

CHAPTER
COMMON COUNCIL

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2.01 COMMON COUNCIL.

(1) GENERAL

(a) The Mayor and 8 Alderpersons shall constitute the Council. (See also sec. 1.02 of this Code)

(b) The Mayor shall not be counted in determining whether a quorum is present at a meeting; but may vote in case of a tie.

(c) When the Mayor does vote in case of a tie, his vote shall be counted in determining whether a sufficient number of the Council has voted favorably or unfavorably on any measure.

(d) The Council shall be the judge of the election and qualifications of its members, may compel their attendance, and may fine or expel for neglect of duty.

(e) A majority of all the members shall be necessary to confirm appointments. In case of a tie, the Mayor shall have a vote as in other cases.

(2) QUORUM. Two-thirds of the members of the Council shall constitute a quorum, except a lesser number may compel the attendance of absent members and adjourn.

(3) PARTICIPATION BY TELEPHONE OR VIDEO CONFERENCE (Cr. Ord. # 2737 – 5/1/13). Any Common Council member who for good cause is unable to physically be present at a meeting of the Common Council, Finance Committee or Board of Public Works, may request prior to the meeting the consent of the Mayor, or in the absence of the Mayor, the Council President, to participate in the meeting by audio and/or video conferencing devices. Such request shall be made at least two (2) days (except in an emergency) prior to the meeting with an explanation of the absence. Upon a showing of good cause as determined by the Mayor, or in the absence of the Mayor, the Council President, at his/her sole discretion, such a request may be granted. A minimum of quorum must be physically present at the meeting. The member requesting participation by audio/video conference shall not be counted in determining if a quorum is present. A member who is not physically present at a meeting shall not be entitled to vote. When a Common Council member is allowed to participate by audio and/or video conferencing devices, the device shall be placed in the meeting room in a way that the Common Council member not physically present can hear and be heard by all those who are physically present, including all individuals of the public in attendance.

2.02 COUNCIL MEETINGS.

(1) ANNUAL ORGANIZATIONAL MEETING. The Council shall meet annually on the third Tuesday of April for the purpose of organization

(2) REGULAR MEETINGS (Am. Ord. # 2833 – 5/11/2019) (Rep. & Recr. Ord. #1831; Rep. & Recr. Ord. #1868).

(a) The regular meetings of the Council shall be held at the Council Chambers at West Bend City Hall on the first and third Monday of each month at 6:30 P.M. or such other time as may be set by the City Clerk.

(b) When the day for holding any regular meeting shall be a legal holiday, the regular meeting shall be held at a time set by the Clerk.

(c) The City Clerk may cancel one of the 2 regular meetings scheduled in any month whenever the Clerk determines that there is insufficient business to be considered at the meeting. In order to cancel a meeting, the Clerk must give notice to the Mayor and each Alderperson on or before the Friday preceding the meeting date. Notice, if in writing, shall be deemed given upon mailing to the last known address of the Mayor and each Alderperson.

(3) SPECIAL MEETINGS.

(a) Special meetings of the Council may be called by the Mayor or, in his absence, the President of the Council at such time as he may appoint, by written notice of the purpose and time thereof to each member delivered to him personally or left at his usual place of abode, at least 6 hours before the meeting.

(b) Upon petition of 50% or more of the members of the Council, the Mayor, or in his absence the President of the Council, shall call a special meeting of the Council.

(c) In addition to all other notice requirements, the requirement of sub. (5) below shall be complied with.

(4) ADJOURNMENTS. Any regular or special meeting may be adjourned by a majority of the members present, but no adjournment shall be made to a time later than the next regular meeting.

(5) OPEN MEETINGS. Except as provided in §19.85, Wis. Stats., all meetings of the Council or of any City Board, Commission, Committee, or otherwise designated formally constituted sub-unit of City government shall be open sessions as defined by §19.82, Wis. Stats. Pursuant to §19.84, Wis. Stats., notice of all meetings shall be given as to time, place and subject matter not less than 24 hours prior to the commencement of such meetings unless for good cause such notice is impossible or impractical, in which case shorter notice may be given, but in no event less than 2 hours in advance of the meeting. In addition, such notice shall be posted for a like period on the City Hall bulletin board. The subject matter of all closed sessions shall be announced by the Mayor and a roll call vote taken on the motion to go into closed session so as to comply with the requirements of §19.85, Wis. Stats.

(6) **CALL TO ORDER.** The Mayor, or in his absence the President of the Council, shall promptly call each meeting of the Council to order at the hour fixed for the holding of such meeting. In case of the absence of the Mayor and President, the City Clerk shall call the meeting to order and the Alderpersons present shall elect one of their number President pro tem.

