

Council Orientation Manual

A Handbook for City of Bayfield Council Members

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WELCOME

The Bayfield mayor, City Council, and City staff are pleased that you have become a member of the City's governing body. Our community relies on the dedication of individuals with pride in their community and the initiative to become involved in the local municipal government process.

As a member of the City Council, you will be asked to make policy decisions, enact laws, levy taxes, and act for the benefit and best interest of the City of Bayfield. You will be performing a valuable service by addressing community issues and needs as you represent your constituents. It is a service that is needed and that carries with it great responsibilities, which, hopefully, this manual will help you meet without feeling overwhelmed.

We look forward to your contribution as we all work together to provide efficient municipal services that are responsive to local needs and expectations. The City Council appreciates your willingness to work in this capacity and hopes your experience will be stimulating, enjoyable and satisfying. May you be productive in this endeavor.

INTRODUCTION

This handbook has been prepared to help elected officials of the City of Bayfield in carrying out the duties and responsibilities of public office. It is intended to be used for reference purposes only. This publication is based on state and federal legislation, general local government reference works, other detailed municipal manuals and similar publications dealing with municipal governments that have been published by the League of Wisconsin Municipalities.

In the various sections of this manual, information has been provided on the basic structure of city government, as well as some guidance on conducting council meetings, advice on how to govern the City of Bayfield effectively, descriptions of how the city is organized, details of what is required for public hearings, and information on creating a budget. In addition, some actions that public officials sometimes do not realize could create criminal liability are listed in the hope that such problems are best avoided through receiving good information.

Finally, the City Council has established a number of committees, commissions and boards to review city programs, projects and community issues. These groups provide greater community participation and can be a valuable source of information as they make recommendations to the City Council on specific areas. These bodies are all organized either through city ordinance or state statutes, which also prescribe their duties and authority.

If you have questions regarding your role, authority or area of responsibility within the aspect as a member of the City Council of the City of Bayfield, please feel free to direct your questions or concerns to the mayor or President of the Council and do not hesitate to receive clarification or assistance from the City staff.

COMMON COUNCIL AND COMMITTEE CODE OF CONDUCT

The City of Bayfield and its elected officials and members of all committees, boards and commissions (members) share a commitment to ethical and professional conduct and service to the City. The purpose of this code is to establish clear guidelines for members in carrying out their responsibilities in their relationships with each other, with City employees, with the citizens of the City of Bayfield, and with all other private and governmental entities.

1. Conduct with Each Other. Difficult questions, tough challenges to particular points of view, and criticism of ideas are legitimate and necessary elements of democracy in action. Every member has the right to an individual opinion, which shall be respected by other members during debate. Members shall refrain from being hostile, degrading, or defamatory when debating issues and engage in debate in a courteous and respectful manner.

2. Conduct with City Staff. Members shall treat all staff as professionals, referring to them respectfully during meetings, and never publicly demeaning an employee. Members will avoid interfering with the daily operations of departments and, whenever possible, direct concerns and inquiries to the mayor or the mayor's direct reports. Members shall address employee performance issues with the employee's department head or the mayor rather than in public meetings.

3. Conduct Towards the Public. Members will demonstrate honesty and integrity in all dealings with the public and be an example of appropriate and ethical conduct. Members will make the public feel welcome at public meetings, and will avoid showing partiality, prejudice, or disrespect to members of the public speaking at public input.

4. Conduct with Media or Other Government or Private Entities. When communicating with the media, other units of government, or private entities, members will make clear whether they are expressing a personal opinion or the official position of the City. Each member has differing views and until a final vote is taken, the position of a member is not the City's position. Members shall refer all media questions on closed session matters or litigation to the mayor or City Attorney.

Adopted: March 23, 2022

COMMON COUNCIL AND COMMITTEE CODE OF ETHICS

The proper operation of democratic government requires that public officials and employees be independent, impartial and responsible to the people; that government decisions and policy be made in proper channels of the governmental structure; that public office not be used for personal gain; and that the public have confidence in the integrity of its government. Chapter 48 of the City of Bayfield ordinance contains the complete Code of Ethics which was adopted in 1992. The following statements provide a summary of the standard of conduct expected from the officials and employees that represent the City.

