

Village of Mukwonago
SPECIAL VILLAGE BOARD MEETING
TRAINING SESSION
Notice of Meeting and Agenda
Monday, June 13, 2016

Time: **5:30 p.m.**
Place: **Mukwonago Municipal Building/Board Room, 440 River Crest Court**

The purpose of this notice is to notify the public that there will be a quorum of the Mukwonago Village Board, Plan Commission, and Board of Building and Zoning Appeals at a training session involving various municipal governance topics as outlined below. There will be discussions on the topics, but no actions will be taken.

1. Training Session - Discussion

- A. Video "In the Scope of Your Authority: Preventing Public Officials' Liability"
- B. Roles, Responsibilities, and Authorities of Elected and Appointed Officials
- C. Open Meetings Law
- D. Ethics
- E. Parliamentary Procedures
- F. Guidelines for Conduct of Village Board members
- G. Public Hearing Procedures
- H. Village of Mukwonago Operating Procedures

It is possible that members of, and possibly a quorum of, members of other governmental bodies of the municipality may be in attendance at the above stated meeting to gather information. No action will be taken by any governmental body at the above stated meeting other than the governmental body specifically referred to above in this notice. Please note that, upon reasonable notice, efforts will be made to accommodate the needs of individuals with disabilities through appropriate aids and services. For additional information or to request this service, contact Clerk's Office, 440 River Crest Court, (262) 363-6420, Option 4.

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Via Email (sbraatzjr@villageofmukwonago.com)

Mr. Steve Braatz, Jr.
Village of Mukwonago Administrator
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Re: Open Records Matter –Other Office Policies/Procedures

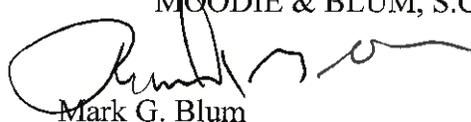
Dear Steve:

Following up on our conversation, enclosed please find information that has been prepared for the Village of Pewaukee as it relates to open meetings/record requirements, as well as other administration type procedures and policies.

Please review the attached and let me know if your thoughts and comments regarding the same.

Sincerely,

HIPPENMEYER, REILLY,
MOODIE & BLUM, S.C.



Mark G. Blum

MGB/jb
Enc.

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I. OPEN MEETING/OPEN RECORD REQUIREMENTS

A. Declaration of policy

The State of Wisconsin has had a longstanding commitment to supporting access to governmental meetings and records. For example, Section 19.81 of the Wisconsin Statutes reaffirms Article IV, Section X of the Wisconsin Constitution that access to governmental meetings must be provided except when the public welfare requires secrecy.

B. Open Meetings Law

1. A general description of the policy of open governmental meetings is set forth in Chapter 19 of the Wisconsin Statutes, specifically Sections 19.81 and following.

19.81 Declaration of policy.

- (a) In recognition of the fact that a representative government of the American type is dependent upon an informed electorate, it is declared to be the policy of this state that the public is entitled to the fullest and most complete information regarding the affairs of government as is compatible with the conduct of governmental business.
- (b) To implement and ensure the public policy herein expressed, all meetings of all state and local governmental bodies shall be publicly held in places reasonably accessible to members of the public and shall be open to all citizens at all times unless otherwise expressly provided by law.
- (c) In conformance with Article IV, Section 10 of the Constitution, which states that the doors of each house shall remain open, except when the public welfare requires secrecy, it is declared to be the intent of the legislature to comply to the fullest extent with this subchapter.
- (d) This subchapter shall be liberally construed to achieve the purposes set forth in this section, and the rule that penal statutes must be strictly construed shall be limited to the enforcement of forfeitures and shall not

otherwise apply to actions brought under this subchapter or to interpretations thereof.

2. Application of Open Meetings Law

The open meetings law applies only to “governmental bodies”. Governmental bodies include municipal public entities such as the Village and all boards, agencies and commissions of the municipality.

3. The law only applies to gatherings of a public entity where there is a purpose to engage in governmental business and the number of the members present is sufficient to determine the governmental bodies course of action. (i.e. a quorum)

- a. If members do not conduct business, the gathering does not constitute a meeting; however
- b. The courts have held that a governmental body is engaged in governmental business even when it is simply hearing information from a third party.

4. In deciding whether any governmental meeting is taking place, the following rules apply:

- a. A quorum of any governmental body, board or commission must be present
- b. When the gathering of individuals is less than a quorum, the requirements under the law may still be triggered if that group could block action, e.g. where a super majority is required for passage. This is referred to as a negative quorum.
- c. If a quorum or, where appropriate, a negative quorum is attending the meeting of another governmental body, the meeting must be noticed for both committees.
 - 1. Telephone conference calls amongst members of the governmental body, if the requisite number are involved, would be considered a meeting.
 - 2. Walking quorum
 - a. A meeting can be deemed to exist if members of the governmental body gather in small groups of members,

each of which may be less than a quorum either passively or explicitly for the purpose of acting or sharing information sufficient to reach a quorum under the law.

- b. The presumption is that any of the aforementioned gatherings would be considered a meeting. The presumption can only be overcome if it can be established that the group did not gather information to discuss or act on business within the authority of the governmental body.

5. Exceptions to the open meetings law

Limited exceptions exist to the requirement that public meetings be conducted in the presence of the public. Those exceptions are specifically set forth in Section 19.85 of the statutes. Those exceptions include the following circumstances:

- a. Deliberating about a case that was the subject of any judicial or quasi-judicial hearing before the governmental body
- b. Considering dismissal, demotion, licensing or discipline of public employees; however, the individual must be given notice and must be informed of his/her right to demand an open hearing
- c. Concerning employment, promotion, compensation or performance evaluations of public employees
- d. Considering strategies for crime detection or prevention
- e. Deliberating or negotiating the purchase of public property or the investment of public funds or where, for competitive or bargaining reasons, a closed session is required
- f. Deliberating concerning an employment insurance or worker's compensation insurance issue
- g. Considering financial, medical, social or personal histories or disciplinary information concerning specific persons where the information would likely have a substantial adverse effect on the reputation of the person
- h. Conferring with legal counsel concerning strategy in litigation which it is or is likely to become involved
- i. Consideration of request for advice from an ethics board

- j. If the issue before the governmental body does not fall clearly within one of these exceptions, the matter should be dealt with in open session
- 6.
- a. The law requires that a decision to exercise the option of going into closed session must be done by roll call vote and each member of the Board who votes in favor is potentially liable under the law if the reason for the closed session is later found to be insufficient.
 - b. If a closed session occurs, you cannot meet again in closed session within 24 hours unless a subsequent open session is noted.
 - c. Violation of the law can have serious consequences
 - 1. Prosecution by the District Attorney, resulting in fines or potentially jail time if charges of misconduct in public office are brought
 - 2. Civil claims may be brought against the municipality alleging that decisions were pre-ordained and that the municipality did not provide an impartial hearing, e.g. quasi judicial hearing such as liquor license suspensions or revocations, Board of Review or zoning appeal hearings. Suit may also be brought alleging that meetings occurred outside of the Board meetings, at which time a decision was made without the public being able to scrutinize and observe the deliberations before a decision was reached.
 - 3. Based on the nature of the issue discussed and the resources committed by the applicant, significant damages may result from such a civil claim.
7. Meetings must be accessible in order to be considered open
- a. The meeting must be held in a location reasonably accessible to members of the public and open to all citizens at all times during the course of the meeting
 - b. The meeting must be conducted in a facility which gives reasonable access, including sufficient space to accommodate the anticipated public interest in the meeting
 - c. The Americans with Disability Act prohibits municipalities from discriminating against persons with disabilities in the delivery of

government services programs and activities and pursuant to the open meetings law, the attorney general has concluded that local governmental bodies are allowed to use meeting places which are reasonably accessible with assistance to persons with disabilities.

8. Public Notice
 - a. Part of the foundation for the open meetings law is that the public must be allowed to witness and monitor the conduct of business by the governmental body
 - b. Notice must be given to the public of what will be discussed through the posting and distribution to the media of the agenda for the meeting
 - c. The notice must be given at least 24 hours in advance of the meeting, unless there is an emergency, and must be sufficiently specific to allow citizens and interested persons to know and understand what will be discussed. This includes closed sessions.

C. Open Records Law

1. Wisconsin Law states that unless otherwise prohibited by law, any person or entity which submits a request to inspect a record or to receive a copy of a record is entitled to that access; therefore, the general rule is that unless there is a specific reason to preclude access to a record, the access should be provided.
2. Exceptions
 - a. The custodian of the record must perform a balancing test which compares the public's right to have access to public records with the privacy rights or other interests of those who are the subject of the record
 - b. The exception to the open meetings law set forth in Section 19.85 are indicative of public policy and may be used as grounds for denying access if the legal custodian demonstrates a need to restrict public access.
 - c. Records which contain personally identifiable information relating to an individual may be precluded from access where disclosure would endanger that person's life or safety, reveal the identity of a confidential informant, endanger security at a correctional institution, child care

institution, mental health institute, secured group home center for the developmentally disabled.

