

CHAPTER 2
THE COMMON COUNCIL

Chapter 2 Repealed and Recreated May 7, 1996, Ord. No. 1643

- 2.00 Term
- 2.01 Meetings
- 2.02 Quorum Required
- 2.03 Call to Order
- 2.05 Order of Business
- 2.06 Introduction of Business
- 2.07 Presiding Officer
- 2.08 President of the Council
- 2.09 Voting
- 2.10 Reconsideration of Question
- 2.11 Ordinances
- 2.12 Committees
- 2.13 Approval of Committee Reports
- 2.14 Financial Matters
- 2.15 Citizens' Right to Address Council
- 2.16 Manner of Deliberation
- 2.17 Agenda for Council Meeting Actions
- 2.18 Suspension of Rules
- 2.19 Duties of Clerk
- 2.20 Amendments of Rules
- 2.21 Committee Quorums
- 2.22 New Ordinances to be Numbered **created 4/5/00, 1764**
- 2.23 Robert's Rules of Order **created 4/5/00, 1764**

2.00 TERM. Commencing with the next regular alderperson elections after adoption and publication of the ordinance the regular term of alderpersons shall be three years. Created 6/4/13, 2065.

2.01 Rule 1. MEETINGS

A. Regular Meetings.

- (1) Following the spring election of each odd numbered 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 first and third Tuesdays of each month. Any regular meetings may be canceled or rescheduled on a motion adopted by a majority of the Common Council. Rep. & Recr. 01/21/97, 1660; Rep. & Recr. 10/06/98, 1716
- (2) If any regular meeting date falls on a legal holiday or Election Day, the meeting may be rescheduled by a majority vote of the alderpersons attending any earlier meeting. Amended 2/17/15, 2100

B. Special Meetings.

- (1) The mayor may call special meetings by written notice to each council member. This notice shall be electronically or physically delivered to the members 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 waiver of any defect or notice. Amended 2/17/15, 2100
- (2) The mayor may call a special meeting, without notice, at a regularly convened Council meeting if all members are present. A special meeting may also be called if all members consent in writing to the holding of such a meeting. If written consent is obtained, it shall be filed with the clerk before commencement of the meeting.
- (3) Special meetings shall be deemed regular meetings for the purpose of transacting any business that may be permitted by law.

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

2.02 Rule 2. QUORUM REQUIRED. A quorum is necessary for the transaction of any Council business. Two-thirds of the members of the Council, excluding the mayor, shall constitute a quorum.

2.03 Rule 3. CALL TO ORDER. The presiding officer shall at the hour appointed call the members to order. If both the mayor and council president are absent from the meeting, the clerk shall call the Council to order and preside until the Council selects a member to preside at that meeting.

2.05 Rule 5. ORDER OF BUSINESS. Rep & Recr. 01/21/97, 1660; Renumbered 10/06/98, 1716. Amended 11/1/2016, 2135. The business of the Council shall be conducted in the following order:

1. Call to order by the presiding officer.
2. Roll call/pledge of allegiance. If a quorum is not present, the meeting shall automatically adjourn to the next regular meeting.
3. Agenda Deletions. Cr. 10/06/98, 1716
4. Comments and suggestions from citizens in attendance at the meeting may be invited to address the Common Council by a member of the Common Council concerning matters not on the agenda. Such comments will be limited to no more than a total of 10 minutes so that persons and Common Council members who are in attendance to address matters on the agenda may promptly address those matters on the agenda. No individual comment shall exceed 3 minutes unless more time is approved by a majority vote of the Common Council. Individual comments may be further limited by the presiding office to insure addressing the meeting agenda is not delayed more than 10 minutes. This rule does not apply to public hearings which are governed by Rule 15. Comments by citizens under this section are also subject to the conditions established at Rule 15. Repl. & Recr. 2/2/16, 2122
5. Consent Agenda. A consent agenda may be presented by the Council President at the beginning of the meeting. The consent agenda should only include items that are considered routine. Items may be removed from the consent agenda at the request of any one Council member. Items not removed may be adopted by general consent without debate. Removed items may be taken up immediately after the consent agenda or placed later on the agenda at the discretion of the Common Council.

