Rules of the Common Council, Committees, Boards, and Commissions
City of Stoughton, Wisconsin
Adopted May 14, 2013

Adopted pursuant to the authority granted in Wis. Stat. § 62.11(3).

Rule 1. **MEETINGS**

A. Committee Reorganization and Orientation

The following activities will take place to ensure a smooth transition from one chair to the next after the Common Council Reorganization Meeting.

1) A new Committee Chair and Vice-Chair will be elected.

2) The following items should be addressed at the reorganizational meeting or a subsequent meeting, depending upon current pending business, in order to provide all committee members with an understanding of departmental operations and goals:
   a) Distribute and discuss department-specific information in the Local Government Handbook and department web-site, and an overview of the department's organization and contact persons. A tour of the department facilities will be offered.
   b) Review the short and long range plans of the department and departmental priorities.
   c) Distribute committee meeting minutes from the previous 12 months and discuss major policy changes or issue(s).
   d) Distribute and discuss information, policy changes, or issue(s), specific to pending agenda items.
   e) Recommend for consideration future policy changes or exploration of issues.
   f) Review the monitoring tools the committee has been using to determine if the department has achieved their goals.

3) The new Committee Chair and Vice Chair should familiarize themselves with department and City staff resources, and basic procedures for the conduct of committee meetings, including the following:
   a) Set agenda with department head/staff.
   b) Review agenda suggestions from the public. Chair will work out with individual(s) when or if the item will appear on the agenda. If item is appropriate for the committee, it should be placed on the agenda within 2 months. If item is not appropriate for the committee, a written explanation should be provided.
   c) Place all agenda items from alderpersons and staff members on the agenda within 2 months. Requests should be in writing along with supporting materials.
   d) Call all meetings including special meetings, setting the date, time, and place of the meeting.

e) Run the meeting in a timely and orderly fashion directing the discussion to the noticed agenda items only.
f) Recognize persons wishing to speak.
g) Can impose time limits on citizens wishing to speak.
h) Rule on parliamentary questions using Roberts Rules of Order. See Municipal Code 2.02 (16).
i) Follow-up on delegated work to ensure timely completion.

B. Regular Meetings

1. Following the spring election of each year, the Common Council shall meet on the third Tuesday of April for the purpose of organization. Regular meetings of the Common Council shall be held on the second and fourth Tuesday of every month at 7:00 pm, in the council chambers.

2. If any meeting date, as fixed by paragraph (1) above, falls on a legal holiday or election day, the meeting shall instead be held on the first business day succeeding that holiday or election day at the same hours and place, unless the meeting is cancelled or another date is specified by the council president.

C. Special Meetings

1. The mayor or council president may call special meetings by written notice to each council member and the mayor. The notice shall be delivered to all council members either personally, electronically to those who have consented to electronic delivery of notices from the city, 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 that case, a shorter notice may be given, but the notice may not at any time be provided less than 6 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.

D. Adjournment

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

Rule 2. **QUORUM REQUIRED**

A quorum is necessary for the transaction of any council business. Two-thirds of all members of the council shall constitute a quorum. In determining whether a quorum is present, neither vacancies nor the mayor shall be included in calculating the number of members of the council or in calculating the number of members present.

Rule 3. **PRESIDING OFFICER**

A. Designation Of

The mayor shall be the presiding officer of the meetings of the council. In the absence of the mayor, the president of the council shall preside at the meetings of the council. If both the mayor and the council president are absent, the vice president of the council shall preside at the meetings of the council. If the mayor, council president, and vice president are absent, the clerk

shall call the council to order and preside until the council selects a member to preside at the meeting.

B. Function

The presiding officer shall preserve order, conduct the proceedings of the council, and be its parliamentarian. If a member does not follow the council's parliamentary rules, the presiding officer may, on his or her own motion, or shall, at any members' request, call the offending member to order. The council, if appealed to, shall decide the matter.

C. Question of Order

Any alderperson may raise a point, or question of order. The question of order must be raised at the time the alleged breach of order occurs. The presiding officer may confer with legal counsel during the meeting. 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 or other presiding officer may speak on any question. If the mayor or other presiding officer wishes to make a motion, he or she must first vacate the chair while the motion is pending. If the mayor or other presiding officer vacates the chair while a motion is pending, the next officer in line to preside at the meeting shall preside while the motion is pending.

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 members of the council.

