Town of Liberty Grove
Ordinance 5-12

Rules for Deliberation, Parliamentary Procedure, and Duties

WHEREAS, The Town Board of the Town of Liberty Grove, Door County, Wisconsin (hereinafter "the Board") desires to modify and adopt Rules for Deliberation, Parliamentary Procedure and Duties, and

WHEREAS: These rules are hereby designed and adopted to protect the rights of participation of the members of the Board, to insure equal application of those rights, to maintain order, and to thereby protect the interests of the constituents of the Town of Liberty Grove, THE BOARD DOES ORDAIN AS FOLLOWS:

Ordinance 9-08, "Rules for Deliberation, Parliamentary Procedure, and Duties" is hereby rescinded.

1. Rules of Procedure

1.1 The Board will abide by Wisconsin's Open Meetings Law, as defined by Chapter 19, Subsection V, of the Wisconsin Statutes.

1.2 When these rules and/or statutory regulations do not pertain, Larmer's Guide to Parliamentary Procedure for Local Governments in Wisconsin (hereinafter referred to as "Larmer") and then Robert's Rules of Order Newly Revised (hereinafter referred to as "Robert") shall apply.

1.2.1 In situations not covered by higher law, the Board's own rules, or by Larmer or Robert, the Board may determine for itself, on a case-by-case basis, the procedure(s) to be followed, as determined by this Ordinance and by previous precedent as set by the Board.

1.2.2 The chair may rule, subject to appeal, as to proper procedure. If appealed, the Board members may, by majority vote, overturn or reject the chair's ruling. A tie vote sustains the chair's ruling.

1.3 Suspension of Rules.

1.3.1 Action is limited to an issue/or time, (i.e. change the order of the agenda)

1.3.2 Requires a motion and a second.

1.3.3 Is not open to discussion and debate.

1.3.4 Is not amendable.

1.3.5 Requires approval of 4 of 5, or 3 of 4 voting members to pass.

1.3.6 Cannot be reconsidered.

2. Role and Authority of the Chair

2.1 The Chairman is a member of the group and has all the rights of participation as any other member.

2.1.1 The rights of participation are the right to make and second motions, the right to enter into discussion and debate, and the right to vote.

2.2 The Chairman's right to vote, as a member of the group, may not be abridged, except in the case of a conflict of interest, whether or not s/he is presiding at the time of the vote.
2.3 The Chairman is responsible for administering the group's deliberations.
2.4 The Chairman is obliged to respond to members' reasonable requests and inquiries.
2.5 The Chairman must rule on points of order.

3. Meetings of the Town Board
   3.1 The Town Board shall meet on the first and third Wednesday of each month. In the event of a recognized national holiday, meetings may be rescheduled as determined by the Board.
   3.2 Special or "Emergency" meetings
      3.2.1 Special Meetings may be called to respond to an issue requiring prompt attention.
      3.2.2 "Emergency" Meetings may be called to respond to an emergency issue.
      3.2.3 Special or "Emergency" meetings may be called by the Chairman or by verbal request to the Chairman and/or Clerk/Administrator by no less than two (2) members of the Board. The Chairman and/or Clerk/Administrator shall honor such request for a Special or Emergency meeting unless such request violates Wisconsin law and/or conflicts with the provisions of this Ordinance.
      3.2.4 "Emergency" meetings must be noticed a minimum of two (2) hours prior to commencement.
   3.3 Meeting Notices
      3.3.1 Notification may be accomplished by phone, email, web page or the postal service.
      3.3.2 All meetings must be noticed to all members of the Board and must be posted pursuant to Sec.19.84, Wis. Stats.
      3.3.3 All meetings shall be noticed at least twenty-four (24) hours beforehand with the exception of "Emergency" meetings.
      3.3.4 Minutes shall be recorded for every board, commission and committee meeting by the C/A, if present. When the C/A is not present, the Chair shall appoint someone to take the minutes. The minutes shall record all motions, votes and pertinent discussion information.
   3.4 Quorum requirements
      3.4.1 A quorum of the Board shall consist of three (3) voting members.
      3.4.2 If fewer members than a quorum are present a meeting can be held but no votes or action taken.
      3.4.3 When voting on resolutions or ordinances, a number of members equal to a quorum must vote. If abstentions, due to conflicts or otherwise, reduce the total number of votes cast to fewer than the number of members required for a quorum, the measure cannot pass.
   3.5 Closed Session
      3.5.1 Closed Sessions may be held upon motion duly made and seconded.

3.5.2 The motion shall be carried by a roll call majority vote, which shall be a recorded vote and shall become part of the minutes.

3.5.3 Closed Sessions are limited to the purposes specified in Wisconsin Open Meetings Law, Secs. 19.85(1)(a)-(j), Wis. Stats.