6. Reading of the minutes of the preceding meeting, approval of minutes if correct and correction of mistakes, if any. The Council, by a majority vote of the members present may dispense with the reading of the minutes.
7. Unfinished business from previous meetings.
8. Committee reports. During committee reports, citizens in attendance at the meeting and who have been recognized by the Mayor may address the Common Council concerning the matter. Such comments shall not exceed 3 minutes unless greater time is allowed by a majority of the Common Council. Comments of citizens may be terminated as comments by Alderpersons may be terminated by a motion to terminate debate and call the vote under Rule 16E. Repl. & Rec. 2/2/16, 2122
9. Reports of the mayor.
10. Reports of the department heads and other city officials.
11. Miscellaneous business as specified in the notice of the meeting. Amended 2/17/15, 2100

2.06 Rule 6. INTRODUCTION OF BUSINESS

- A. Introduction Requirements. All ordinances and resolutions shall be in writing and delivered to the clerk prior to their consideration by the Council. The member presenting the ordinance or resolution shall read each by title or in its entirety at the election of the presenting member. Any alderperson may require at any time the reading in full of any matter while it is before the Council. Committee reports will generally be rendered orally by the alderperson who chaired the committee meeting which is being reported. The requirement that ordinances and resolutions be delivered to the Clerk before consideration by the Council can be suspended by the affirmative vote of a majority of the alderpersons attending the meeting. Amended 2/17/15, 2100
- B. Reintroduction Restricted. Except on a motion to reconsider or unless otherwise provided by city ordinance, no proposed ordinance or resolution, having once been defeated, may again be introduced in the same or in the substantially same form until 30 days after the date when that ordinance or resolution was defeated.

2.07 Rule 7. PRESIDING OFFICER

- A. Designation of. The mayor shall be the presiding officer. In the absence of the mayor, the president of the council shall preside at meetings of the Council and be styled "Acting Mayor." If both the mayor and council president are absent, the clerk shall call the Council to order and preside until the Council selects a member to preside at that meeting.
- B. Function. The presiding officer, or his/her designee, shall preserve order, conduct the proceedings of the Council and be its parliamentarian or shall designate its parliamentarian. If a member does not follow the Council rules, the presiding officer may, on his or her own motion, or shall, at any member's request call the offending member to order. The Council, if appealed to, shall decide the matter.
- C. Questions of Order. Any alderperson may raise a point or question of order ("question of order"). The question of order must be raised at the time the alleged breach of order occurs. 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 may speak on any question. Repl. & Rec. 2/2/16, 2122
- E. Veto. The mayor may veto all acts of the Council as permitted by law. The Council may override the mayor's veto by the affirmative vote of six alderpersons.

2.08 Rule 8. PRESIDENT OF THE COUNCIL

- A. Selection. The council president shall be selected by a majority vote of all council members at the organizational meeting conducted on the third Tuesday of April following the regular aldermanic elections. Rep. & Recr. 10/06/98, 1716, amended 2/17/15, 2100
- 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 presiding, the council president retains his or her right to vote as alderperson and may not vote in case of a tie.

2.09 Rule 9. VOTING

- A. Mode of Voting.
- (1) Any alderperson may demand a roll call vote on any matter. However, the vote shall be by roll call if the Council is: (a) confirming appointments; (b) adopting any measure that assesses or levies taxes; (c) appropriating or disbursing money; or (d) creating any liability or charge against the City of any fund of the City. Rep. & Recr. 10/06/98, 1716
 - (2) No member may explain his or her vote during the calling of the ayes and noes. All aye and no votes shall be recorded in the journal by the clerk.
 - (3) In calling the roll on a roll call voted, the Clerk shall rotate the starting point in sequence each meeting as follows: at the first meeting after this ordinance becomes effective, the Clerk shall call all roll call votes for that meeting beginning with the first district alderperson seated closest to the Clerk and then at the next meeting the Clerk shall call all roll call votes beginning with the alderperson seated next to that alderperson who was called first on roll call votes for the last meeting and rotating the first to the called in lied fashion at each subsequent meeting proceeding counter-clockwise around the chambers. The Clerk shall keep note of which alderperson voted first at each meeting. The purpose of this ordinance is simply to vary the order in which alderpersons are called to vote on motions requiring a roll call vote. The failure to follow this procedure in calling a roll call vote shall not invalidate the vote on any motion. The council President shall decide all questions regarding the application of this procedure to any particular facts (e.g. the absence of an alderperson who should be the first called, or the appointment/election of a new alderperson, etc.). Cr. 10/7/14, 2092
- B. Majority Vote Required. A majority vote of the members in attendance at the meeting in favor of any proposed ordinance, resolution or appointment shall be necessary for passage or approval, unless a larger number is required by law. In all other cases, a majority of the votes cast shall be necessary for Council action. Amended 2/17/15, 2100
- 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.

