

CITY OF RIVER FALLS COMMON COUNCIL BYLAWS

I. SCOPE

A. These bylaws are intended to clarify or summarize City ordinances and policies, or to guide the operations of the City Council in matters not otherwise covered by State Law, City ordinance or elsewhere. State law, City Code or specific policies, will supersede these bylaws in the event of conflicting language.

B. **Suspension or Amendment of Bylaws**

These bylaws shall be reviewed during the annual organizational meeting. Suggested changes shall be considered during the first regular meeting in May.

These bylaws may be temporarily suspended by a two-thirds vote of the Council members present, provided the action does not violate State or City law.

II. MEETINGS

A. **Regular Meetings** – Regular meetings of the City Council shall be convened in the Council Chambers at City Hall at 6:30 p.m. on the second and fourth Tuesdays of the month (see City Code 2.04.040). Any regular meeting falling on a holiday shall be held the following day at the same time and place unless changed by the City Council at the regular meeting preceding the holiday provided the notice of such change is published at least one week prior to the rescheduled meeting.

B. **Special Meetings** – Special meetings may be called by the Mayor or any two Alderpersons by filing a written request with the City Administrator. The Administrator shall notify each Council member and those members of the media (who have filed written requests) at least 24 hours prior to the meeting. Such notice shall not be required if the special meeting was announced at a previously scheduled meeting at which a quorum of the Council is present. Objections by members of the Council for not receiving adequate notice shall be entered into the minutes (see City Code 2.04.040).

C. **Summary of Open Meeting Law** – See legal opinion from City Attorney

D. **Quorum** – Four members of the Council (not including the Mayor) shall constitute a quorum (see City Code 2.04.060).

- E. **Closed Session** – Except as provided below, all meetings of the City Council shall be open to the public. The City Attorney should be consulted if there is any questionable discussion between members of the Council. The Council may adjourn into Closed Session upon majority vote of the members present after proper notice is given. Exceptions to open meeting shall be pursuant to Wisconsin Statutes. Examples are:
1. Deliberations after a judicial or quasi-judicial hearing
 2. Consideration of discipline, demotion, or licensing of an employee or individual
 3. Employee performance evaluations/compensation
 4. Consideration of strategy for crime prevention
 5. Negotiations for the acquisition or disposition of public properties, or the conduct of specific public business whenever competitive or bargaining reasons require a close session
 6. Preliminary consideration of individual personnel issues per State Statutes
 7. Consultation with legal counsel regarding potential/pending litigation
 8. Consideration of a request for confidential written advice from a local government ethics board

III. RULES OF ORDER

- A. **Presiding Officer** – (See City Code 2.04.050) – The Mayor, in his/her absence or vacation of his/her seat, the President, shall be the Presiding Officer. In the absence of both, the Administrator shall call the meeting to order and preside until the Council elects a Presiding Officer from its ranks. The Presiding Officer shall preserve order; decide on all questions of Order. The following rules shall apply to Council deliberations not specifically or clearly addressed in *Robert's Rule of Order*:
1. **Special Voting Requirements and Rules Relating to Motions.** The Mayor may only vote in the event of a tie. The Mayor may veto any action of the Council as follows:
 - a. The Mayor shall file his/her objections with the City Clerk within five (5) calendar days of the act.
 - b. The Clerk shall present the Mayor's objection to the Council at the next regular Council meeting.
 - c. A 2/3 vote of all the Council is required to override the veto.
 2. **Votes.** All votes shall be voice vote unless a specific request is made by the Mayor or Alderperson (e.g. written ballot, roll call, or by hand). The presiding officer shall honor any such request. It shall not be in order for members to explain their vote during roll call.
 3. **Public Participation** – Persons wishing to address the Council during a public hearing shall first be recognized by the Presiding Officer, and address the

Council from the designated area. The person shall first state his/her name and address, and restrict questions and comments to the subject at hand. No outbursts or unrecognized comments will be allowed. During times at any meeting, the Presiding Officer may allow the public to participate as long as there is reason to believe the input is beneficial.

