

TOWN OF LAFAYETTE

TOWN BOARD MEETING AND PARLIAMENTARY PROCEDURE

ORDINANCE 2 - 02

The Town Board of the Town of LaFayette, Walworth County, Wisconsin, does hereby ordain as follows:

SECTION 1.0 PURPOSE

The purpose of this ordinance is to establish specific procedures for the actions of the Town Board in the operation of the Town.

SECTION 2.0 AUTHORITY

The Town Board has the specific authority to adopt this Town Board Meeting and Parliamentary Procedure Ordinance under the Wisconsin Open Meetings Law, Subchapter V of Chapter 19 and § 60.20 and § 60.22, WI Statutes and the common law.

SECTION 3.0 ADOPTION OF ORDINANCE

The Town Board by this ordinance, adopted on proper notice with a quorum and roll call vote by the majority of the Town Board present and voting, provides the authority for the Town to establish specific procedures for the actions of the Town Board in the operation of the Town.

SECTION 4.0 TOWN BOARD MEETING RULES OF PROCEDURES

A. Meetings of Town Board, Generally

1. All meetings of the Town Board, including any special and adjourned meetings shall be on proper notice under s § 19.84, WI Statutes. The Town chair, or his or her designee, shall be responsible for proper postings or publication of the meeting notice and agenda. No members of the Town Board shall be excluded from a meeting of the Town Board or any other meeting of any sub-unit of the Town, unless by court order, or unless under s § 19.89, WI Statutes and the rules of the Town.
2. All meetings of the Town Board, including any special or adjourned meetings, shall be held at the Town Hall, except that a different location may be designated by the Town chair, or his designee, by giving proper written notice of the meeting and agenda, and of the substituted location, in conformance with s § 19.84, WI Statutes.

B. Regular Meetings of the Town Board. Regular meetings of the Town Board shall be held on the second (2nd) Wednesday of each month at 7:30 pm.

C. Posting Locations. The three (3) usual and customary posting locations for the notice and agenda shall be the following:

1. Town Hall (outside display)
2. Town Garage (outside display)
3. Lockhart's Service Inc

D. Special Town Board Meetings of the Town Board

1. A special meeting of the Town Board may be called by the Town chair or by either of the two (2) Town Supervisors of the Town Board in writing with the written call for the special meeting of the Town Board with the Town clerk at least twenty-four (24) hours prior to the proposed special meeting of the Town Board, with the time specified in the written call for the special meeting. The Town chair or his or her designee shall properly and timely give notice of the special meeting, including the meeting agenda.
2. Any special meeting of the Town Board shall be in compliance with the Notice and Agenda requirements in Subsection A and § 19.82 and § 19.84, WI Statutes.
3. The Town clerk, upon receipt of the written call for a special meeting of the Town Board, shall immediately notify, in writing, each member of the Town Board by delivering the written Open Meeting Notice and Agenda or by having the written Open Meeting Notice and Agenda delivered personally to each member of the Town Board. If any member of the Town Board cannot personally be notified in writing, the Town clerk shall deliver or have delivered a copy of the written Open Meeting Notice and Agenda at the home of any such member of the Town Board in presence of an adult member of the family of the Town Board Member. If written notice of the special meeting cannot be served upon any member of the Town Board through an adult family member, the Town clerk shall post such special meeting written notice and agenda in three (3) usual and customary locations. The presiding officer, or his or her designee, shall be responsible for publishing notice of the agenda as required by law.
4. The Town clerk shall file proof of service of the special meeting notice filing an affidavit noting the time, place and location of authorized service of the special meeting notice upon the Town Board. If personal service upon any member of the Town Board of the Town was not completed, the Town clerk shall state in the affidavit the type of service or written notice completed.
5. Special meetings of the Town Board may be held without service and notice under paragraph 3 when a quorum of the members of the Town Board are present at a prior Town Board meeting at which oral notice of the special meeting is given or when a quorum of the Town Board members consent in writing to the holding of a future special meeting of the Town Board. Any consent by any member of the Town Board shall be noted on record by the Town clerk prior to the beginning of any special meeting of the Town Board.
6. Special meetings of the Town Board attended by a quorum of the members shall be considered a regular meeting of the Town Board for the transaction of any Town business that may come before the Town Board if the business considered was so noted in the written notice and agenda.
7. The Town Board may, by majority vote, adjourn any special meeting of the Town Board from time to time to a specified date and time. The adjournment of the specific time and place shall be in compliance with the State Open Meetings Law, Subchapter V of Chapter 19, WI Statutes, including proper notice and agenda.