- (1) A Council member shall not vote on any proposed ordinance, order, resolution or proposition in which he or she has a direct pecuniary or personal interest not common to other members of the Council.
- (2) A Council member who is required by law to abstain from voting on any particular matter shall not be counted for determining (a) 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 alderpersons "present," or (b) 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.

2.10 Rule 10. RECONSIDERATION OF QUESTION. Any member who voted with the prevailing side on any question may move for a reconsideration of the matter at the same meeting in which the vote was originally taken or at any subsequent regular meeting of the Common Council held at least 30 days after the original vote. This rule may be suspended by a vote of 2/3 of the members of the Common Council. Repl. & Recr. 2/2/16, 2122

2.11 Rule 11. ORDINANCESA. Reading of Ordinances.

- (1) All proposed ordinances shall be read a total of three (3) times before the Council may vote on any of them. Any number of readings may be given at any meeting. Amended 2/17/15, 2100
- (2) By adoption of a motion to suspend the rules, the Council may dispense with any or all of the required readings. Any reading may be by title only.

B. Vote On. The Council may not vote on an ordinance at the same meeting that it is introduced unless the Council suspends this rule by the affirmative vote of ¾ of those in attendance at the meeting. Rep. & Recr. 10/06/98, 1716, amended 2/17/15, 2100

2.12 Rule 12. COMMITTEES Renumbered 10/06/98, 1716

A. Appointments. The president of the council shall appoint a chairperson, vice-chairperson and two (2) committee members to each of the standing committees at the organizational meeting of the newly elected Council conducted on the third Tuesday of April following the regular aldermanic elections. After serving as chairperson on a committee for one year, the chairperson shall become the vice-chairperson and the vice-chairperson shall become the chairperson. No two alderpersons from the same district shall serve on the same committee except by a vote of 3/4 of the members of the alderpersons. Amended 2/17/15, 2100

B. Standing Committees.

- (1) Finance Committee. (The functions of this committee include oversight of municipal budget, borrowing, grants, appropriations and audits and municipal operations planning insofar as those operations affect fiscal matters.)

- (2) Legislation and Permits Committee. (The functions of this committee include review and introduction of ordinances and resolutions not proposed, assigned to or generated by other committees, review and recommend action related to permits and licenses.)
 - (3) Human Resources. (The functions of this committee include contract negotiation, contract administration at Council level, salary ordinance review and preparation, and in general all matters directly related to municipal employees. The committee also addresses municipal operations, planning and implementation including staffing and priority of work.)
 - (4) Public Property and Public Works. (The functions of this committee include addressing all issues related to municipal property, both real and personal, planning public works projects and improvements. This committee also addresses matters of public safety insofar as those matters impact on public streets, buildings and property.)
- C. Committee of the Whole. The Common Council sitting as a Committee of the Whole shall be held when and as specifically scheduled by the Council. Repl. & Rec. 2/2/16, 2122
- D. 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 subject to confirmation by the Common Council.
- E. Committee Reports.
- (1) Each Committee shall submit a report to the Council on all matters referred to it. A report on all matters referred to the committee shall be submitted to the Council within 45 days of the referral. Amended 2/17/15, 2100
 - (2) For each ordinance or resolution referred to it, the committee shall submit a separate report and recommendation to the Council. Amended 2/17/15, 2100
- F. Notice of Committee Meetings. The committee chairperson shall file notice of each committee meeting with the clerk. The notice shall comply with the notice requirements of sec. 19.84, Stats.
- G. Committee Referrals. The presiding officer or Council on motion shall make all committee referrals, except as provided under Rule 14. Rep. & Recr. 10/06/98, 1716

