

Chapter 2

Mayor; Common Council

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Sec. 2-2-1 Common Council.

The Council Member(s) 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: Sec. 62.11, Wis. Stats.

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Sec. 2-2-2 Council Member(s).

- (a) **Election, Term, Number.** The City shall have six (6) Council Members in addition to the Mayor, who is a member of the Common Council by virtue of his/her office as Mayor. The six (6) Council Members shall constitute the Common Council. Two (2) Council Member(s) shall be elected from each Council Aldermanic District. One (1) Council Member(s) from each of the three (3) Council Aldermanic Districts shall be elected at the annual City election in the even-numbered years, and one (1) each of said Council Members shall be elected at the City election in the odd-numbered years, all to hold office for a period of two (2) years.
- (b) **Appointment as Mayor.** A Council Member shall be eligible for appointment as Mayor to fill an unexpired term.

State Law Reference: Sec. 62.09, Wis. Stats.

Sec. 2-2-3 Mayor.

- (a) **Election.** The Mayor shall be elected in even-numbered years for a term of four (4) years.
- (b) **Duties.**
 - (1) The Mayor shall be the Chief Executive officer of the City. He/she 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/she may deem advantageous to the City. When present, he/she 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 implications otherwise provided. All such acts shall be submitted to him/her by the City Clerk, and shall be enforced upon his/her approval, evidenced by his/her signature, or upon his/her failing to approve and disapprove within five (5) days, which fact shall be certified thereon by the City Clerk. If the Mayor disapproves, he/she shall file his/her objection with the City Clerk, 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: Sec. 62.09(8), Wis. Stats.

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Sec. 2-2-4 President of the Council.

The Common Council at its first meeting subsequent to the regular election and qualification of new members shall, after organization, annually 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/she shall not have power to approve an act of the Council which the Mayor has disapproved, by filing objections with the City Clerk. He/she 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: Sec. 62.09(8)(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 the annual election, the Mayor shall appoint three (3) Council Members to each of the following committees, subject to Council confirmation, the respecting general duties of which shall be as follows, and to make whatever recommendations to the Council as they deem appropriate or as may be directed by the -Council:
- (1) **Administration Committee** (licenses, recreation, City cemetery, health, fire department, printing).
 - (2) **Finance and Personnel Committee** (personnel administration, compensation, bond programs, risk management).
 - (3) **Utilities Committee** (light, power, water, transportation, sewer).
 - (4) **Judiciary Committee** (ordinances, resolutions, special claims against the City).
- (b) **Committee Chairpersons.** The chairperson of each committee shall be designated by the Mayor. No Council Member shall serve more than two (2) consecutive years as a chairperson of a standing committee. Each member shall serve as appointed unless excused by a majority of the members of the Council. All Council Members shall serve on at least one (1) standing committee. The Mayor shall be an ex officio member of each standing committee.
- (c) **Meetings.** Committee Chairpersons shall prepare a brief report summarizing their respective committee activities and present said reports at regular Council meetings.

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- (d) **Committee of the Whole; Special Committees.**
- (1) If any issue requires committee review by more than one (1) committee, this issue shall automatically be referred to the entire Common Council meeting as a "Committee of the Whole."
 - (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 such special committee or committees as may deem advisable or as provided for by motion or resolution stating the number of members and object thereof to perform such duties as may be assigned to them.
- (e) **Reference and Reports.**
- (1) The Mayor may refer new business coming before the Common Council to the appropriate committee, unless otherwise referred or disposed of by motion of the Council.
 - (2) Committee reports shall be in writing and shall be filed with the City Clerk not later than noon on the Friday 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 chairman of 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 or 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 in written form a minimum of two (2) days prior to the meeting at which action is requested.
- (f) **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, forfeiture, 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.

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- (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 Ch. 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 land, scenic easements and any rights for use 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 Sec. 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 construed in favor of the rights, powers and privileges of cities to promote the general welfare, peace, good order and prosperity of the City and its inhabitants.

State Law Reference: Art. XI, Sec. 3, Wis. Const.; Sections 62.09(7) and 62.11, Wis. Stats.

