

CHAPTER 2
THE GOVERNING BODY
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THE GOVERNING BODY 2.01

2.01 **MEETINGS.** (1) REGULAR MEETINGS. (a) The City Council shall hold regular meetings on the 2nd and 4th Wednesday of each month at 7 p.m.; except that there shall be one meeting held on the 2nd Wednesday of December. Public hearings shall be held at meetings in accordance with notices published by law. When the Council determines by authorizing and adopting a resolution stating the reason therefor, the regular Council meeting may be changed to the date, time and place authorized by the resolution.

(b) Any petition, report, correspondence or other matter to be considered at a forthcoming Council meeting shall be filed in the office of the City Clerk. Thereupon the City Clerk shall prepare the Council agenda or any supplements or additions or changes thereto and no item shall be considered by the Council unless the same appears on the Council agenda or a supplement or addition or change thereto.

(c) All resolutions and ordinances shall be submitted to the City Attorney's office for review as to legality and form prior to being presented to the City Council for action. No resolution or ordinance shall be placed on an agenda unless it contains evidence of review by the City Attorney's office.

(d) The Council agenda of resolutions and ordinances shall be delivered to each Councilmember at such address as he or she shall in writing designate on or before the Friday next preceding the regular meeting of the Council and shall contain any public hearings scheduled for the Wednesday night Council meeting. After delivery, the Council agenda may be supplemented or added to or changed by supplemental agenda at any time provided such supplemental agenda is noticed in accordance with §19.84, Wis. Stats., and, if applicable, §19.85, Wis. Stats.

(2) SPECIAL MEETINGS. Special meetings of the Council may be called by the President of the Council, the City Manager or any 2 members of the Council and shall be held in the Council chambers. No other business shall be transacted at a special meeting except as specified in the notice of such meeting unless all members are present. Special meetings shall be called by written notice served upon each Councilman personally or by leaving such notice at his usual place of abode at least 6 hours before such meeting. Such notice shall contain a statement of the business for which the meeting is called. Attendance by any Council member shall be deemed a waiver on his part of any defect of notice.

(3) NOTICE. (a) All meetings of the City Council, committees, boards and commissions shall be preceded by public notice as provided in §19.84, Wis. Stats., and, if applicable, §19.85, Wis. Stats.

(b) In addition to the statutory language contained in §19.85, Wis. Stats., public notice of a closed session of the City Council shall contain the general topic to be discussed during the meeting.

THE GOVERNING BODY 2.01(3)(c)

(c) No closed session of the City Council shall convene unless the City Manager gives notice to all City Council members of the specific matter to be discussed at least 48 hours prior to the scheduled commencement of the session.

2.02 **QUORUM.** A majority of the membership of the Council shall constitute a quorum for the transaction of business. A lesser number, however, may adjourn any meeting.

2.03 **ORGANIZATION.** At the opening of the first regular meeting on the 3rd Tuesday in April, following a regular City election, the Council shall elect a President and Vice-President for the ensuing year. The Vice-President shall in the event of the absence of the President or his inability to act, perform all of the duties of the President.

2.04 **RESOLUTIONS.** All resolutions, propositions and accounts which would result in a charge of money against the City, may be acted upon at the same meeting at which they are formally introduced in written form.

2.05 **ORDINANCES.** Every ordinance shall only require one reading prior to passage. All ordinances shall be numbered consecutively. Where an ordinance shall have the effect of amending, altering or adding to the Code of Ordinances, it shall so indicate, stating section number so affected. An ordinance shall be open to any pertinent amendment at any time until its final passage.

2.055 **CHARTER ORDINANCES.** (1) NOTICE AND HEARING. In addition to the requirements contained in Section 66.0101 of the Wisconsin Statutes, the City Council shall not act upon a charter ordinance until the proposed ordinance is published as a Class I notice in the official newspaper and public hearing on the matter is held before the City Council.

(2) FILING OF OBJECTION. After the public hearing, the proposed charter ordinance may be adopted at the next subsequent regular Council meeting unless a written objection by a resident of the City of Fond du Lac has been filed with the City Clerk prior to or at the public hearing on the matter. If such an objection is filed, the charter ordinance shall not be acted upon until 60 days after the date of the public hearing.

(3) INTENT AND PURPOSE. All requirements of Section 66.0101 of the Wisconsin Statutes pertaining to charter ordinances shall remain in effect. It is the intent of this section to supplement, not amend or repeal, the provision of Section 66.0101. If any provisions of this ordinance conflict with any provision of Section 66.0101, the statutory provision shall prevail.

(4) EXCEPTION. The above provisions do not apply to Charter Ordinances introduced by petition for direct legislation pursuant to Section 9.20 of the Wisconsin Statutes.

THE GOVERNING BODY 2.06(1)

2.06 **METHOD OF VOTING.** (1) An "aye" and "no" vote shall be called and recorded on the vote of every ordinance, resolution or motion and shall be taken upon any other matter when requested by a Council member. A majority of all the members of the Council shall be necessary to adopt any ordinance, resolution, expenditure of money or motion having the effect of a resolution, except where a greater number is required by law.

