

## RULES FOR THE GOVERNMENT OF THE COMMON COUNCIL

### RULE 1 - MEETINGS, REGULAR AND SPECIAL

The regular meetings of the Common Council shall be held on the second and fourth Tuesday of each month at 7:00 P.M. Council meetings shall adjourn not later than 11:00 PM unless extended by action of the Council, which extensions may be approved by majority vote of the Council in increments of not more than thirty minutes at a time. The Council may adjourn from time to time and the Mayor or Common Council President may call a special meeting at any time. The City Clerk (or his or her designate) will personally contact all Council members to ensure attendance at the meeting.

### RULE 2 - PRESIDING OFFICER

The Mayor or President of the Common Council (as the case may be) shall, at the hour of meeting, call the Council to order. The presiding officer shall preserve order and decorum, and decide all questions of order, subject to an appeal to the Council by any member.

### RULE 3 - ABSENCE OF MAYOR AND PRESIDENT OF COUNCIL

In case the Mayor and the President are absent at the time of the meeting, the City Clerk shall call the Council to order; thereupon the Council shall elect one of its own members the president pro tem.

### RULE 4 - QUORUM

Two thirds of the members shall constitute a quorum and the Mayor shall not be counted in computing the quorum. The Mayor shall vote or abstain on all matters before the Council except the election of a Council President. The Mayor's vote, however, will not count or be recorded except in case of a tie.

### RULE 5 - ROLL CALL; PROCEDURE WHEN QUORUM NOT IN ATTENDANCE

As soon as the Council shall be called to order, roll call shall be taken, noting who are present and who are absent and record the same in the record. If there is not a quorum present, this fact shall be entered in the minutes and the Council shall adjourn.

### RULE 6 - ORDER OF BUSINESS

Subject to the procedures which immediately follow, for a 30 minute period prior to the commencement of each regular meeting of the Common Council, any person may address the Council members then present. During this period for the members of the public to

address the members of the Common Council, the Council shall meet as though in Committee of the Whole, and the following procedures shall apply:

- A. Individual presentations are limited to 3 minutes.
- B. Privilege of the Floor shall last no longer than 30 minutes unless otherwise deemed appropriate by the Mayor or a Consensus of the Common Council; the time limit may be increased by increments of 15 minutes.
- C. Presentations shall be directed to topics subject to Council action and related to the City of New Berlin (This means the presentations are not limited to this evening's agenda items).
- D. Presentations shall not deal in personalities or personal attacks on members of the Council or City employees.
- E. Presentations are not to be designed for purposes of engaging others in a debate in this forum.
- F. At times, there may be a large number of residents that would like to speak and in order to provide as many residents their right to speak, the Mayor or by a Consensus of the Common Council may limit the amount of times a person can speak to only once.
- G. No Council member may address the council during this forum.

At each regular meeting of the Common Council, the order of business shall be as follows:

- A. Approval of previous Common Council minutes
- B. Clerk's Report; Council President's Report, Mayor's Report
- C. Presentation and consideration of letters, claims, petitions, memorials, remonstrances and accompanying documents.
- D. Messages and communications from the Mayor, Council and the Clerk, shall be read.
- E. Plan Commission and Board of Public Works recommendations
- F. Reports from other boards and committees shall be presented and considered, first from the boards and next from the selected committees and commissions.
- G. Presentation and consideration of business
- H. Consent Agenda, including approval of the minutes of previous meetings
- I. Presentation and consideration of Ordinances, Resolutions and By-Laws.

It shall be in order for any member to move to permit an individual in attendance to address the Council during the time allotted. Said address shall be limited to 5 minutes in length

and must pertain to the subject matter being discussed. A majority vote of the members present is necessary.

#### RULE 7 - ORDINANCES, RESOLUTIONS, MOTIONS OUT OF COMMITTEE TO BE IN WRITING

All Ordinances, Resolutions, Motions out of Committee of the Whole and communications shall be in writing individually or as part of the Consent Agenda with a brief statement of their contents stated thereon. The writing shall be presented and read by the City Clerk.

#### RULE 8 - MOTIONS ARISING OUT OF DEBATE

After a motion is made and seconded, it shall be stated by the Presiding Officer, or read by the City Clerk, only if requested, previous to debate. If required by the Presiding Officer, or any member, any principal motion shall be reduced to writing.