4. **Council Conduct** – Council members shall not speak unless recognized by the Presiding Officer. Each member, while speaking, shall confine himself/herself to the matter at hand, and avoid all personal, indecorous or sarcastic language.

When asked to yield the floor for a procedural ruling of the Presiding Officer, members shall immediately yield the floor. During the course of Council proceedings, members shall remain in their seats unless alternate arrangements are approved by the Presiding Officer.

Council discussions shall general adhere to the following guidelines:

- a. Report from staff
- b. Motion to approve or deny the request
- c. General discussion on the motion
- d. Amendments to the motion (if applicable)
- e. Action on the motion(s). Any member may request the original or amended motion be restated in full before voting.
- f. If an item is removed from the Consent Agenda, the member(s) removing the item may discuss the matter before a motion is made.

5. **Ordinances and Resolutions.** Every ordinance shall be presented in writing and shall receive two public readings prior to passage. Reading of the title shall be sufficient unless a full reading is requested by any member of the Council present. Following the first reading, a public hearing shall be scheduled and conducted by the council at which time all interested persons will be given the opportunity to be heard. The notice of such hearing shall be published in accordance with State Statutes. The Council may adopt the ordinance with minor changes, except that before adopting a substantive change, the council must publish the summary of the amendment and the time and place when it will be considered. The City Attorney shall determine if a change is minor or substantive.

Every resolution of the Council shall be presented in writing. No objections being raised by any members shall be deemed as dispensing by unanimous consent. Any member may request the resolution be read in full before voting or if the resolution has been amended.

6. **Abstention/Vacation of Seat** – Whenever the Mayor or any Alderperson desires to speak on any question, or the Council is deliberating a matter which affects her/him personally, s/he shall first vacate her/his chair and shall not resume her/his seat until the matter under consideration has been acted upon. The Mayor or any Alderperson has the right and obligation to question another

member's personal interest in any matter before the Council. Such question should be made to the City Administrator prior to the meeting. The City Administrator shall research the matter and recommend accordingly or turn the matter over to the City Attorney. The City Administrator or Attorney shall report his/her findings to the Council who shall make a determination if the member may participate or shall vacate the seat by majority vote of the members present.

7. **Appeal** – Any member may appeal to the Council from a ruling of the Presiding Officer. If the appeal is seconded, the member making the appeal may briefly state his/her reason, and the Presiding Officer may briefly explain his/her ruling. Otherwise, there shall be no debate on the appeal and no other member shall participate in the discussion, except for an interpretation of *Robert's Rules of Order* by the Parliamentarian. The Presiding Officer shall then put the question, "Shall the decision of the Presiding Officer be sustained?" If a majority of the members present vote "yes," the ruling is sustained; otherwise, it is overruled. The Presiding Officer shall not have a vote on the appeal.
- B. **Attendance** – Prior to any regular meeting, the Mayor and/or Alderperson must file a written explanation for his/her anticipated absence with the Administrator and/or City Clerk. If s/he cannot comply with advance notice requirement because of an unavoidable circumstance, the member may file a written explanation with the City Clerk within one week of the absence. The City Clerk shall report to the Council quarterly any absences and shall report total absences on an annual basis. Absences due to a Council member attending a City function shall not be consider an absence.
- C. **Vacancies and Removals** – A vacancy shall occur if the incumbent dies, resigns, is removed, ceases to be a resident of his/her district, is convicted and sentenced for a felony, crime punishable for one year or more, or any other offense involving a violation of the incumbent's Official Oath, is declared incompetent, neglects or refuses to take an file the Official Oath or to execute or renew the Official Bond, if required, declines or the term expires (*Wisconsin Statutes Section 9.10 and Article XIII, Section 12, Wisconsin Constitution*) for cause. The "for cause" procedure shall only be initiated upon filing of written charges by a resident taxpayer followed by an investigation and hearing. Removals may be made by an affirmative vote of $\frac{3}{4}$ of all members. "Cause" shall be defined as inefficiency, neglect of duty, official misconduct, or malfeasance in office (*Wisconsin Statutes 17.16*). Vacancies will be filled as follows:
 1. Mayor declares vacancy
 2. City Clerk publishes notice of vacancy and requests applications of interested persons (two weeks).
 3. City Clerk performs a background check to determine residency
 4. Special meeting to interview candidates
 5. Voting – If more than two candidates, narrow down to two. Written ballot, top two candidates