- I will be motivated primarily by an earnest desire to serve my municipality and the people of my community in the best way.
- I will endeavor to attend all council meetings.
- I will recognize that the expenditure of municipal funds is a public trust, and I will endeavor to see that all such funds shall be expended efficiently, economically and for the best interest of the municipality.
- I will not use the municipality or any part of a municipal program for my own personal advantage or for the advantage of my friends and family.
- I will do everything possible to maintain the integrity, confidence and dignity of the office of a council member.
- I will listen to what other members of the council and other individuals or groups may have to say before making final decisions.
- I will endeavor to avoid rancor and bitterness, to observe proper decorum and behavior, to encourage full and open discussions in all matters with my fellow members of the council, to treat them with respect and consideration and not withhold or conceal from them any information or matter in which they should be concerned.
- I will make no derogatory remarks, in or out of council meetings about members of the council or their opinions, but I reserve the right to make honest and respectful criticism.
- I will recognize that authority rests with the council in legal session and not with individual members of the council.
- I will abide by majority decisions of council once they are made and will accept and support them as long as I remain a member of the council.
- I will not discuss confidential business of the council in my home, on the street, or in my office, the place for such discussions being the council meeting or committee meeting thereof.
- I will endeavor to keep informed on all local, state and national developments of municipal significance.
- I will consider it unethical to pursue any procedure calculated to embarrass a fellow council member, a member of the municipal staff or another local government body.
- I will associate myself with members of other councils both personally and in conferences for the purpose of discussing municipal problems and co-operating in the solution of them.

LONG RANGE PLANS

The Common Council of the City of Bayfield, Wisconsin formally adopted the document entitled, "*2019-2029 Comprehensive Plan of the City of Bayfield*," pursuant to § 66.1001(4)(c), Wis. Stats. The 2019-2029 Comprehensive Plan is an update to the City's 2001-2021 Comprehensive Plan in accordance with § 66.1001(2)(i), Wis. Stats.

The comprehensive plan is our community's vision for its future. It serves as a policy statement made to help guide anticipated growth and meet community goals. A good plan should provide predictability and consistency; promote economic development; make efficient and equitable use of local services, infrastructure and taxpayer dollars; support Bayfield's current quality of life and guide decision-making to support a resilient community in which everyone thrives.

Bayfield has a strong planning history. Starting in the late 1960s, when the potential for a national park became clear, the community recognized the need to plan for its future. The Blueprint for Bayfield, developed by a team of University of Wisconsin experts from the Department of Landscape Architecture in 1969, identified many of the issues and opportunities that have since been addressed in comprehensive, downtown and waterfront plans in 1971, 1981, 2002, and 2009. The City adopted a sustainability framework in 2006, and a plan for implementing its principles in 2012; it also became a charter member of the state's Green Tier Legacy Community Program in 2010 to further declare its commitment to sustainability.

A copy of the *Comprehensive Plan* is included with this document. Links to the other plans listed are found on the city's website.

GENERAL INFORMATION FOR NEWLY ELECTED COUNCIL

According to the city ordinance, regular meetings of the Common Council shall be held as scheduled by the Council. All meetings of the Council shall be held in the Bayfield City Hall, including special and adjourned meetings, unless another location is designated by the Common Council at a previous meeting.

The agenda and packets of backup information will be sent to you by email prior to the scheduled meeting. Paper copies can be picked up at City Hall prior to the meeting. Agendas and packets can also be found on the city's website.

It is the responsibility of each council member to come to the meetings fully prepared. This means that you should be reading through the entire packet of information made available to you. If you have any questions regarding the information, please contact the mayor or city staff to research the answer to your question prior to the meeting.

Meeting attendance. All members of the Common Council shall attend all Council meetings, meetings of committees to which members have been appointed, and special or adjourned meetings when duly notified thereof. A member who does not appear in answer to his name when the roll is called at any regular meeting or any special or adjourned meeting when notified thereof shall be marked absent. Any member seeking to be excused from attending any regular or special meeting must notify the mayor or City Clerk in advance of such meeting, explaining the reason for his absence and, upon complying with this requirement, such members shall be duly excused from attending said meeting.

Each new Council member needs to visit the City Treasurer to fill out the necessary employment forms such as the WT-4, W-4, I-9 etc. The mayor and Alderpersons who make up the Common Council, whether operating under general or special law, may, by majority vote of all the members of the Common Council, determine that an annual salary or per diem compensation be paid the mayor and Alderpersons. The salaries of all elected and appointed officials shall be as determined by the City Council from time to time, provided the salary of the mayor and members of Council shall not be increased during their terms of office. Paychecks are issued at the end of each month served.

Be sure to familiarize yourself with the League of *'Handbook for Wisconsin Municipal Officials'* and the *'City of Bayfield Annual Budget'*.