E. Order and Conduct at any Town Board Meeting

1. Unless a reformed business order agenda is approved by the Town Board and unless the reformed business order agenda is properly noticed in compliance with the State Open Meetings Law and then presented in writing to the Town clerk prior to the meeting, the regular business order and agenda of the meetings of the Town Board shall be set forth in paragraph two (2). The Town chair, in consultation with the Town clerk, shall establish the specific business items included in the agenda for each meeting and shall post the Open Meeting Agenda Notice for the meeting. Any Town Board member may contact the Town clerk to request a specific item be placed on the agenda and that item shall be placed on the agenda unless the Town Board has, at a previous meeting, determined that the item shall not be included. The agenda order for specific

issues or items related to any procedural motions, communications, petitions, reports, unfinished business, motions, resolutions, ordinances and new business shall be established by the Town chair after consultation with the Town clerk. However, a majority of the Town Board may, at a meeting, properly move or remove any matter included on the agenda if the matter is in compliance with the Notice and Agenda requirements of the State Open Meetings Law. No matters may be added to the agenda without proper notice under the Open Meetings Law.

2. The regular business order agenda for the Town shall be:

- a) Call to order.
 - b) Roll call/quorum call/verification of public notice and approval of agenda of the Town Board meeting.
 - c) Approval of minutes of prior meeting and approving these minutes after any errors in the minutes have been rectified to the satisfaction of the Board.
 - d) Procedural motions by members of the Town Board of the Town. (List each motion and contents of motion to be discussed and possible Town Board actions to be taken.)
 - e) Communications and petitions received by Town clerk.
 - f) Reports of specific committees, i.e. road report, etc.
 - g) Reports of special committees, special commissions and special boards.
 - h) Report of Town Officers.
 - i) Public hearings and advisory votes - list and describe each individual subject and content and any possible discussion and possible action to be taken by the Town Board after the hearing.
 - j) Specific matters for discussion and possible action by Town Board.
 - k) Specific matters intended for discussion and possible action to the Town Board for closed session.
 - l) Specific matters intended for discussion and possible action by Town Board for reconvened session.
 - m) Public comments and suggestions from residents of the Town and other persons present. Introduction of guests.
 - n) Adjournment.
3. At the meeting of the Town Board, any member of the Town Board may take up any business on the agenda in any other order unless there be objection by any other member of the Town Board.
4. All written petitions, written communications and written reports to the Town Board and all written and oral requests to address the Town Board shall be presented by the Town clerk to the Town chair, or to the person presiding at the meeting of the Town Board.

F. Quorum at Roll Call of Meeting. If no legal quorum is present at the time of the initial roll call, the meeting of the Town Board shall be immediately adjourned to a specific date and hour by the members of the Town Board present. At any time during a meeting when a legal quorum is not present, a motion to adjourn to a specific date and hour is proper.

- G. Absence of Town Clerk at Meeting. If the Town clerk is not present at the time of the initial roll call of a meeting of the Town Board, the Town chair shall appoint the deputy clerk of the Town or any other person present at the meeting to be the Town clerk pro tem. The Town clerk pro tem shall prepare and maintain minutes of the meeting of the Town Board. The Town clerk pro tem shall deliver these minutes to the Town clerk after the end of the meeting of the Town Board or when the Town clerk pro tem is replaced during the meeting by the Town clerk.
- H. Absence of Town Chair at Call to Order Meeting. The presiding officer at the meeting of the Town Board is the Town chair. If the Town chair is not present at the time for the call to order, the senior member of the Town Board present, based on date of original election as a member of the Town Board shall call the meeting of the Town Board to order, call the initial roll call, and preside as Town chair until the Town chair is able to preside at the meeting. If after initial roll call the Town Board determines that the Town chair will not be able to, at any time preside at the meeting, the Town Board shall by motion elect an acting Town chair for the meeting.
- I. Vacation of Town Chair or Presiding Officer at Meeting. If the Town chair or any other presiding officer of the Town Board desires to speak on any questions or to make any motion, the Town chair or the presiding officer may speak or make a motion without vacating the chair or without designating a member of the Town Board to preside at the meeting as Town chair pro tem.
- J. Meeting in Open Session. Any meeting of the Town Board, to exercise its responsibilities, authority, power or duties shall be in open session and accessible to the public, except as provided in the State Open Meetings Law, § 19.82, 19.83, 19.85 and 19.85(1), WI Statutes. All discussion shall be held and all action of any kind, formal or informal, shall be initiated, deliberated upon and acted upon only in open session except as provided in § 19.85, WI Statutes.
- K. Budget Reporting. Year to date budget report showing the balance remaining in budgeted expense categories.
- L. Receipt of Funds. Any Town officer, Town employee or agent of the Town in possession of funds or receipts or earnings of the Town shall deposit such funds, receipts or earnings with the Town treasurer on at least a weekly basis unless approved otherwise by the Town Board. The Town Board shall be advised by the Town treasurer on a monthly basis of all funds outstanding that have not been properly deposited with the Town treasurer. All elected and non-elected Town officers and Town employees, within five (5) days of taking office, hiring or rehiring, shall be informed of the requirements of this provision by the Town treasurer.
- M. Specific Rules of Conduct at Town Board or Town Meetings
1. Roberts Rules of Conduct. Unless other rules of conduct are specifically adopted and codified by Ordinance by the Town Board, all meetings of the Town Board and the Town meeting shall be governed by Roberts Rules of Order, newly revised.
 2. Members to be Recognized. The presiding officer of the meeting of the Town Board shall recognize any member of the Town Board prior to that Town Board member addressing the Town Board. At any Town meeting the presiding officer shall recognize any person at the Town meeting prior to the person addressing the Town meeting.
 3. Remarks of the Presiding Officer. All members of the Town Board shall address all remarks to the presiding officer at any meeting of the Town Board. All persons addressing the Town meeting shall address all remarks to the presiding officer of the Town meeting.
 4. Speaking Before the Town Board. No person at a meeting of the Town Board being conducted in open session, other than the member of its Town Board, shall address the Town Board or any member of the Town Board, except, when public comments are authorized on the meeting