Rule 4. **NOTICE OF MEETINGS**

Wisconsin law requires the chief presiding officer of the Common Council or such person's designee to give public notice of every Common Council meeting. Such notice must set forth the time, date, place, and subject matter of the meeting, including that intended for consideration of any contemplated closed session. The mayor or mayor's designee shall give notice of every Common Council meeting in accordance with the Wisconsin Open Meeting Law.

Rule 5. **ABSENCE OF MEMBERS**

If any alderperson, for any reason, cannot attend a regularly scheduled meeting of the Common Council, he or she shall notify the city clerk as soon as practically able prior to the meeting, of his or her anticipated absence.

Rule 6. **ORDER OF BUSINESS**

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

1. Call to order by the presiding officer
2. Roll call
3. Presentation of accounts and other claims against the city
4. Presentation of committee reports and minutes
5. Communication, reports of city officers, and recommendations of the mayor
6. Comments and suggestions from the preregistered citizens
7. Consideration of the minutes of the prior meeting(s).

8. Consent agenda
9. Unfinished business from previous meetings (old business)
10. New business

The council may chose to take business out of order.

Rule 7. **INTRODUCTION OF BUSINESS**

A. Introduction Requirements

All new, proposed ordinances, resolutions, or other new business (collectively "New Business") shall be in writing, shall contain a brief statement of their content, shall indicate the name of the presenting member(s) or presenting committee, and, prior to their consideration by council, shall be delivered to the clerk. Once a proper and timely request to add an item to the Common Council agenda has been made, the Mayor shall approve placement of the item on the agenda for one of the next two regular Common Council meetings following such timely request. Any item added to an agenda at the direction of the Common Council shall not be removed from the agenda without the approval of the Common Council.

B. Agenda

The following individuals and/or bodies may request the city clerk to add an item to the Common Council agenda, provided the request is made timely, as determined by the City Clerk.

1. The mayor
2. The Common Council or any alderperson
3. Any standing committee of the Common Council or the chair thereof
4. Any city committee, board or commission, or the chair thereof, with respect to an item of business referred to such committee, board or commission by the Common Council, or with respect to an item which such committee, board, or commission is required by law to report or recommend to the Common Council

The final agenda and packet must be approved by the mayor prior to distribution to the common council. Once approved by the mayor, the agenda may not be amended without approval from the mayor. The mayor and council president shall make reasonable efforts to cooperatively review the agenda before it is approved. Except as otherwise provided by this rule, the final agenda and packet must be sent to council members no later than 5:00 p.m. the Thursday prior to the regular Council meeting. The mayor may approve sending the final agenda to council members, or amending the agenda, less than 5 days prior to the meeting, when the mayor deems appropriate to protect the City's interests or to avoid unnecessary delay or hardship for the City or interested parties.

In addition to those circumstances currently established by Ordinance, Committee of the Whole items may come from Council relating to a Council agenda item or a friendly amendment to a motion. If six (6) council members, including the Mayor's vote per Roberts Rules of Order, agree, a Committee of the Whole will be scheduled. The request shall include a written memo detailing the nature of the issue.

C. Reintroduction Restricted

Unless otherwise provided by city ordinance, or unless allowed by approval of a motion for reconsideration pursuant to Rule 10, no proposed ordinance or resolution, having been once defeated, may again be introduced in the same or in substantially the same form until 30 days after the date when that ordinance or resolution was defeated.

Rule 8. **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 acting as the presiding officer at meetings of the Common Council, the council president or other presiding officer retains his or her right to vote as an alderperson and if he or she exercises that right, may not vote in case of a tie.

Rule 9. **VOTING**

A. Modes of Voting

1. Any alderperson may demand an aye and noe (roll call) vote on any matter. However, the vote must be by roll call if the council is:
   a. Confirming appointments
   b. Adopting any measure that assesses or levies taxes
   c. Appropriating or distributing money
   d. Creating any liability or charge against the city or any fund of the city
2. No member may explain his or her vote during the calling of ayes and noes.
3. All ayes and noe votes shall be recorded in the journal (minutes of the common council) by the clerk.

B. Majority Vote Required

Any item appearing on the agenda of the Common Council that requires the vote of council for approval or passage must be approved by a simple majority except where a different vote is required by law.

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 or her vote shall be counted in determining whether a sufficient number of the council has voted favorably or unfavorably on any measure.

