City of Stoughton, 207 S Forrest Street, Stoughton WI 53589

RESOLUTION OF THE COMMON COUNCIL

Amending the Council Rules to Include updates to Public Comment Period

Committee Action: CACP recommended approval 5-0 on January 5, 2021
Fiscal Impact: None

File Number:	R-3-2021	**Date Introduced:**	January 12, 2021

WHEREAS, the Council Rules have been adopted by the Common Council and last amended in in 2016; and

WHEREAS, the Community Affairs and Council Policy Committee provided recommendations for updates to Rule 13: Public Comment Period; and

NOW THEREFORE BE IT RESOLVED that the Common Council of the City of Stoughton authorizes and directs the property city official(s) to amend the Council Rules as recommended.

Council Action: ☐ **Adopted** ☐ **Failed** **Vote** _____

Mayoral Action: ☐ **Accept** ☐ **Veto**

_____
Tim Swadley, Mayor Date

Council Action: _____ ☐ **Override** **Vote** _____

Rules of the Common Council, Committees, Boards, and Commissions City of Stoughton, Wisconsin Adopted December 2016
Adopted pursuant to the authority granted in Wis. Stat. § 62.11(3).

Rule 1. MEETINGS

A. Regular Meetings

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.

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.

B. Special Meetings

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.

C. 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. A quorum always refers to the number of members *present*, not to the number *voting*. If a quorum is present, a vote is valid even though fewer than the quorum vote.

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:
-Call to order by the presiding officer
-Roll call
-Presentation of accounts and other claims against the city
-Presentation of committee reports and minutes
-Communication, reports of city officers, and recommendations of the mayor
-Comments and suggestions from the preregistered citizens
-Consideration of the minutes of the prior meeting(s).
-Consent agenda
-Unfinished business from previous meetings (old business)
-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 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:

-The mayor
-The Common Council or any alderperson
-Any standing committee of the Common Council or the chair thereof
-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 noon the Friday prior to the regular Council meeting. The mayor may, in consultation with the Council President if feasible, approve sending the final agenda to council members, or amending the agenda, less than 4 days prior to the meeting, when the mayor, in consultation with the Council president if feasible, deems appropriate to protect the City's interests or to avoid unnecessary delay or hardship for the City or interested parties

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. The Council President is not eligible to chair standing committees. The Council President is the Chair of the Committee of the Whole and the Capital Improvement Projects (CIP) Committee. The Council President has the option to defer the chair for the CIP Committee.

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:
   -Confirming appointments
   -Adopting any measure that assesses or levies taxes
   -Appropriating or distributing money
   -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

Any member has the right to abstain from voting on any issue, and *must* abstain from voting if he or she has a financial or personal interest in the outcome of the 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.

F. Quorum

A quorum always refers to the number of members *present*, not to the number *voting*. If a quorum is present, a vote is valid even though fewer than the quorum vote.

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. First a vote is taken on the motion to reconsider, if it passes the question can be debated and voted on again. 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. 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.

B. Committee of the Whole.

The council may meet as a committee of the whole pursuant to Robert's Rules of Order.

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.

Rule 13. PUBLIC COMMENT PERIOD

A. Public Comment

A citizen may appear before the council in-person, through electronic communication, or written public comment provided the citizen registers with the clerk before the meeting is called to ~~order, and~~order and indicates his or her interest to address the council; and provided the agenda provides for a public comment period. It is preferred that citizens appear to read their own comments. Public Comment period is an opportunity for citizens to share their view with the Council, including on matters not on the agenda, and should not be conducted as a ~~two-way~~two-way conversation. The Council may not take action on any matter that is not on the agenda.

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. Written testimony shall be limited to a maximum of 400 words.

C. Other Restrictions

-If the presiding officer decides the comments are not relevant or are abusive, the presiding officer may:

-Order the citizen to modify his or her comments
-Order the citizen to refrain from speaking
-Order the citizen to leave council chambers
-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. 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. Speakers will utilize the microphone at the podium and will begin by stating their name and address prior to addressing the council. The maximum time allotted for public comment is 30 minutes. 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:

-Fix the time to adjourn
-Adjourn
-Recess
-Privilege
-Lay on the table
-Move the previous question
-Limit or extend limits of debate
-Postpone to a certain day
-Refer to committee
-Amend
-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:

-No separate discussion or debate may be permitted on any matter listed on the consent agenda

-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

-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

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. 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 18. 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.