- d. Law enforcement records in the context of an ongoing litigation are deemed exempt from disclosure
- e. Computer programs, trade secrets
- f. Identities of applicants for public positions, except final candidates
- g. Juvenile records
- h. Medical records in the context of HIPAA
- i. By order of a court

3. Woznicki vs. Erickson.

- a. In 1996, the courts carved out an exception to the public records law for public employee records. The courts required that the subject of those records be notified and allowed a reasonable amount of time to challenge the release of the records before the records can be made public.
- b. Subsequent cases expanded this requirement to basically all municipal record custodians and not just municipal employees, but others whose privacy or reputation interest may be impacted by disclosure of the record.
- c. In Wisconsin Act 47 the legislature enacted an amendment to the public record law. The new law modifies the obligations of the municipality in responding to such record requests.
- d. The municipality is specifically precluded from providing the following kinds of employee information except to the employee him/herself
 - 1. Information prepared or provided by an employee concerning the home address, home e-mail address, home telephone number or Social Security number of that employee
 - 2. Information relating to the current investigation of a possible criminal offense or possible employment-related misconduct
 - 3. Information pertaining to employee's employment examination

4. Information related to one or more specific employees that is used by the employer for staff management planning including performance evaluations, judgments or recommendations concerning future salary adjustments or other wage treatments, job assignments, etc.
 - e. The following types of records require that a notice be provided to the employee that a request has been received prior to the actual release of such information:
 1. Records containing information that is the subject of an investigation into a disciplinary matter or a possible employment-related violation
 2. Records obtained by the municipality through a subpoena or search warrant
 3. Records prepared by an employer other than the municipality relating to that employee unless authorization is given
 - f. Under the new law, within three days of deciding to release a record and before allowing access to the record, the subject of the record must be notified by certified mail of the decision within five days after receiving notice of the decision. The employee may then advise the municipality of his/her intention to seek a court order to prevent the release.
 - g. With respect to local officials, they also are required to receive the notice within three days of the decision to release the record and then have five days to supplement the record with written comments and documentation.
 - h. Thus, in summary, the law further defines specific records which cannot be released and those which are subject to the notification requirements previously indicated under Woznicki and the cases that followed it.
4. Access to electronic records
- a. In general, electronic records are treated in the same manner as all other types of public records. Thus, they are subject to the same restrictions and definitions as to whether they constitute a public record in the first instance.
- E-mails, flash drives, hard drives on personal computers and Smart Phones all would be subject to the open records law. While the municipality may

impose reasonable restrictions on the manner of access to the record, reasonable access must still be maintained.

- b. The law does not require that the municipality sort the records to look for particular pieces of information nor the format or medium in which it was received.
- c. Electronic records are subject to the same kind of document preservation requirements that other public records are. In general, this means that they must be kept for a minimum of seven years.
- d. As with other types of records, notes, drafts or records prepared for colleagues before a policy is established or purely personal documents, all would not be considered public records unless the draft is shared with others for discussion purposes.
- e. The Village President and Trustees will be provided with a Village email account. Village staff will only use the Village email for transmitting information to the Village President and Trustees. Please remember that e-mails or text messages are considered records and, therefore, the sharing of information in that format is subject to the same rules as traditional paper records. Please also keep in mind that broadcast emails to multiple recipients create walking quorum because emails frequently generate exchanges of information and the development of a consensus. Please think carefully before ever using the "send to all" or "reply to all" icon in your e-mail program.

Because electronic communication can be copied and forwarded with ease it is generally advisable not to put anything in an email unless you wouldn't mind it appearing in the press or a billboard. Also it is advisable not to exchange emails with your fellow board members except to share information you may have collected or to schedule appointments or meetings. Exchanges of comments via email would be considered a violation of the open meetings law as the public is not aware of or privy to such communication.

- f. If a home computer is used to receive or send emails for municipal purposes, the data on the personal computer is a public record. As such, the owner of the computer and the record becomes a custodian for purpose of compliance with the law. Because of your responsibilities under the public records law it is important that you retain all records which you might assemble in carrying out the functions of your office for the duration of your term. Records must be maintained for not less than seven years and must be offered to the State Historical Society before

destruction. Records include not only paper documents but also materials received in electronic form such as emails.

- g. Municipalities may charge a copy fee for production of municipal records but may not charge to locate them, unless the actual cost exceeds \$50.00. The requestor may not be asked for the purpose of their record request.

D. CONCLUSION

The Wisconsin Open Meetings and Public Records Law imposes important duties and responsibilities upon local governments. Again, the presumption is that local governments must be open and accessible to the public. Limitations on this policy are very narrowly defined because transparent government is the best way to ensure clean and efficient government.

II. PROCEDURES FOR RUNNING PUBLIC MEETINGS

A. Presiding Officers

The Village President is the presiding officer at all Village Board meetings. In the President's absence the Village Board shall elect an acting Village President from among the Trustees present to preside at the meeting. Other committees and commissions normally elect their own presiding officer annually. All presiding officers shall have a vote on all matters presented to the governmental body.

B. Quorum

A quorum is the minimum number of members that may meet and transact business. A quorum of the Village Board is a majority of the members. For committees, a quorum is a majority of the members, including the chairperson. In calculating quorum requirements, answers with fractions are rounded up to the next whole number, although a lesser number can constitute a quorum for purposes of triggering the open meeting law (i.e., a negative quorum or a walking quorum). A negative quorum is a number of members less than a quorum, but by voting in a block can prevent the passage of an item before the governing body. For example some items require more than a majority vote, they require a three-quarters vote. If you have seven board members, three members can constitute a negative quorum by discussing how they would vote on the item requiring the three-quarters vote. Even though three members do not constitute a quorum of the Board, they do make up a negative quorum which is a violation of the open meeting law.

A walking quorum is done by going from one official to the next to tally the votes on an item before the governing body, done outside the regular meeting. A walking quorum robs the public of the chance to offer input into the decision and hear how the public official has come to their decision.

C. *Actions by Less than a Quorum*

Any action taken by a governing body at a meeting without a lawful quorum is null and void. Therefore, a governing body may not take any action without a quorum except as specifically authorized. The statutes authorize less than a quorum of a municipality's governing body to adjourn or to compel the attendance of absent members.

D. *Voting*

No secret ballot may be used to determine any election or other decision except election of a body's own officers. A majority of the members present must vote favorably to approve an item, unless a greater number is required specifically in the state statutes. A quorum of members must vote on an item for official action to be taken. A vote by less than a quorum of members does not allow official action to be taken on an item. A tie vote generally fails.

E. *Abstaining from Voting*

No member of a governmental body can be compelled to vote. If a person abstains because of a conflict of interest, that person is not considered present for quorum and voting purposes pertaining to the particular measure.

F. *Public Participation*

The open meeting law is concerned only with the public's right to be present at the meeting of a governmental body. It does not imply a right of the public to participate in the conduct of government business or speak at meetings. Therefore, a governmental body may prohibit the public from speaking or set conditions, such as limiting the amount of time a member of the public has to address the governing body. There is often tension between the desire to be responsive to constituents and the need to run meetings effectively and efficiently. Although the public is not entitled to participate in a meeting, a public hearing is different because it is specifically designed to allow the public to have input into a given matter. Although a governmental body does not have to allow members of the public to participate in the meeting, a governmental body must make a reasonable effort to accommodate any person desiring to record, film or photograph meetings. This does not permit recording or filming which interferes with the conduct of the meeting.

G. *Roberts Rules of Order*

1. Introducing a Motion

A motion comes from an individual member. It is not necessary to have a motion before a discussion can begin. It often happens that a motion will grow out of a discussion. The subject matter that the motion relates to, if not the motion itself, must be on the public notice of the meeting. If the subject matter or the motion is not listed on the meeting's public notice, the group may not deliberate the motion, but may agree to add it to a later meeting's agenda so that proper public notice can be issued.

Motions must be worded clearly and their effects must not leave the group in an ambiguous situation. If necessary, the group should take the time to allow the maker of a motion to work out the wording that reflects what he or she means. The expression "so moved" should be avoided and the motion being made should be repeated by the recording secretary before being seconded. "Negative motions" i.e., motions that propose that the group not do something should be avoided if at all possible. If they cannot be avoided, care should be taken that the group understand the effect of the motion's passage or defeat. Similarly, motions that propose that the group not consider certain issues or "wash their hands" of certain situations are to be avoided if possible as are motions to "reaffirm" previous decisions. They are almost always unnecessary and leave the group in an ambiguous situation if they fail.

Motions must be seconded. The function of a second is to certify that at least one other member regards a motion as worth discussing. After having been moved and seconded, motions are to be put to the group by the chairperson who states the motion (e.g., "It has been moved and seconded that . . .") which thus becomes pending. When a motion is pending, it is the only item that can be discussed and other subject matter not relevant to the motion is out of order. Once pending, motions belong to the group. After a motion is moved, seconded and then stated by the chairperson, it cannot be withdrawn or amended without the group's permission.

2. Discussing and Debating a Motion

It is customary to permit the member who has offered the motion to speak on its behalf before opening the discussion to others. The group may limit the speaking time devoted to a pending motion. A group may limit the total time devoted to a motion, or the number of times a single member may speak on the motion, or it may limit the amount of time a member may speak each time he or she addresses the motion. It is a good idea to have some limits expressed in the group's own rules. Such limits can be relaxed or altered on a case by case basis as long as all

members are treated similarly.

Comments made during the discussion and debate of a motion must be relevant. Comments that are not related to the subject matter or impact of the decision to be made should be ruled out of order by the chairperson. Every member is entitled to speak on every motion. It is out of order to close debate before every member who wants to speak on an issue has a chance to do so. The debate on a motion may be closed by a group decision to do so. No single member may demand that debate be closed by "calling the question" as long as any other member objects to closing the debate. If it comes to a vote, two-thirds of the members voting must agree to close debate.

3. Amending a Motion

Any motion that contains a variable capable of alteration can be amended. A motion to amend proposes to alter a main motion by deleting language from it, or adding language to it, or deleting language and adding substitute language within the motion or by substituting different language for the entire main motion. Note that a motion to replace the language of the entire main motion (a substitute motion) is a form of amendment.

It is out of order to use the amendment process to bring a totally separate issue before the group. If the chairperson is unsure whether a proposed amendment is sufficiently related to the main motion to be germane, he or she should put the question of germaneness to the group to decide by vote or unanimous consent. If the exact effect of the proposed amendment can be achieved simply by voting no on the main motion, the amendment is not germane. However, amendments that are otherwise relevant but are hostile to the main motion may be germane if their exact effect cannot be achieved by voting no on the main motion.

