

# City of Sheboygan

## Common Council Handbook

*“I think local government is the hardest job in the country because it is one thing to be at the federal level where you can talk grand thoughts, talk about things in policy terms, and encourage legislation that channels your decision making into certain goals; it is another thing to pick up the garbage, to plow the snow, to sweep the street, to make sure your signal lights are working. Local government is really hard. That is where the rubber meets the road, and it is much harder than federal government.” -- Pauline A. Schneider*

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### Preface

This manual is intended to provide alderpersons, committee and board members, city employees, and members of the public with general rules of procedure and decorum during all formal meetings. These rules are intended for easy reference only and do not supersede current city ordinances or resolutions. The City of Sheboygan follows the rules of parliamentary procedure set forth in Robert’s Rules of Order, Newly Revised, in all cases in which they are applicable and not inconsistent with the ordinances and regulations of the City.

The mayor (who chairs council meetings) and committee chairpersons set the tone and structure of the meetings over which they preside. That tone and structure may vary from individual to individual. The mayor and chairperson are responsible for ensuring that debate and discussion is conducted appropriately, professionally and within the rules of order. They enforce the observance of order and proper decorum between the entire membership and those present during any meeting. The mayor and chairpersons have discretionary authority to excuse non-members from the meeting whenever any disturbance or disorderly conduct occurs.

All alderpersons, commissioners, committee members, board members, officers and those in attendance at all meetings shall conform their conduct to the rules and expectations of this manual.

## I. COMMON COUNCIL PROCEEDINGS

### A. Generally Used Rules of Order and Procedure

Alderspersons may only act on items posted on the agenda. Alderspersons may not act on items posted for discussion only. Certain items not posted on the agenda may be introduced as “Other Matters Authorized by Law,” but no action may be taken on such matters other than to lie over to the next meeting or be referred to a committee.

The consent agenda deals with matters generally regarded as routine. However, any alderperson may call a specific document for separate action after the motion is made to approve the agenda. If an alderperson simply requires clarification about a document in the consent agenda, he or she may simply inquire without calling for separate action.

Any alderperson may request to pull forward any document out of the order of the agenda.

#### 1. Most Commonly Used Documents

The following are the types of documents upon which the common council generally acts:

**Ordinances:** Ordinances are the laws of the city. An ordinance may enact new legislation or amend or repeal an existing ordinance.

The proper motion for the passage of an ordinance is: “I move to adopt the ordinance.”

This motion requires a second, is debatable, amendable and generally requires a majority vote, unless otherwise required by law or ordinance. For example, charter ordinances require a two-thirds vote of all members.

**Resolutions:** The common council conducts general business through resolutions. They are generally less permanent enactments than ordinances. Resolutions may direct or authorize the appropriate city officials to act on matters approved by the common council. Resolutions also may be used to create committees, commissions or boards to assist the common council in conducting its business.

The proper motion for the passage of a resolution is: “I move to adopt the resolution.”

This motion requires a second, is debatable, amendable and generally requires a majority vote, unless otherwise required by law or ordinance. For example, resolutions altering the adopted budget require a two-thirds vote of the entire membership of the common council.

**Report of Committees:** These documents, generally known as R.C.s, are reports created by committees and then referred to the common council to give recommendations on matters initially referred to them. They often include a recommendation for action or to adopt an ordinance/resolution.

When an R.C. comes to common council, the report should simply be received. However, additional action will generally be needed on the matters referred to the committee. Proper motions related to an R.C. include the following: “I move to receive the R.C. and adopt the ordinance.” “I move to receive the R.C. and file the ordinance.” “I move to receive the R.C. and approve the licenses.” “I move to receive the R.C. and deny the license.” Filing an item is to reject it.

These motions require a second, are debatable but not amendable, and require a majority vote.

**Report of Officers:** These documents, generally known as R.O.s, are reports or recommendations submitted by boards, commissions, or department heads.

The proper motion for acting on an R.O. is: “I move to receive the R.O. and adopt the recommendation” or “I move to receive the R.O. and file the recommendation.”

These motions require a second, are debatable but not amendable, and require a majority vote.

