Agenda Item #6, Revising Town Board Meeting & Parliamentary Procedure Ordinance 101.1

I will be reviewing the ordinance and policy book and revising any outdated ones within the next few months. Below are the changes I made to the attached ordinance. Please review the ordinance and bring any other proposed revisions to the meeting.

Section V, (B) from

B. **Regular meetings of the Town Board.** Regular meetings of the town board shall be held on the third Monday of every month at 7:30 P.M.

To:

B. **Regular meetings of the Town Board.** Regular meetings of the town board shall be held on the third Monday of every month at 7:00 P.M.

Section V, (C) from

C. **Posting locations.** (Optional) The 3 usual and customary posting locations for the notice and agenda shall be the following, unless the town board directs posting at other locations: DH Repair, Festge Park, Town Hall

To:

C. **Posting locations.** (Optional) The 2 usual and customary posting locations for the notice and agenda shall be the Town Hall and Town Website, unless the town board or State Statutes directs posting at 3 locations then DH Repair, Festge Park and Town Hall

Section V, (S) (2) from

2. *Appointment of Committees*. The town chair or town board shall, at the first meeting or, if the established meeting agenda does not permit, at the second meeting, appoint or reappoint persons to the following special offices of the town, namely:
   a. Plan Commission
   b. Communications – Newsletter/Computer Committee
   c. School District Liaisons [Wisconsin Heights and Middleton/Cross Plains]
   d. District 1 EMS Representative
   e. Cross Plains EMS Representative
   f. Cross Plains/Berry Fire District (need 3)
   g. Black Earth Fire District
   h. Parks Committee
   i. Roads

To:

2. *Appointment of Committees*. The town chair or town board shall, at the first meeting or, if the established meeting agenda does not permit, at the second meeting, appoint or reappoint persons to the following special offices of the town, namely:
   a. Plan Commission

b. Berry Heritage Trust Board
c. Communications – Newsletter/Computer Committee
d. Computer – Web Committee
e. Parks Committee
f. Roads & Capital Equipment Committee
g. District 1 EMS Representative
h. Cross Plains EMS Representative
i. Cross Plains/Berry Fire District (need 3)
j. Black Earth Fire District
k. School District Liaisons [Wisconsin Heights and Middleton/Cross Plains]

101.1 Town Board Meeting & Parliamentary Procedure Ordinance

I Title and Purpose
II Authority
III Adoption of Ordinance
IV Subdivision and Numbering of This Ordinance
V Town Board Meeting and Rules of Procedures
VI Applicability of Rules of Conduct to Town Subunits
VII Severability
VIII Effective Date

SECTION I – TITLE AND PURPOSE

The title of this ordinance is the Town of Berry Town Board Meeting and Parliamentary Procedure Ordinance. The purpose of this ordinance is to establish specific procedures for the actions of the town board in the operation of the town.

SECTION II – 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, Wis. Stats., ss. 60.20 and 60.22, Wis. Stats., and common law.

SECTION III – ADOPTION OF ORDINANCE

The town board, by this ordinance, adopted on proper notice with a quorum and roll call vote by a 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 IV – SUBDIVISION AND NUMBERING OF THIS ORDINANCE

This ordinance is divided into sections designated by upper case Roman numerals. Sections may be divided into subsections designated by upper case letters. Subsections may be divided into paragraphs designated by numbers. Paragraphs may be divided into subdivisions designated by lower case letters. Subdivisions may be divided into subdivision paragraphs designated by lower case Roman numerals. Reference to a "section," "subsection," "paragraph," or "subdivision" includes all divisions of the referenced section, subsection, paragraph, or subdivision.

SECTION V – 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, Wis. Stats. The notice of any town board meeting shall include the Open Meeting Agenda and shall be given at least 24 hours prior to the meeting of the town board, unless for good cause such notice is impossible or impractical, in which case shorter notice may be given, but in no case may the notice be provided less than 2 hours in advance of the meeting. The town chair, or his or her designee, shall be responsible for proper posting 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 subunit of the town, unless by court order, or unless under s. 19.89, Wis. Stats., 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 or her designee, by giving proper written notice of the meeting and agenda, and of the substituted location, in conformance with s. 19.84, Wis. Stats.

B. **Regular meetings of the Town Board.** Regular meetings of the town board shall be held on the third Monday of every month at 7:00 P.M.