D. **Agendas**

1. The City Administrator shall be in charge of coordinating the preparation and publishing of the agenda which shall be listed in the following order:
 - a. Call Regular Council Meeting to Order
 - b. Roll Call
 - c. Approval of Minutes
 - d. Approval of Bills
 - e. Petitions, Requests and Communications
 - f. Public Hearings
 - g. Consent Agenda
 - h. Ordinances and Resolutions
 - i. Reports of Officers, Boards and Commissions
 - j. Unfinished Business
 - k. New Business
 - l. Announcements
 - m. Adjournment
2. **Add-ons** – Items not meeting the deadlines may be added to the agenda at the discretion of the Mayor or City Administrator, provided there is a minimum 24 hour advanced notice before the meeting.
3. **Agenda Packet** – Supporting materials shall be prepared as directed by the City Administrator. Materials shall be distributed to the Council members, staff, City Attorney, media and library. Council member packets will be delivered no later than 6 p.m. on the Thursday preceding the meeting or as soon as practicable.
4. The agenda shall be published in the official newspaper on the Thursday preceding the meeting and shall be posted in City Hall no later than 24 hours preceding the meeting.
5. **Consent Agenda** – The City Administrator shall determine those items to be included on the Consent Agenda. The minutes from various Boards and Commission shall be placed on the Consent Agenda for acceptance, but not for approval. Prior to accepting a motion for the adoption of the Consent Agenda, the Mayor shall ask the Council if they wish to discuss any Consent Agenda items separately. An item shall be taken off the Consent Agenda upon the request of any Council member. Items taken off the Consent Agenda will be

acted on after the remaining items on the Consent Agenda have been approved with one motion and one vote.

6. Reports from the City Administrator and Comptroller (when applicable) shall be listed on the agenda. Council members shall be allowed to address the Council during Requests and Communications, but no action may be taken on the topic.

E. Minutes

1. **Responsibility** – The minutes of each meeting shall be kept by the City Clerk or designee. Ordinances, resolutions, reports and financial claims need not be recorded in full if they can be accurately identified by the description given in the minutes.
2. **Form/Content** – The minutes shall be produced and formatted as follows:

CITY COUNCIL PROCEEDINGS

Common Council of the City of River Falls

(Date)

- a. Presiding Officer, time, place of meeting
 - b. Members present and absent, time any member arrives or leaves early (The time shall also be recorded in the text of the minutes.)
 - c. Staff or speakers present
 - d. Summaries of all discussions, communications, decisions, including a copy of each motion exactly as stated, whether or not the motion had a second; and if so, whether or not it was adopted, and a record of the vote.
 - e. Public Hearings – A summary of the comments of each speaker during a public hearing shall be listed.
 - f. Unless a Council member states a comment is for the record, there shall be no expectation that it will be recorded in the minutes.
 - g. Time of adjournment.
3. **Reading and Approval** – A draft copy of the minutes of the preceding meeting shall be distributed with the agenda packet. The draft minutes shall not be distributed to the general public until approved by the Council. The minutes need not be read aloud to be considered, but the Presiding Officer shall call for any additions or corrections. The Council shall vote upon the minutes with or without corrections.

4. Publication/Recording – The minutes shall be published in the official newspaper following acceptance and approval. Recorded audio or video proceedings shall be retained for 18 months.