D. Abstentions

A council member who abstains from voting on a matter for the stated reason that voting would violate or might be perceived to violate a law or ethical standard, shall not be counted for determining the number of members present if passage of that measure requires a favorable vote by a majority or other fractional vote (i.e. 2/3 or 3/4) of the members "present", or the presence of a quorum for purposes of that particular vote.

E. Vote Change

A council member may change his or her vote on a matter up to the time the result of the vote is announced.

Rule 10. **RECONSIDERATION**

Any member who voted with the prevailing side on any question may move for reconsideration immediately after the vote on the question is determined, or at the next succeeding regular

meeting of the council. A defeated motion for reconsideration is not subject to further reconsideration. Council actions that have already been implemented, such as approval of contracts that have been signed or ordinances that have become effective are not subject to reconsideration. Nothing in this rule prohibits the reintroduction of any business, subject to the restriction in Rule 7 C.

Rule 11. **ORDINANCES**

A. All proposed ordinances shall be read a total of two (2) times at two separate meetings before the council may vote on any of them. Each shall be read:

a. At the time the proposed ordinance is first submitted to the council for its consideration (first reading).

b. Immediately prior to the council's actual vote on it (second reading).

B. The council may dispense with any required reading.

Rule 12. **COMMITTEES, BOARDS, & COMMISSIONS**

A. Standing Committees, Utilities Committee and Planning Commission meeting times

The following should be considered when scheduling meetings for the City of Stoughton Standing Committees, Utilities Committee, and Planning Commission.

1. The Committee Chair shall set the meeting times in accordance to the rest of the Committee members.

2. Whenever possible, the following Committees shall schedule meeting times after the hours of 6:00 p.m. in order to accommodate all citizens during "normal" business hours.
   - All Standing Committee meetings
   - Utilities Committee meetings
   - Planning Commission meetings
   - Public Hearings
   - One Open Book Review meeting

B. Special Committees

The council may provide for special committees as it may from time to time deem necessary. Appointments to these special committees shall be made by the mayor.

C. Minutes

Each committee, board, and commission shall keep minutes. Minutes shall be approved by a majority of the committee, board, or commission at a subsequent meeting. After approval, the minutes shall be filed with the clerk.

D. Notice of Meetings

The chairperson or designee shall file notice of each meeting with the clerk. The notice shall comply with notice requirements found in Wis. Stats. 19.84.

E. Absence of Member.

If any member cannot attend a scheduled meeting, he or she shall notify the city clerk of his or her anticipated absence as soon as practically able prior to the meeting.

F. Quorum.

A quorum is necessary for the transaction of any business. A majority of all members of the committee, board, or commission shall constitute a quorum. The mayor, as ex officio member of standing committees, has the right, but not the obligation, to participate in the proceedings of standing committees, and he or she is not counted in determining the number required for a quorum or whether a quorum is present at a meeting.

G. Agenda

The chair of each committee, board, and commission shall approve all agenda items. He or she shall consider all referrals for the purpose of establishing said agendas.

H. Agenda item dying at Committee level

All items referred to a "Standing Committee," for which the Council has ultimate authority, will be reported out to the Common Council with a recommendation for approval, denial, or no recommendation. Committee chairs shall report action taken on all agenda items. Committee chairs shall also provide a status report to the Council regarding all items that have reoccurred on a Standing Committee agenda for a period of three months with no final action taken or recommendation made to Council, except for union negotiations and other confidential items. Union negotiations and other confidential items will be referred whenever/however deemed appropriate by the Committee and/or Staff.

I. Agenda items referred to Personnel and Finance Committees

Each standing committee is responsible for reviewing all issues that are to be referred to the Personnel and Finance Committees for action. The standing committee will make a recommendation to recommend or deny the request with the understanding that the Personnel Committee has the overall responsibility in the personnel area and the Finance Committee has the overall responsibility in the finance area. If the standing committee and the Personnel or Finance Committees disagree on the issue they shall have a joint meeting.

Rule 13. **PUBLIC COMMENT PERIOD**

A. Public Comment

A citizen may address the council provided the citizen registers with the clerk before the meeting is called to order, and indicates his or her interest to address the council; and provided the agenda provides for a public comment period.

B. Time Limited

With the exception of informational and public hearings, speakers shall be limited to a maximum of three (3) minutes. The city clerk will maintain the timer and inform the speaker when 30 seconds remain.

