

CHAPTER 2

Mayor; Common Council

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SEC. 2-2-1 COMMON COUNCIL.

The Aldermen of the City shall constitute the Common Council. The Common Council shall be vested with all the powers of the City not specifically given some other officer, as well as those powers set forth elsewhere throughout this Code.

State Law Reference: Section 62.11, Wis. Stats.

SEC. 2-2-2 ALDERMEN.

- (a) **Election, Term, Number.** The City shall have five (5) Aldermen in addition to the Mayor, who is a member of the Common Council by virtue of his office as Mayor. The five (5) Aldermen shall constitute the Common

Council. One (1) Aldermen shall be elected from each of the four (4) Aldermanic Districts and one(1) Alderman shall be elected at large. All Alderman shall serve for a term of two (2) years as follows:

- (1) Aldermen from Aldermanic Districts 1 and 4 and the Alderman at Large shall be lected in the odd-numbered years; and
 - (2) Alderman from Aldermanic Districts 2 and 3 shall be elected in the even-numbered years.
- (b) **Appointment as Mayor.** An Alderman shall be eligible for appointment as Mayor to fill an unexpired term.

State Law Reference: Section 62.09, Wis. Stats.

SEC. 2-2-3 MAYOR

- (a) **Election.** The Mayor shall be elected in even numbered years for a term of two (2) years.
- (b) **Duties.**
- (1) The Mayor shall be the Chief Executive officer of the City. He shall take care that City ordinances and the State Statutes are observed and enforced.
 - (2) The Mayor shall, from time to time, provide the Council such information and recommend such measures as he may deem advantageous to the City. When present, he shall preside at the meetings of the Council.
 - (3) The Mayor shall have such other duties and responsibilities as are prescribed in the Wisconsin Statutes.
- (c) **Veto Power.** The Mayor shall have the veto power as to all acts of the Council except such as to which it is expressly or by necessary implication otherwise provided. All such acts shall be submitted to him by the City Clerk-Treasurer, and shall be enforced upon his approval, evidenced by his signature, or upon his failing to approve and disapprove within five (5) days, which fact shall be certified thereon by the Clerk-Treasurer. If the Mayor disapproves, he shall file his objection with the Clerk-Treasurer, who shall present it to the Council at its next regular meeting. A two-thirds (2/3) vote of all the members of the Council shall be necessary to make the act effective, notwithstanding the objection of the Mayor.

State Law Reference: Section 62.09(8), Wis. Stats.

SEC. 2-2-4 PRESIDENT OF THE COUNCIL

At the organizational meeting of the Common Council in each year following an election, the Common Council shall choose from its members a President who, in the absence of the Mayor, shall preside at meetings of the Council and, during the absence or inability of the Mayor, shall have the powers and duties of the Mayor, except that he shall not have power to approve an act of the Council which the Mayor has disapproved, by filing objections with the Clerk-Treasurer. He shall, when so officiating, be styled "Acting Mayor." The President of the Council shall be elected for a one (1) year term of office.

State Law Reference: Section 62.08(9)(e), Wis. Stats.

SEC. 2-2-5 STANDING COMMITTEES; ACTION ON COMMITTEE REPORTS

- (a) **Standing Committees.** At the organizational meeting of the Common Council in each year following an election, the Mayor shall appoint one or more Aldermen to each of the following committees, subject to Council confirmation. Committees shall have such duties and responsibilities as prescribed by the Mayor and this Code of Ordinances, and shall make whatever recommendations to the Council as they deem appropriate or as may be directed by the Council.
- (1) Finance Committee;
 - (2) Street and Sidewalk Committee
 - (3) Public Utility Committee
- (b) **Committee Appointments.**
- (1) The chairperson of each committee shall be elected by the majority of the committee members, except that the Mayor shall be ex officio Chairman of the Finance. Each member shall serve as appointed unless excused by a majority of the members of the Council. All Aldermen shall serve on at least one (1) standing committee. The Mayor shall be an ex officio member of each standing committee.
 - (2) The Mayor may declare the entire Council a committee of the whole for informal discussion at any meeting or for any other purpose, and shall ex officio be chairman of the same.
 - (3) The Mayor may, from time to time, appoint special committee(s) to advise him on matters of public

interest. The Common Council may form special committee(s) by motion stating the number and names of the members, the purpose of the committee(s), and the duties and authority assigned to them.