A proposed amendment to a main motion must be approved by the group. There is no such thing as a "friendly amendment", in which just the mover makes the amendment. An amendment may be approved by unanimous consent of the group unless a member objects. If a proposed amendment is not approved by unanimous consent, it will require a formal motion and vote.

Amendments are debatable. If not approved by unanimous consent, motions to amend must be moved, seconded, and then stated by the chair to become pending. Once pending, the motion to amend is open to debate. While pending, an amendment is itself subject to amendment. It is possible to have a main motion, motion to amend and motion to amend the amendment at any one point in time. Amendments take precedence over main motions. When an amendment becomes pending, it replaces the main motion as the immediately pending issue and must be decided one way or the other before the group returns its attention to the main

motion.

4. Postponing a Motion

A pending motion may be postponed to a time later in the same meeting or to a later meeting. When the group agrees to postpone a pending matter, it in effect commits itself to return to the postponed issue at the specified time. The motion or decision to postpone must be specific as to when the group intends to return its attention to the postponed issue.

Postponing a motion indefinitely has the effect of killing the motion. The motion to “postpone indefinitely” is part of Roberts Rules of Order. Its effect is to get rid of a pending motion without voting on the motion directly. A motion that has been postponed indefinitely cannot come up again in the same meeting unless the decision to postpone indefinitely is reconsidered, which would require another motion. A motion that has been postponed indefinitely can be reintroduced at a later meeting if properly listed on the agenda.

Postponing a motion and tabling a motion are not the same thing. The effect of tabling a motion is to set it aside with no provision for returning it to the group’s attention. If a motion is tabled, it takes another motion to take it from the table and make it pending again. Thus, a motion to table is sometimes used to kill a motion. Postponing specifies when the motion will be considered again.

5. Reopening a Previously Decided Motion

Any member voting in the majority may move for a reconsideration of the vote of any question at that meeting or at the succeeding regular meeting. A motion to reconsider being put and lost shall not be renewed. A trustee may not change his vote on any question after the result has been announced. The motion to reconsider can be made only by a member who voted with the prevailing side when the motion was previously decided. Any member may second the motion to reconsider. The effect of passing a motion to reconsider is to reopen the discussion of the motion being reconsidered as if it had not been voted on at all. Motions can be reconsidered during the current meeting or the next regularly scheduled meeting. However, a motion decided in the previous meeting cannot take place unless the matter under reconsideration is on the public notice of the meeting in which it is to be reconsidered.

6. Chairing the Meeting

The president at the stated hour shall call the meeting to order. He shall preserve order and decorum, decide all questions in order, and conduct the proceedings of the meeting in accordance with the parliamentary rules contained in Robert's Rules of Order, Newly Revised, unless otherwise provided by statute or by this article. Any member shall have the right of appeal from a decision of the

presiding officer. No appeal shall be debatable, and the appeal may be sustained by a majority of the members present, exclusive of the president.

H. *Agendas*

Village Board agendas are prepared by the Village President in conjunction with the Village Administrator and Village Clerk. The agendas are arranged based upon the format set forth in the Village Code. A Trustee may request a matter to be placed upon an agenda by submitting a request in writing by no later than the Monday prior to a Village Board meeting. Trustees may make a request for an agenda past this deadline, but no later than noon on the Wednesday prior to the meeting date; however, no staff research will be provided and the Trustee making the request will be responsible for leading the discussion on the topic. Village staff may edit agenda submissions in order to ensure compliance with the open meetings law or other applicable statutory requirements.

III. EMPLOYER-EMPLOYEE RELATIONS

A. *The Role of Government*

For the smooth operation of the Village government, the Village employs a hierarchical system of management. The Village Board has the ultimate authority within the Village to hire, fire and set policy, except in regard to sworn members of the Police Department for which that authority falls within the Statutory authority of the Police Commission. The role of each level of government is outlined below under the categories of supervision, setting policy, hiring, firing, and discipline.

1. President

While the top executive position of the Village, has no direct supervision of any Village employees. The President does work closely with the Village Administrator, but the true authority of the Village rests with the Village Board. The President has no individual authority to hire, fire or discipline employees or authorize any expenditure of city funds. The President makes appointments to most committees, subject to confirmation by the Village Board.

2. Village Board

Trustees acting alone have no more authority than any other citizen of the Village. Acting together as the Village Board, Trustees, including the Village President, have the authority to set departmental policy, hire, fire and discipline employees. The Village Administrator answers directly to the Village Board and carries out all legal requests made by the Village Board. Every action of the Village must be approved by the Village Board. Most operating policies are already set and approved by the Village Board. The Board also adopts the annual budget which

lays out the spending priorities for the Village.

3. Committees

A Committee member acting alone has no more authority than any other citizen of the Village. A Committee acting together has the authority to set department policy, which the Village Board can overrule.

4. Police Commission

The Police Commission is a special group with different powers provided by State Statutes. Their authority with the police department supersedes the authority of the Village Board. Any member of the Police Commission acting alone, though, has no more authority than any other citizen of the Village. The Police Commission has the authority to hire, fire and discipline members of the police department. The Village Board has no authority to challenge or change those decisions. The Village Board does control the funding, which dictates how many police department personnel can be hired and how much they will be compensated. The Police Commission has no authority over the administration of the police department other than those policies involving discipline. The Police Commission has no spending authority.

5. Village Administrator

The Village Administrator reports to the Village Board. The Village Administrator has authority to hire general full-time employees as provided for in the budget. The Village Administrator has no authority to hire or fire Department Heads, although the Village Administrator will make a recommendation to the Village Board on the hiring and firing of Department Heads. General full-time employees of the Village may only be terminated by approval of the Village Board. The Village Administrator is responsible for the discipline of Department Heads. The Village Administrator has authority to set department policy, subject to change by the Village Board.

6. Department Heads

Department Heads report to the Village Administrator. Department Heads are responsible for the discipline of employees in their department. Department Heads do not have authority for the hiring of full-time employees, although they will make a recommendation to the Village Administrator. Only the Village Board has authority to terminate a full-time employee. Department Heads have authority to set department policy, subject to change by the Village Administrator or Village Board.

7. Village Attorney

The village code provides for the appointment of a Village Attorney. The duties of the Village Attorney are set forth by contract; however, in general, it is the

responsibility of the Village Attorney to render to the Village and its authorized official all legal advice they may require and to represent the Village and its authorized officers in all matters that may be pending or that may be instituted in any courts in the State of Wisconsin and the United States and before all administrative agencies and departments of the government brought by or against the Village. In addition it is the responsibility of the Village Attorney to examine abstracts of title, prepare contracts and undertake collections, draft ordinances, prosecute municipal traffic and ordinance violation and to render legal opinions and all other legal services that the village may require. The only exceptions to this are labor matters and the defense of matters which are covered by insurance which the Village does provide for separately. It is important for you to understand that the role of the Village Attorney is not to represent any public official individually but rather, the Village as a whole.

8. Municipal Court

The Village has chosen to create a municipal court which has jurisdiction over municipal ordinance violations and such other matters as may be provided by law. The court is under the authority of the elected municipal judge who, in turn, has provided for the appointment of a municipal court clerk.

B. Board, Committee & Commission Descriptions

1. PUBLIC WORKS & SAFETY COMMITTEE:

Meetings are held in the Village Hall Board Room at 6:00 p.m. on the 1st Tuesday of the month, as necessary.

- a. The public works and safety committee shall consist of five members inclusive of the chairperson. Two of said members shall be members of the village board and shall serve one-year terms. The remaining three members shall be residents of the village and shall serve two-year terms. All appointments shall be made by the village president and be subject to confirmation by the village board.
- b. The public works and safety committee shall advise the board regarding matters referred to the committee by the board, including matters that relate to public works and public safety, streets, sewers, lighting, storm sewers, village work crews, curbs and gutters, sidewalks, dumps, cemeteries, building regulations, civil defense, traffic and parking regulation.

2. WATER UTILITY COMMISSION:

Meetings are held in the Village Hall Board Room at 7:00 p.m. on the last Monday of the month, as necessary.

- a. The water utility commission shall consist of not less than three nor more than five commissioners who shall be citizens and electors of the village and whenever possible shall be persons of recognized experience and qualifications.
- b. The village water commission shall have the powers prescribed in Wis. Stats. § 66.068, together with such other powers and duties as shall be vested in it from time to time by the village board.
- c. The commission shall have such general powers in the construction, extension, improvement and operation of the utility as shall be contained in the rules and regulations adopted by the commission and approved by the village board. Such rules and regulations shall be adopted in ordinance form after such approval.

3. BOARD OF REVIEW:

Meetings are held in the Village Hall Board Room. The Board of Review meets annually at any time during the 30-day period beginning on the 2nd Monday of May, and may be adjourned from time to time as the Board so designates.

- a. The board of review shall consist of the village president, the clerk-treasurer, three citizen members appointed by the village president subject to confirmation of the village board, and one alternate member, who shall be a citizen, appointed by the village president subject to confirmation of the village board. The citizen members shall be appointed for three-year terms.
- b. The board of review is a quasi-judicial (court-like) body whose duties and powers are defined by State Statute Sec. 70.46 and 70.48 of Chapter 70 and is a body empowered with three primary duties:
 1. Adjust assessments **when they have been proven incorrect by sworn oral testimony.**
 2. Correct any errors or omissions in the descriptions or computations found on the assessment roll.
 3. Check the assessment roll for omitted property and double assessments.