The Bayfield City Council conducts their meeting according to *'Roberts Rules of Order'*. Please familiarize yourself with the *"Meeting Procedures"*

Fundamentals” in the index. It is also highly recommended that each new Council member attend the Local Governments 101 Workshop presented by the Wisconsin League of Municipalities.

At times the Council will convene in a closed session. Confidentiality is extremely important and should be strictly adhered to. Items discussed in closed session should not be shared with other persons outside the realm of the Council Chambers. All closed session documents should remain within City Hall and should be disposed of in a proper manner. Do not leave closed session documents out where others may find them.

As a council member, you will be appointed to chair several committees. It is very important that you develop open and regular communication with the appropriate department head, staff and volunteer committee members in order to gather information to help you effectively chair that committee.

Take an active interest in what is going on behind the scenes of the departments. But by no means does this suggest that you should boss the employees around. Rather, this means talking to the employees to find out how you can better support them in their position for the overall benefit to the city.

The City of Bayfield is fortunate enough to have very dedicated, loyal and intelligent employees who are extremely knowledgeable in their employment positions. Be supportive to all employees, they are the ones who make this city operate smoothly on a daily basis.

It is in the best interest of the City for you to schedule some time to meet with each of the department heads to learn more about the workings of the City.

Welcome to the Bayfield Common Council. I am looking forward to working with each of you as we strive to do what we feel is in the best interest for the City of Bayfield.

Best regards,

Mayor Gordon Ringberg

CITY GOVERNMENT

Cities in Wisconsin are incorporated municipalities that are created at the request of their inhabitants to perform local services. The Wisconsin Supreme Court has stated that municipalities are "established by law to assist in the civil government of the state and to regulate and administer the internal or local affairs of the territory within their corporate limits." Because municipalities were created by the state, they have been referred to as "creatures of the state." As "creatures of the state," municipalities have no inherent powers and have only the powers given them.

Wisconsin cities are fortunate in that they have been granted extensive home rule powers. "Home rule" is the ability of cities to govern themselves in local matters without state interference. Wisconsin municipalities have two sources of home rule authority: (a) Constitutional and (b) statutory or legislative. For more information on home rule, see the *Handbook of Wisconsin Municipal Officials.*)

The City of Bayfield is a body corporate and politic with the powers of a municipality at common law and governed by the provisions of Chs. 62 and 66, Wis. Stats., laws amending those chapters, other acts of the Legislature and the Constitution of the State of Wisconsin. The City of Bayfield operates under the Mayor-Council form of government under Ch. 62, Wis. Stats.

The Common Council is the legislative branch of City Government. Its primary business is the passage of laws in the form of ordinances or resolutions which shall prescribe what the law shall be, not only in relation to the particular facts existing at the time, but as to all future cases arising under it. The Common Council shall fix the salaries of all officers and employees of the City, and be charged with the official management of the City's financial affairs, its budget, its revenues and the raising of funds necessary for the operation of the City.

The mayor is the chief executive officer. He/she shall take care that all City ordinances and state laws are observed and enforced and that all City officers, boards, committees and commissions discharge their duties. When present, he/she shall preside at the meetings of the Common Council. He/she shall from time to time give the Council such information and recommend such measures as he/she may deem advantageous to the City.

LEGISLATIVE BRANCH

The mayor, acting as the chief executive officer of the city, and the alderpersons shall constitute the City Council. The final determination of policy for the City of Bayfield rests with the City Council under the veto powers of the mayor. Electors residing within the legal boundaries of the City of Bayfield elect council representatives. Council representatives then elect a Council President.

Powers of the Mayor

The mayor, the chief executive officer of the city, is by statute a member of the council and may vote on measures before the council in the event of a tie vote. The mayor shall act as parliamentarian at meetings of the City Council and shall, from time to time, provide the council such information and recommend such measures as he or she may deem to be advantageous to the city. The mayor shall retain the right to exercise veto powers as to all acts of the City Council except for such acts for which it is expressly written or implied otherwise.

The mayor's authority as chief executive officer is not unlimited. For example, a mayor cannot unilaterally decide what uses are to be made of city property and cannot, without prior council approval, enter into a contract on behalf of the city. Also, a mayor cannot, without prior council approval, expend municipal funds.

As the chief executive officer of the city, the mayor has a statutory duty to "take care that city ordinances and state laws are observed and enforced and that all city officers and employees discharge their duties" in a manner befitting their respective office. Sec 62.09 (8)(a), Stats.

The mayor appoints the Police Chief for the City of Bayfield, subject to confirmation of the City Council. The Chief of Police has command of the police force under the direction of the mayor, and must obey lawful written orders of the mayor and City Council. The mayor also appoints the city attorney, members of Boards, Commissions, and Committees, subject to confirmation by the City Council.