C. Other Restrictions

1. The City Attorney may review all registration forms to determine the appropriateness of each item.

2. Only items that the Common Council has the responsibility for or authority to take action on in the current meeting will be heard.
3. If the presiding officer decides the comments are not relevant or are abusive, the presiding officer may:
   (a) Order the citizen to modify his or her comments
   (b) Order the citizen to refrain from speaking
   (c) Order the citizen to leave council chambers
   (d) Take such other steps as may be necessary to insure the efficient conduct of the council's business

D. Registration and Time

The city clerk will arrive 30 minutes prior to the start of the council meeting to distribute registration forms as requested. Each form will be dated, numbered, and distributed on a "first-come, first-served" basis.

1. A completed registration form is required to speak by each individual completing his or her own form and is limited to addressing one subject per meeting only
2. Speakers will utilize the microphone at the podium and will begin by stating their name and address prior to addressing the council
3. The maximum time allotted for public comment is 30 minutes
4. The council reserves the right to restrict or increase time limits

Rule 14. **MANNER OF DELIBERATION**

A. Manner Of

No alderperson shall address the council until recognized by the presiding officer. The alderperson shall then address the presiding officer and keep all remarks to the question under discussion. The alderperson shall also avoid personal confrontation when speaking.

B. Motions

No motion shall be discussed or acted upon until it has been seconded. No motion shall be withdrawn without the consent of those alderpersons making and seconding the motion.

C. Motions: Precedence Of

When a question is under consideration, no motion shall be entertained except the motion to:

1. Fix the time to adjourn
2. Adjourn
3. Recess
4. Privilege
5. Lay on the table
6. Move the previous question
7. Limit or extend limits of debate
8. Postpone to a certain day
9. Refer to committee
10. Amend
11. Postpone indefinitely

The above motions shall take precedence in the order listed.

Rule 15. **CONSENT AGENDA**

A. Clerk's Responsibilities

The city clerk may create a subsection on any council agenda entitled, “consent agenda.” In a consent agenda the clerk shall place matters that, in the clerk’s judgment, are routine and noncontroversial and do not require a special vote or specific action by the council. The consent agenda shall be approved by the council president prior to being placed on the council agenda.

B. **Procedure for Adoption**

The following procedure shall apply when a consent agenda is used:

1. No separate discussion or debate may be permitted on any matter listed on the consent agenda
2. A single motion, seconded and adopted by a majority vote of all members of the council shall be required to approve, adopt, and act or otherwise favorably resolve all matters listed on the consent agenda
3. Any alderperson may request removal of any item or part of an item included in the consent agenda. At the time the consent agenda is considered, the removal of an item as requested by an alderperson shall be approved without debate or vote
4. If an item or any part of an item has been removed from the consent agenda in accordance with this rule, the council shall consider that item at an appropriate time during the council’s regular order of business

Rule 16. **ROBERT’S RULES OF ORDER**

In the absence of a standing rule, the council, committees, boards, and commissions shall be governed by the most current edition of Robert’s Rules of Order, Newly Revised, unless contrary to State law.

Rule 17. **GOVERNANCE AND AUTHORITY**

The Stoughton Common Council recognizes that elected and appointed officials of the City of Stoughton each perform important and distinct roles in the governance and administration of municipal services. The continued success of the City depends on mutual cooperation between elected officials and City staff as well as a consensus understanding of their respective duties and authority. Further, the Common Council recognizes that both elected officials and City staff ultimately must be responsive to the needs of the residents and the taxpayers that elect and employ them.

To assist in implementing these principles on a City-wide basis without unduly restricting the rights and actions of individual alderpersons, the Stoughton Common Council adopts the following policy guidelines:

1. The Council recognizes that each individual alderperson is vested with the authority of a duly elected official to represent the interests of his or her constituents as well as the City at large, and to participate in the various legislative and policy-making functions of City government. The Council also recognizes that, unless delegated to other committees, bodies, or individual alderpersons, the power to act on behalf of the City rests with the entire Common Council, or a required majority of the Council. The authority vested in the Council as a whole is described in Wisconsin Statute section 62.11(5) which states:

> Except as elsewhere in the statutes specifically provided, the council shall have the management and control of the city property, finances, highways,

> navigable waters, and the public service, and shall have power to act for the government and good order of the city, for its commercial benefit, and for the health, safety, and welfare of the public, and may carry out its powers by license, regulation, suppression, borrowing of money, tax levy, appropriation, fine, imprisonment, confiscation, 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.