4. It is recommended that members of the Board of Review attend a 2-hour training session every other year. The Clerk-Treasurer will inform members when training sessions are available.
4. **PLAN COMMISSION:**
Meetings are held in the Village Hall Board Room at 7:00 p.m. on the 2nd Thursday of the month.
 - a. The plan commission shall consist of the village president, a village trustee and five citizen members appointed by the village president subject to confirmation of the village board. The citizen members shall be appointed for three-year terms.
 - b. **Duties:**
 1. The Master Plan - Responsible to make and adopt a Master Plan for the physical development of the Village.
 2. Public Hearings for Conditional Use Requests and Rezoning Petitions.
 3. Review and Action on Business Site Plans and Conditional Use Requests.
 4. Review and Action on Sign Code Waiver Requests.
 5. Review and Recommendation to the Village Board of Plat Maps, and Certified Survey Maps.
 6. Review and Recommendations for Zoning Ordinances.
 7. Additional duties as outlined in Village Code of Ordinances.
 5. **ZONING BOARD OF APPEALS:**
Meetings are held in the Village Hall Board Room at 7:00 p.m. on the 3rd Thursday of the month, as necessary.
 - a. The zoning board of appeals shall consist of five members appointed by the Village of Pewaukee president, subject to confirmation by the village board, for terms of three years. The village president may appoint, for a term of three years, an alternate member of such board, in addition to the five members provided for in this section, who shall act, with full power only when a member of the board refuses to vote because of interest or is absent.

The board of appeals shall have the following powers as defined by statute:

1. To hear and decide appeals where it is alleged there is an error in any order, requirement, decision or determination made by an administrative official in the enforcement of the village's land development code.
2. To authorize upon appeal in specific cases such variances from the terms of the land development code as will not be contrary to the public interest, where owing to special conditions a literal enforcement of the provisions of the code will result in no reasonable use, practical difficulty or unnecessary hardship, so that the spirit of the code shall be observed, public safety and welfare secured and substantial justice done.

6. **JOINT PARK & RECREATION BOARD:**

Meetings are held in the Pewaukee City Hall Common Council Chambers at 7:00 p.m. on the 2nd Wednesday of the month.

- a. The joint park and recreation board shall be composed of seven voting members. The Village of Pewaukee president shall appoint one trustee from the village board and two citizens. The city mayor shall appoint one alderperson from the city council and three citizens. All seven such appointees shall be voting members.

Duties:

1. The joint park and recreation board shall prepare, with the assistance of the park/recreation director, an annual budget for presentation and recommendation to the city council and village board.
2. The joint board shall be responsible for conducting applicant reviews and interviews respecting the hiring of the park/recreation director and recreation supervisors and/or his successors, as well as other professional staff as recommended by the park/recreation director, and shall make recommendations to the city council and village board. The hiring of the park/recreation director or recreation supervisors shall require the approval of the city council and village board.

3. The joint board shall assist the park/recreation director in establishing and implementing operational policies within the joint park and recreation department, including review of personnel complaints, disciplinary actions, and departmental expenditures.
 4. Hearing complaints. The joint board shall be responsible for hearing and determining appeals of aggrieved persons respecting assessment of costs of services and general citizen complaints.
 5. Review policies. The joint board shall review and approve matters of department policy or shall initiate the creation, amendment or rescinding of any such policy as a recommendation to the city council and/or village board.
 6. Recommendations. The joint board shall review and make recommendations to the city council or village board on such park-related matters as park land acquisition or building projects.
7. **POLICE COMMISSION:**
Meetings are held in the Village Hall Board Room and are scheduled as needed.
- a. The police commission shall consist of five citizens to be appointed by the village president subject to confirmation by a majority of the village board, and three of the police commission shall constitute a quorum.
- The Police Commission shall:
1. Have the authority to appoint and remove the Police Chief in accordance with the applicable provisions of Wisconsin Statutes.
 2. Administer examinations and prepare eligible lists for the appointment and promotion of uniformed personnel of the Police Department, in accordance with Wisconsin Statutes.
 3. Serve as an appeals board in cases of dismissals and suspensions of Police Department uniformed personnel.
 4. Have such other authority and duties as prescribed by Wisconsin Statutes.
8. **JOINT LIBRARY BOARD:**
Meetings are held in the Visaya Room of the Pewaukee Public Library at 6:30 p.m. on the 3rd Wednesday of the month.

- a. The joint library board shall consist of seven members as required under Wisconsin Statutes. Three members shall be appointed by the Pewaukee Village President, subject to confirmation of the village board and three members shall be appointed by the City of Pewaukee Mayor, subject to confirmation by the city council. No more than one member from each municipality shall be an elected official. One additional member shall be a City of Pewaukee resident and shall be nominated by the Superintendent of the Pewaukee School District and appointed by the mayor subject to confirmation of the city council.

Duties:

1. The joint library board shall operate under the authority of Wis. Stats. ch. 43.58.
2. To plan for, implement and manage all library services, programs and activities for the Village of Pewaukee and City of Pewaukee.
3. To make recommendations to the Pewaukee Village Board and Pewaukee Common Council on the purchase, lease, sale or exchange of land, facilities or equipment necessary to implement provide services.
4. To advise the Pewaukee Village Board and Pewaukee Common Council of methods and opportunities for funding library services.
5. The joint library board shall submit a proposed program and budget for the ensuing year to the Pewaukee Village Board and Pewaukee Common Council no later than August 1 of each year.
6. The joint library board shall negotiate a lease with the village and City of Pewaukee for the use of the new building for use as the Pewaukee Public Library as the village and city have joint ownership of the building. The joint library board shall further negotiate a lease with the Village of Pewaukee for the use of the land upon which the new building is situated, as the village is the owner of record for the property.

C. *Authority of Elected/Appointed Officials*

All powers granted to villages are vested in their governing bodies. A village governing body can generally act only through ordinance, resolution or motion adopted by a majority vote of a quorum at a properly noticed public meeting. As a matter of law, an individual trustee or committee member has no more authority than any other citizen.

Thus, unless the governing body has delegated authority to one of its members to take certain authorized actions on behalf of the municipality, individual members of a governing body have no authority to make purchases, enter into contracts, give direction to municipal officers and employees, conduct investigations, bring suit or make any binding legal commitment on behalf of the municipality.

The duties of the Village Board are specifically enumerated in Wis. Stat Sec 61.34 which provides in part as follows: "Except as otherwise provided by law, the village board shall have the management and control of the village property, finances, highways, streets, navigable waters and the public service, and shall have the power to act for the government and good order of the village for its commercial benefit and for the health, safety, welfare and convenience of the public and may carry its powers into effect by license, regulation, suppression, borrowing, taxation, special assessment, appropriation, fine, imprisonment 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."

D. Staff Use and Misuse

Employees of the Village are hired to perform various jobs that benefit the Village of Pewaukee. Those tasks are dictated by the policies and missions of their departments. Other departments, individual committee members or trustees should not interfere with the task that the employees are set out to accomplish. Their work is directed by their Department Head. The work of the Department Head is directed by the Village Administrator.

If you have questions about the work being done by a village employee or have a request for a project, you should contact the appropriate Department Head. They will provide you with an answer regarding their employee's work. They will also inform you of whether their department can perform your project request or not. They will likely refer you to the Village Administrator or appropriate committee if your project request is not within their normal duties.

IV. CITIZEN COMPLAINT PROCEDURES

In general, complaints should be handled by the person who receives the complaint and in a prompt, friendly manner. If you cannot resolve the problem yourself, direct the person to the appropriate department or supervisor. Unresolved complaints can be directed up the chain of command until the complaint is resolved or all avenues have been exhausted. The final forum for any complaint is to appear before the Village Board (with the exception of Police Commission discipline procedures).

The police department has a written complaint form. The form is geared toward common recurring problems and gathers the appropriate information about a situation so the problem can be addressed. This reduces the amount of time spent investigating frivolous complaints.

V. PRESS RELATIONS

Questions from the press should be handled delicately. Information provided should be kept to your area of jurisdiction and should not disclose any information discussed in closed session. If you are unsure about the appropriate response to an inquiry, refer the press to the appropriate Department Head or the Village Administrator.

VI. ETHICS

A. *State Laws on Prohibited Conduct*

1. Using Office for Private Gain
No public official may use his or her public position or office to obtain financial gain or anything of substantial value for the private benefit of themselves or their immediate family, or for an organization with which they are associated.
2. Illegal Influence
No person may offer or give a local public official, directly or indirectly, and no local public official may solicit or accept from any person, directly or indirectly, anything of value if it could reasonably be expected to influence the local public official's vote, official actions or judgment, or could reasonably be considered as a reward for any official action or inaction on the part of the local public official.
3. Taking Action Affecting Matter in which Official has Interest
No public official may take any official action substantially affecting a matter in which the official, a member of his or her immediate family, or an organization with which the official is associated has a substantial financial interest. Nor may a public official use his or her office or position in a way that produces or assists in the production of a substantial benefit, direct or indirect, for the official, one or more members of the official's immediate family either separately or together, or an organization with which the official is associated. With that being said it is not unusual for a public official to be asked to take action on a matter that may affect them. For example as a resident the public official will be impacted by the taxes

levied as a result of the adoption of a budget. The test is whether the public official will derive a benefit or face a detriment which is disproportionate to its impact on the community as a whole. When in doubt the public official should abstain from discussion and voting on the issue.

4. Private Financial Interest in Public Contracts

A public official is prohibited from participating in the making of a contract in which the officer or employee has a private pecuniary interest, direct or indirect, or performing in regard to that contract some function requiring the exercise of discretion on the officer's or employee's part. This is a criminal statute under state law.

B. Compatibility of Offices and Positions

The same person cannot hold two public offices or an office and a position where one post is superior to the other. This does not apply to sitting on multiple committees, but does exclude an employee from serving on the Board or a committee unless specifically authorized by state law.

C. Ineligibility for any Position Created During Term of Office

Except as expressly authorized by statute, no member of the Village Board shall, during the term for which the member is elected, be eligible for any office or position created during that term. The member is also ineligible for any office or position where the Board selects the candidate. This subsection does not apply to a member of the Board who resigns before the position is created.