The City Attorney represents the City Council in all matters in which the City Council has exclusive or final authority. Most Boards, Committees and Commissions operate in an advisory capacity to the City Council, but they all function under the supervision of the executive branch.

Committees, Commissions and Boards

- Ambulance Commission
- Architectural Review Board
- Board of Review
- BRB Recycling Committee
- Cemetery Board
- Citizen Participation Committee (CBDG Applications)

- City Plan Commission
- Finance
- Fire Protection
- Greater Bayfield WWTP Commission
- Harbor Commission
- Library Board
- Parks & Recreation Committee
- Pavilion
- Public Works Committee
- Tourism Commission
- Tree Board
- Zoning Board of Appeals

The mayor may call special meetings (which may also be called by any two members of the Council). The mayor shall also have other duties and responsibilities as are prescribed in the Wisconsin Statutes or as determined by the system of mayoral power exercised.

Sometimes references are made to a “strong mayor” system or a “weak mayor” system. These terms refer to the amount of independent power exercised by the mayor.

A “weak mayor” system is characterized by shared administrative responsibility among the mayor, elected or appointed administrative offices, various boards and commissions, and independently appointed officials.

A “strong mayor” system involves unification of responsibility and accountability in the mayor’s office. This would include the mayor’s selection of most departmental officials, the administrative supervision over governmental services and the preparation of an “executive” budget.

Wisconsin cities generally fall in the “weak mayor” category, as does the City of Bayfield. Therefore, an inherent reliance is made by the mayor on the administrative staff of the City of Bayfield to carry out the legislative directives of the City Council. (For more information see the Wisconsin League of Municipalities handbook *The Powers and Duties of Wisconsin Mayors* and the *Bayfield Municipal Code Chapter 72*)

Powers of the Council President

The President of the Council shall be chosen from among the newly organized members of the City Council after the spring election process is completed. The organizational meeting of the council is held the third Tuesday of April. The President of the Council shall act as the presiding officer of the council in the event of the absence or inability of the mayor to act as such. During this time that the President is acting in place of the mayor, the President shall have all powers and duties of the mayor except he or she shall not have veto powers to

approve an act of the council to which the mayor has disapproved of by filing an objection with the City Administrator.

Powers of City Council

Cities are governed by a common council consisting of alderpersons and the mayor. The common council serves as the legislative arm of the city government. Alderpersons are the individual members of the City Council. Individual alderpersons are not empowered to act on behalf of the city, and can only exercise power when a quorum of the council is present. Although the mayor is a member of the council and presides over its meetings, the mayor is not counted in determining whether a quorum is present.

In contrast to other city offices, the Wisconsin State Statutes do not provide a list of duties for alderpersons, although the City Council has full legislative (or policy-making) authority. In addition, the Common Council confirms appointments made by the mayor. It has authority for the management and control of city property; management and control of city finances and roads; the power to act for the government and good order of the City, for its commercial benefit, and for the health, safety, and welfare of the public.

The Council enacts ordinances, resolutions and motions; approves committees, boards and commissions; approves and amends the annual budget; levies taxes, approves the paying of claims made against the City; grants licenses issued by the City; and enters into contracts on behalf of the City. It may carry out its powers by license, regulation, suppression, borrowing of money, taxation, special assessment, appropriation, fine, imprisonment, confiscation, and other necessary and convenient and legal means.

The City Council does not enjoy executive (or administrative) powers of city government, which are carried out by the mayor and city staff.

EXECUTIVE / ADMINISTRATIVE BRANCH

Powers of the Mayor

The mayor is the chief executive officer of the city. In this role, the mayor is responsible for the general welfare of the city. The mayor also fulfills an executive role by seeing that laws are enforced and that city officers and employees properly do their jobs.

The responsibilities are mandated by state statute (Chapter 62.09 (8)) and consequently apply to mayors in municipalities with and without administrators. The difference is in the manner in which the mayor exercises his/her executive responsibility. In municipalities without administrators, the mayor exercises this responsibility directly by supervising the day-to-day conduct of city activities.

Department heads report directly to the mayor and receive their assignments from the mayor.

The mayor shall serve as the chief representative of the city in relations with the media. The mayor shall represent that city in meetings with and presentations to other governmental units, businesses, community groups, and other groups. The mayor shall work with residents of the community in receiving their comments and complaints and seeking appropriate responses, in conjunction with the staff and, if desired, the council. The mayor shall perform any other duties not specified here that are defined in Chapter 62.09 (8).