Sec. 2-2-7 Cooperation with Other Municipalities.

The Common Council, on behalf of the City, may join with other villages, towns, cities, counties or other governmental entities in a cooperative arrangement for executing any power or duty in order to attain greater economy or efficiency, including joint employment of appointive officers and employees and joint purchasing programs.

State Law Reference: Sec. 66.0301, Wis. Stats.

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Sec. 2-2-8 Internal Powers of the Council.

The Common Council has the power to preserve order at its meetings, compel attendance of Council Members and punish nonattendance. The Common Council shall be judge of the election and qualification of its members.

State Law Reference: Sec. 62.11, Wis. Stats.

Sec. 2-2-9 Salaries.

- (a) The Mayor and Council Members who make up the Common Council, whether operating under general or special law, may, by three-fourths (3/4) vote of all the members of the Common Council, determine the annual salaries and/or per diem compensation to be paid the Mayor and Council Members.
- (b) The Mayor shall be paid an annual salary of \$18,000.00 commencing with the term beginning in April 2016. The position of Mayor shall be a part-time position with no fringe benefits.

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 Tuesday of each calendar month, at the hour of 7:00 p.m. for each month of the year. 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 Onalaska City Hall, including special and adjourned meetings, unless another location is designated by the Common Council at a previous meeting.

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

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Sec. 2-2-11 Special Meetings.

- (a) Special meetings may be called by the Mayor or by two (2) Council Members upon notice of the time and purpose thereof being delivered at least six (6) hours before the meeting to each member of the Council by written notice delivered personally to each member or left at the member's usual abode at least (6) hours before the meeting unless an affirmative waiver of notice has been received. The City Clerk shall cause an affidavit of service of such notice to be filed in his/her office prior to the time fixed for such special meetings. Any special meeting attended by all Council Members shall be a regular meeting for the transaction of any business that may come before such meeting.
- (b) Non-governmental parties requesting a special meeting of the Council shall pay a fee as set forth on the City of Onalaska Fee Schedule for such a meeting.
State Law Reference: Sec. 62.11(2), Wis. Stats.

Sec. 2-2-12 Open Meetings.

Except as provided in Sec. 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: Sec. 62.11(3)(c) and Ch. 19, Subch. IV, Wis. Stats.

Sec. 2-2-13 Quorum.

- (a) Two-thirds (2/3) of the members-elect of the Common Council shall constitute a quorum, but a lesser number may adjourn if two-thirds (2/3) is not present or 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.

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- (c) When the Council is required to take action at a regularly scheduled or special Council meeting and cannot defer such action to the next regularly scheduled Council meeting, and it is known that the number of the Council members required to establish a quorum or take such action cannot be physically present at the meeting due to such exigent circumstances as serious illness, death in the family, absence from the City, etc., any such absent member may be present at and participate in the meeting via teleconference as if the member were present in person. When it appears to the City Clerk that the requisite number of Council members will not be physically present at a meeting where such action is required, the Clerk shall notify those members who will not be present to ascertain whether they wish to be present via teleconference. The Clerk shall then make all necessary arrangements to enable member(s) who wish to be present via teleconference to do so.

State Law Reference: Sec. 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 shall call the meeting to order and the senior Council Member 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 (1984)*, 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, the presiding officer shall appoint a clerk pro tem.
- State Law Reference:* Sec. 62.09(8), Wis. Stats.

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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 and distributed to the Mayor and the members of Common Council no later than the Monday preceding the regular meeting. Members of the Council and City officers desiring a matter to be placed on the agenda shall submit the same to the City Clerk in a timely fashion. Generally, the following order may be observed in the conduct of all meetings of the Council.
- (1) Call to Order/Roll Call
 - (2) Pledge of Allegiance
 - (3) Public Input
 - (4) Report from the Mayor
 - (5) Consent Agenda
 - (6) Recap of Items Pulled from the Consent Agenda
 - (7) Business from committees, boards and commissions.
 - a) Finance & Personnel Committee
 - b) Judiciary & Administrative Committee
 - c) Board of Public Works
 - d) Plan Commission
 - e) Mass Transit Committee
 - f) Parks & Recreation Board
 - g) Other sub-committees, boards and commissions which shall be listed in alphabetical order.
 - (8) Reports by Clerk, City Attorney, Officers and Departments.
 - (9) Any Items for Closed Session
 - (10) Any other business permitted by law.
 - (11) Adjournment.
- (b) **Order to be Followed; Citizen Comments.** No business shall be taken up out of order unless by unanimous consent of all Council Members and in the absence of any debate whatsoever. The Mayor or 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 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.