D. Misconduct in Office

Any public officer or public employee who does any of the following is guilty of a Class E felony, punishable by a fine not to exceed \$10,000 or imprisonment not to exceed two years or both:

1. Intentionally fails or refuses to perform a known mandatory, nondiscretionary, ministerial duty of the officer's or employee's office of employment within the time or in the manner required by law.
2. In the officer's or employee's official capacity does an act which he or she knows is in excess of the officer's or employee's lawful authority or which the officer or employee knows the officer or employee is forbidden by law to do in the officer's or employee's official capacity.

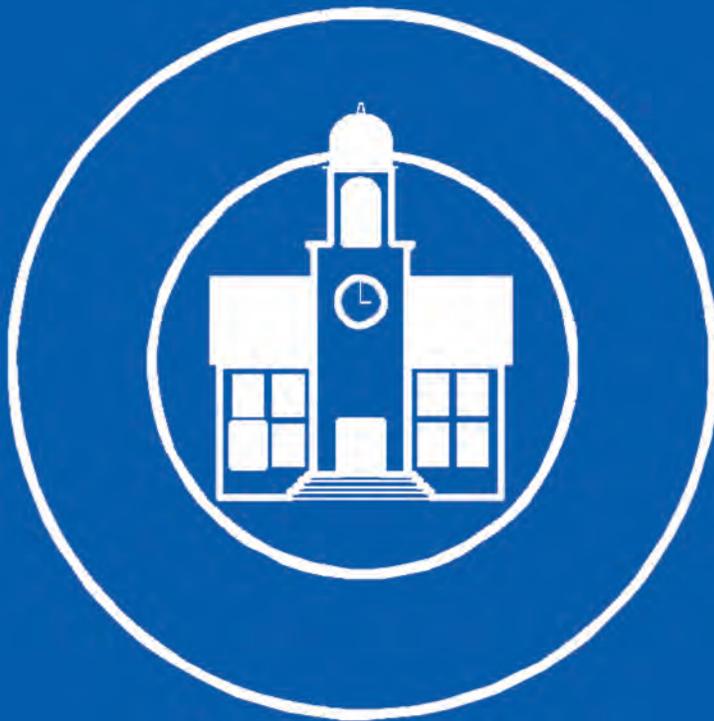
3. By commission or omission, in the officer's or employee's official capacity, exercises a discretionary power in a manner inconsistent with the duties of the officer's or employee's office of employment or the rights of others with intent to obtain a dishonest advantage for the officer or employee or another.
4. In the officer's or employee's official capacity intentionally and materially falsifies an entry in an account or record book or return, certificate, report or statement.
5. Under color of the office or employment, intentionally solicits or accepts for the performance of any service or duty anything of value which the officer or employee knows is greater or less than is fixed by law.

E. Bribery

Any public officer or public employee who directly or indirectly accepts or offers to accept any property or personal advantage, which the officer or employee is not authorized to receive, pursuant to an understanding that the officer or employee will act in a certain manner regarding any matter which is pending or might come before the officer or employee in the officer's or employee's capacity as such officer or employee or that the officer or employee will do or omit to do any act in violation of the officer's or employee's lawful duty is guilty of a Class D felony. A Class D felony is punishable by a fine not to exceed \$10,000, or imprisonment not to exceed five years, or both.

A
LEAGUE
MANUAL

The Conduct of Village Board Meetings



**A
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MANUAL**

**THE CONDUCT OF
VILLAGE BOARD
MEETINGS**

**SUGGESTED RULES OF PROCEDURE WITH
MODEL ORDINANCE AND ANNOTATIONS**

*League of Wisconsin Municipalities
202 State Street, Suite 300
Madison, Wisconsin 53703
1987, reprinted 2002 (with minor changes)*

PREFACE

To operate in an orderly and effective fashion, all governmental bodies, including village boards, must be governed by rules that establish a clear procedure for meeting and taking action. In Wisconsin, statutory law only minimally prescribes mandatory procedural requirements for village boards. They are principally found in sec. 61.32, Stats. (village board), secs. 61.24 and 61.25, Stats. (village president and clerk), sec. 61.344, Stats. (village finance), sec. 61.50, Stats. (ordinances), secs. 61.51 and 893.80, Stats. (auditing accounts and claims), secs. 66.0607 and 66.0609, Stats. (disbursements from the treasury), and secs. 19.81 through 19.98, Stats. (the open meeting law). Also, certain provisions in ch. 67, Stats., specify procedures to be followed by the village board in issuing bonds.

Overall, however, Wisconsin village boards are vested with broad discretion in structuring the conduct of their meetings. See sec. 61.32, Stats. Each board must therefore fashion rules of procedure that will meet its own particular needs. What works well for one board may not necessarily work well for another board. The unique features and personality of each board will inevitably dictate the “correct” procedure for its meetings and deliberations.

This manual contains a suggested ordinance on board rules of procedure developed by the League. It was not prepared with the intent that all village boards adopt it *verbatim*. Instead, the suggested ordinance should be viewed by village boards as a convenient source for ideas and language for the development of rules tailored to their own specific needs.

The initial sections of this manual are devoted to a discussion of board procedures. Each section discussion refers and is directly tied to a particular rule in the suggested ordinance. The explanatory text also cites and discusses, when appropriate, applicable statutes, case law, Wisconsin Attorney General opinions, parliamentary rules, *Robert's Rules of Order*, and League opinions.

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League of Wisconsin Municipalities

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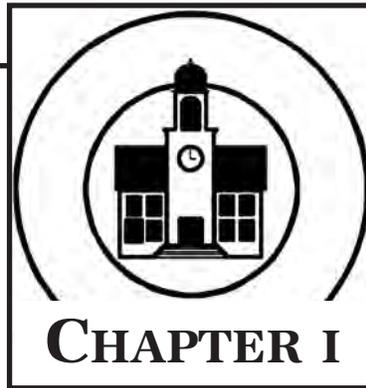
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THE VILLAGE BOARD

INTRODUCTION

The president-board of trustees system is the traditional and dominant form of village government in Wisconsin, although villages may organize under a manager form under ch. 64, Stats. Under the president-board of trustees organizational scheme, the village board, consisting of the president and trustees, is vested with all the powers of the village. Sec. 61.32, Stats. This broad grant of authority is subject to limitation only by express declaration of law.

Unlike a city's mayor, the village president is not designated the "chief executive officer" of the village. Instead, the president, by virtue of the office, is a trustee and enjoys the full range of powers of a trustee, including the right to vote on **all** questions.¹ Governing Bodies 207. The village president, however, is typically assigned certain administrative responsibilities by either the statutes or the board. Also, as a body, the board, either directly or through its committees, may perform administrative functions or become involved in department operations.

In the early days of the Wisconsin statehood, the state legislature chartered villages by the enactment of special laws. These specially granted "charters," among other things, outlined the powers and duties of the village's governing body. However, by 1871, abuses associated with the special legislative charter procedure had increased to an intolerable level. In response, the electors in that year approved a constitutional amendment prohibiting the legislature from chartering any village by special act.

The 1871 constitutional amendment represented but another element in the changing matrix of the state's municipal charter laws. Prior to 1871, the legislature had attempted to lessen its burden of continually amending village charters by individual special laws by the technique of enacting option laws. These option laws permitted a village to elect to change its governmental structure or exercise additional powers. They basically were enacted in

1. With this concept in mind, the term "trustee," as used throughout this manual, will ordinarily include trustees and the village president, unless the particular text dictates otherwise.

response to the demands of particular villages and were often classified as to general or special charter villages.

In the early 1900s, a haphazard scheme of chartered municipalities (cities and villages) of variously designated classes existed. This “mixed-bag” of categories of municipalities underscored the ever-increasing need for general, uniform schemes of local government in Wisconsin. After one aborted attempt, the state legislature in 1921 finally created ch. 62, Stats., the general charter law applicable to all cities except Milwaukee. A similar recodification of the village charter law was achieved in 1927 and 1933 through the establishment of ch. 61, Stats.

Meanwhile, in the early 1900s, certain public figures, including Governor Robert La Follette, urged the direct grant to local governments of the authority to control their local affairs. The purpose of this proposed grant was to allow each local unit the discretion and responsibility of managing its own affairs subject only to constitutional constraints and enactments of statewide concern. After certain aborted legislative attempts, the voters finally ratified a home rule constitutional amendment in 1924. Art. XI, sec. 3, Wis. Const. The 1925 legislature thereafter adopted what is currently sec. 66.0101, Stats., known as the home rule enabling act, which today outlines the procedures for the enactment or amendment of village charters.

Under the home rule amendment, Wisconsin villages may determine their own local affairs and government. If a matter falls solely or primarily within the constitutionally protected area of “local affairs,” the village’s authority is preeminent and it cannot be preempted by the state legislature. The breadth of this direct grant of legislative power to villages, however, is not unlimited. The exercise of this constitutional authority, as the very terms of the home rule amendment clearly prescribe, is subject to the strictures of the state constitution and enactments of statewide concern. Consequently, in an area solely or paramountly of statewide concern, the legislature may either delegate to villages limited authority or preempt the field by expressly banning local legislative action as to that matter of statewide concern. *State ex rel Michalak v. LaGrand*, 77 Wis.2d 520, 253 N.W.2d 505 (1977). What matters are of “statewide concern” or of “local affairs,” however, ultimately rest with the courts. See *Wisconsin Ass’n of Food Dealers v. City of Madison*, 97 Wis.2d 426, 293 N.W.2d 540 (1980).

To legislate in matters of statewide concern, a village must derive its power from a source other than the home rule amendment. Reliance on the broad statutory grant of power found in sec. 61.34(1), Stats., will often suffice. This section specifically grants all the power that the legislature could possibly confer on villages. See, e.g., *Hack v. City of Mineral Point*, 203 Wis. 215, 233 N.W. 82 (1930). However, this legislative grant of power, like the home rule amendment, is not without limitations. Notwithstanding sec. 61.34(1), Stats., a village enactment must be deemed preempted if: (1) express statutory language has restricted, revoked, or withdrawn the power; (2) the local enactment is logically inconsistent with state legislation; or (3) the local enactment infringes on the spirit of state law or a general policy of the statutes. *Wisconsin Environmental Decade, Inc. v. DNR*, 85 Wis.2d 518, 271 N.W.2d 69 (1978); *Anchor Savings & Loan Ass’n. v. Equal Opportunities Comm’n*, 120 Wis.2d 391, 355 N.W.2d 234 (Ct. App. 1984).