Powers of the City Clerk

The Clerk's duties are set forth by statute. Although the duties for city clerks vary somewhat from municipality to municipality, they are in large part the same. Generally speaking, the clerk is entrusted with the care and custody of the corporate seal and all papers and records of the city. The clerk is required to attend governing body meetings and keep a full record of the proceedings. The clerk is responsible for maintaining a minute book, and "ordinance book," and is also required to keep a record of all licenses and permits granted and record all bonds, in appropriate books. The clerk shall draw and sign all orders upon the treasury in the manner provided by Sec 66.0607, Stats., and keep a full account thereof in appropriate books. The clerk shall carefully preserve all receipts filed with the clerk. The clerk shall keep an accurate account with the treasurer and charge the treasurer with all tax lists presented for collection and with all moneys paid into the treasury. The clerk shall keep all records in the clerk's office open to inspection at all reasonable hours. The clerk is authorized to administer oaths and affirmations required by the state. This list of responsibilities of the clerk is not all-inclusive, but summarizes the duties as set forth in Sec. 61.19 and Sec. 62.09(11) of the Wisconsin State Statutes and Chapter 79-2 of the City of Bayfield ordinances.

Powers of the Treasurer

The Treasurer's duties are also set forth in Wisconsin State Statutes. Generally speaking, the treasurer is responsible for collecting all city, school, county and state taxes, receiving all moneys belonging to the municipality or which by law are directed to be paid to the treasurer, and paying over the money in the treasurer's hand according to law. The treasurer must deposit municipal funds upon receipt into the public depository designated by the governing body and keep a detailed account in suitable books in such manner as the governing body shall direct. The treasurer shall keep in separate books an account of all fees received. The treasurer must make, at times specified by statute and as required by the governing body, a verified report to the governing body of moneys received and disbursed and of the condition of the treasury per Sec. 62.09(9)(c) and Sec. 61.26(6) of the Wisconsin State Statutes and Chapter 79-3 of the City of Bayfield ordinances. .

The City Attorney represents the City Clerk and Treasurer in all areas wherein the City Clerk and Treasurer have exclusive or final authority.

Appointments by City Clerk (Not Subject to Council Confirmation)

Election Officials

Special Voting Deputies

CHAIN OF COMMAND

All individual department heads and staff employees of the City of Bayfield report to and are responsible to the mayor. The City Attorney generally reports to the mayor on executive and administrative matters and to the Council on legislative matters. The Police Chief reports to the mayor on executive and administrative matters and to the mayor/Common Council on legislative issues. The Library Director reports to the Library Board, but also has a responsibility to keep the mayor informed on Library matters.

The members of Committees, Commissions and Boards report to the Chair or President of such board. All members of all boards regardless of who appointed them and what function they serve within the City's governmental structure, are part of the executive branch, making the mayor an appropriate resource and informational source for all Boards and the appropriate final stop for questions and concerns. If a legal concern or need should arise, the boards should vote on whether it needs to seek the services of the City Attorney, who will then represent the boards, unless prohibited from doing so due to a conflict of interest.

The City Council members are responsible to the constituents. If a problem arises, the council member may report to the mayor, who will conduct a response to the problem through the proper chain of command, or to the council as a whole. The City Attorney represents the City Council in all areas wherein the City Council has exclusive or final authority.

The chain of command is important to a good council member. Sometimes the chain of command of an organization can be a little confusing. This simple question/answer illustration of the chain of command might help you:

1. *Who manages the people you serve?* Your direct line staff.
2. *Who manages the direct line staff?* Department Heads.
3. *Who manages department heads?* The mayor.
4. *Who manages the council?* The mayor.

A good council member learns to respect this chain of command. For example, if you want to arrange a meeting directly with the people you serve, it would be best to contact the mayor—who will help you make arrangements through the department heads and direct line staff.

What is the Council's Relationship to Staff?

Two simple rules of thumb for Council / Staff relations are:

- All communication between the staff and council should be channeled through the mayor.
- Councils do not manage staff, the mayor does.

Here are some basic Do's and Don'ts for individual council members in your relationship with staff:

- Don't make commitments to staff. Only the **Full Council** can do that.
- Don't act as a superior or supervisor to staff (that's the mayor's job)
- Do volunteer to help your organization—but in the same capacity and power as any other volunteer.
- Do go through proper channels—the mayor—when volunteering to help or guide staff with internal operations or the functions of day-to-day operating procedures.
- Do show concern for the well-being of staff.
- Do remind staff members, when they contact you, that they should follow the chain of command when they have a problem—and that they should not take their problems directly to the council members.