3.5.4 The presiding officer shall announce to all present the nature of the business to be considered in closed session and the specific exemption by which the session is authorized. This announcement shall become part of the record of the meeting.

3.6 Meetings at which the Town Chairman is not available and/or is absent.

3.6.1 If the Town Chairman, due to illness or scheduled absence, is not available to attend any regular, special or emergency meeting of the Board, as defined by this Ordinance, the following rules shall apply:

3.6.1.1 The Clerk/Administrator shall call the meeting to order.

3.6.1.2 A member of the Board shall move to appoint any other member present to chair the meeting. Such a motion shall require a second.

3.6.1.3 Passage of the motion to appoint a chairman shall establish the Chair.

3.6.1.4 The appointed chairman shall conduct the meeting.

4. The Agenda

4.1 The Chairman shall be responsible for the agenda of each Board meeting.

4.1.1 Any Town matter known to the chairman as likely to become subject matter for the meeting should be included on the Town agenda.

4.1.2 Matters not related to Town business may be on the agenda. The Board may decide whether or not to address the item.

4.1.3 Each agenda shall be published with each applicable meeting notice.

4.1.4 New items may be added to the agenda by the Chairman or Clerk/Administrator provided the addition meets the time requirements for posting as determined by Wisconsin law and this Ordinance.

4.1.5 The Agenda shall be adopted by majority vote at each meeting.

4.1.6 The order of the Agenda may be changed by consensus or majority vote.

4.2 Board members may request the chairman to place an item or items on each agenda. Unless such request directly conflicts with Wisconsin law or with this Ordinance, the chairman shall honor such request.

4.2.1 During a meeting, members may, by consensus or majority vote, order that items not on the present meeting's agenda be placed on the agenda of a specific future meeting.

4.2.2 Once an item on the present meeting's agenda becomes pending, the group can postpone it to a specific future meeting, in which case it must appear on that future meeting's agenda.

4.2.3 The times during a meeting that are set aside for public input shall be clearly identified on each agenda.

4.2.4 Time may be specifically set aside during each meeting as "Public Input" defined as a time for the public to introduce any matter of concern, whether the matter is a topic on the agenda or not. However, no action may be taken by the Board on a non-agenda matter except to determine

by consensus or majority vote to place it on the agenda for a future meeting.

4.2.5 Individuals talking, during public input, on a subject not on the agenda shall be subject to a time limit of 3 minutes. Additional time shall be at the discretion of the Board. Unused time shall not be yielded to another individual. Public input shall not be used to speak on agenda items.

4.3 Agenda for Special or "Emergency" Meetings in the absence of the Town Chairman.

4.3.1 The Clerk/Administrator shall compile the agenda with the approval of at least two (2) members of the Board.

5. Committees and Commissions

5.1 All Committees and Commissions are advisory to the Board.

5.2 The Chairman shall appoint committee members subject to approval of the Board.

5.3 The Chairman shall appoint commission members pursuant to Town Ordinances, subject to the advisory approval of the Board.

5.4 Committee and Commission Chairmen are responsible for each meeting agenda and shall prepare it and submit it to the Clerk/Administrator for posting.

5.5 All Committees and Commissions shall operate under these Rules.

5.6 The Chairman shall be an ex-officio member of all committees and commissions, but is not counted as a member of a quorum.

5.6.1 As an ex-officio member s/he may or may not attend meetings, may participate in discussion, but may not vote.

5.7 Committees shall select their chairmen. Board chairman appoints commission chairmen.

6. Rules of Discussion and Debate.

6.1 Discussion may take place at any time under the jurisdiction of the Chair.

6.2 The Chair shall recognize Board members who wish to speak and may impose time limits, on speakers. The Chair shall administer any other rules of discussion and debate, pursuant to Wisconsin law, this Ordinance, Larmer, or Robert.

6.3 A member may appeal the Chair's determination and/or "ruling" and, if the appeal is seconded, a majority vote shall overturn the Chair's ruling.

6.4 The Board may decide by two-thirds of those voting or unanimous consent to close discussion and debate on the pending issue.

6.5 A single Supervisor may "call the question" as a request. Should a consensus exist, debate may be closed—however, if any single member objects, discussion and debate can only be closed by a formal motion to close debate. Such a motion requires a second and two-thirds vote in the affirmative of those voting to pass.

6.6 The motion to close debate is out of order as long as any Supervisor who has not yet spoken on the issue is seeking recognition.

7. Public input

7.1 During the general "Public Input" item of each meeting, citizen input shall be sought, but no action may be taken on a non-agenda item other than to request placement of the item on a future Town agenda.

7.2 Citizen input shall be sequenced such that those who have not spoken shall be heard before those who have spoken may speak again. The Chair rules.