2.13 Rule 13. APPROVAL OF COMMITTEE REPORTS.

- A. An aye and no vote will normally be taken on each committee report immediately following its submission to the council. Any alderperson, however, may require a separate vote on any matter in the report. An alderperson's request for a separate vote on any matter in the report does not require a second and this portion of this rule is not subject to suspension. Amended 2/17/15, 2100

- B. At any time before the commencement of the vote, any two (2) Alderpersons may request that action on a specific matter be deferred until the next regular Common Council meeting or other previously scheduled meeting. This rule is implemented by one Alderperson making a motion to defer action on the matter followed by a second to that motion. The motion is not debatable and this rule is not subject to suspension by the majority. At the subsequent meeting the Alderperson who made the motion to defer and the Alderperson who seconded the motion cannot make or second any motion to defer action on the matter to a later meeting. At the subsequent meeting to which the matter has been deferred, the matter will be taken up as the first order of business and will be debatable (i.e. it can be further discussed) but it is subject to a motion to terminate the debate and call the vote pursuant to rule 16 E. Created 2/17/15, 2100, Amended 2/2/16, 2122

2.14 Rule 14. FINANCIAL MATTERS Renumbered 10/06/98, 1716

- A. Bills and Other Financial Claims. All bills and other financial claims against the City shall be itemized and presented to the clerk/comptroller for examination. Payment of regular wages and salaries of officers and employees according to schedules adopted by the Council, routine bills for matters budgeted and purchases within the purchasing policy guidelines shall be made by the clerk/comptroller without prior submission to the Council after ratification by the department head submitting them and approval by the clerk/comptroller. The clerk/comptroller shall report all payments made on a schedule of vouchers and shall report any bills or claims received which were not previously approved and which are not within the limitations of the purchasing policy to the Committee on Finance, which shall report on them at the next Council meeting. Amended 2/17/15, 2100
- B. Ordinances and Resolutions. Deleted, 2/17/15, 2100

2.15 Rule 15. CITIZENS ADDRESSING THE COUNCIL Renumbered 10/06/98, 1716, Amended 2/2/16, 2122

- A. A citizen may address the Council under the conditions described in either or both Rule 5 (4) and Rule 5(7), provided the following additional conditions are met:
- a. The citizen gives his/her name and address;
 - b. The comments are directed to the Common Council;
 - c. The citizen's comments relate to the matter under consideration.
- B. Time Limited. Speakers shall be limited to three minute addresses unless the Council consents, by a majority voted of the members present, to extend the time. At public hearings and informational meetings, the presiding officer may limit the speaking time of any person when he/she judges it necessary to insure that all in attendance who wish to speak will have a reasonable opportunity to do so or otherwise as he/she determines to be appropriate to insure that the hearing is completed in a reasonable time.
- C. Other Restrictions. If the presiding officer decides that the comments are not relevant or are abusive, the presiding officer may:
- a. Terminate the citizen's time and order the citizen to refrain from speaking.
 - b. Order the citizen to leave the council chambers; or
 - c. Take such other steps as may be necessary to ensure the efficient conduct of the Council's business.