C. **Posting locations.** (Optional) The 2 usual and customary posting locations for the notice and agenda shall be the Town Hall and Town Website, unless the town board or State Statutes directs posting at 3 locations then DH Repair, Festge Park and Town Hall

D. **Special Meetings of the Town Board.**

1. a. A special meeting of the Town Board may be called by the Town Chair in writing with the written call for the special meeting of the Town Board filed with the Town Clerk at least 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.

   b. A member of the Town Board, other than the Town Chair, may request that a special meeting of the Town Board be called by filing with the Town Clerk in writing a request for the calling of a special meeting of the Town Board, designating the agenda item or items for the special meeting. Upon receipt of the request, the Town Clerk shall immediately cause the request for special meeting to be personally served upon the other members of the Town Board, including the Town Chair, along with a notice to each Town Board member that if any Town Board member other than the member requesting the special meeting, including the Town Chair, files a written authorization for the requested special meeting of the Town Board with the Town Clerk not later than 24 hours after receipt of the request for special meeting, a special meeting of the Town Board will be called. Upon receipt of a written authorization for a special meeting of the Town Board, the Town Clerk shall set a time for the special meeting not more than 2 business days thereafter and 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 of subsection A and ss. 19.82 and 19.84, Wis. Stats.

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 be personally 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 the 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 the special meeting written notice and agenda in 2 usual and customary locations, [as noted in subsection C, *if subsection C is adopted*]. 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 by 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 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 meeting 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 specific date and hour. The adjournment to the specific time and place shall be in compliance with subchapter V of chapter 19, Wis. Stats., 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 subchapter V of chapter 19, Wis. Stats., and then presented in writing to the town clerk prior to the meeting, the regular business order and agenda of meetings of the town board shall be as set forth in paragraph 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 the meeting properly move or remove any matter included on the agenda, if the matter is in compliance with the Notice and Agenda requirements of subchapter V of chapter 19, Wis. Stats. No matters may be added to the agenda without proper notice under subchapter V of chapter 19, Wis. Stats.
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. Reading and approval of minutes of prior meeting after errors in the minutes have been rectified to the satisfaction of the town board.
   d. Public comments and suggestions from residents of the town and other persons present. Introduction of guests.

e. 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.*]

f. Procedural motions by members of the town board. [*list each motion and contents of motion to be discussed and possible town board actions to be taken.*]

g. Specific matters for discussion and possible action by town board in open session:
   i.
   ii.
   iii.
   iv. [*so continue*]

h. Reports of specific standing committees. [*list reports and content to be discussed by and with town board.*] No action to be taken.

i. Reports of special committees, special commissions, and special boards. [*list reports and content to be discussed by and with town board.*] No action to be taken.

j. Reports of town officers. [*list specific reports and content to be discussed with town board.*]

k. Communications and petitions by town clerk – No discussion or action.

l. Specific matters intended for discussion and possible action by town board for closed session under one or more of the below-noted closed session exemptions and reasons that allow for closed session: (Optional)
   i.
   ii.
   iii.
   iv. [*so continue*]

m. Specific matters intended for discussion and possible action by town board for reconvened open session. (Optional) Future meeting agenda/Discussion and possible action on future town board agenda, including specific items for inclusion on or exclusion from future agenda.

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 is 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 then 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 town clerk 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 of 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 the initial roll call the town board determines that the town chair will not be able to at anytime 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 question 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 ss. 19.82, 19.83, and 19.85, Wis. Stats. 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 s. 19.85, Wis. Stats.

K. **Audit of Accounts.** The town board shall at each regular meeting be presented by the town clerk with the financial accounts of the town for auditing and possible action by the town board. All accounts shall be filed with the town clerk at least 10 days prior to the next meeting of the town board in order for the account to be presented by the town clerk at the upcoming meeting of the town board.

L. **Receipts 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 any 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 any funds outstanding that have not been properly deposited with the town treasurer. All elected and nonelected town officers and town employees, within 14 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 of 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 that person addressing the town meeting.
3. *Remarks to 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 Town Board.* No person at a meeting of the town board being conducted in open session, other than the members of the 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 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 s. 60.14, Wis. Stats. All votes taken shall be by voice vote or by open ballot. All reconsideration of actions at the town meeting shall follow the procedure noted in s. 60.14 (4), Wis. Stats. 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 meetings shall nominate and elect the presiding officer of the meeting.
   b. The town clerk, deputy town clerk, or an appointed clerk shall perform the duties of clerk for the town meeting under s. 60.15, Wis. Stats.
   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 special cause a town board member has been excused prior to the vote by an affirmative roll call vote of the remaining members or if the town board member states that he or she refuses to vote. No reason need be stated for a refusal to vote. Any member 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 majority vote of the town board and then only if rescission of the action is an agenda item.