(c) **Reference and Reports.**

- (1) The Mayor or City Clerk shall refer new business coming before the Common Council to the appropriate committee, unless otherwise referred or disposed of by motion of the Council.
- (2) Any written committee reports shall be filed with the City Clerk-Treasurer not later than noon on the Thursday preceding the next regular meeting of the Council. Such report shall recommend a definite action on each item and shall be approved by a majority of the committee. Minority reports may be submitted. The Alderman serving on the committee shall report verbally to the Council at the meeting at which the report of the committee is to be made. Adoption of the committee report shall comprise final Council action on any ordinance, resolution or other matter recommended for adoption by the committee report.
- (3) Formal committee recommendations will be placed on the agenda for Council action only if they are submitted to the City Clerk-Treasurer in written form a minimum of four (4) days prior to the meeting at which action is requested.

- (d) **Cooperation of City Officers.** All City officers shall, upon request of the chairman of the committee, confer with the committee and supply to it such information as may be requested in connection with any matter pending before the committee.

SEC. 2-2-6 GENERAL POWERS OF THE COMMON COUNCIL

- (a) **General.** The Common Council shall be vested with all the powers of the City not specifically given some other officer. Except as otherwise provided by law, the Common Council shall have the management and control of the City 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 City, 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.
- (b) **Acquisition and Disposal of Property.** The Common Council may acquire property, real or personal, within or without the City, for parks, libraries, historic places, recreation, beautification, streets, waterworks, sewage or waste disposal, harbors, improvement of watercourses, public grounds, vehicle parking areas and for any other public purpose; may acquire real property within or continuous to the City, by means other than condemnation, for industrial sites; may improve and beautify the same; may construct, own, lease and maintain buildings on such property for instruction, recreation, amusement and other public purposes; and may sell and convey such City-owned property, except dedicated, platted parks.
- (c) **Acquisition of Easements and Property Rights.** Confirming all powers granted to the Common Council and in furtherance thereof, the Council is expressly authorized to acquire by gift, purchase or condemnation under Chapter 32, Wis. Stats., any and all property rights in lands or waters, including rights of access and use, negative or positive easements, restrictive covenants, covenants running with the land, scenic easements and any rights of ruse of property of any nature whatsoever, however denominated, which may be lawfully acquired for the benefit of the public or for any public purpose, including the exercise of powers granted under Section 62.23, Wis. Stats.; and may sell and convey such easements or property rights when no longer needed for public use or protection.
- (d) **City Finances.** The Common Council may levy and provide for the collection of taxes and special assessments; may refund any tax or special assessment paid, or any part thereof, when satisfied that the same was unjust or illegal; and generally may manage the City finances.
- (e) **Construction of Powers.** Consistent with the purpose of giving to cities the largest measure of self-government in accordance with the spirit of the home rule amendment to the Constitution, the grants of power to the Common Council in this Section and throughout this Code of Ordinances shall be liberally

- (2) The salaries, wages and per diem compensation shall be paid monthly.

State Law Reference: Section 62.09(6), Wis. Stats.

SEC. 2-2-10 MEETINGS OF THE COMMON COUNCIL.

- (a) **Annual Organization Meeting.** Following a regular City election, the Common Council shall meet on the third Tuesday of April for the purpose of organization.
- (b) **Regular Meetings.** Regular meeting of the Common Council shall be held on the second Monday of each month at 6:30 p.m. or as otherwise designated by majority vote of the Common Council. Any regular meetings falling upon a legal holiday shall be held on the next following secular day, at the same hour and place, or as otherwise designated by majority vote of the Common Council. All meetings of the Council shall be held in the Thorp City Hall, including special and adjourned meetings, unless another location is designated by the Common Council at a previous meeting.
- (c) **Attendance.** Any Alderman who intends to be absent from a regular Council meeting should notify the Clerk-Treasurer no later than noon preceding the meeting.

State Law Reference: Section 62.11(2), Wis. Stats.

SEC. 2-2-11 SPECIAL MEETINGS.