#### RULE 9 - VOTES - HOW TAKEN

All questions shall be put in this form: Those who are in favor of the motion vote "Yes" by machine. Those opposed vote "No" by machine. Any members present may call for a division of the question. Division of the question is not in order when another has the floor, must be seconded, is not debatable, may be amended, is subject to a majority vote for adoption and cannot be reconsidered. Votes will again be recorded for each division by electronic voting or a roll call by the City Clerk and the vote entered on the record. If the voting machine is not operable, the roll will be taken by a voice vote.

#### RULE 10 - MEMBERS MUST ADDRESS PRESIDING OFFICER

Any member wishing to speak shall address the Chair and confine remarks to the question under consideration and avoid personalities.

#### RULE 11 - LIMITATION OF DEBATE

A member called to order shall not be allowed to proceed until the questions of order is decided. Any member may speak twice on the question and twice on any amendment to the question, to a maximum of 10 minute length intervals.

#### RULE 12 - COMMITTEE OF THE WHOLE

Meetings of the Committee of the Whole may be called by the Mayor or President of the Common Council at any time. The City Clerk (or his/her designate) will personally contact all Council members to ensure attendance at the meeting.

All items to be discussed before the Committee of the Whole must have a fully completed Requested Action Statement. This statement will include a detailed explanation of the Issue, Requested Action, Fiscal Impact, and Rationale, and the requester must be noticed on the statement. All necessary documentation will accompany the Requested Action

Statement. Council members are required to prepare all documentation, and staff will assist in the preparation of the documentation. The Requested Action Statement will be in the form of a motion to Council, or in the event that it is not in the form of a motion to Council, a statement that no action shall be taken be placed on the request for action.

### RULE 13 - MOTIONS TO COUNCIL FROM COMMITTEE OF THE WHOLE

Motions and recommendations of the Committee of the Whole of the Common Council may be adopted by the Common Council by motion and passage thereof. This shall be known as the "consent agenda". Any motion to adopt a consent agenda shall be subject to division of a question.

### RULE 14 - PUBLIC HEARINGS

Public Hearings may be scheduled for an evening which is agreeable to the majority of the Council and the following procedures shall apply:

1. Presentations shall be limited to the public hearing purpose.
2. Presentation shall not deal in personalities or personal attacks on members of the Council or City employees.
3. Presentations are not to be designed for purposes of engaging others in a debate in this forum.
4. No Council member may address the council during the hearing.
5. In the interest of avoiding repetitive testimony, the chairperson may want to encourage persons with the same viewpoint to appoint a spokesperson.
6. Written testimony will be accepted until 4:00 p.m. one business day prior to the public hearing in lieu of verbal testimony at the hearing itself.
7. Comments are to be limited to ONE three minute presentation per person. This limitation does not apply to questions for the purpose of clarification.
8. The format for hearings will be staff presentation, questions for the purpose of clarification and comments neither in favor of nor opposed to, petitioner comments, public comments in favor of, comments opposed to and Council questions.
9. Public Hearings are limited to 4 hours in length.
10. Anyone desiring to make a formal presentation and thus be allowed to speak beyond the 3 minutes as identified in Item 7 should make a formal request in advance of their presentation to Council to be approved by majority vote.

### RULE 15 - ELECTION OF COUNCIL PRESIDENT & APPOINTMENT OF STANDING COMMITTEES

The Council at its first meeting subsequent to the regular election and qualification of new members, shall after organization, choose from its members a president. In a non-election year, the selection of Council President shall take place at the second meeting in April. Election shall be by secret ballot and require a nomination, second and majority vote.

## RULE 16 - BOARDS, COMMISSIONS

The following Board and Commission Members shall be appointed from members of the Council annually by the Council President upon election of the Council President and shall be effective from the date of appointment until the next Election of a Council President.

### Board of Public Works

3 members

### City/School Ad Hoc Committee

2 members

### Communications Committee

3 members

### Parks, Buildings & Grounds Commission

1 member

### Recreation Commission

1 member

### Golf Course Commission

1 member

### Housing Trust Fund Board

1 member

### Safety Commission

1 member

### Negotiating Committee

1 member (+ the Council President)

### 4th of July Commission

1 member

### Safety Saturday Committee

1 member

### Finance Committee

3 members

### Landmarks Commission

1 member

### Housing Authority

1 member

Utility Committee

3 members

Water Resource Management Committee

3 members

Youth Advisory Board

1 member

Additionally, the Council President shall appoint one member to act as liaison between the Council and the New Berlin School District.

The Council Representative to the Plan Commission shall be elected in accordance with State Statute 62.23(1)(b).

RULE 17 - COMMITTEE REPORTS

Each Committee action requiring approval of the Common Council shall be presented to the Council in the form of a written motion.