2.03 ORDER OF BUSINESS. At all regular meetings, the order of business shall be determined by the Mayor.

2.04 CONSENT AGENDA. The City Clerk is hereby authorized to create a subsection on any Council agenda entitled "Consent Agenda" in which the Clerk shall place matters which, in his judgment, are routine and non-controversial and which do not require a special vote or action to be taken by the Council. No separate discussion or debate shall be permitted on any matters which have been included in the Consent Agenda. A single motion, seconded and adopted by a majority vote of the Council shall be sufficient to approve, adopt, enact or otherwise favorably resolve any matter listed on the Consent Agenda without the requirement of a separate reading or discussion thereof. At such time during a Council meeting when the Consent Agenda is reached, any Alderperson may request removal of any item previously included in the Consent Agenda and such item shall be removed without debate or vote. Any item or part thereof removed from the Consent Agenda by action of the Council shall be separately considered at an appropriate time during the Council's regular order of business.

2.05 PARLIAMENTARY PROCEDURE. In the absence of any other rule or provision of law, the Council shall be governed by Robert's Rules of Order, Revised.

2.06 ORDINANCES.

(1) **ENACTMENT.** No ordinance shall be given final action at the same meeting at which it is introduced if any Alderperson votes against the ordinance. If any Alderperson votes against the ordinance, it shall be laid over and taken up at the next meeting of the Council.

(2) (Rep. Ord. #2310 – 3/23/98.)

(3) **MANDATING OF EMPLOYEE BENEFITS FOR PRIVATE BUSINESSES.** (Cr. Ord. #2644 – 3/12/09). No ordinance, rule, or regulation shall mandate that any business entity, other than the City itself, shall provide certain wages or benefits to its employees or set forth the amount or type of any employee wages or benefits provided by an employer located within the City limits.

2.07 VOTE. The "ayes" and "noes" shall be called for on any question if called for by any member of the Council, and at all other times when required by law.

2.08 CLAIMS See sec. 3.08 of this Code.

2.09 STANDING COMMITTEE

(1) DESIGNATION AND DUTIES

(a) Finance Committee (Am. Ord. #2852 – Eff 1-01-20) (Am. Ord.# 2822 – Eff. 4-16-19) (Am. Ord. #1863, Eff. 4-18-88). The Finance Committee shall consist of eight (8) alderpersons. All accounts, claims or other matters relating to City finances shall be referred to the Committee.

(b) (Rep. Ord. #2014 – 12/21/90)

(c) (Rep. Ord. #1746 – 5/29/85)

(d) Fiscal Committee (Am. Ord. #1736 – 4/23/85). The Fiscal Committee shall consist of the Finance Committee Chairperson, the Board of Public Works Chairperson, the City Administrator, the Mayor, the City Clerk/Comptroller, the City

Treasurer, and a citizen member appointed by the Finance Committee Chairperson. The Committee shall consider and make recommendations to the Finance Committee concerning departmental 5 year plans and its own 5 year plan of City expenditures and revenues, and all other matters referred to it by the Finance Committee.

(2) APPOINTMENT (Am. Ord. #1736 – 4/23/85) (Rep. & Recr. Ord. #1863, Eff. 4/18/88). The standing committees shall be appointed by the Mayor at the annual organizational meeting of the Council, subject to approval of the Council. He shall designate one member of each standing committee as Chairperson, subject to approval of the Council.

2.10 SUSPENSION OF RULES. The assent of 2/3 of all members of the Council shall be required to suspend, alter or modify any of the foregoing rules.

2.11 SALARIES AND EXPENSE ALLOWANCE. (Rep. & Recr. Ord #2097 – 1/25/93; Am. Ord. #2276-3/10/97; Am. Ord. #2309-3/23/98).

(1) The Mayor shall receive an annual salary of \$7,618.

(2) (Amend. Ord. #2468-1/6/03) (Effective April 15, 2003) Each Alderperson representing an odd numbered District shall receive an annual salary of \$3,848.00. Following the spring election in 2004, each Alderperson representing an odd numbered District shall receive an annual salary of \$4,236.00. Each Alderperson representing an even numbered District shall receive an annual salary of \$4,236.00.

(3) The above salaries shall be paid bi-weekly at the same time as City Employees.

(4) In addition to the annual salaries:

(a) The Mayor shall receive a \$150 per month expense allowance;

(b) The President of the Board of Public Works shall receive a \$55 per month expense allowance; and

(c) The other Alderpersons shall each receive a \$30 per month expense allowance.