(2) If a Council member declines to vote by abstaining, the Clerk shall record his vote as being present.

(3) If a Council member declares on the record that because of disqualifying self-interest or conflict of subject matter interest, that he is not voting, the Clerk shall record that the Councilman did not vote, along with the reasons therefor.

2.07 **COUNCIL PROCEDURE.** (1) ORDER OF BUSINESS. The order of business at all regular Council meetings shall be as follows:

(a) Regular Meeting.

1. Call to Order.
2. Pledge of Allegiance and Invocation.
3. Council President Presentation.
4. Public Hearings.
5. Consent Agenda.
6. Audience Comments. (Comments limited to items noticed on the agenda)
7. Oral Presentations.
8. Approval of Minutes.
9. Reports of Officers.
10. Reports of Committees.
11. Petitions or Communications.
12. Resolutions.
13. Ordinances.
14. Miscellaneous. Items in this category must be noticed on the agenda.
15. Public Comments. (the public may make comments on subject matters not noticed on the agenda with a time limit of one minute)
16. Such other matters as are authorized by law.
17. Adjournment.

THE GOVERNING BODY 2.07(1)(b)1.

(b) Special Rules for Consent Agenda. 1. The City Manager shall create a consent agenda by placing items that, in the City Manager's discretion are routine and noncontroversial and do not by State or federal law require a special vote or specific action by the City Council.

2. Discussion or comment may take place on the consent agenda. Length of discussion shall be at the Council President's discretion but shall not exceed 3 minutes per Council member.

3. A single motion, seconded and adopted by a majority vote of all members of the Council, shall be required to approve, adopt, enact or otherwise favorably resolve all matters listed in the consent agenda.

4. Any Council member may request removal of any item or part of an item included in the consent agenda. At the time the consent agenda is considered, that item, as requested by the Council member, shall be removed without debate or vote.

5. If a member of the audience wishes to comment on an item listed on the consent agenda, the Council President will remove such item from the consent agenda for discussion.

6. 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 the appropriate time during the Council's regular order of business.

7. The following items shall not be included in the consent agenda:

- a. Council President presentations and proclamations.
- b. Items requiring public hearings.
- c. Annexation and zoning ordinances.
- d. Any item requiring more than a majority vote.
- e. Bonding or borrowing resolutions.
- f. Any other item that requires a special vote by State or federal statute or administrative rule or order.
- g. Resolutions and ordinances initiated by Council members.

8. The Council President shall read by title all items not removed from the consent agenda prior to adoption.

THE GOVERNING BODY 2.07(2)

(2) **MOTIONS IN ORDER DURING DEBATE.** When a question is under consideration, no motion shall be entertained except the following. These several motions shall take precedence in their order as they stand in this rule. These motions do not require a second except the motion for the previous question or a call for the ayes and noes.

- (a) To adjourn.
- (b) To lay on the table.
- (c) For the previous question.
- (d) To postpone to a certain day or time.
- (e) To commit to a standing or special committee.
- (f) To amend or substitute.
- (g) To postpone indefinitely.

(3) **CLAIMS AND ACCOUNTS.** All claims and accounts against the City shall be filed with the City Clerk, who shall, after their audit and approval by the Comptroller and the City Manager, present the same to the Council for final disposition.

(4) **PRESERVATION OF ORDER.** The President shall preserve order during the sessions of the Council and shall decide all points of order, subject to appeal to the Council. In the absence of any rule or provision of law upon any matter of business, the Council shall be governed by Robert's Rules of Order, latest edition.

(5) **PRESIDENT MAY SPEAK.** The President of the City Council may speak upon any question before the Council.

2.08 **DUTIES OF THE CLERK.** The City Clerk shall keep correct minutes of each meeting of the Council, see that all notices and ordinances published are properly verified as required by law and filed in the Clerk's office and perform such other duties as may be required by the Council, not inconsistent or in conflict with State law.

2.09 **AMENDMENT OF RULES.** The rules shall not be changed, amended or repealed unless the proposition or amendment is introduced in writing at a regular meeting and the same laid over for consideration to a subsequent meeting at least 2 weeks intervening.

2.10 **STATUTORY PROVISIONS ADOPTED.** Sections 62.11 and 64.07, Wis. Stats., so far as applicable, are hereby adopted by reference thereto and shall determine the procedure and activity of the Council.

THE GOVERNING BODY 2.11

2.11 **SUSPENSION OF RULES.** Except where the same would create conflict with the Wisconsin Statutes, these rules or any of them, except 2.10, may be temporarily suspended at any meeting by a 2/3 vote of all members of the Council. The vote shall be by ayes and noes and shall be so recorded.

Historical Updates			
Page	Paragraph	Ordinance No.	Date Adopted
p. 1	2.01(3)(a),(b),(c)	2732	05/11/94
p. 2	2.055(1)(2)(3)(4)	3198	03/10/04
p. 1	2.01(b) and (d)	3261	10/26/05
p. 3	2.07(1)(a)(6)	3429	05/26/10
p. 3	2.07(1)(a)(6)	3431	07/14/10