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**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 Council Member 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. Amendment or repeal of ordinances shall only be accomplished if the amending or repealing ordinance contains the number and title of the ordinance to be amended or repealed, and title of amending and repealing ordinances shall reflect their purpose 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 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 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: Sec. 62.11(4), Wis. Stats.

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Sec. 2-2-18 Conduct of Deliberations.

- (a) A roll call shall be used with all questions or motions.
- (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 (1984)*, 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 Council Member shall address the Council until he/she has been recognized by the presiding officer. He/she shall thereupon address himself/herself to the presiding officer and confine his/her 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 a Council Member 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/her 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/her vote on any question after the result has been announced.

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- (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: Sec. 62.11, Wis. Stats.

Sec. 2-2-19 Reconsideration and Rescission of Questions.

- (a) **Reconsideration.** It shall be in order for any member, if in the majority, 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. If the motion for reconsideration is brought at the succeeding Council meeting, it must appear on the agenda, due to open meeting law requirements.
- (b) **Rescission.** A motion for rescission may be heard at the next succeeding regular meeting of the Council or the Sub-Committees which undertake the action proposed for rescission provided that such motion is on the Agenda for such meeting and specifies exactly what action the Council or Sub-Committee will be asked to take. A motion for rescission requires a two-thirds (2/3) vote. After the Council action in question has been published it cannot be rescinded.

Sec. 2-2-20 Call for the Previous Question.

Any member desirous of terminating the 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.

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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.

Sec. 2-2-23 Rules of the Common Council and its Sub-Committees.

The Common Council and members of its sub-committees shall follow the “Rules of the Common Council and its Sub-Committees” as adopted by the Common Council and as may be amended from time to time.

Sec. 2-2-24 Vacancy in the office of the Common Council

In the event of a vacancy in the office of the Common Council such vacancy shall be filled pursuant to Wisconsin Statute Sec. §17.23 if the vacancy occurs with more than 100 (one hundred) days remaining on the term. Where the Common Council appoints a successor, the procedure for appointment of a successor shall be as follows:

1. The Mayor shall provide notice to the Common Council that a vacancy has occurred at the first regularly scheduled meeting after the Mayor is informed or provided notice of the vacancy. The Council may direct the medium used to publicize the vacancy. Upon providing notice to the Common Council the Mayor will announce that resumes and letters of interest from individuals interested in filling the vacancy shall be accepted in the office of the City Clerk for 21 days following the meeting.
2. Following the 22nd day after the Mayor’s announcement of the vacancy, the City Clerk shall make all resumes received from individuals interested in the vacancy available to the Common Council and the Mayor following the closure of the period for individuals to submit letters of interest and resumes.
3. The Mayor shall recommend an individual to fill the vacancy in the Common Council at the first regularly scheduled Common Council meeting after a vacancy has been announced by the Mayor.
4. The Common Council shall vote in a public ballot on the approval of the appointment of the individual recommended by the Mayor.

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5. If the Common Council does not approve the appointment of the individual recommended by the Mayor, the Mayor shall recommend an alternate candidate. This process shall continue until a successor is approved by majority vote.

6. At the time of the appointment of a successor to fill a vacancy in the Common Council, the Common Council shall determine whether the appointed successor shall serve until the end of the current term or whether a special election shall occur pursuant to Wis. Stat. §17.23. The special election shall be on the first Tuesday of April after the vacancy occurs if the vacancy occurs between the 1st Wednesday after the 1st Tuesday of April and December 1st of the initial year of the term. A special election shall occur on the Tuesday after the first Monday in November if the vacancy occurs between December 2nd and May 31st of any term.