



Council Agenda Item

Meeting Date:	July 21, 2026
Agenda Item:	Quorum requirements and effect of abstaining from voting.
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BACKGROUND

(Enter the who, what, when, where, why)

Questions have been raised regarding the process of abstaining and how that affects quorums or the number of votes required to pass an action in council meetings or committee meetings. When a person abstains for a vote the person cannot be counted as a voting member of the council or committee for that topic and therefore does not count towards whether the committee or council has a quorum on that topic.

A quorum is the minimum number of voters needed to take any action on a topic or hold a meeting. The City ordinances define what constitutes a quorum for the City Council and many other committees. For example Whitewater Municipal Code (WMC) § 2.08.030(b) provides that a quorum of the common council requires four (4) members. It also specifies that any ordinance or resolution requires four votes to be adopted. This does mean that the common council could pass a motion with only 3 votes if only 4 or 5 members of the committee are voting. However, if the motion is for approving a resolution or ordinance, then the resolution or ordinance would fail unless it had a 4th vote.

A quorum for the Public Works Committee is defined by WMC § 2.45.040 to be two members. It also requires that any action of the Public Works Committee must be approved by at least two members.

A quorum for the Finance Committee is defined by WMC § 2.47.040 to be two members. It also requires that any action of the Finance Committee must be approved by at least two members.

A quorum for the Parks and Recreation Board is defined by WMC § 2.52.040 to be four members. It also requires that any action of the Parks and Recreation Board requires approval of the majority of the voting members. If only four members are present and voting, that would require three positive votes.

A quorum for the Pedestrian and Bicycle Advisory Commission is defined by WMC § 2.52.100 to be two members. It does not define the number required to approve an action, so it would default to majority of the voting members, with a minimum of two members if the minimum quorum is present.

A quorum and voting for the Plan and Architectural Review Commission is defined by WMC § 19.06.050 to be five members. However any action of the Plan and Architectural Review Commission must be approved by at least four members.

A quorum for the Board of Zoning Appeals is defined by WMC § 19.72.030 to be four members. It also requires that any action of the Board of Zoning Appeals requires approval of the majority of the voting members. If only the quorum is present and voting, that would require three positive votes.

A quorum for the Ethics Board is not specified in ordinance; however, various provisions of the Ethics Boards obligations consider the possibility of them acting with less than three individuals. WMC § 7.04.090(a) requires four members of the Ethics Board vote to dismiss a verified complaint without further action or review, if less than four members vote to dismiss the verified complaint it requires a preliminary investigation be completed into the complaint. WMC § 7.04.090(d) requires three or more members of the

Ethics Board vote to find probable cause exists at which point a hearing is scheduled on the complaint. The complaint is required to be dismissed if less than three members vote finding probable cause. If a hearing is held on the complaint, it requires a decision of at least four members of the Ethics Board for a formal findings of fact, conclusions of law and recommendation of referral. If less than four members of the Ethics Board approve the decision, the complaint is to be dismissed.

All other committee's, commissions or boards within the City would have a quorum equal to a majority of the members of the body. To calculate this amount the number of members of the body is halved and then rounded up to the next whole number or if the half is a whole number you add 1 (For example five member board, $5 \times \frac{1}{2} = 2.5$ rounds up to 3; or six member board $6 \times \frac{1}{2} = 3$, $3+1 = 4$). For these committees, commissions, or boards to take any action it would require the majority of those members present to vote in favor of the motion.

It should also be noted that certain actions by a committee may require additional votes such as when a supermajority vote is required by law or Roberts Rules of Order. For example moving a question or objecting to consideration of a question. In those instances, $\frac{2}{3}$ of the voting members but not less than the number required to take action, are required to vote in favor of a motion.

In calculating if a committee has a quorum to consider any topic only members of the committee who are present and voting on the topic should be considered. Any member who intends to abstain from the vote should not participate in the topic as a member. This means, that any comment from them should be limited in the same manner as any other member of the public would be regarding that topic. Therefore it is possible for a committee to have a quorum to meet, but not have a quorum to address every topic before it, if a member is intending to abstain.

FINANCIAL IMPACT

(If none, state N/A)

N/A

STAFF RECOMMENDATION

When a member intends to abstain from a topic, they should note that they will abstain from the topic when the committee first reaches the topic on the agenda. Once they have noticed they will abstain they should take no further part in the discussion of that topic, other than they could speak as a member of the public with the same rights and restrictions as other members of the public. If based on the abstention a quorum on the topic is not available, the matter should be tabled until a future meeting where a quorum is anticipated to be available.

ATTACHMENT(S) INCLUDED

(If none, state N/A)

1. League of Wisconsin Municipalities, Frequently Asked Questions, Governing Bodies: General FAQ 9 The Municipality, March 2024, at 26. <https://www.lwm-info.org/DocumentCenter/View/6894/March-2024-Magazine-Workforce?bidId=>