RULE 18 - INTERRUPTION OF SPEAKER

When any member is speaking, no member shall entertain any private discourse or in any way interrupt the speaker, except as to a question of order.

RULE 19 - MOTIONS WHICH TAKE PRECEDENCE

When a question is under consideration no motion shall be received unless to adjourn, to lay on the table, the previous question, to commit, to amend, or to postpone indefinitely, and these various motions shall have preference in the order in which they stand arranged.

RULE 20 - RECORDING OF MOTIONS AND RESOLUTIONS

In all cases where a motion or resolution is recorded in the minutes, the name of the member moving the same shall be entered in the minutes, as well as the member seconding the motion.

RULE 21 - ACTION OF COUNCIL LEVYING TAXES, APPROPRIATING FUNDS OR CREATING LIABILITY

Except on the unanimous consent of all members present, no resolution or measure assessing or levying taxes, appropriating or disbursing money or creating any liability or charge against the City or any fund thereof, shall be adopted without first having been referred to the Committee of the Whole and the report thereon of such committee having been made to the Council, unless the resolution or measure is one that carries into effect a disbursement, liability or charge which is contained in the budget.

## RULE 22 - APPROPRIATIONS AND ACCOUNTS

No ordinance shall be passed, confirmations made, accounts allowed nor appropriation of money made unless a majority of the Council members present shall vote in favor thereof. The vote shall be announced and recorded by the City Clerk.

## RULE 23 - SUSPENSION OF RULES

It shall require a three quarters (3/4) vote of the total members elected to suspend any rule of the Common Council.

## RULE 24 - AMENDMENT OF RULES

These rules may be amended or altered or new rules adopted by a majority of all members elected at any meeting of the Council or on the report of the Committee of the Whole.

## RULE 25 - DEFERRING ACTION

Action upon any report of the Committee of the Whole or any item in a Committee of the Whole Report to the Council, proposed ordinances, or any other matter requiring Council action, may be deferred to the next regular meeting of the same by request of the majority of the Council members present, but only one deferral shall be allowed for any item or report.

## RULE 26 - ORDINANCES

Only the Common Council can direct that Ordinances be drafted. Any proposed changes to existing codes or new ordinances will be discussed at the Committee of the Whole and the Common Council. The Council may then direct the City Attorney or City Clerk to draft the legislation.

Each member shall receive a copy of every ordinance at least 48 hours before the ordinance is to appear before the Council for the first time. The City Clerk, at the first Council Meeting at which the ordinance is presented, will read the ordinance by caption. The Council, by a 3/4 vote of the total Council, may eliminate the second and third readings and adopt the ordinance immediately.

## RULE 27 - RESOLUTIONS

All resolutions to be considered at a Council meeting must be in the hands of the Aldermen 24 hours prior to a Council meeting. The City Clerk can then paraphrase the resolution rather than reading it verbatim at the Council meeting. Any member may ask to have the resolution read in its entirety and this will be done if the majority of the Council members so desire.

Resolutions may be adopted at the same meeting at which they are introduced, provided, however, that action upon a resolution shall be deferred until the next meeting of the Council upon request of a majority of the members present, but only one deferral shall be allowed for any resolution. All deferrals shall be entered on the minutes.

#### RULE 28 - 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 not inconsistent with these rules.

#### RULE 29 - RECONSIDERATION OF QUESTION

It shall be in order for any member of the Council who voted with the prevailing side to move a reconsideration of such vote at the same or next succeeding regular meeting or special meeting of the Council or any adjournment thereof. A motion to reconsider having been put and lost cannot be renewed. Any member of the Council who qualifies to move reconsideration of any question as provided in this Rule shall advise the City Clerk in writing on or before the Monday noon immediately preceding the next regular meeting or special meeting of the Council of his or her intent to move reconsideration of any question, and such request shall be placed on the Agenda of the Council Meeting. No previous notice will be required to move the reconsideration of any question at an adjourned meeting of the Council.

#### RULE 30 - DUTIES OF CITY CLERK

It shall be the duty of the City 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; furnish the committees with copies of resolutions and other matters that may be referred to them, and to do such other clerical duties as may be prescribed by the Mayor and/or Council President.

#### RULE 31 - ITEM IN COMMITTEE

Any item that is referred to the Committee of the Whole or other Committee, a Board or a Commission, cannot be removed from same, if the item has not been in the Committee, Board or Commission for at least one (1) month.