F. **Annual Organization Meeting** – Third Tuesday in April

Agenda Format:

1. Qualifying and Swearing in Members
2. Call Meeting to Order
3. Election of Common Council Officers to:
 - a. President
 - b. Comptroller
4. Appointment by Mayor of Parliamentarian
5. Election of Council Member to:
 - a. Plan Commission
 - b. Utility Commission
6. Appointment by Mayor of Council Members to Boards, Commissions and Committees
7. Appointment by Mayor of Council Liaison Representative to Boards, Commissions, and Committees
8. Citizen Members to Other Boards, Commissions and Committees
9. Appointments of Other City Officials
 - a. City Attorney
 - b. City Health Officer
 - c. City Forester
10. Designation of Official City Depositories
11. Designation of Official City Signatures
12. Review of Bylaws
13. Review of Open Meetings Laws – City Attorney
14. Set Date for Board of Review
15. Remarks or comments from Mayor and/or Alderpersons

G. **Administrator's Review** – The City Council shall conduct a review of the City Administrator per the terms of his/her contract.

IV. Boards and Commissions

A. **Policy on Appointments, Attendance and Membership**

1. When a vacancy occurs in any City Board or Commission, the City shall notify the public of such a vacancy by a notice on the City website, City cable channel and the City bulletin boards.
2. Candidates are encouraged to submit a letter of interest listing their qualifications and experience that they feel will be of value to the City.
3. Appointments shall be for a maximum of three consecutive terms unless the City Council makes an exception to this policy.
4. An attendance policy shall be in place for all Board and Commission seats. Excessive absenteeism is cause for removal from the Board or Commission (see Ordinance 2.36).
5. Except where otherwise prescribed by statute or specific ordinance all candidates for membership on any City Board or Commission shall be a resident of River Falls School District.
6. Annually, the City Clerk shall compile a list of member and term expiration dates. Members, whose terms are expiring, shall be contacted to identify to their interest in continuing service to the City. The results of the contact shall be communicated to the City Council no later than 60 days prior to the term expiration.

B. **Reports** – The minutes will be considered reports of the board/commission.

C. **Joint Meetings** – The following joint meetings shall be held:

1. Council/Plan Commission – Capital Improvement Plan and Master Plan
2. Utility Commission – Capital Improvement Plan and common issues/development

V. Council Expenditures and Reimbursements

A. **Per Diem** – Mayor and Council members shall be entitled to per diem compensation pursuant to motion/resolution of City Council.

B. **Authorized Expenditures** – Expenditures made on behalf of the City for a public purpose. Authorized expenditures shall include, but not be limited to, the following:

travel (except auto mileage within City limits), meals, registration, tuition, course materials, and lodging.

- C. **Official Function** – Any function which is for a public purpose. Official functions shall include, but not be limited to, the following: Council meetings outside of the City limits, Wisconsin League of Municipalities functions, training sessions, education courses, official City business, legislative meetings, seminars, and meetings where City representation is requested.
- D. **Reimbursement** – Council members may be reimbursed for all authorized expenditures incurred for attending an official function. The following procedure shall be followed:
 - 1. A notification of attending an official function shall be submitted to the Executive Secretary as soon as reasonably possible.
 - 2. The Executive Secretary shall make all necessary arrangements (application, lodging reservations, transportation, etc.)
 - 3. A completed expense reimbursement form shall be submitted to the Executive Secretary.
- E. **Use of City Vehicle** – Council members will use a City vehicle when available. Council members will be reimbursed for actual miles to and from the function. If a personal vehicle is used, reimbursement will be the current Internal Revenue Service rate.
- F. **Travel with Spouse** – If a Council member is attending a conference which has a program for the spouse, the spouse’s registration will be reimbursable. All other expenses of the spouse will be the personal expense of the Council member. Airfare or other commercial means of transportation for the Council member’s spouse shall be paid directly by the Council member without use of City funds.

VI. Communications

- A. **Citizen Requests** - The City of River Falls has a policy for public access to governmental records of the City. The policy is posted for public view per Wisconsin Statutes 19.34(1). The City Clerk is the records custodian for the City.