2. The Council further recognizes that the phrase "management and control" as used in Wis. Stat. 62.11(5) above, refers to its general role as the governing body of the City rather than to any daily management or supervision of City affairs, which are vested in the mayor and delegated to various department heads and staff under Wisconsin statutes, City ordinances, and acts of the Council. Wisconsin Statute section 62.09(8)(a) states that:

> The mayor shall be the chief executive officer. The mayor shall take care that city ordinances and state laws are observed and enforced and that all city officers and employees discharge their duties.

In interpreting the mayor's function, the Wisconsin Supreme Court has concluded that the mayor's duty to carry out official functions and to enforce state laws or local ordinances is not merely ministerial but necessarily includes the right to exercise discretion and judgment. Consistent with that view, the Council recognizes that the "management and control" that it exercises should be interpreted and applied in the context of the City's overall organizational structure. The Council encourages alderpersons to follow the appropriate avenues for making inquiries of City staff and investigating City issues through the committee structure and department heads. As a general rule, the Council recognizes that it is responsible for making policy decisions; incurring contractual obligations or delegating the authority to do so; and approving or denying certain petitions or applications; but that the mayor and departmental staff are responsible for the execution and management of City affairs.

The mayor of Stoughton oversees the heads of the various City departments. In addition to conducting periodic performance evaluations, the mayor interacts with department heads and other staff on a daily basis regarding a broad range of issues that include administrative duties as well as policy development. The Council recognizes that many of the mayor's daily decisions and actions regarding these matters may not be within the direct purview of the Council, although they may be determined or guided by ordinances or policies previously established by the Council, or may subsequently come before the Council for consideration. In addition, in certain instances the mayor's authority is restricted by statute to actions authorized by the Common Council.

3. The Common Council further recognizes the valuable role of City department heads and staff and seeks to continually develop positive and constructive working relationships between staff and elected officials. The Council may enact ordinances, resolutions, and policies, and has final authority to enter into contracts or obligations that are performed by City staff. The Council also acknowledges the time and resource demands on City

departments and individual staff members in serving the City as an employer and responding to the needs of the public.

Given these considerations, it shall be the policy of the Council that, in the course of their duties as elected officials, individual alderpersons generally should attempt to seek information and assistance from City staff through contact with either the appropriate department head or the mayor, who has the initial responsibility to delegate resources and prioritize workload. The Council also recognizes that inquiries of individual alderpersons that do not represent the actions of the Council or one of its committees are to be treated with the same priority as requests from the general public. To minimize the inherent risk that City staff may perceive a conflict between a request from an individual alderperson and his or her duties as assigned by the department head, the Council expects City staff to forward such requests to the appropriate supervisor or department head.

In some instances, the Council as a whole or one of its committees may, within its authority, directly require some action by a department head or other City staff. In such cases the direction carries the weight of the governing body or delegated committee and shall be treated accordingly.

4. As a guide for communication between alderpersons and department heads, and to establish the Council's expectations for both individual alderpersons and department heads, the Council has adopted the following policy regarding how Council members should interact with department heads:

   a. Common Council members are encouraged to contact the department head regarding all questions related to the department. Department heads should keep the mayor aware of all non routine contacts with Common Council members and copy the mayor with all correspondence provided to the Common Council members by the department head.

   b. Common Council members are encouraged to invite department heads to participate in meetings with the approval of the Mayor.

   c. Department heads need to be afforded the opportunity to respond to Common Council member requests based on their schedule, and should be allowed ample time to address requests for written responses or materials, keeping in mind that department heads are expected to manage their departments during a 40-hour workweek.

   d. Common Council members should understand that they are responsible to develop policies and that the Mayor and the department heads implement them. Generally speaking, department heads are also involved with policy development.

5. Furthermore, the Council recognizes that department heads and City staff offer a degree of experience and expertise that is essential to the continued success of the City. In developing and executing its policy goals and decisions, the Council relies on staff for factual information as well as recommendations, keeping in mind that the Council as a whole is the final decision-maker as to legislative and policy matters. The Council expects that such input will include consideration of the advantages and disadvantages of possible alternatives. When offered or requested, staff recommendations will be

treated with respect and due consideration, without regard to whether the recommendation is ultimately adopted.

Rule 18. **SUSPENSION OF RULES**

These rules or any part of them may be suspended in connection with any matter under consideration by a recorded vote of two–thirds of the members present.

Rule 19. **VALIDITY OF COUNCIL ACTIONS**

No action by the Common Council shall be invalid or subject to challenge on the grounds that such action was taken in violation of the Rules of the Common Council.