Subject to the preceding, any member of the Council who wishes to remove an item from the Committee of the Whole, other Board or Commission shall advise the City Clerk in writing on or before the Wednesday noon immediately prior to the next regular meeting of the Council of his or her intent to remove a particular item from the Committee of the Whole, other Committee, Board or Commission and such request shall be placed on the Agenda of the Council Meeting.

## RULE 32 - FILING COMMITTEE, BOARD OR COMMISSION MINUTES

Whenever possible, all Committee, Board and Commission minutes, excepting the Committee of the Whole, shall be filed with the City Clerk no later than Wednesday noon immediately preceding the regular Council meeting for any item included in said minutes to be brought up and considered by the Council at such meeting. Failure to cite minutes in the manner prescribed shall not prevent their being acted upon by the Council unless a motion to defer is made, seconded and approved by the Council. Any minutes so deferred shall be taken up at the next regularly scheduled meeting of the Council.

Claims may not be deferred in the manner stated above, as all Council members receive a copy of the Claim sheet prior to the Council meeting. If any claim is questioned by any member, this claim can be reviewed in the City Clerk's Office prior to the Council meeting, and, if still in dispute, can be removed by a motion made and carried by majority vote on the Council floor. All items in any Committee, Board or Commission minutes to be brought up at the Council Meeting, shall be included in the Council Agenda for such meeting.

## RULE 33 - ABSTAINING ON VOTE

Any Council member may abstain from voting on any question before the Council after notifying the Chair of the intention to abstain and the reason therefore. The Council member will notify the Chair as soon as a conflict becomes apparent to the Council member. Once the Chair has been notified of a conflict, the Council member will not enter into the discussion about the issue. Any Council member abstaining will be counted as voting present.

## RULE 34 - SELECTION PROCESS FOR ALDERMANIC VACANCY

It shall be the policy of the Common Council to utilize the procedure set forth herein for filling vacancies in Aldermanic positions:

The basis for selection shall be the merits of the applicants who apply to the Council for consideration to be appointed to fill an Aldermanic vacancy created during a regular term of office.

- (1) Upon receipt of notification of vacancy in an Aldermanic position, the Common Council at its next regular meeting shall announce the vacancy and direct the City Clerk to advertise said vacancy in selected newspapers. The advertisement shall be placed in at least two editions one week apart, stating the time for submission of applications.
- (2) Following the close of the application period, the Council shall schedule a Committee of the Whole meeting for purpose of interviewing all applicants who submit the required application. Said meeting shall be within fourteen days of the close of the application period.
- (3) At the next regular Common Council Meeting the Council shall select, using paper ballots, one of the applicants to fill the vacancy. The City Clerk will announce each

vote stating which district is voting, and for whom. A majority of the entire council will be required to declare a winner and the Mayor will vote to break a tie.

### RULE 35 - PLACEMENT OF ITEMS ON THE AGENDA

Any Council member may place an item on the Committee of the Whole or Common Council Agenda as long as the required deadline of Wednesday at noon is met. The required format must be used. Staff must have the approval of the Mayor to place anything on either the COW or Council agendas. The agenda may be amended by the Mayor or the Common Council President. If both are unavailable, the City Clerk may amend the agenda to handle emergency situations.

### RULE 36 – LEGAL REPRESENTATION & FEE REIMBURSEMENT

If a Council member becomes a defendant or is proceeded against in any litigation or before any board, commission or agency arising from the performance of their duties as an Alderperson and intends to seek reimbursement of their attorney fees for representation arising from said action per Wisconsin Statute Section 62.07(e), said Alderperson, to the extent reasonably practicable, shall bring a Requested Action Statement before the Council notifying the Council of their intention to seek reimbursement so that the Council may make decisions at the outset of said representation as to its willingness to reimburse said attorney fees and to what extent.

### RULE 37 – DEPARTMENT LIAISONS / WORKING WITH STAFF

The Council President annually appoints an alderman to act as a liaison between the Council and each City department. Aldermen are encouraged to become familiar with their assigned department(s) and its operating budget. Council members should feel free to contact staff members with any questions regarding city operations or any pending issues, however, alderman are not authorized to contact outside vendors or contractors for the purpose of giving direction or suggesting that the alderperson is acting on behalf of or obligating the City, except as specifically authorized by the Council or appropriate committee.

Revised: Feb 2001

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Revised at Special Meeting: 1-31-09 (Rule 29)

Revised by Council: 3/12/2013 (Rule 36 Added)

Revised by Council: 7/23/2013 (Rule 6 – POF Amended)

Revised by Council: 8/25/2015 (Rules 16, 35 & 37)

Revised by Council: 6/14/2016 (Rules 6,11,16,31,&32)