**Communications:** Communications are letters received by the mayor, alderpersons or the city clerk that are submitted to the common council for consideration and placed on an agenda. Not all letters and petitions are placed on an agenda. In fact, most such letters should first be directed to staff members before being submitted to common council, as action can often be taken more quickly and efficiently that way. The mayor, in consultation with the city clerk, determines which matters to place on an agenda.

Once submitted to common council, communications may be referred to a committee, commission, or board. Often, they may also be immediately acted upon during a common council meeting. All communications must be submitted to the city clerk before the deadline for the common council agenda.

A proper motion for acting on a communication is: “I move that the communication be received and filed,” or “I move that the communication be referred to committee.”

This motion requires a second, is debatable, but not amendable, and requires a majority vote.

**Other documents:** Often, staff members will prepare attachments, exhibits, or other documents to assist alderpersons in preparing for committee or common council meetings. These are for information only, and not meant for action.

The most common such document is called an “IFC” (Item for Consideration). This standardized document includes information about the fiscal impact of a proposed document, gives some background on the proposal, provides staff input and recommendations, references current law that may impact the proposal, and gives a recommended action.

IFCs are available with the other documents on the agenda item in “BoardDocs” (the city’s online system for organizing meeting agendas, minutes, and documents.) While an IFC is not something that is approved, received, filed, or debated, it generally contains important information that will assist the common council in making policy decisions.

All documents, whether those being acted upon, or documents attached for information, should be provided to the city clerk by noon on the Wednesday prior to a council meeting so they can be attached in BoardDocs and tracked for open records compliance purposes. All documents being acted upon should also be sent to the City Attorney’s office at least 48 hours prior to the clerk’s Wednesday deadline so that they can be reviewed for legal compliance and form. Similarly, any documents referred to in a resolution or report must also be provided to the city clerk so they can be attached in BoardDocs and tracked. Normally, these documents must be provided prior to the agenda deadline.

## **2. Most Common Types of Action**

The following are the four most common types of actions the common council takes during a meeting:

**Adoption** - this is favorable action taken by the common council. “Adoption” and “passage” are synonyms

**Referral** - this action sends a document to a committee, commission or board for deliberation and a recommendation.

**Filing** - this action dispenses of a document immediately or refers out of committee.

**Lying Over** - this results when certain documents cannot be passed on the first reading without suspension.

## **3. Suspending the Rules**

The common council operates by a set of operating rules. Some rules are codified by ordinance; such rules must be followed unless the council passes an ordinance changing those rules. (Note, however, that rules codified in this fashion may contain special provisions to allow those rules to be temporarily lifted. Most rules, however, including those in this handbook and those in Robert’s Rules of Order, may be suspended.

Suspension of the rules can happen in any number of circumstances. The most common reason for suspension is to allow the common council to act immediately on a resolution, report, or communication, rather than sending it to a committee or requiring it to lay over to the next meeting. A common council member may make a motion to suspend the rules. An appropriate motion is: “Your Honor/Mayor, I request suspension of the rules to allow the resolution to be approved immediately.”

The motion to suspend the rules, per Sec. 2-168, Sheboygan Municipal Code, requires a  $\frac{3}{4}$  vote of the members-elect. In addition, “unless unanimous consent is given, the vote on suspension shall be by call of the roll.” The Mayor may determine unanimous consent by asking if any member of the common council has an objection to suspension, and declaring the rule suspended if there is no objection.

#### **4. Calling the Vote**

**Voice Vote** - all actions other than those requiring a roll call vote may be adopted or passed by voice vote.

**Roll Call Vote** - a roll call vote is required on the adoption of all ordinances, resolutions, report of committees, report of officers and other documents assessing or levying taxes, appropriating or disbursing funds, actions creating a liability or charge against the city or discharging or commuting a claim or demand against the city. A roll call vote is required on confirmation of appointments. It is also required whenever the common council or a committee votes to go into and come out of closed sessions.

A roll call vote may be called for by the mayor at his discretion or upon the request of any member of the common council.

An appropriate request for a roll call by a member of the common council is: “Your Honor/Mayor, I request a roll call vote.”