Presiding Officer

(Suggested Ordinance Rule 7)

The village president is the presiding officer at board meetings. Secs. 61.24 and 61.32, Stats. The presiding officer’s duties include conducting the board meetings in accordance with local ordinances and other rules of procedure, deciding all questions of order, and preserving order and decorum. The presiding officer is also often delegated the responsibility of

announcing the results of board actions. However, if the presiding officer fails to declare correctly a board's action, his or her erroneous announcement does not necessarily change the result. *State ex rel. Burdick v. Tyrrell*, 158 Wis. 425, 149 N.W. 280 (1914).

Rule 7A provides that in the absence of the village president, the village clerk shall call the board to order. Once called to order, the board, as its first order of business, should select a trustee to preside at that meeting.

Under Rule 7B, the presiding officer is responsible for the maintenance of order at the board meetings. For example, the presiding officer may call disorderly board members or visitors to order and, if needed, call on the sergeant-at-arms (or police officer) to restore order to the proceedings. Absent actual board consent, however, the presiding officer unlikely could direct the sergeant-at-arms to physically remove a disruptive member. Governing Bodies 90. The presiding officer is relieved of this procedural constraint if the board member by his or her conduct threatens actual bodily harm to another and requires immediate restraint. Governing Bodies 202.

Any trustee individually may insist on enforcement of the board's rules of procedure. Under Rule 7C of the suggested ordinance, any board member may raise a point of order and request a ruling by the presiding officer on the question. The recommended procedure is for the board member to rise to a point or question of order at the time the breach of order occurs. The presiding officer's ruling on the point is final unless an appeal from the ruling of the presiding officer is taken. Any member of the body may appeal the ruling and a motion for appeal must be seconded. The appeal must be made immediately after the presiding officer rules on a point of order or the ruling stands.

The presiding officer may make any motion and speak on any question. This right of the presiding officer to participate fully in the deliberations of the board is logically consistent with the fact that he or she, whether the president or a trustee, is a member of that body. As a board member, the presiding officer may also vote on all matters before the body, subject only to those limitations common to other trustees. Governing Bodies 207 and 98.

Statutes

Like the suggested ordinance, the statutes provide that the president presides at the board meetings. Secs. 61.24 and 61.32, Stats. The board, however, may select another trustee to preside in the village president's absence. Sec. 61.32, Stats.

The village president, unlike a mayor, is a fully constituted member of the board and may always vote as a trustee. Sec. 61.24, Stats. Consistent with that status, the village president logically has not additionally been vested with either the tie-breaking or the veto power of a mayor. Governing Bodies 207 and 148.

ATTENDANCE AT MEETINGS

(Suggested Ordinance Rule 4)

Rule 4 outlines the procedure that a board member must follow if he or she is absent from a meeting. Prior to the meeting, the member must file a written explanation for his or her anticipated absence with the clerk. If the member cannot comply with the advance notice requirements because of an unavoidable circumstance, the member may file a written explanation with the clerk within one week of the absence.

Statutes

The board may compel the attendance of trustees at meetings and punish nonattendance by that authority granted by sec. 61.32, Stats. Certain villages, for example, have enacted legislation that provides for the assessment of a penalty against a trustee in case of an unexcused

absence. Others have adopted rules that allow, at the direction of the board, for a law enforcement officer to actually locate and produce, if possible, an absent member at the meeting. If a trustee is continually absent from board meetings, he or she may potentially be subjected to the ultimate penalty measure – removal. Section 17.13(2), Stats., specifically provides that any elective village officer, including trustees, may be removed by the board for “gross neglect of duty.” As a member of the village board, a trustee is imbued with the power to manage and control village property, finances and public services and to act for the government and good order of the village for the health, safety, welfare and convenience of the public. See sec. 61.34, Stats. These duties and powers, however, can only be exercised with the other members of the board at legally convened meetings. A trustee’s continuous failure to attend meetings and perform the functions of the office, therefore, reasonably equates to gross neglect of duty and constitutes legitimate grounds for removal. See *Governing Bodies* 296.

QUORUM

(Suggested Ordinance Rule 2)

The board may transact business only when a quorum is present. McQuillin MUNICIPAL CORP., sec. 13.27 (3d ed.), defines a quorum of a body as follows:

... that number of members of the body which when legally assembled in their proper places will enable the body to transact its proper business, or, in other words, that number which makes a lawful body and gives it power to pass a law or ordinance or do any other valid corporate act.

Rule 2 provides that a majority of the members elect shall constitute a quorum. The “members elect” of the board obviously include all of the trustees. However, since the village president is by virtue of the office a trustee, the president must also be counted. *Governing Bodies* 295.

For purposes of a quorum, the phrase “members elect” should be interpreted to mean “all authorized seats” of the board. Consequently, even though one or more offices of trustee may be vacant, they are nevertheless counted to determine whether or not a quorum is present. See *Governing Bodies* 295 and 230.

In the absence of a quorum, any business transacted by the board, except to adjourn, is deemed to be void. The transaction of business, however, refers to the actual taking of action by a deliberative body. Accordingly, even though a quorum may not be present, the board could legitimately engage in a general discussion of agenda items, provided no action is taken. See *Governing Bodies* 307.

Another quorum principle, potentially of far-reaching implications, was enunciated by our supreme court more than 100 years ago in *Board of Supervisors of Oconto County v. Hall*, 47 Wis. 208, 2 N.W. 291 (1879).² Never overruled or modified, the *Hall* court clearly explained that if a deliberative body’s vote (including boards) is to have any operative effect, a quorum must **vote**. The mere physical presence of a quorum is insufficient to ensure the validity of the action.

In *Hall*, the entire membership of the Oconto County Board consisted of ten supervisors. Six members were required to constitute a quorum for the transaction of business. At a par-

2. The continued vitality of the *Hall* case was recently evidenced by the Court of Appeals’ reliance on it in *Ballenger v. Door County*, 131 Wis. 2d 422, 388 N.W.2d 624 (Ct. App. 1986).

particular meeting, seven supervisors were in attendance and all voted on a resolution that was later challenged in court. After a lengthy discussion, the *Hall* court ultimately ruled that two of the supervisors were disqualified from voting on that resolution because each had a direct pecuniary interest in the proposition, adverse to the county. With their votes declared void, only five members accordingly voted on the adoption of the resolution. The *Hall* court then concluded:

No quorum voting, the vote is inoperative for any purpose. . . . When a vote is taken and the result shows that no quorum has voted, the vote is not declared, and proceedings on the order or business are suspended until a quorum can be obtained; and it is quite immaterial that there is a quorum actually present if no quorum votes. Hence, it does not aid the attempted action of the five members who voted, that [the two disqualified supervisors] were present.

Id., 2 N.W. at 296.

From a procedural standpoint, the presiding officer should actually determine whether a quorum is physically present after the roll call has been taken. If no quorum is present, then the meeting should be adjourned to another date. As Rule 5(2) provides, the presiding officer should announce that the remaining agenda will be completed at the adjourned meeting. Any business that would have been proper at the scheduled meeting may be considered and acted upon at the adjourned meeting. *Dandoy v. Milwaukee*, 214 Wis. 586, 254 N.W. 98 (1934); 41 Op. Att’y Gen. 280 (1952); see also *Mier v. Kalwitz*, 134 Wis.2d 207, 397 N.W.2d 119 (Ct. App. 1986) (override of mayor’s veto). For each board action, the presiding officer should also determine whether in fact a quorum has voted. This nominal exercise may, in part, avoid the consequences witnessed in the *Hall* case. For a committee of the whole, the requisite quorum is the same as the quorum for the board, unless the board provides otherwise. *Robert’s Rules of Order, Newly Revised* (1970), p. 295, ch. XI, sec. 39 “Quorum”; *Governing Bodies* 307.

Statutes

Section 61.32, Stats., provides that a majority of the members elect shall constitute a quorum. The phrase “members elect” should be interpreted to mean all of the authorized seats of the board. *Governing Bodies* 295 and 230. Without the presence of a quorum, the board may not transact business. However, as sec. 61.32, Stats., provides, a lesser number may adjourn the board from time to time.

Mode of Voting

(Suggested Ordinance Rule 8A)

Questions may normally be decided by voice vote. However, the suggested ordinance requires “aye” and “no” votes for the adoption of certain measures or on the call of a single trustee. See, *e.g.*, Rule 13. The policy reason for the aye and no vote is that the people are entitled to know how their representatives vote on important questions. See *State v. Milwaukee Elec. Railway & Light Co.*, 144 Wis. 386, 129 N.W. 623 (1911).

In addition to this particular policy rationale, McQuillin MUNICIPAL CORP., sec. 13.44 (3rd Ed) explains that yea and no votes are also favored because, by that procedure, a more accurate and definitive record of the board’s action is established:

Two principal reasons may be suggested in favor of the requirement that whenever a vote is taken by a local legislative body on a certain proposition, the yeas

and nays must be taken and recorded. First, the most important is to obtain a definite and accurate record of the corporate action in order to determine whether all of the mandatory provisions of the charter have been observed. Only in this way may it be ascertained whether the particular act is legal or illegal. Second, another purpose is to make the members of the body feel the responsibility of their action and to compel each member to bear his share in the responsibility by making a permanent written record of his action which should not be afterwards open to dispute. The inhabitants of the municipality are, as of right, entitled to know clearly the act and vote of every member, of their agents and servants, on every proposition relating to public duties, and a record of such acts and votes should be plainly made in a permanent form so that every inhabitant may have definite information.

