



MEMO

To: Legislative Committee
From: City Attorney, Tim Greenwood
Date: April 2, 2025
Re: Implementing a Consent Agenda

At the March 4, 2025, Legislative Committee I presented the idea of implementing a consent agenda for our Common Council meetings. In that proposal I indicated changes to Ordinances 2.03 Rule 3: Order of Business and 2.05 Rule 5: Reading at Length would need to happen in order to facilitate that change.

My understanding is that when making changes to an ordinance, there is direction to review the ordinance in its entirety for if any additional changes to the ordinance should be made as well. In discussing these ordinances with some council members it was brought forward that the agenda used to have a place for council members to either discuss a topic or request an item be brought for discussion. This is potentially noted at 2.03(9) "Consideration of miscellaneous business," however, in my review of open meetings law it is indicated language such as "old business," "new business," "miscellaneous business," etc. are insufficient because standing alone, they identify no particular subject, thereby failing to give the public reasonable notice of what the governmental body means to discuss.

Based on this analysis I made a change to 2.03(9), "Consideration of miscellaneous business," to "Alder requests for discussion at next Common Council meeting." I believe this request makes it clear that a topic will be brought forward by an alder, but will not be discussed during that meeting, but gives ample notice to the public that a discussion on a topic will be coming forward, even before formal notice goes out.

Then looking at 2.05, first some grammatical changes were made along with restructuring the section from a large paragraph into separate numbers that I believe makes it easier to read and understand the different parts.

I then added language as to whom is identified to read ordinances, resolution, and reports from the "alderperson or official introducing the same" in #2 and 3 of the revised section to the "presiding officer or council president." I made this suggested change because currently it often staff that brings a proposed resolution, ordinance, or report to the Council, not

necessarily and alder. I also suggest moving away from “official” because it is unclear who that means. Is that the Department Head who brought it forward? With the suggestion of the presiding officer or council president designated, it is clear who should be reading these items.

Next, I added #4 to explicitly indicate that common council meeting minutes should also be read at length (they are not inherently included in #5).

Finally, I added to #3, 4, and 5 that these items don’t need to be read at length if included in a consent agenda for clarity.

There will still be instances where committee meeting minutes will need to continue to be read at length, such as days where there are committee and common council meetings that take place on the same day (due to election, as an example). As a note, rules such as those requiring meeting minutes to be read at length can always be suspended under Ordinance 2.17 with consent of two-thirds of council members present.

Attached are the recommended changes to Ordinances 2.03 and 2.05

Budget:
None.

Staff Recommended Action:
Either:

1. Give direction to make changes to the proposed ordinances to effectuate having a Consent Agenda item.
2. Approve drafted ordinances to forward on to Council.



CITY OF KAUKAUNA

ORDINANCE NO. _____

ORDINANCE REPEALING AND REPLACING SECTION 2.03

WHEREAS, City of Kaukauna wants to implement a Consent Agenda into its Common Council meetings; and

WHEREAS, Consent Agendas allow for streamline approval of routine, non-controversial items into a group whereby all are passed with a single motion and vote; and

WHEREAS, current ordinances outline the procedure of events taking place during a Common Council meeting that need to be updated to accommodate the implementation of a Consent Agenda; and

WHEREAS, while updating language to implement a Consent Agenda, additional changes to the ordinance were made to efficiently update our municipal code while updating for another reason;

NOW THEREFORE, it is ordained by the Common Council of the City of Kaukauna, Wisconsin, that Ordinance Section 2.03 of the Kaukauna Municipal Code be repealed and replaced as follows:

BEFORE REPEAL AND REPLACE

2.03 Rule 3: Order Of Business

1. Roll call, one minute of silent prayer, Pledge of Allegiance to the American flag.
2. Reading and approval of minutes.
3. Presentation of letters, petitions, remonstrances, memorials, and accounts.
4. Public appearances.
5. Business presented by the mayor.
6. Reports of standing and special committees.
7. Reports of city officers.
8. Presentation of ordinances and resolutions.
9. Consideration of miscellaneous business.

AFTER REPEAL AND REPLACE

2.03 Rule 3: Order Of Business

1. **Call to Order.**
2. Roll call, one minute of silent prayer, Pledge of Allegiance to the American flag.
3. **Consent Agenda or R**reading and approval of minutes.

4. Presentation of letters, petitions, remonstrances, memorials, and accounts.
5. Public appearances.
6. Business presented by the mayor.
7. Reports of standing and special committees.
8. Reports of city officers.
9. Presentation of ordinances and resolutions.
10. ~~Consideration of miscellaneous business.~~ Alder requests for discussion at next Common Council meeting.
11. Adjournment.

This ordinance shall be in full force and effect from and after its adoption and publication.

Passed and adopted by the City of Kaukauna Common Council this ___ day of _____, 2025.

APPROVED: _____
Anthony J. Penterman, Mayor

ATTTEST: _____
Kayla Nessmann, Clerk

CITY OF KAUKAUNA

ORDINANCE NO. _____

ORDINANCE REPEALING AND REPLACING SECTION 2.05

WHEREAS, City of Kaukauna wants to implement a Consent Agenda into its Common Council meetings; and

WHEREAS, Consent Agendas allow for streamline approval of routine, non-controversial items into a group whereby all are passed with a single motion and vote; and

WHEREAS, current ordinances outline the procedure of events taking place during a Common Council meeting that need to be updated to accommodate the implementation of a Consent Agenda; and

WHEREAS, while updating language to implement a Consent Agenda, additional changes to the ordinance were made to efficiently update our municipal code while updating for another reason;

NOW THEREFORE, it is ordained by the Common Council of the City of Kaukauna, Wisconsin, that Ordinance Section 2.05 of the Kaukauna Municipal Code be repealed and replaced as follows:

BEFORE REPEAL AND REPLACE

2.05 Rule 5: Reading At Length

All letters, petitioners, remonstrances, and memorials, when presented to the committee of jurisdiction or the council, shall be read at length by the presiding officer, secretary, or city clerk, unless otherwise ordered. All resolutions and ordinances, and all board, commission, authority, or committee reports which require council adoption shall be read at length by the alderperson or official introducing the same, unless ordered otherwise. All department reports, committee reports, and board reports which do not require council adoption may be read at length, summarized by the presenting alderperson or official or received as presented.

AFTER REPEAL AND REPLACE

2.05 Rule 5: Reading At Length

1. All letters, petitioners, remonstrances, and memorials, when presented to the committee of jurisdiction or the council, shall be read at length by the presiding officer, secretary, or city clerk, unless otherwise ordered.

2. All ~~resolutions and ordinances~~ ordinances and resolutions which require council adoption shall be read at length by the ~~alderperson or official introducing the same~~ presiding officer or council president, unless ordered otherwise.
3. ~~and a~~All board, commission, authority, or committee reports which require council adoption shall be read at length by the ~~alderperson or official introducing the same~~ presiding officer or council president, unless included in a consent agenda, or ordered otherwise.
4. Common council meeting minutes shall be read at length by the presiding officer or council president before adoption, unless included within a consent agenda. If a consent agenda is passed with common council meeting minutes within it, those common council meeting minutes are considered approved by the council.
5. All department reports, committee reports, and board reports which do not require council adoption may be read at length, summarized by the presenting alderperson or official, ~~or~~ received as presented, or received as part of a consent agenda.

This ordinance shall be in full force and effect from and after its adoption and publication.

Passed and adopted by the City of Kaukauna Common Council this ___ day of _____, 2025.

APPROVED: _____
Anthony J. Penterman, Mayor

ATTEST: _____
Kayla Nessmann, Clerk