7.3 With respect to specific agenda items, the sponsor, agent or principal, any neighbors officially noticed by the Town, and others wishing to speak on the item should register with the Clerk during the "Public Input" portion of the meeting in order to address the Board. Those not registered may address the Board at the discretion of the Chair.

7.4 Additional public input on specific agenda items shall be allowed providing:

7.4.1 Those wishing to speak request the privilege during the general "Public Input."

7.4.2 The Clerk shall list those so requesting by name and agenda item.

7.4.3 When the specific item is addressed by the Board, those listed shall be called upon for their input.

7.4.4 Except for the sponsor, agent or principal of an agenda item, the Board shall limit the time for those with pertinent information to speak for three minutes per individual, with additional time allotted at the discretion of the Board, time not transferable.

7.4.5 In all instances, unused portions of the 3 minute time limit shall not be transferable to another individual.

7.5 At termination of citizen input, further discussion shall be limited to the Board.

7.6 There shall be no debating between a citizen and any member(s) of the Board.

8. Motions

8.1 To become pending, motions must be moved, seconded and stated by the Chairman.

8.2 Prior to being seconded and/or stated by the Chairman, a motion that has been made is not pending and belongs to the maker. S/he is free to withdraw or change it.

8.3 Once a motion is made, seconded and stated by the Chairman, it belongs to the Board. It is therefore pending and can be changed or withdrawn only with the consent of the Board.

8.4 Withdrawal of a pending motion may be accomplished by unanimous consent, but, if withdrawal is controversial, permission to withdraw requires a majority vote favoring withdrawal.

8.5 Changes to a pending motion also require unanimous consent of the Board, but if the changes are controversial, it requires a motion to amend with a second and a majority vote to amend.

8.6 The member who initiates a motion, need not support the motion, when the vote is taken.

8.7 Reconsideration of Motions

8.7.1 Reconsideration means to reopen an issue that the Board has previously decided.

8.7.2 A motion to reconsider must be made by someone who voted with the prevailing side when the motion was previously decided.

8.7.3 An action can be reconsidered in the same meeting in which it was originally decided or the next succeeding meeting.

8.7.4 Action to be reconsidered at a succeeding meeting must be so noted on that meeting's agenda.

9. Voting

9.1 All votes shall be recorded to show the number supporting and the number in opposition.

9.2 Those voting in the minority shall be identified in the minutes by name in the event of reconsideration.

9.3 Except where specified in these rules, a simple majority shall prevail.

10. General Powers and Duties of the Town Board

10.1 Powers and Duties of the Board are defined in Sec. 60.22, Wis. Stats. Additionally, the Board shall perform all duties as described in any adopted Town Ordinance and all members shall uphold the Constitution of the United States of America and Constitution of the State of Wisconsin.

10.2 Additional Powers and Duties of the Town Board Chairman are defined in Sec. 60.24, Wis. Stats. Additionally, the Chairman shall perform all duties as described in any adopted Town Ordinance. Each Board Chairman shall uphold the Constitution of the United States of America.

10.2.1 The Chairman shall not represent the Town in any matter, by public or private meeting, or by public or private hearing, before any other governmental body affecting the Town without prior authorization by the Board. Governmental bodies include, but are not limited to, the County of Door, State of Wisconsin and the United States of America.

10.2.2 Upon authorization of the Board, the Chairman may designate another officer to represent the Town at meetings or hearings before other governmental bodies on matters affecting the Town.

10.2.3 Upon authorization of the Board, the Chairman shall direct, as appropriate, the solicitation of bids and quotations for the Town's purchase of equipment, materials and services and submit the bids and quotations to the Board for approval.

11.0 Severability

If any section of this ordinance or portion thereof shall be declared by a court of competent jurisdiction to be invalid, unlawful or unenforceable, such decision shall apply only to the specific section or portion thereof directly specified in the decision, and shall not affect the validity of any other provisions, sections or portions thereof of the ordinance. The remainder of the ordinance shall remain in full force and effect. Any other ordinances

whose terms are in conflict with the provisions of this ordinance are hereby repealed as to those terms that conflict.

12. Amendment

12.1 These Rules may be amended at any time, in whole or in part, by four-fifths (4/5) majority of the Board.

13. Adoption

13.1 This Ordinance shall take effect upon adoption by majority vote of the Board and posting according to law.

This ordinance shall take effect upon passage and publication, according to law.

Dated this 4th day of April, 2012.

Motion to adopt: R. Tidball Second: N. Goss

Motion passed 5-0 on a roll call vote.

I, Walter L. Kalms, Clerk/Administrator of the Town of Liberty Grove, Door County, Wisconsin do hereby certify that the foregoing is a true and correct copy of an ordinance which was adopted on the 4th day of April, 2012, by the Town Board of the Town of Liberty Grove, Door County, Wisconsin.

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Walter L. Kalms, Clerk/Administrator