the roll is called on a per-meeting basis. On confirmation of appointments and on the adoption of any measure assessing or levying taxes, appropriating or disbursing money, or creating any liability or charge against the City or any fund thereof, the vote shall be by ayes and nays. A member of the Council may not change ~~his~~ their vote on any question after the result has been announced.
 - (5) When a question is under discussion, the following motions shall have precedence in the order listed:
 - a. To adjourn.
 - b. To recess.
 - c. To lay on the table.
 - d. To move the previous question.
 - e. To postpone to a day certain.
 - f. To refer to a committee.
 - g. To amend.
 - h. To postpone indefinitely.

State Law Reference: Section 62.11, Wis. Stats.

SEC. 2-2-18 RECONSIDERATION OF QUESTIONS.

- (a) **WHEN MOTION MADE.** A motion for reconsideration can be made on any matter before the Common Council by a member who voted with the prevailing side. It must be made on the day the Common Council acted or at the next regular meeting. It does not require a second.
- (b) **EFFECT OF MOTION TO RECONSIDER.** When a member who voted with the prevailing side moves to reconsider, such matter is automatically placed at the head of the calendar at the next Council meeting unless any member, whether he voted with the prevailing side or not, makes a motion to suspend the rules and take up the matter at this time. This is a non-debatable motion and requires a two-thirds (2/3) vote of the members present. The effect of a motion to reconsider shall be to put the matter back in its original condition or status before the main motion was voted upon.
- (c) **WHEN RECONSIDERATION CANNOT BE HELD.** Whenever the Council takes an action and something is done which cannot be undone by a motion to reconsider, such as a property right or where money has exchanged hands or other consideration given, such a motion is invalid.
- (d) **TIMES IN WHICH RECONSIDERATION CAN BE MADE.** With the exception of the limitations set forth in the previous Section, a motion to reconsider can be made on the same issue as many times until such motion fails.
- (e) **CLERK'S DUTIES.** When a motion to reconsider is brought before the body, the Clerk shall state the question, "Will the Council reconsider the votes by which this body said _____." "As many as in favor of reconsideration, say aye, those opposed, say no."
- (f) **LEAVE TO WITHDRAW.** A request for leave to withdraw a motion to reconsider does not require a second. It must be made by the original mover, and the mover may withdraw the same up to the point where the Clerk states the question.

SEC. 2-2- 19 COORDINATION OF COMMON COUNCIL MEETINGS AND COMMITTEE MEETINGS

- (a) All Common Council meetings will start at 6:00 p.m. on the first and third Mondays of the month, except for the annual organizational meeting or any special meetings. If a legal holiday falls on a regularly scheduled meeting day, the meeting will be held on the subsequent Tuesday.
- (b) Committee meetings will be scheduled to start at the conclusion of the Common Council meeting. The order of the Committee meetings will be determined at the agenda meeting by the Clerk and the Mayor.
- (c) The Common Council agenda will be limited:
 - 1. Items considered at the previous Committee meetings.
 - 2. Items not required to be reviewed by Committee as determined by the Common Council, such as accounts payable, appointments or liquor licenses. This list may be expanded by majority vote of the Common Council.
 - 3. A consent agenda will be created on each agenda with items that may be moved and considered in one motion and vote. Any Alderman may remove any item from the consent agenda to be taken up later in that meeting. The vote on consent agenda items shall be done by roll call. The Clerk and the Mayor will create the consent agenda after the agenda meeting.
- (d) Persons addressing the Common council during the two public participation forums or at any public hearing shall be required to state their name and address before addressing the Common Council or Committee. A sign-up sheet will also be provided for those persons who do speak to sign in. The Police Chief or designee shall keep time and shall enforce the five minute limit for public participation.
- (e) The appropriate Department Head will draft an explanation sheet that shall accompany any required notice to residents of any Public Hearing. The explanation sheet shall also be attached to the Public Hearing agenda. A brief explanation of the requested action shall be made by the appropriate Department Head at the Public Hearing. An explanation sheet as to the rules for any Public Hearing will be attached to the Public Hearing notice.