Records may be requested Monday through Friday from 8 a.m. to 5 p.m. Records may be requested in person verbally or by presenting a written request. Written requests are also accepted via mail, email or by fax. The City Clerk has ten (10) days to respond in writing to a written request.

Open records requests are limited to records that have been produced for the City. The City is not required to create a document in response to a request for information.

Upon receipt of a request for any record, the City will comply with the request as soon as practicable or notify the requester that there has been a determination to deny the request in whole or in part, and state the reason(s) for the denial. Any request which is denied shall be further governed by Wisconsin Statute 19.35(3).

Any denial is subject to review by a mandamus action under Wisconsin Statute 19.37(1) or upon application to the Attorney General or the district attorney.

Having a request accepted, but having to wait a reasonable time period, depending on the nature of the request, does not constitute a denial.

The City will make copies of records for requests. All records requests are subject to fees set by the City and authorized under Wisconsin Statutes.

B. **Public Communications**

1. **General** – Communications or statements made “on behalf of the City/Mayor and Council” shall be discouraged unless referencing a City policy or explicitly stated positions. On occasion, it is important to achieve timely turn around on producing and sending letters involving the Mayor or members of the City Council on such matters as position on State and Federal Legislation and other time sensitive situations. The City Administrator is delegated to make the decision on determining the sensitivity of letters. S/he is to determine the magnitude of the letter which, in turn, will dictate whether or not the Mayor would sign the letter “on behalf of the City Council,” or if all members of the Council will sign the desired letter(s). When letters are deemed to be time sensitive, the Mayor will sign policy or position related letters.

Letters which are warranted to respond to citizen inquiries can be signed by the City Administrator or designee when reiterating existing policy. Any proposed policy to be stated would, as a minimum, come over the signature of the Mayor. However, in some cases, given the magnitude, might warrant signatures by all Council Members. Council members will respond to the best of their ability to the stated deadline when the City Administrator asks for a response on a suggested position letter. If no response is given, it is not to be construed that there is consent for the desired position.

2. **Letters to the Editor** – Council members are discouraged from submitting letters to the editor relating to City issues except for stating or clarifying explicit City policy or commending individuals or organizations.

VII. Ethics

The proper operation of the City requires that public officials and employees be independent, impartial and responsible to the people, that public office not be used for personal gain, and that the public have confidence in the integrity of the City government. To achieve this goal, the Council has adopted the following:

- A. **Responsibility** – Council members hold office for the benefit of the public, and are bound to uphold the Constitutions of the United States and Wisconsin and impartially carry out all laws. Conduct in both official and private affairs should be above reproach so as to foster respect for the City.
- B. **Dedicated Service** – Council members and employees shall be loyal to the objectives expressed by the citizens, and shall not exceed their authority or breach the law or ask others to do so.
- C. **Fair and Equal Treatment** – No Council member or employee shall engage in any business or transaction, when such actions are incompatible with the proper discharge of his/her official duties, or when such actions impair his/her independence of judgment or action.
- D. **Conflict of Interest** – No Council member or employee shall engage in any business or transaction, when such actions are incompatible with the proper discharge of his/her official duties, or when such action impairs his/her independence of judgment or action.
- E. **Disclosure of Confidential Information** – No Council member or employee shall disclose confidential information concerning the affairs of the City, nor shall s/he use such information to advance the financial or other private interests of her/him or others.
- F. **Nepotism** – No employee will hold a regular full-time or part-time job with the City while s/he or any member of her/his family serves on the Council.
- G. **Gifts and Gratuities** – No Council member may solicit or accept from any person anything of value if it could reasonably be expected to influence a vote, official action or judgment, or could reasonably be considered as a reward for any official action or inaction. This does not prohibit outside employment. Any questions relating to this section may be referred to the City Attorney for a confidential opinion, and if acting in accordance of the opinion will be considered as prima facie evidence that the action was appropriate.