agenda, and then only with the approval of the Town chair or by majority vote of the Town Board. This provision shall not apply under the specific items of business listed on the meeting agenda to recognize members of any Town office, Town committee, Town agency, Town Commission or a special board or other Town officers in an open meeting if the subject and content for discussion has been noted specifically on the meeting agenda.

5. Order and Decorum. The presiding officer at any Town Board meeting or Town meeting shall maintain order and decorum. Any person who conducts himself or herself in a disorderly manner as determined by the presiding officer may be removed from the Town Board or Town meeting by order of the presiding officer. The presiding officer may seek law enforcement assistance of the constable or other law enforcement officer for such removal until the meeting is adjourned.
6. Town Meeting Procedure. A Town meeting, annual or special, shall follow the procedure noted in § 60.14, WI Statutes. All votes taken shall be by voice or by open ballot. All reconsideration of actions at the Town meeting shall follow the procedure noted in § 60.14(4), WI Statutes. All of the following apply to the conduct of a Town meeting.
 - a) The current Town chair, if present, shall be the presiding officer of a Town meeting. If the Town chair is not present, another Town Supervisor shall preside at the meeting upon the vote of the meeting. If no Town Supervisor is present, the meeting shall nominate and elect the presiding officer at the meeting.
 - b) The Town clerk, deputy Town clerk or an appointed clerk shall perform the duties of clerk of the Town meeting under § 60.15, WI Statutes.
 - c) The Town meeting may require the clerk to keep a poll list with the name and address of each elector voting at the meeting.
- N. Excused Voting. For voting upon orders, motions, resolutions, ordinances, action items, business items or any other question, all individual members of the Town Board present at the Town Board meeting shall vote when that individual Town Board member's name is called unless for a special cause a Town Board member has been excused prior to the vote by an affirmative roll call vote of the remaining members if the Town Board member states that he or she refuses to vote. No reason need be stated for such refusal to vote. Any members of the Town Board voting in the majority on any matter may move for reconsideration of the vote at the meeting at which the vote was taken. A motion to reconsider being proposed and then defeated shall not be renewed. No vote for rescission of any action shall be taken without proper majority vote of the Town Board and then only if rescission of the action is on the agenda.
- O. Motion Stated. Prior to any debate on any matter, the members of the Town Board shall be entitled to a clear understanding of the motion before the Town Board. The person making the motion shall clearly state the motion. There shall be requested a second to any motion prior to any debate or discussion of the motion by the Town Board. Motions made in writing by a member of the Town Board and provided to the Town clerk prior to the meeting shall be provided priority in the appropriate order of business. The Town chair shall restate the motion prior to any debate and discussion. Any member of the Town Board, prior to a vote on the motion, may request that the motion and any amendments adopted to the motion be reduced to writing and submitted in writing to the members of the Town Board prior to the final vote on the matter. All votes or motions, resolutions, order and ordinances shall be recorded by the Town clerk or other agent of the Town Board.
- P. Change of Vote. No member of the Town Board may change his or her vote on any action items, business item, motion or questions after the final result has been announced by the presiding officer.
- Q. Priority Matters. When any action item, business item, motion or question is before the Town Board, no other action item, business item or question shall be in order except a motion for any of the following:

1. To adjourn or recess the meeting
2. To lay the question on the table
3. To call the question
4. To postpone the question to a certain date
5. To refer the question to a standing committee or other committee
6. To amend or divide the question
7. To postpone the question indefinitely
8. To introduce a matter related to the question

R. Motions with Preferences. During any meeting of the Town Board certain motions will have preference. In order of preference, the items to be given preference are:

1. Motion to Adjourn. A motion to adjourn can be made at any time and has first precedence.
2. Motion to Lay on the Table. A motion to lay on the table may be made when the subject matter appropriate for tabling is to be debated or discussed. This motion is a non-debatable motion.
3. Motion to Call Previous Question. A motion to call the previous question may be made at any time after the debate or discussion commences related to any action item, business items, motion or question that is properly before the Town Board. This motion is a non-debatable motion. This motion, if adopted, ends the debate and discussion at the meeting on the action item, business item, motion or question. The motion, if adopted, brings the Town Board to a direct vote with the first vote on any amendments, if any, and then to the main action item, business item, motion or question.
4. Motion to Postpone to a Certain Date. A motion to postpone to a certain date may be made at any time after the debate and discussion commences on an action item, business item, motion or question that is properly before the Town Board. This motion is debatable. This motion, if adopted, ends the debate and discussion at the meeting on the action item, business item, motion or question. This motion must establish a date and certain time when the debate and discussion before the Town Board will continue. The date and time established must be on a date and time for a regularly scheduled or special meeting of the Town Board.
5. Motion to a Committee. A motion to refer to a committee may be made at any time after the debate and discussion commences on an action item, business item, motion or question that is properly before the Town Board. The motion is debatable. This motion, if adopted, ends the debate and discussion at the meeting on the action item, business item, motion or question. This motion, if adopted, forward the action item, business item, motion or question to a committee for further review and discussion. The committee must be a committee of the Town Board.
6. Motion to Amend or Divide the Question. A motion to amend or divide the question may be made at any time after debate and discussion commences on the action item, business item, motion or question properly before the Town Board. This motion is debatable. This motion, if adopted, divides the main action item, main business item, main motion or main question pursuant to the method described and adopted in the motion to divide.
7. Motion to Postpone Indefinitely. A motion to postpone indefinitely may be made at any time after debate and discussion commences on the action item, business item, motion or question properly

before the Town Board. This motion is debatable. The motion, if adopted, ends the action item, business item, motion or question.

8. Motion to Introduce a Matter Related to the Action Item, Business Item, Motion or Question. A motion to introduce a matter related to the action item, business item, motion or question may be made at any time after the debate and discussion commences on the action item, business item, motion or question properly before the Town Board. This motion is debatable. This motion, if adopted, expands or adds to the debate and discussion new items related to the main action item, business item, main motion or main question pursuant to the method described and approved in the motion to introduce a matter related.
9. Motion to Reconsider. A motion to reconsider may be made by a member who cast a vote on the prevailing side of the question proposed to be reconsidered if the motion is made at the same meeting at which the decision was made or at the next meeting of the Town Board. A motion to reconsider being made and the vote lost shall not be renewed nor shall the subject be considered a second time. The Town Board shall not act upon the motion to reconsider if vested rights of the Town or any person shall be violated by the reconsideration action of the Town Board.
10. Motion to Rescind. A motion may be made by any member of the Town Board at any time to rescind a decision made at a prior Town Board meeting, but shall require a majority vote of the Town Board. The Town Board shall not act upon the motion if vested rights of the Town or any person will be violated by the rescission action.
11. Action Items, Business Items, Motions and Questions. No action item, business item, motion or question of a public meeting shall be included, or even considered, by the Town Board on its business order agenda unless the action item, business item, motion or question was initially presented to the Town Board and included on the meeting agenda by a Town Board member or the Town clerk. No member of the Town Board shall request, at a meeting of the Town Board, a vote from the general public unless the proposed vote of the general public is noted by the Town chair or the presiding officer of the meeting as strictly an advisory vote to the Town Board and the vote was specifically included as a possible action item before the Town Board on a meeting agenda. Any vote taken by the general public at a meeting of the Town Board shall be considered by the Town Board only as an advisory vote and shall not be considered as a directory vote. Specific directory votes to require certain actions to be taken by the Town Board may only occur at an Annual or Special Town Board Meeting if the action by the Electors at the Annual or Special Meeting is provided for by state law. No directory vote will be taken at an Annual or Special Town Meeting if action cannot be demonstrated as a statutory power of the Annual or Special Meeting.

This Ordinance adopted by the Town Board of the Town of LaFayette on this 8th day of April 2009.

Bruno Schiffleger, Chair

Passed this day: 04.08.2009

Barbara A Fischer, Town Clerk-Treasurer

Filed this day: 04.08.2009