- (a) Special meetings may be called by the Mayor or by two (2) Aldermen upon written notice of the time and purpose thereof to each member of the Council delivered to him personally or left at his usual place of abode at least two (2) hours before the meeting. The City Clerk-Treasurer shall cause an affidavit of service of such notice to be filed in his office prior to the time fixed for such special meetings. A special meeting may be held without such notice when all members of the Common Council are present in person, or consent in writing to the holding of such a meeting, provided the provisions of Wisconsin's Open Meeting Law are complied with. If written consent is obtained, it shall be filed with the Clerk-Treasurer prior to the beginning of the meeting. Attendance by any Council member shall be deemed a waiver on his

part of any defect of notice. Any special meeting attended by all Aldermen shall be a regular meeting for the transaction of any business that may come before such meeting.

State Law Reference: Section 62.11(2), Wis. Stats.

SEC. 2-2-12 OPEN MEETINGS.

Except as provided in Section 19.85, Wis. Stats., all meetings of the Common Council, committees thereof, and boards, committees and commissions, shall be open to the public.

State Law Reference: Section 62.11(3)(c) and Ch. 19, Subch. IV, Wis. Stats.

SEC. 2-2-13 QUORUM.

- (a) A majority of the members-elect of the Common Council shall constitute a quorum, but a lesser number may adjourn if a majority is not present or may compel the attendance of absent members. The Mayor shall not be counted in computing a quorum. No action shall be taken unless a quorum is present.
- (b) The Council may, by a majority vote of those present, adjourn from time to time to a specific date and hour.

State Law Reference: Section 62.11(3)(b), Wis. Stats.

SEC. 2-2-14 PRESIDING OFFICERS.

- (a) **Presiding Officer.** The Mayor shall preside over all meetings of the Common Council. In the absence of the Mayor, the President of the Council shall preside. In case of absence of the Mayor and President of the Council, the Clerk-Treasurer shall call the meeting to order and the senior Alderman present shall be the president pro tem.
- (b) **Duties.** The presiding officer shall preserve order and decorum, decide all questions of order, and conduct the proceedings of the meeting in accordance with the parliamentary rules contained in Robert's Rules of Order, (Revised), unless otherwise provided by statute or by these rules. Any member shall have the right to appeal from a decision of the presiding officer. An appeal shall be sustained by a two-thirds

(2/3) vote of the members present excluding the Mayor. In the absence of the Clerk-Treasurer, the presiding officer shall appoint a clerk pro tem.

State Law Reference: Section 62.09(8), Wis. Stats.

SEC. 2-2-15 ORDER OF BUSINESS.

- (a) **Order of Business.** At all regular meetings, the order of business shall be according to the tentative agenda prepared by the City Clerk-Treasurer and distributed to the Mayor and each member of the Common Council. Members of the Council and City officers desiring a matter to be placed on the agenda shall submit the same to the City Clerk-Treasurer, who shall be responsible for the preparation and distribution of the agenda not later than 9:00 a.m. on the Friday preceding the regular meeting. Generally, the following order may be observed in the conduct of all meetings of the Council:
- (1) Call to order.
 - (2) Approval of the Council meeting minutes.
 - (3) Such other matters as are authorized by law.
 - (4) Adjournment
- (b) **Order to be Followed; Citizen Comments.** No business shall be taken up out of order except at the discretion of the presiding officer and in the absence of any debate whatsoever. The presiding officer may impose a time limit on the length of time citizens may address the Council.
- (c) **Roll Call; Procedure When Quorum Lacking.** As soon as the Council shall be called to order, the City Clerk-Treasurer shall proceed to call the names of the members, noting who are present and who are absent and record the same in the proceedings of the Council. If it shall appear that there is not a quorum present, the fact shall be entered on the journal and the Council shall adjourn.

SEC. 2-2-16 INTRODUCTION OF BUSINESS, RESOLUTIONS AND ORDINANCES; DISPOSITION OF COMMUNICATIONS.

- (a) **Ordinances to be in Writing.** All ordinances submitted to the Council shall be in writing and shall begin with a title and the name of the Alderman or Mayor introducing the same. Any written material introduced may be referred to the appropriate committee pursuant to Section 2-2-5. Any member of the Council may require the reading in full of any ordinance or resolution at any time it is before the Council.
- (b) **Subject and Numbering of Ordinances.** Each ordinance shall be related to no more than one (1) subject. Ordinances may be amended or repealed by reference to the number and title of the ordinance to be amended or repealed, and by a statement in the title that its purpose is to amend or repeal.
- (c) **Notice.**
 - (1) The Common Council may take action on an ordinance only if it appears on the written agenda for the meeting at which action is requested.
 - (2) Ordinances will be placed on the agenda for Council action only if they are submitted to the City Clerk-Treasurer in written form not later than noon on the Friday prior to the meeting at which action is requested.