How Should You Handle Staff Grievances?

QUESTION: "Do staff have a right to appeal grievances to the council?"

ANSWER: Personnel management is the mayor's job. Unless there's a policy to the contrary, staff grievances should not go to the council. When the council listens to staff grievances, you may actually be settling one problem and creating a couple of serious new problems:

- Grievances that go to the council give staff mixed signals about who's in charge. If they can appeal any administrative decision to the council, the mayor's authority with staff is greatly weakened.
- If the mayor makes a decision on a staff grievance and the board reverses that decision, the relationship between council and the mayor will be strained. The Council/Mayor team must speak with one voice that says "the mayor manages staff."

Here are some answers to questions about the council/staff relationship that council members frequently ask:

- "How can council members know what's going on if we can't work with staff?" You can work with staff through the mayor. Ask your mayor to report-or ask him/her to invite staff members to each council meeting to explain their programs and answer your questions.
- "What part should the council play in hiring staff?" Council members may be asked to participate of an interview committee, otherwise council members should not independently interview or evaluate staff. That is the mayor's jobs.

The Council's Relationship to Staff Can Be Tricky

QUESTION: "As council members, a couple of us decided to attend a few staff meetings-mainly to show that we are interested in what goes on in the organization we govern. But we seemed to have stirred up a hornet's nest because the mayor says it's inappropriate for us to get involved directly with staff. Why can't we do this?"

ANSWER: Nobody ever said that it was easy to be a good council member. Sometimes an issue comes along that reaffirms how hard it really is-like the question of a council member's relationship to staff.

On one hand, you're told you should get more involved because council members are responsible for the organization. But then you're told you shouldn't short-circuit the chain of command by bypassing your mayor when you go directly to staff.

The point is not that council members shouldn't have any relationship to staff. The point is that the staff/council relationship is so sensitive, council members have to be alert to problems, which can quickly grow out of this relationship.

Who's Responsible?

Here are some recommendations for who should be responsible for the various activities and decisions made by your organization.

AREA	COUNCIL	MAYOR/STAFF
Long-Term goals (more than 1 year)	Approves	Recommends and provides input
Short-Term goals (less than 1 year)	Monitors	Establishes and carries out
Day-To-Day Operations	No Rule	Makes all management decisions
Budget	Approves	Develops and recommends
Capital Purchases	Approves	Prepares Requests
Decisions on building, Renovation, leasing and Expansion	Makes decisions and Assumes responsibility	Recommends (could also sign contracts if given authority)
Supply Purchases	Establishes policy and budget for supplies	Purchases according to council policy and maintains an adequate audit trail
Major Repairs	Approves	Obtains estimates and prepares recommendation
Minor Repairs	Policy should include amount that can be spent without council approval	Authorizes repairs up to prearranged amount
Emergency Repairs	Works with the mayor	Notifies mayor and acts with concurrence from mayor or council
Cleaning and Maintenance	No Role (oversight only)	Sets up Schedule
Fees	Adopts Policy	Develops Fee Schedule
Billing, Credit and Collections	Adopts Policy	Proposes policy and implements policy
Hiring of Staff	No Role	Mayor Approves all Hiring
Staff Deployment and Assignment	No Role	Establishes
Firing of Staff	No Role	Mayor makes Final Termination Decisions
Staff Grievances	No Role	The grievances stop at the Mayor

Personnel Policies	Adopts	Recommends and administers
Staff Salaries	Allocates line item for salaries in budget	Approves salaries with recommendations from supervisory staff
Staff Evaluation	No Role	Mayor evaluates Dept Heads. Dept Head evaluate their staff.

Council Learns Not to “Second Guess” the Mayor/Staff

Several council members from Oklahoma were shocked when they each got a letter from a disgruntled person who had been served by their organization. “It was quite a surprise,” says one council member. “We’d never heard any complaints about our staff or organization before.”

Her first reaction was similar to other board members: get the problem on the agenda for the next board meeting and hash it out. “It was a very delicate issue,” she explains. “Here was what appeared to be a very valid complaint about our staff and an appeal to us for help. At the same time, we’ve always placed full confidence in our staff.”

“We all learned a lot from that episode,” the council member explains. “Council members should be sensitive to public appeals and complaints, but we should also give the mayor a chance to handle problems first.”

“Council members have a right and responsibility to be informed about what goes on in the organization we’re elected to govern, but the mayor was elected to make the management decisions and we should allow him/her to do that.”

“Of course, the staff make mistakes once in a while, just as we all do. If the decisions are frequently bad, the staff are subject to dismissal. Otherwise, we shouldn’t be second-guessing everything they do.”