- (f) All persons, including the Mayor, Common Council members, Department Heads, City staff and the general public who choose to participate in any Common Council meeting, Committee meeting or Public Hearing shall do so with civility. It is the responsibility of the Chair of any meeting to insure compliance with this rule.

SECTION 2: This ordinance shall supplement all other ordinances or rules of the Common Council. This ordinance shall apply in the event of any conflict with other ordinances or rules.

SECTION 3: This ordinance shall become effective upon its passage and publication as provided by law.

Passed and approved this day of 2011.

ATTEST:

Donald Merkes, Mayor

Deborah A. Galeazzi, City Clerk



MEMORANDUM

Date: June 16, 2011

To: Common Council and the Mayor
From: Pamela A. Captain, City Attorney *PAC*

RE: Recommended Changes to Chapter 2 of the Code of Ordinance

There are still some changes that I recommend occur to Chapter 2 about which we did not have an opportunity to discuss at the Administration Committee meeting on June 6th. Therefore, I attempt to set forth my recommendations within this memo.

1. SEC. 2-2-1. This language is duplicative with SEC. 2-2-6.
2. SEC. 2-2-3(c). This paragraph has been modified since the June 6th meeting to reflect the actual language set forth in the statutes.
3. SEC. 2-2-4. The last sentence has been removed since it is duplicative.
4. SEC. 2-2-5(a)(1). Multiple changes were made to remove the duplicity. It is further recommended that the sentence setting forth the meeting days be deleted to allow the Chairperson of the Committee or the Committee itself to select its regular meeting days. This also applies to SEC. 2-2-5(a)(2) and the meetings days for the Board of Public Works.
5. SEC. 2-2-5(a)(2). The following sentence should be deleted due to duplicity: All recommendations of this Board must be approved by the Common Council before going into effect. The first sentence of this paragraph also provides: “. . . that the actions of the Board of Public Works shall be subject to Common Council approval and mayoral veto.” There is no need to have it in the same paragraph twice.
6. SEC. 2-2-5(g). Paragraph (1). This requirement is recommended to be properly located in the City’s personnel policy handbook rather than in an ordinance. Paragraph (2) is duplicative with SEC. 2-2-10(d) and is recommended to be deleted. Paragraph (3) is duplicative as it relates to requiring that all issues reviewed by standing committees be considered by the Common Council. The following is also confusing: “. . .no standing committees will have the power to make recommendations to the Common Council . . .” since there are other provisions in the ordinance that allow/require standing committees to make recommendations to the Common Council.

7. SEC. 2-2-5(h). By longstanding practice, the City Clerk has been acting secretary of the Administration Committee, Board of Public Works and Personnel Committee. Therefore, this paragraph has been changed to reflect actual practice.
8. SEC. 2-2-7. The state law reference has been updated.
9. SEC. 2-2-11. The following is recommended as an alternative call for a special meeting: “A special meeting may be held without such notice when the meeting time and date is announced at a regular common council or standing committee meeting, when all members of the Common Council are present in person. . . .”
10. SEC. 2-2-13. This paragraph has been modified to reflect the actual language set forth in the statutes.
11. SECS. 2-2-15, 2-2-16, 2-2-17 and 2-2-18. These sections relate to parliamentary procedure or the internal operating procedures of the common council. As such, it is recommended that these sections be deleted from the ordinance and be set forth in a separate document (Common Council Rules of Order) to be reviewed, amended and adopted annually by each new common council. Also, please note that SEC. 2-2-16(e) allows suspension of the rules “pertaining to ordinances and resolutions as provided in this Section.” All other rules of order set forth in the ordinance cannot be suspended by 2/3 vote. If the rules of order are separate from the ordinance, then they can be suspended by 2/3 vote. Alternatively, a provision could be added in the ordinance to allow suspension of any of the rules of order by 2/3 vote. That is not presently contained in the ordinance except with respect to SEC. 2-2-16(e). Finally, also note that SECS. 2-2-17 and 2-2-18 only apply to the common council.
12. SECS. 2-2-14(b) and 2-2-17(c). The reference to the year “1990” should be deleted and thereafter reflect Robert’s Rules of Order (Newly Revised).
13. SECS. 2-2-15(b) and 2-2-19(d). Reference to the timekeeper is duplicative/conflicting. One of the provisions should be deleted.