2.16 Rule 16. MANNER OF DELIBERATION Renumbered 10/06/98, 1716

- 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 confrontations when speaking.
- B. Recognition. When two or more members simultaneously seek recognition, the presiding officer shall name the member who is to speak first.
- C. Motions. No motion shall be discussed or acted upon until it has been seconded, unless these rules specifically permit one alderperson to initiate action. No motion shall be withdrawn without the consent of those alderpersons making and seconding the motion.
- D. Motions, Precedence of. When a question is under consideration, no motion shall be entertained except a motion to: Rep. & Recr. 10/06/98, 1716, Amended 2/2/16, 2122
1. Motion to terminate debate and call the vote pursuant to Rule 16 E.
 2. Defer to the next regularly scheduled meeting per Rule 13 B.
 3. Postpone to a date certain.
 4. Refer to a committee.
 5. Amend.
 6. Postpone indefinitely.
 7. Adjourn.
 8. Recess.
- E. Termination of Debate. Any member wishing to terminate the debate may move to terminate debate and call the vote. If such a motion is made and seconded the presiding officer on receiving such a motion and second shall then announce the questions as, "Shall the debate not be terminated?" If two-thirds of the members present vote in the affirmative, the question before the Council shall be taken without further debate. The Council shall then vote first on any pending amendments and then on the main question. Rep. & Recr. 10/06/98, 1716, Amended 2/2/16, 2122

2.17 Rule 17. AGENDA FOR COUNCIL MEETING ACTIONS. Renumbered 10/06/98, 1716

- A. Clerk to Prepare. The City Clerk shall, not later than 4:00 P.M. of the day preceding a Regular, Adjourned or Special Meeting, electronically deliver to all alderpersons a copy of the Council agenda and any resolutions, ordinances or reports addressed on the agenda (unless copies of the same have previously been delivered). All agenda items shall be complete sentences. Amended 2/17/15, 2100
- B. Committee Reports. Each committee chairman shall advise the clerk of the matters to be placed on the agenda for that committee's report.

CITY OF SOUTH MILWAUKEE

2-9

2.17

- C. New Miscellaneous Business. Each alderperson may place any item which may properly be considered by the Council on the agenda under the heading of "New Miscellaneous Business." Items which may not be voted on pursuant to any rule of the Common Council shall not be placed on the agenda; i.e., ordinances or resolutions which have been defeated within the past 30 days, Rule 6 (B); and matters which have been previously considered by the Council and on which a motion for action has been defeated, unless requested by one who can properly ask for reconsideration, Rule 10.
- D. Reports of Others. Each city official rendering a report to the Council may place the subject of that report under his name under "Reports of Department Heads and City Officials."
- 2.18 Rule 18. SUSPENSION OF RULES. It shall require a vote of three-fourths of the members present to suspend any rule of the Common Council except any rule established by Section 2.06. The votes shall be ayes and noes and shall be recorded in the journal. Renumbered 10/06/98, 1716
- 2.19 Rule 19. DUTIES OF CLERK. It shall be the duty of the clerk, in addition to his/her other duties, to be present and keep a correct journal of the proceedings of each meeting of the Common Council, and to make a correct record of the same; engross all ordinances and by-laws, and record the same in a book of ordinances, furnish the committees and department heads with copies of resolutions, and other matters that may be referred to him/her (unless the original papers are furnished) and to do such other clerical duties as may be prescribed by the Council. Renumbered 10/06/98, 1716
- 2.20 Rule 20. AMENDMENTS OF RULES. These rules may be amended or altered or new rules adopted by a majority of all the members elected on a motion to adopt an ordinance amending these rules at any meeting of the Council. Renumbered 10/06/98, 1716, Amended 2/2/16, 2122
- 2.21 Rule 21. COMMITTEE QUORUMS. A majority of any committee shall constitute a quorum. Renumbered 10/06/98, 1716
- 2.22 Rule 22. NEW ORDINANCES TO BE NUMBERED. All ordinances, the substance of which would have the effect of amending, altering or adding to the provisions of the South Milwaukee Code of Ordinances shall be drawn as amendments, alterations or additions to the Code, and every section shall be given a number which shall locate such section in the proper sequence in said Code. The City Clerk shall assign section numbers for all ordinances amending, modifying or altering the Code. Re-titled 04/05/00, 1764, Amended 2/2/16, 2122
- 2.23 Rule 23. ROBERT'S RULES OF ORDER. The rules of parliamentary practice comprised in Robert's Rules of Order shall govern the Common Council in all cases in which they are applicable and in which they are not inconsistent with these rules or state law. Any rule within Robert's Rules of Order may be suspended by a majority vote of those alderpersons in attendance at the meeting. Re-titled, 04/05/00, 1764, Amended 2/17/15, 2100