This is not a motion and therefore does not require a second, debate or vote.

## 5. Most Commonly Used Motions

<b>MOTION</b>	<b>REQUIRES SECOND</b>	<b>DEBATABLE</b>	<b>AMENDABLE</b>	<b>VOTE REQUIRED</b>
Main Motion	Yes	Yes	Yes	Majority
Motion to Reconsider	Yes	Yes	No	Majority
Motion to Rescind	Yes	Yes	Yes	Majority (with notice)
Motion to Amend	Yes	Yes	No	Majority
Motion to Substitute	Yes	Yes	Yes	Majority
Motion to Amend the Amendment	Yes	Yes	No	Majority
Motion to Refer to Committee	Yes	Yes	Yes	Majority
Motion to Hold	Yes	Yes	Yes	Majority
Motion to Call the Question	Yes	No	No	2/3
Motion to Suspend the Rules	Yes	No	No	* 3/4
Motion to Divide the Question	Yes	No	No	Majority
Motion to Open the Floor	Yes	Yes	Yes	Majority
Point of Order	No	No	No	None
Motion to Recess	Yes	No	Yes	Majority
Motion to Adjourn	Yes	No	Yes	Majority

## 6. Other Common Rules

An alderman may appear and vote at a common council meeting remotely (i.e., by telephone, video conference, etc.), if notice of remote attendance appears on the agenda. A member who is not physically present counts towards a quorum. However, a member may not participate or vote on any matter that requires the visual assessment of a witness's demeanor if the member is unable to make such a visual assessment, nor may a member vote on any matter that requires the visual assessment of physical evidence or exhibits that have not been previously reviewed by the member. (Sec. 2-138, Sheboygan Municipal Code.) Because ensuring security is difficult with remote attendance, remote attendance has typically not been permitted during closed sessions. However, in cases where remote attendance may be necessary due to pandemic or other health situations and where the use of particularized guidelines help ensure security, such permission may be granted by the mayor, in consultation with the City Clerk, City Attorney, and other necessary staff

Alders shall speak only twice on matters being debated or discussed during a common council meeting except upon leave of the common council. (See Sec. 2-184, Sheboygan Municipal Code.)

Privilege of the floor during common council meetings is extended to the mayor, the city clerk, the city attorney, the city administrator, the chief of police or such other police officer in attendance, the finance director/treasurer, members of the department of engineering and public works, the director of planning and development, and members of the media who are confining themselves to their professional duty. No other person is allowed on the council floor except upon the invitation of the mayor or common council.

Only those persons who have privilege of the floor may address the common council. All others may address the common council pursuant to a motion to open the floor.

An appropriate request to allow a person who has privilege of the floor to address the common council is: “Your Honor/Mayor, I request that Mr./Mrs. (state name) address the council.” Only the mayor may call the person forward.

An appropriate motion to allow persons who do not have privilege of the floor is: “Your Honor/Mayor, I move to open the floor to (state name).”

Alderspersons may address those persons who have privilege of the floor or to whom the floor has been open with the consent of the mayor. Otherwise, alderspersons may only address the mayor. Thus, when speaking, they should refrain from addressing other alderspersons, staff members, or the audience, and should face the mayor.

An appropriate request to address those persons is: “Your Honor/Mayor, may I address Mr./Ms. (state name)”?

An alderperson may not engage in debate or become confrontational with persons who have privilege of the floor or to whom the floor has been open. At all other times, alderspersons must address the mayor or other presiding officer, not each other or the public.

A motion to amend or a motion to amend the amendment that will totally alter the nature of the original ordinance or resolution is considered out of order as not being “germane.” To be germane, an amendment must in some way involve the same question that is raised by the motion to which it is applied. The mayor or presiding officer of the common council shall rule in the first instance as to the admissibility of the amendment in question.

No alderperson may cross the floor or leave the council chamber while the mayor or presiding officer is addressing the common council or submitting a question. (See Sec. 2-180, Sheboygan Municipal Code.)