O. **Motions 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 on motions, resolutions, orders, and ordinances shall be recorded by 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 item, business item, motion, or question 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, motion, or question shall be in order except any of the following:

1. A motion to adjourn or recess the meeting.
2. A motion to lay the question on the table.
3. A motion to call the question.
4. A motion to postpone the question to a date certain.
5. A motion to refer the question to a standing committee or other committee.
6. A motion to amend or divide the questions.
7. A motion to postpone the question indefinitely.
8. A motion 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. This is a nondebatable motion.
2. *Motion to Lay on 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 nondebatable 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 item motion, or question that is properly before the town board. This motion is a nondebatable 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 Date Certain.* 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 time certain 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 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, forwards 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 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. The 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. This motion, if adopted, ends the action item, business item, motion, or question.
8. *Motion to Introduce Matter Related to 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, main 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 will be violated by the reconsideration action of the town board.
10. *Motion to Rescind.* A motion to rescind 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, or Questions.* No action item, business item, motion, or question at a public meeting shall be included, or 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 so 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 the 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 meeting if the action by the electors at the annual or special town meeting is provided for by state law. No

directory vote will be taken at an annual or special town meeting if the action cannot be demonstrated as a statutory power of the annual or special town meeting.

S. **Town Board Action at First Meeting.**

1. *Date of First Public Meeting*. The first regular meeting of the town board shall be held on the Monday in April in the odd year.
2. *Appointment of Committees*. The town chair or town board shall, at the first meeting or, if the established meeting agenda does not permit, at the second meeting, appoint or reappoint persons to the following special offices of the town, namely:
   a. Plan Commission
   b. Berry Heritage Trust Board
   c. Communications – Newsletter/Computer Committee
   d. Computer – Web Committee
   e. Parks Committee
   f. Roads & Capital Equipment Committee
   g. District 1 EMS Representative
   h. Cross Plains EMS Representative
   i. Cross Plains/Berry Fire District (need 3)
   j. Black Earth Fire District
   k. School District Liaisons [Wisconsin Heights and Middleton/Cross Plains]
3. *Appointment, Designation, Retention, or Employment of Officers*. The town board shall, from time to time as necessary, appoint, reappoint, designate, retain, or employ persons to the following town offices, if these offices have been previously created by the town board and their terms have expired, namely:
   a. Town Attorney.
   b. Town Engineer.
   c. Town Auditor.
   d. Town Surveyor.
   e. Town Health Officer.
   f. Town Humane Officer.
   g. Town Assessor.

T. **Suspension of Rules.** The rules of conduct under this ordinance or any part of these rules or any other rules of conduct of the town board may be temporarily suspended at any meeting of the town board, including any special meeting of the town board, in connection with any matter under consideration by the town board. Any rules of conduct may be suspended by a recorded affirmative roll call vote of two-thirds or more of the members of the town board present at the meeting unless the suspension would violate federal or state laws or regulations.

U. **Amendment of Rules.** The rules of conduct stated in this ordinance or any part of these rules or any other rules of the town board may be altered or amended at any meeting of the town board on proper notice and inclusion in the meeting agenda, including any special meeting or the town board. Any rules stated in this ordinance may be altered or amended by a recorded affirmative roll call vote of two-thirds or more of the members of the town board present at the meeting of the town board.

SECTION VI – APPLICABILITY OF RULES OF CONDUCT TO TOWN SUBUNITS.
The rules of conduct stated in this ordinance shall control the conduct all meetings subunits of the town to the extent applicable.

SECTION VII – SEVERABILITY
If any provision of this ordinance or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this ordinance that can be given effect without the invalid provision or application, and to this end, the provisions of this ordinance are severable.

SECTION VIII – EFFECTIVE DATE
This ordinance is effective on publication or posting. The town clerk shall properly publish this ordinance as required under s. 60.80, Wis. Stats.

Attest:_____ _____
Brenda Kahl, Clerk/Treasurer Anthony Varda, Chair

Adopted:_____ _____
Jeff Davis, Supervisor

Posted: _____ _____
Michael Statz, Supervisor

_____
Joe Kruchten, Supervisor

_____
Duane Haag, Supervisor