

Conducting an Open Meeting

Chair/Vice-Chair conducts meeting in accordance to Open Meeting Law.

Wisconsin Open Meetings Law was created to enable the public to have the fullest and most complete information regarding the affairs of government as is compatible with the conduct of government business. The law requires that all meetings of all state and local governmental bodies shall be publicly held in places with reasonable accessible to members of the public and shall be open to all citizens at all times unless otherwise expressly provided by law (Closed Session).

What is considered governmental bodies

Governmental bodies are any local agency, board, commission, committee, council, department or public body corporate and politic created by constitution, statute, ordinance, rule or order.

A meeting is defined as a gathering of members of a governmental body for the purpose of exercising responsibilities and authority vested in the body.

Public notice is required for every meeting of a governmental body. The agenda is the public notice. The public notice must specify the time, date, place and subject matter of the meeting. The public notice must be posted at least 24 hours before the meeting. The law does allow shorter notice may be given for good cause, but not less than 2 hours. The public notice must be specific enough to let people interested in a matter know that it will be addressed. The Attorney General advises that subjects designated simply as "old business", "new business", "miscellaneous business" or "any matters that may come before the board" without further subject designation are inherently insufficient notice. Agenda heading is Action Items, then the topics to be discussed/acted on are listed.

If it is anticipated that a Closed Session will be needed, it must be notice on the agenda. Reasons for a Closed Session would be employee issues, negotiations, conferring with legal counsel on legal matters.

If the Commission would like to allow the public to speak at their meeting it must be noticed on the agenda. The public can make suggestions/recommendations, but the Commission cannot act on the suggestions/recommendation until it is properly noticed/listed on the agenda. You can add it to the next meeting's agenda.

Penalties for not following Open Meeting Law

Forfeitures of \$25-300 can be levied against governmental body members who violate the Open Meetings Law. Or any action taken by the governmental body can be nullified if it is determined the action was taken in violation of the Open Meeting law.

When conducting a meeting, the Chair or Vice-Chair needs to stick to the agenda (a/k/a public notice). If the members start to get off track, it's the Chair's responsibility to get them back on track. If there is a topic that is not on the agenda but members would like to discuss, it should be put on the agenda of a future meeting.

ROBERTS RULES OF ORDER

The Appleton Common Council operates under Roberts Rules of Order. When used properly, they will keep the agenda moving at a workable pace. The following is a brief description of the most common rules used in Council debates:

1. **INTRODUCING BUSINESS** - Most Council business is introduced by a motion to approve a committee report. Occasionally other items of business are introduced by the Mayor or motions are made under "Other Business" on the agenda.
2. **OBTAINING THE FLOOR** - To obtain the floor, you should press your "Call-In" Button on your desk console and wait until you are recognized by the Chair. You will be called in the same order in which your button was pressed. The Chair will call your name and open your microphone.
3. **MOVE TO AMEND** - A move to amend is usually in order whenever a motion is on the floor. If the move to amend receives a second, then discussion centers first on the amendment. A vote to approve or disapprove the amendment must take place before moving back to the debate and vote on the main motion. Long amendments are to be given to the City Clerk in writing.
4. **SEPARATING AN ITEM** - You may separate any item from a committee report by obtaining the floor and then requesting a separate vote on a particular item. After debate, a separate vote is taken before moving back to deal with the remaining report.
5. **DIVISION OF A QUESTION** - To further divide an item from a committee report, obtain the floor and make a motion to divide the question into separate votes in the fashion you desire. After receiving a second, the motion is debatable and must be voted on before proceeding.
6. **A POINT OF ORDER** - A point of order may be raised at any time for the purpose of clarifying a particular point or item. To raise a point of order, obtain the floor and clearly state your point. If you are not satisfied with the explanation, you may request additional information. If your point of order deals with procedure and you are not satisfied, you can appeal the decision of the Chair.
7. **APPEAL (A QUESTION OF ORDER)** - A question of order takes precedence over all business and must be decided by the presiding officer without aldermanic debate. If the Alderperson objects to the decision of the Chair, he/she says, "I appeal the decision of the Chair." If the appeal is seconded, the Chair immediately states the question as follows; "Shall the decision of the chair stand as the judgment of the Council?" and a vote of the members present will be taken. If there is a "yes"

or “tie” vote, the decision of the Chair is sustained. If the Council votes “no,” debate moves back to the original question.

8. **WITHDRAWAL OF A MOTION** - If a motion came through a committee, and the mover wishes to withdraw his/her motion, and no one objects, the presiding officer grants the permission. If any objection is made, a motion to withdraw is in order; this motion cannot be debated or amended.
9. **SUSPENSION OF THE RULES** - This motion is not debatable and cannot be amended, nor can any other motion be applied to it. The rules of the council must be suspended by a two-thirds vote of the members of the council. This rule is most commonly used on the Council to change the order of the agenda. It is customary to express a valid reason for suspending the rules.
10. **MOTION TO TABLE** - This motion takes precedence over another motion, is not debatable, and cannot be amended. It removes the subject from consideration until the Council or Committee votes to take it from the table.
11. **MOTION TO POSTPONE TO A CERTAIN DAY** - The effect of this motion is to postpone the entire question to a time specified. Until that time it cannot be taken up except by a two-thirds vote of those present. When that time arrives, it is entitled to be taken up in preference to other motions.
12. **MOTION TO CLOSE DEBATE** - In order to close debate on a subject say, “I call the question,” “I move to close debate,” or “I call the previous question.” If the call is seconded, the presiding officer must immediately call for a vote on the motion. A two-thirds vote is required.
13. **MOTION TO REFER BACK** - The Council Rules allow for an automatic refer back on an item at the request of an Alderperson. If you desire to refer an item back for a second time, it must be by a regular motion and requires a majority vote of the Council. A second request for a refer back is debatable.
14. **MOTION TO RECONSIDER** - This motion is in order at any time but must be made by an alderperson who voted with the prevailing side at the present or immediately succeeding meeting or by one who was excused from the preceding meeting. A move to reconsider requires a majority vote of the total members of the council. No item can be reconsidered twice unless a suspension of the rules is called for.
15. **COMMITTEE OF THE WHOLE** - When the Council has to consider a subject which it does not wish to refer to a committee or when, for any reason, it is desirable for the Council to consider a subject with all the freedom of an ordinary committee, it is the practice to refer the matter to the “Committee of the Whole.” If it is desired to consider the question at once, the motion is made

that “the Council resolve itself into a Committee of the Whole to take under consideration...the subject.” If the motion is seconded, a two-thirds majority of the members present is required. When the Council is through with the consideration of the referred subject, a motion is made that “the Committee rise and report.” The council president or committee chair reports to the Mayor the decision of the group. An Alderperson can then move to adopt the Report of the Committee of the Whole.

16. **NOTWITHSTANDING VOTE** - The effect of this vote is to reverse the recommendation of the committee of jurisdiction. The Chair may be asked to state what an “aye” or “nay” vote will mean.
17. **A TIE VOTE** is when members present vote equally aye or nay. An abstention does not count as a no for the purpose of a tie vote. The Mayor only votes to break an 8 - 8 tie.
18. **MOTION TO ADJOURN** is always in order. It always requires a second and a majority vote.