When an alderperson is called to order, he or she shall not speak except in explanation until it shall have been determined that the alderperson is in order. (See Sec. 2-183, Sheboygan Municipal Code.)

Any action under consideration by the common council, at the request of three alderpersons, shall be deferred to the next common council meeting to be held no sooner than one week following. The same action may not be deferred a second time or laid over. (See Sec. 2-81, Sheboygan Municipal Code.)

Whenever any disturbance or disorderly conduct occurs in the council chambers, or rooms or halls adjacent to the council chambers, the mayor or presiding officer has the power, with the aid of the chief of police or police officers in attendance, to cause the chambers, rooms or halls to be cleared of all persons except the alderpersons or officers of the common council. (See Sec. 2-39(a), Sheboygan Municipal Code.)

## **B. General Rules of Conduct**

Alderspersons and members of committees, commissions, and boards shall conduct themselves in a professional and respectful manner while representing the city.

Alderspersons and members of committees, commissions, and boards should wait to be recognized by the mayor or the chairperson before speaking. Upon being recognized, an appropriate preface to your comments is: “Thank you your Honor/Mayor” or “Thank you Mr. Chairman” or “Thank you Madam Chair.”

Alderspersons shall not make disparaging statements during common council meetings about each other, elected officials, or others belonging to a different committee, commission, board, or staff.

All personal electronic devices that make noise, including but not limited to smart phones, tablets, etc., or anything else that makes noise, should be turned off while Council is in session so as not to cause a disturbance or distraction.

## **C. Location and Availability**

All Common Council meetings (including Committee of the Whole meetings) shall take place in the Common Council Chambers. Exceptions may be made for closed sessions (Room 305 is designed for such purposes), emergency meetings, and special meetings called for specific purposes where a different location promotes efficiency while preserving public access.

During times of pandemic or other unusual situations, all meetings shall be conducted in a manner that follows the rules and guidelines of federal, state, and county public health and emergency agencies. This includes requiring limits on the number of people permitted in Common Council Chambers, providing for distancing between attendees and participants, and encouraging the use of overflow meeting rooms and remote forms of attendance.

Every common council agenda shall, in addition to the required notice related to accessibility for differently-abled persons, provide a notice that persons other than council members who wish to participate in a meeting by speaking at the public forum shall provide notice to the clerk at least 24 hours before the meeting so that the person may be provided a remote link (such as Zoom or GoToMeeting) for that purpose.

Whenever the Mayor or City Clerk anticipates a meeting may be heavily attended and there is a chance more people may attend than can be safely contained in common council chambers, they shall make arrangements to provide for overflow rooms where members of the public may watch or otherwise participate in the proceedings.

Section 2-138 of the Municipal Code governs remote attendance at meetings by members of city governmental bodies. Alders who wish to attend a meeting remotely shall inform the City Clerk at least three business days prior to any meeting so that their remote attendance may be included in the meeting notice, as required by Section 2-138(e); provided, however, that the City Clerk shall list every alder as potentially attending remotely whenever the most recent report from the Public Health Division of the Sheboygan County Department of Health and Human Services indicates that the level of Community Transmission of COVID-19 is “Substantial” or “High.” At all other times, the City Clerk may establish a procedure whereby an alder may request to be placed on a list of officials who will be noted as a remote attender for all meetings until making a subsequent request to be removed from said list.

All Common Council meetings, except closed sessions, emergency meetings, and special meetings called for a specific purpose taking place in a different location shall be broadcast live on WSCS and livestreamed via the WSCS website. All Common Council meetings, except closed sessions, shall be recorded and be made available to be viewed at a later date on the WSCS website. Retention of recordings shall be pursuant to the City’s document retention schedule. Nothing in this paragraph shall be deemed to prevent City staff from causing the livestream and/or recordings to be available at additional sites, such as the city’s website and social media feeds.

## **II. COMMISSIONS, COMMITTEES, AND BOARD PROCEEDINGS**

The Common Council has three standing committees: the Finance and Personnel Committee; the Public Works Committee; and the Licensing, Hearings, and Public Safety Committee. All committee members are appointed by the mayor and confirmed by the common council.