SEC. 2-2-17 PUBLICATION AND EFFECT OF ORDINANCES.

- (a) All general ordinances of the City and all regulations imposing any penalty shall be published in the official paper of the City once and shall be immediately recorded, with the affidavit of publication, by the City Clerk-Treasurer in a book kept for that purpose. A printed copy of such ordinance or regulation in any book, pamphlet or newspaper and published or purporting to be published therein by direction of the Common Council shall be prima facie proof of due passage, publication and recording thereof.
- (b) All ordinances shall take effect and be in force from and after passage and publication, unless otherwise

provided and published copies thereof shall have appended the date of first publication.

State Law Reference: Section 62.11(5), Wis. Stats.

SEC. 2-2-18 CONDUCT OF DELIBERATIONS.

- (a) A roll call shall not be necessary on any questions or motions except as follows:
 - (1) When the ayes and noes are requested by a member.
 - (2) When required by the Wisconsin Statutes.
- (b) All aye and nay votes shall be recorded in the official minutes.
- (c) Except as provided below, the Common Council shall in all other respects determine the rules of its procedure, which shall be governed by Robert's Rules of Order (Revised 1951), which is hereby incorporated by reference, unless otherwise provided by ordinance or Statute, except when otherwise limited or modified by this Code of Ordinances;
 - (1) No Alderman shall address the Council until he has been recognized by the presiding officer. He shall thereupon address himself to the presiding officer and confine his remarks to the question under discussion.
 - (2) When two (2) or more members simultaneously seek recognition, the presiding officer shall name the member who is to speak first.
 - (3) No person other than an Alderman shall address the Council except under order of business, except that citizens may address the Council with the permission of the presiding officer as to matters which are being considered by the Council at the time.
 - (4) No motion shall be discussed or acted upon unless and until it has been seconded. No motion shall be withdrawn or amended without the consent of the person making the same and the person seconding it.
 - (5) The Mayor shall not vote except in the case of a tie. 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. A majority vote of all members of the Council in favor of any proposed ordinance, resolution or appointment shall be necessary for passage or

approval, unless a larger number is required by ordinance or State Statute. Except as otherwise provided, a majority vote of those present shall prevail in other cases.

- (6) Any member of the Council may demand an aye and nay vote on any matter, and all aye and nay votes shall be recorded in the journal. On confirmation of appointments and on the adoption of any measure assessing or levying taxes, appropriating or disbursing money, or creating any liability or charge against the City or any fund thereof, the vote shall be by ayes and noes. A member of the Council may not change his vote on any question after the result has been announced.
- (7) When a question is under discussion, the following motions shall have precedence in the order listed:
 - a. To adjourn.
 - b. To recess.
 - c. To lay on the table.
 - d. To move the previous question.
 - e. To postpone to a day certain.
 - f. To refer to a committee.
 - g. To amend.
 - h. To postpone indefinitely.

State Law Reference: Section 62.11, Wis. Stats.

SEC. 2-2-19 RECONSIDERATION OF QUESTIONS.

It shall be in order for any member to move for the reconsideration of any vote in question at the same meeting or at the next succeeding regular adjourned meeting. A motion to reconsider being put and lost shall not be renewed.

SEC. 2-2-20 CALL FOR THE PREVIOUS QUESTION.

Any member who desires to terminate debate may call the previous question when the question announced by the Mayor shall be "call the main question." If a majority of the members present vote in the affirmative, the main question shall be put to a vote without further debate, and its effect shall be to put an end to all debate and bring the Council to a direct vote, first upon the pending amendment and then upon the main question.

SEC. 2-2-21 AMENDMENT OF RULES.

The rules of this Chapter shall not be rescinded or amended unless the proposed amendment or motion to rescind has laid over from a regular meeting, and then it shall require a vote of two-thirds (2/3) of all the members of the Council.

SEC. 2-2-22 SUSPENSION OF RULES.

Any of the provisions of Sections 2-2-17 through 2-2-21, inclusive, of this Code may be suspended temporarily by a recorded vote of two-thirds (2/3) of the Council members present at any meeting.