Council members should be sensitive to public appeals and complaints. But they should also give the mayor a chance to handle the problem first.

A Temptation to Fix Things

There was recently an interesting situation that happened to a California council member whose educational background is in finance and accounting. After he was elected to council, he discovered what he thought was a weakness in the municipalities accounting system. So he promptly rolled up his sleeves and personally engineered some internal changes.

Now you can't blame the council member for wanting to correct the situation. These days, many council members are elected because of their technical skills. If you have some skills in finance, it's only natural that you would want to straighten things out, push the bookkeeper aside, and do it yourself.

In fact, your mayor might want to do the same thing! But if your organization already employs a Treasurer, it's his or her job to run things right. Good mayors give staff direction and then stand back to let them do the job. Employees should be given a chance to correct a problem once it's pointed out to them.

Also, the mayor, not council members, is ultimately responsible for correct and timely financial reports. The mayor should also be given the chance to correct problems within the organization.

Remember, the mayor was elected to manage the day-to-day activities and to fix things. If something in your organization looks like it needs fixing and you want to help, point it out to your mayor and say you'd be available as a volunteer if additional advice is needed. Ask for feedback on how the problem is being solved. But don't jump in and fix it yourself without being asked.

How Many Bosses Should Your Staff Have?

A staff member from another city reported to me: "There are six council members, and I feel like I have seven different bosses!" "Council members are always on the phone telling me to do this or do that. One says I should wait to purchase a computer system and have the full board review it first. But another tells me to go ahead and buy it now while the price is right, without waiting for council approval."

Council members cannot act as individuals. They must speak with one voice so our staff members only have to report to one boss.

The Mayor is the Manager, Even in a Crisis

Sooner or later your council could find itself in the middle of a crisis, a building fire, a staff scandal, a liability lawsuit. When a crisis strikes, unwanted public attention is sure to follow on its heels. And just as quickly, council members will become the focus of public pressure to get the problem solved. The temptation for council members to take immediate action is strong.

But a crisis shouldn't suddenly change the way your council operates. It is not the time to make new policies in the midst of crisis. It is time to fall back on policies you already have and let them work. Council members should ask themselves, can the council really do anything about this situation by holding a clumsy meeting to try to make emergency decisions as a group?

What should the council do when a crisis strikes?

- Keep yourself informed from the right source, the mayor. Of course there will be public pressure on the council to do something about the problem, this just means that the council members need to make sure that they are accurately informed about the issue so they can tell the public what's being done.
- Support your mayor. Get questions out of the way at council meetings and then back the mayor during the crisis. Tell the mayor you appreciate the work being done to solve the problem and make sure the public sees the support.
- The mayor was elected to manage at all times, not just when things are going well. It doesn't make sense to pull that responsibility away. You need to support the mayor not give him or her more problems.
- Operate as a council not as individuals. Designate one person, probably the mayor, to be the media spokesperson. When you speak to the public, voice the official council stand, not your own individual opinion. Council members can influence the public and help keep a crisis in hand or under control.

The Golden Rule of the Council/Mayor Team

Support of the mayor is the responsibility of the council. Communication is the responsibility of the mayor.

Good relations between the Council and the mayor can break down when you neglect this golden rule. It will help you to remember:

- Council Members support their mayor by letting them know what they want by providing direction.
- Council Members support their mayor by ensuring that money is available to carry out policies.
- mayors carry out the council's plans, they're the managers of the organization.
- mayors must provide feedback and recommendation for new actions so the council may know how things are going.

Support and Communication.... they're necessities for every municipality.

GUIDELINES FOR COUNCIL MEETINGS

Conducting Orderly Meetings

The regular meeting of the city governing body is the showcase of municipal government. The public will likely base its opinion of city administrative efficiency and legislative sensitivity on the manner in which governing body meetings are conducted. It therefore behooves the governing body to conduct its meeting in an effective manner in keeping with full and fair consideration of the public business.

Only the barest skeleton of requirements for conduct of common council meetings is prescribed by statute. For the most part, the chief executive or other presiding officer and the governing body itself are responsible for designing and applying rules for the conduct of council or board meetings and the accomplishment of other business matters before the governing body.

Orderly meetings require the application of good parliamentary procedures (see appendix). Efficient administration of the affairs of government by the governing body requires a division of labor for the purpose of sifting and winnowing matters before presentation to the entire body for consideration and action. The former is generally accomplished by the adoption of council or board bylaws or rules and the latter by creating of committees of the governing body.