The Committee of the Whole is comprised of all the alderpersons. The mayor is not a member of the committee. The meetings are called as needed and serve the purpose of deliberation. The Committee of the Whole does not approve or disapprove of any matter before it; it simply makes a recommendation to the common council.

The common council has the power to create special committees on motion or by resolution as the common council deems appropriate.

Any standing committee or special committee may appoint a subcommittee from its membership.

A member of the City Attorney’s office will generally be at all standing committee members. Members of any special committees, including the Committee of the Whole, should contact the City Attorney if they believe the presence of legal counsel at such meetings would be helpful.

## **A. Generally Used Rules of Order and Procedure**

Only the items posted on the agenda may be acted on or discussed. Any items posted for discussion only may not be acted on.

Chairpersons of committees are responsible for preparing the agenda for all meetings and arranging for minutes to be taken and forwarded to the city clerk. Members may make a request for an item to be placed on the agenda. All documents for committee meetings should be provided to the clerk at least 24 hours prior to the deadline for the agenda (72 hours in the case of direct referrals.)

A quorum must be present in order for the meeting to proceed and the chairperson set the tone for the meeting. A quorum for committees, commissions, and boards is a majority of the full membership. Remote attendance is permitted under the same rules as for the common council (see Item I. A. 5, above.)

Members may speak only when recognized by the chairperson. There is no limitation on how many times a member may speak unless the chairperson sets one. Members may not interrupt the chairperson, other members, or the public who are speaking.

Items on the agenda may be pulled forward at the request of a member with the consent of the chairperson.

## **B. Most Commonly Used Documents**

Every committee, commission, and board is unique. Many of them handle documents that are pertinent to them or have been referred to them by the common council.

The following documents are received or acted upon by committees, commissions, and boards, and need to be included with the agenda:

**Matters referred from common council** – matters referred from common council, directly or otherwise, (for example, R.O.s, resolutions, or ordinances) are sent to committee for recommendation and referral back to the common council on the committee's recommendation. The proper motion for matters referred from common council is to recommend that the common council receive and file reports or communications and recommend that the common council adopt resolutions and ordinances.

A majority vote against a recommendation to adopt a resolution or an ordinance is deemed to be a recommendation not to so adopt. In case of a tie vote (or a vote with no clear majority due to abstentions), a committee vote fails, but a separate motion would be needed to refer the item back to the common council. An appropriate motion in such a situation would be to refer the document back to council with no recommendation.

**Reports** – reports by department heads or other officials are generally informative. The proper motion for reports not being referred back to the common council is to receive and file the report. Reports may also be referred.

**Requests** – requests are generally made by the public and in some instances city employees. Requests may be granted, denied, held or referred.

**Communications** – communications vary and they generally are filed. In some instances they may be referred, held or acted upon.

**Presentations** – presentations are generally for information only; though action may be requested.

**IFCs** – staff members often prepare an “IFC” (Item for Consideration) for items on a committee agenda. This document includes information about the fiscal impact of a proposed ordinance, resolution, or other document for action; gives some background on the proposal; provides staff input and recommendations; references any current law that impacts the proposal; and gives a recommended action. It is for information, not action, although action may be requested.

### **C. Location and Availability**

All Commission, Committee, and Board meetings shall take place in an unlocked location directly accessible to the public. Exceptions may be made for meetings where the only action will be to convene in closed session, with adjournment taking place in closed session.

During times of pandemic or other unusual situations, all meetings shall be conducted in a manner that follows the rules and guidelines of federal, state, and county public health and emergency agencies. This includes requiring limits on the number of people permitted in the meeting room, providing for distancing between attendees and participants, and encouraging the use of overflow meeting rooms and remote forms of attendance.

Every commission, committee, and board agenda shall, in addition to the required notice related to accessibility for differently-abled persons, provide a notice that persons other than commission, committee, and board members who wish to participate in a meeting shall provide notice to the clerk at least 24 hours before the meeting so that the person may be provided a remote link (such as Zoom or GoToMeeting) for that purpose.