The **opportunity** for each alderman to vote, if physically present, is essential to the validity of the board's action. See *McQuillin MUNICIPAL CORP.*, sec. 13.43a (3d ed.). However, the converse—*i.e.*, that members must vote on each proposition — will likely be viewed as constitutionally objectionable. In *Wrzeski v. City of Madison*, 558 F. Supp. 664 (W.D. Wis. 1983), a city of Madison alderman challenged the validity of a city ordinance that required each member present to vote, unless excused, by saying either aye or no on each question submitted to the board. Upholding the alderman's attack, the federal court ruled that because municipal legislators enjoy the same First Amendment rights as any other member of our society, the voting requirement prescribed by the ordinance was constitutionally impermissible. Freedom of expression necessarily also embraces the right to remain silent.

As a final note, the notion of equality of members is a principle fundamental to all deliberative bodies, including village boards. Each member is generally entitled to speak and vote on all questions, with each vote an expression of the will and belief of that member alone. For these reasons, a trustee may not vote by proxy. *Governing Bodies* 99. However, the board may appoint an interim trustee who may serve (and vote) while the regular trustee is incapacitated because of physical or mental disability. Sec. 61.23(1), Stats.

Statute

Chapter 61, Stats., does not expressly specify the mode of voting for the village board. See sec. 62.11(3)(d), Stats. (common councils). Consequently, Rule 8A of the suggested ordinance only prescribes a nominal framework for voting procedures.

The use of secret ballots is prohibited in either open or closed sessions. If ballots are utilized, therefore, each board member must indicate his or her name on the ballot. Each name and corresponding vote should then be announced at the time the ballots are tallied. The only exception to the secret ballot prohibition is the election of the officer of a governmental body (*e.g.*, chairperson of a committee). Sec. 19.88(1), Stats.

REQUIRED NUMBER OF VOTES

(Suggested Ordinance Rule 8B)

Once a quorum is present, action may be approved by a majority of the votes actually cast, unless a greater number (majority, 2/3 or 3/4 of the members of the body) is required by state law, local ordinance or board rules (see, *e.g.*, Rule 8B) for the specific type of measure under consideration. *State ex rel. Burdick v. Tyrrell*, 158 Wis. 425, 149 N.W. 280 (1914).

However, as previously noted, the mere physical presence of a quorum is not alone sufficient to ensure the validity of any action taken. Unless a quorum actually votes, the vote is void. *Board of Supervisors v. Hall*, 47 Wis. 208, 2 N.W. 291 (1879). Accordingly, if no extraordinary

vote is required, a measure will be approved by a majority of votes cast provided a quorum has voted.³

Certain vote requirements may be couched in terms of either a “majority of the members present” or a “... (fractional vote) of the members present.” See, *e.g.*, Rule 19. In that event, if a member is required by law to abstain from voting, that member is not present for calculating the number of votes required for passage of the matter. See *Ballenger v. Door County*, 131 Wis.2d 422, 388 N.W.2d 624 (Ct. App. 1986).⁴

The vote of a single member cannot be split. When applying a certain fractional vote requirement (*e.g.*, 2/3 or 3/4 of the members of the governing body), all resulting fractions must be raised to the next highest whole number. Governing Bodies 239. For example, if the board consists of seven elected seats (six trustees and the village president), a 2/3 voting requirement necessitates a positive vote of five members.

Statutes

Special voting requirements imposed by state law generally fall into three categories. They include:

1. A majority vote of all members, rather than a majority of the votes cast;
2. A 2/3 vote of all members of the governing body; and
3. A 3/4 vote of all members of the governing body.

The entire authorized membership of the board (trustees and president) must be counted to determine the number of votes required to satisfy a special voting requirement where reference is made to “all members” or a similar term. This method of computation is not subject to modification even if some of the members are absent or certain seats are vacant. *State ex rel. Cleveland v. Common Council of City of West Allis*, 177 Wis. 537, 188 N.W. 601 (1922). See Appendix A for a table of the special voting requirements imposed by state law.

Statutory voting requirements are only minimum requirements. A board may require a greater proportion of votes for passage of any particular action. *Vaicelunas v. Fechner*, 7 Wis.2d 14, 95 N.W.2d 786 (1958).

CHANGING ONE’S VOTE

(Suggested Ordinance Rule 8D)

If a board has adopted *Robert’s Rules of Order* in its entirety, a board member may change his or her vote on a matter up to the time the result is finally announced. *Robert’s Rules of Order* (1970), ch. XIII, sec. 44 “Voting Procedure”; Governing Bodies 282. This permitted vote change may pertain to an “aye” or “no” vote or to a “pass” vote. Governing Bodies 304. However, the board, within its broad authority to establish its own procedures, could eliminate this “vote change” privilege and prevent a trustee from modifying his or her vote after cast.

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3. Unlike the city charter law, ch. 61, Stats., does not prescribe a mechanism for breaking a tie vote of the village board. Therefore, if a tie vote occurs, the matter before the board fails for lack of a majority. See Governing Bodies 294 and 102.
 4. In *Ballenger*, 20 supervisors were physically present at the county board meeting. One member abstained from voting because he had a direct pecuniary interest in the matter then before the board. The court of appeals held that only 19 members of the 20-member board were present for purposes of determining whether the quorum requirement was met. Accordingly, since a majority vote of the members present was required, 10 votes were required to pass the legislation.

Statutes

The statutes do not contain any provisions on the matter of a trustee's right to change his or her vote.

RECONSIDERATION

(Suggested Ordinance Rule 9)

Tangentially related to the issue of changed votes is the subject of reconsideration. Under Rule 9, any member who votes with the prevailing side on any question may move for reconsideration of the vote immediately after the vote or at the next succeeding board meeting. Although not its principally intended purpose, reconsideration could also potentially be invoked to allow a trustee to change or rectify a mistaken vote. See *Governing Bodies* 282.

Statutes

The statutes do not specifically address the subject matter of reconsideration.

ABSTENTIONS

(Suggested Ordinance Rule 8C)

The public has a right to have its representatives exercise their duties free from any personal or pecuniary interest which might affect their judgment. *McQuillin MUNICIPAL CORP.*, sec. 13.35, (3d ed.). At common law, a member of a legislative body generally is disqualified to vote on any proposition in which he or she has a direct pecuniary or personal interest adverse to the municipality they represent. *Board of Supervisors of Oconto County v. Hall*, 47 Wis. 208, 2 N.W. 291 (1879). Application of this rule, however, is apparently limited to those acts of the public body deemed either judicial or quasi-judicial in nature. See 63 Op. Att'y Gen. 545 (1974). If a particular action is instead legislative in nature, the vote may not be subjected to attack and judicial interference unless it is tainted with fraud, palpably not in the service of the public interest, or otherwise a clear perversion of power. See 133 ALR1257, 1258-60; *McQuillin MUNICIPAL CORP.*, sec. 13.35 (3d ed.).

The attorney general and several local ethics boards have sanctioned abstention on a particular vote to avoid an actual or an appearance of a conflict of interest. 52 Op. Att'y Gen. 367 (1963); 63 Op. Att'y Gen. 44 (1974). However, the attorney general and the League have opined that abstention will not avoid a violation of sec. 946.13(1)(a), Stats., while abstention will prevent a violation of sec. 946.13(1)(b), Stats. 63 Op. Att'y Gen. 44 (1974); 60 Op. Att'y Gen. 367 (1971); *Pecuniary Interest* 353 and 348.⁵

The problem with abstention is that a portion of the citizenry is denied representation. Also, abstention may at times preclude board action, especially if an extraordinary vote is required by law for approval of the measure and other trustees are absent. Under such circumstances, the necessity for continuation of the village's business may permit participation although full, public acknowledgement of the potential conflict is advisable. *Pecuniary Interest* 312.

Potential conflicts of interest may be resolved locally through the adoption of an effective code of ethics for local officials. Section 19.59, Stats., authorizes local governments to adopt

5. Section 946.13, Stats., was enacted to protect the public from loss by preventing self-dealing by public officers. 23 Op. Att'y Gen. 454 (1934). The statute imposes criminal liability on municipal officers who have a pecuniary interest in contracts with the municipality of more than \$15,000 in any one year.

codes of ethics. The League has copies of such ordinances adopted by various Wisconsin municipalities and they are available on request.

Statute

The statutes do not contain any provisions on the matter of abstention.

COMMITTEES

(Suggested Ordinance Rule 12)

Governing bodies customarily delegate various types of preliminary work to standing committees.⁶ The number and functions of committees vary with each village. The suggested ordinance provides for four broadly-based standing committees.

Ordinarily, the presiding officer is responsible for the referral of matters to a committee. A board's rules of procedure, however, should provide that all bills and claims be immediately referred by the clerk to the committee on finance for report on them at the board's next meeting. See Suggested Ordinance Rule 14A. By this expedited method, a village may be able to take advantage of discounts on purchases that are quickly paid for.

The proceedings of a committee are generally governed by the rules of its parent body. Those rules "borrowed" by the committee would include the requirements as to quorums and majorities. Governing Bodies 276. The quorum for a committee of the whole, therefore, is the same as the quorum for the village board, unless the board provides otherwise. See *Robert's Rules of Order*, Newly Revised, Art. XI, sec. 39, p. 295; Governing Bodies 307.

The adoption of elaborate procedures with respect to committee meetings is obviously not essential. However, like the board, committees must adhere to the requirements of the open meeting law. Committee reports should be signed by a majority of the committee. The committee chairperson is, of course, responsible for ensuring that the committee functions properly. The committee chairperson, however, should not unilaterally decide issues pending before the entire committee for its consideration. Governing Bodies 276.

In some villages, several standing committees exist, with each one performing only limited duties. The establishment of myriad committees, however, has certain drawbacks. First, trustees likely would have to serve on many committees, perhaps adversely affecting the village's ability to transact business in a very short time. Also, a multiplicity of committees may result in the burdensome and time-consuming necessity of referring a single matter to three or four committees before it can be finally considered.