Whenever the chair of a commission, committee, or board anticipates a meeting may be heavily attended and there is a chance more people may attend than can be safely contained in the meeting room, they shall make arrangements to either hold the meeting in a larger room or to provide for overflow rooms where members of the public may watch or otherwise participate in the proceedings.

Section 2-138 of the Municipal Code governs remote attendance at meetings by members of city governmental bodies. Commission, committee, and board members who wish to attend a meeting remotely shall inform the City Clerk at least three business days prior to any meeting so that their remote attendance may be included in the meeting notice, as required by Section 2-138(e); provided, however, that the City Clerk shall list every member of a standing committee as potentially attending said committee meetings remotely whenever the most recent report from the Public Health Division of the Sheboygan County Department of Health and Human Services indicates that the level of Community Transmission of COVID-19 is “Substantial” or “High.” The City Clerk may establish a procedure whereby any such member may request to be placed on a list of officials who will be noted as a remote attender for all meetings until making a subsequent request to be removed from said list.

All meetings of standing council committees (i.e., Finance & Personnel; Licensing, Hearings, and Public Safety; and Public Works) except closed sessions, shall be video recorded and be made available to be viewed at a later date on the WSCS website. Retention of recordings shall be pursuant to the City’s document retention schedule. Nothing in this paragraph shall be deemed to prevent City staff from livestreaming or causing recordings to be available at additional sites, such as the city’s website and social media feeds.

### **III. RULES FOR THE PUBLIC**

All personal electronic devices that make noise, including but not limited to smart phones, tablets, etc., or anything else that makes noise, should be turned off while the common council is in session so as not to cause a disturbance or distraction.

#### **A. Public Forum**

The common council welcomes community input during its meetings.

The public present at the meeting is required to remain silent during the common council meeting. The mayor sets the tone for the common council meetings and enforces all the rules. The mayor may call anyone out of order. In order to preserve order, the mayor may also have anyone who is out of order escorted out of the council chambers.

In order to speak before the common council at the public forum, the public must first make a request to the city clerk. Such request shall be made no later than noon on the day of the common council meeting. Up to five persons are allowed to speak for up to five minutes during the public forum. If more than five people sign up, preference shall be given to city residents and persons who pay property taxes to the City on real or personal property. Comments shall be limited to discussion of items on the agenda. Any alderman may move to open the floor for one minute additional time. The common council has a full agenda to follow but may grant a person additional time to speak by a majority vote.

## **Basic Rules**

1. Before speaking, clearly state your name and address.
2. Speak clearly, do not swear or use foul language.
3. Address comments to alderpersons, committee, etc.
4. Limit comments to matters on the meeting agenda.
5. No advertising, self-promotion, or electioneering.
6. Do not be argumentative with presenters or department heads or representatives.
7. Do not personally attack or criticize the mayor, alderpersons, city officials, department heads, elected officials or staff.
8. Do not personally attack or criticize members of the public present at the meeting.
9. Do not personally attack any member of the public (whether or not present), board/committee members, employees, and the mayor.
10. Maintain your composure and show respect to the chairperson and respective committee members.

The common council receives citizen input and generally does not respond or debate issues with the public during the meeting. However, during a period of public comment, the open meeting law allows a governmental body to discuss any matter raised by the public. (See Sec. 19.83(2), Wis. Stats.) If there is a need for a response or answer to a question or concern, please make a request during your statement and the appropriate city official or employee will get back to you within a reasonable time.

## **B. Committees, Commissions and Boards**

The various city committees, commissions and boards welcome community input. When communications are received by the city and referred to a committee, commission or board, the respective chairperson may invite individuals to attend the meeting. The opportunity to speak is strictly up to the discretion of the chairperson.

Persons wishing to speak during these meetings should raise their hand and be recognized by the chairperson before speaking. There is no limitation on the amount of time an individual has to speak but the chairperson may limit the time.

Everyone is required to remain quiet during the meeting. The chairperson may rule one out of order and may have one escorted out if necessary.

## **Basic Rules**

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9. Do not personally attack any member of the public (whether or not present), board/committee members, employees, and the mayor.
10. Maintain your composure and show respect to the mayor and alderpersons.

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