Fewer committees apparently would be preferable. Related activities should be combined together under one committee, reducing the number of committee meetings that a trustee must attend. To reduce reliance on standing committees even more, certain villages have adopted the committee of the whole system. A modified committee of the whole system is included in the suggested ordinance as Rule 12C.

Statutes

The statutes make no provision for the appointment of committees by the village board, although some references presuppose their existence. See, *e.g.*, sec. 62.23(7)(d), Stats. Not unexpectedly, therefore, the statutes do not prescribe the procedures for the conduct of committees. The board may accordingly fashion the controlling rules for its committees and certain boards as it may for its own meetings.

6. For more information on committees, see the League's *Handbook for Wisconsin Municipal Officials*.

Approval of Committee Reports

(Suggested Ordinance Rule 13)

When a governing body approves a committee report containing a proposed ordinance or resolution, the proposal may be deemed to be simultaneously adopted. *Bartlett v. Eau Claire County*, 112 Wis. 237, 88 N.W. 61 (1901). The suggested board rules are framed to avoid that potentiality and require that any ordinance or resolution recommended for adoption by a committee be presented separately to the board for its deliberation. Reasons for this rule requirement of separate debate are several and are founded on the basic precepts of open and responsive government. They include:

1. The potential for a mistaken vote by a board member would be substantially eliminated. By separate consideration of each legislative measure, no member could conceivably be misled as to the matter under discussion and ultimately the subject of his or her vote.
2. A definite and accurate record of the board's action on a specifically proposed ordinance or resolution is established. (This record may be particularly critical if by statute an extraordinary vote is required for the passage of the measure.)
3. By focusing on a single measure, the members of the board are inevitably more aware of the consequences of, and can less readily deny responsibility for, their action.

In the final analysis, the board members serve at the will of the public. The citizens are, of right, entitled to know clearly the actions and votes of every board member on matters of local concern.

Statutes

There are no applicable statutory provisions on the approval of committee reports.

GUIDELINES OF CONDUCT FOR COUNCIL (TOWN, VILLAGE) MEMBERS

1. Listen to all sides.
2. Treat everyone with respect.
3. Be honest with your fellow alderman (supervisor, trustee).
4. Deal openly with city (town, village) staff and use and trust their expertise and assistance.
5. Arrive at all appointments and meetings on time or call if you will be unable to attend.
6. When you are a member of a committee or commission:
 - a. Learn your committee's role.
 - b. Maintain professional attitude.
 - c. Speak after being recognized by the chairperson.
 - d. Do not make comments while others are speaking.
 - e. If you must miss a meeting, inform the chairperson prior to the meeting date.
 - f. Read all materials before the meeting.
 - g. Keep the discussion on the topic.
 - h. Let others have a chance to speak.
 - i. When members of the audience are speaking, listen courteously.
7. As a member of the council (board):
 - a. If you must miss a meeting, inform the Mayor (Chairman, President), and/or the Clerk prior to the meeting date.
 - b. DO NOT HOLD side conversations while business is being conducted. Not only do you miss what is happening, but so does the person you are talking to and other Alderman (supervisor, trustee) may have difficulty hearing and concentrating over your conversation.

- c. Study all reports PRIOR to the meeting. These reports are included in your packet of information provided by the Clerk's Office.
- d. Keep your comments on the topic under discussion.
- e. Don't be afraid to disagree with fellow alderman (supervisor, trustee) or staff member, but do not make your disagreement a personal attack. LEARN TO AGREE TO DISAGREE.
- f. In referring to another alderman (supervisor, trustee), use the formal "Alderman Jones" (Supervisor Jones, Trustee Jones) or my "colleague" rather than first names.
- g. Refer to other elected officials and department heads in a formal manner such as "Police Chief Jones," "the police chief," or by a surname such as "Mr. Jones."
- h. The Mayor, Chairman, or President should be addressed formally, using "Mayor Jones" (Chairman Jones, President Jones) or "Your Honor."
- i. Remember, the members of the audience judge the council (board) by the conduct displayed by each individual. If you embarrass yourself, you embarrass all of us.
- j. Know and obey the council (board) rules.
- k. During the public participation portion of the meeting, listen respectfully to the speakers.
- l. If you feel you have a conflict of interest on a certain vote, you may abstain from voting on that issue. You also should abstain from discussion on the issue. Should you have any questions regarding a conflict of interest, please consult with the Municipal Attorney before the vote.
- m. If someone has made your point during the discussion, you don't need to make it again.
- n. Council (Board) rules limits all aldermen (board) to speak for more than ten minutes on a particular topic.
- o. When addressing a particular item on a report, preface your statement with the number and name of the report (i.e. Item #4 on the Municipal Services Committee Report.)
- p. Try to keep an open mind.

- q. Try not to needlessly re-has or over-analyze and issue; dragging out a meeting numbs our judgment.
- r. Do not move around the room or leave the Council Chambers (Board Room) during the meeting except when necessary. This is a distraction for others and may cause you to miss a vote.

GENERAL RULES

The Council (Board) may adopt such additional rules for the conduct of its business, as it deems necessary. The deliberations of the Council (Board) shall be conducted in accordance with the parliamentary rules contained in Robert's Rules of Order, Revised, which is incorporated in this section by reference.

No ordinances, resolution or other motion shall be acted upon unless it has been seconded.

No motion shall be withdrawn or amended without the consent of the member making the same and the member seconding it.

Robert's Rules of Order – The Basics

The purpose of “Robert's Rules of Order” includes the following:

- **Ensure majority rule**
- **Protect the rights of the minority, the absentees and individual members**
- **Provide order, fairness and decorum**
- **Facilitate the transaction of business and expedite meetings**

Basic Principles

- **All members have equal rights, privileges and obligations**
- **Full and free discussion of every motion is a basic right**
- **Only one question at a time may be considered, and only one person may have the floor at any one time**
- **Members have a right to know what the immediately pending question is and to have it restated before a vote is taken**
- **No person can speak until recognized by the chair**
- **Personal remarks are always out of order**
- **A majority decides a question except when basic rights of members are involved**
- **A two-thirds vote is required for any motion that deprives a member of rights in any way (e.g., cutting off debate)**
- **Silence gives consent. Those who do not vote allow the decision to be made by those who do vote**
- **The chair should always remain impartial**

Role of the Presiding Officer

- **Remain impartial during debate - the presiding officer must relinquish the chair in order to debate the merits of a motion**
- **Vote only to create or break a tie (or 2/3 for matters requiring a 2/3 vote) – exception: the presiding officer may vote on any vote by ballot**
- **Introduce business in proper order**
- **Recognize speakers**
- **Determine if a motion is in order**
- **Keep discussion germane to the pending motion**
- **Maintain order**
- **Put motions to a vote and announce results**

General Procedure for Handling a Motion

- A member must obtain the floor by being recognized by the chair
- Member makes a main motion
- A motion must be seconded by another member before it can be considered
- If the motion is in order, the chair will restate the motion and open debate (if the motion is debatable)
- The maker of a motion has the right to speak first in debate
- The main motion is debated along with any Subsidiary motions (e.g. "I move to amend the motion by ...", Privileged motions (e.g. "I move to postpone the motion to ...") and Revised 7/14/2010 2012 USMS Convention - Greensboro, North Carolina - Attachment #4 Incidental motions (e.g. "I move to divide the question."))
- Debate on Subsidiary, Privileged and Incidental motions (if debatable) takes precedence over debate on the main motion and must be decided before debate on the main motion can continue.
- Debate is closed when:
 - Discussion has ended, or
 - A two-thirds vote closes debate ("Call the question")
- The chair restates the motion, and if necessary clarifies the consequences of affirmative and negative votes
- The chair calls for a vote by asking "All in favor?" Those in favor say "Aye" (or in HOD, hold up the Green "Yes" card). Then asking "All opposed?" Those opposed will say "No" (or in HOD, hold up the Red "No" card). And finally asking "All abstained?" Those abstaining will say "Aye" (or in HOD, hold up the Yellow "Abstain" card)
- The chair announces the result

General Rules of Debate

- No members may speak until recognized by the chair
- All discussion must be relevant to the immediately pending question
- No member can speak more than once to each motion
- No member can speak more than three minutes
- All remarks must be addressed to the chair - no cross debate is permitted
- It is not permissible to speak against one's own motion (but one can vote against one's own motion)
- Debate must address issues not personalities - no one is permitted to make personal attacks or question the motives of other speakers

- **The presiding officer must relinquish the chair in order to participate in debate and cannot reassume the chair until the pending main question is disposed of**
- **When possible, the chair should let the floor alternate between those speaking in support and those speaking in opposition to the motion**
- **Members may not disrupt the assembly**
- **Rules of debate can be changed by a two-thirds vote**

Robert's Rules Help Get Things Done!

- **Make Motions - that are in order**
- **Obtain the Floor - properly**
- **Speak - clearly and concisely**
- **Obey - the rules of debate**
- **And most of all, be courteous! That's always in order**

GENERAL RULES OF DEBATE

1. The maker of a motion is entitled to speak first.
2. A member must obtain the floor by being recognized by the Chair.
3. No member is entitled to speak a second time on the same motion while any other member wishes to make their first speech.
4. A member may not speak against his/her own motion, but may vote against it.
5. Remarks must be confined to the merits of the pending question.
6. Questions and remarks must be addressed through the Chair. Members are not to speak directly to each other or to a staff member.
7. A courteous tone must be maintained, and interjecting personal notes or attacking another member's motives is prohibited.
8. Use of a member's name is to be avoided, if at all possible; for example, you should refer to "the maker of the motion" or "the previous speaker" whenever possible.
9. Reading the books, reports, etc. is only allowed with the permission of the assembly by vote or general consent, that is, if there are no objections.
10. The Presiding officer may not participate in debate without relinquishing the Chair.
11. No member may comment adversely on any prior act of the assembly that is not pending.