Charter Requirements

Specific requirements relating to meeting of city governing bodies are contained in Chapters 61, 62 and 64 of the Wisconsin State Statutes, the charter laws. In addition, the state open meetings law applies to meetings of the municipal governing body as well as to meetings of committees, boards or commission. Sections. 19.81 to 19.98, Stats. Discussed below are the basic statutory requirements for the conduct of city council meetings.

Quorum

A majority of the members-elect of the Common Council shall constitute a quorum, but a lesser number may adjourn if a majority is not present or compel the attendance of absent members. The mayor shall not be counted in computing a quorum. No action shall be taken unless a quorum is present.

Regular Meetings

Regular meetings of the Common Council shall be held as scheduled by the Council. All meetings of the Council shall be held in the Bayfield Municipal Building, including special and adjourned meetings, unless another location is designated by the Common Council at a previous meeting. [Amended 10-18-2006 by Ord. No. 335].

Special Meetings

Special meetings may be called by the mayor upon written notice of the time and

purpose thereof to each member of the Council delivered to him personally or left at his usual place of abode at least six hours before the meeting. The City Clerk shall cause an affidavit of service of such notice to be filed in his office prior to the time fixed for such special meetings. Special meetings shall comply with the notice provisions of the Wisconsin Open Meeting Law.[1] In addition, a special meeting may be called by a written request signed by two Alderpersons, which written notice for said special meeting shall be delivered to every member of the Council and the mayor personally, or left at their abode at least six hours before said meeting being called. If written consent is obtained, it shall be filed with the City Clerk prior to the beginning of the meeting. See §§ 19.81 to 19.98, Wis. Stats.

Recording Votes

In mayor-council cities, an aye and no vote must be recorded on confirmation of appointments or adoption of any measure assessing or levying taxes, appropriating or disbursing money or creating any liability or charge against the city or any city fund. Any member of the council may also require an aye and no vote. Secs. 19.88(2) and 62.11(3)(d), Stats.

Except for the election of officers of a governmental body, secret ballots are prohibited under sec. 19.88(i), Stats.

An example of an officer of a governmental body is the council president. It is important to realize that this is a very narrow exception and to distinguish between officers of the body and officers of the municipality. In other words, a committee may be authorized to select its own chairman and may do so by secret ballot under sec. 19.88(1), Stats. However, officers of the municipality cannot be selected by secret ballot. Thus, selecting appointive municipal officers, making committee, commission and board appointments and filling vacancies on the governing body itself cannot be filled by secret ballot. 65 OAG I, viii (1976); League opinion, Governing Bodies #299.

For all types of city government, votes should be recorded when the governing body is acting under a law which requires more than a majority of a quorum.

The Open Meetings Law

Wisconsin law requires all meetings of governmental bodies, including governing bodies, committees, boards and commissions, to be open sessions with certain limited exceptions. In addition, the law requires that public notice be given of every meeting of a governmental body. Open meeting requirements will be presented in more detail later in the document.

Publication of Proceedings

Proceedings of city councils must be published as required by secs. 61.32, 62.11(4) and 64.07(1), Stats. The published proceedings need not include the entire record made by the clerk in the journal but only “the substance of every

official action taken by a local governing body at any meeting, regular or special.” Sec. 985.01 (4), Stats. Section 985.01(5), Stats., defines “substance” as:

“ . . .an intelligible abstract or synopsis of the essential elements of the official action taken by a local governing body, including the subject matter of a motion, the persons making and seconding the motion and the roll call vote on the motion. . . . ”

Ordinances and resolutions published as required by law need not be reproduced in the minutes, as long as the minutes include a reference to their subject matter and show the votes taken on the legislation. Sec. 985.01(6), Stats. Names of payees and amounts of all approved claims need not be published in detail but may be consolidated according to purpose. Some governing body rules require publication of the full amount of the claim and the name of the payee for payments approved in excess of a stated amount, such as \$200 or \$500.

Proceedings are published in the official newspaper in cities. Secs. 62.11(4)(a) and 985. 06, Stats.

Publication of Ordinances

In cities all ordinances must be published within 15 days of passage. Ordinances are published in full and take effect the day after publication unless a later date is expressly prescribed by the council or by law, as in the case of charter ordinances. Secs. 62.11(4)(a) and 66.01, Stats.

There is no general requirement that city resolutions be published in full, although specific statutes may require resolution publication. Mention of the substance of the resolution and motions and votes taken concerning it are included in the published proceedings.

City ordinances are styled “The city council of the city of _____ does ordain as follows:” and countersigned by the city clerk. The Council President signs all ordinances which the Council approves.

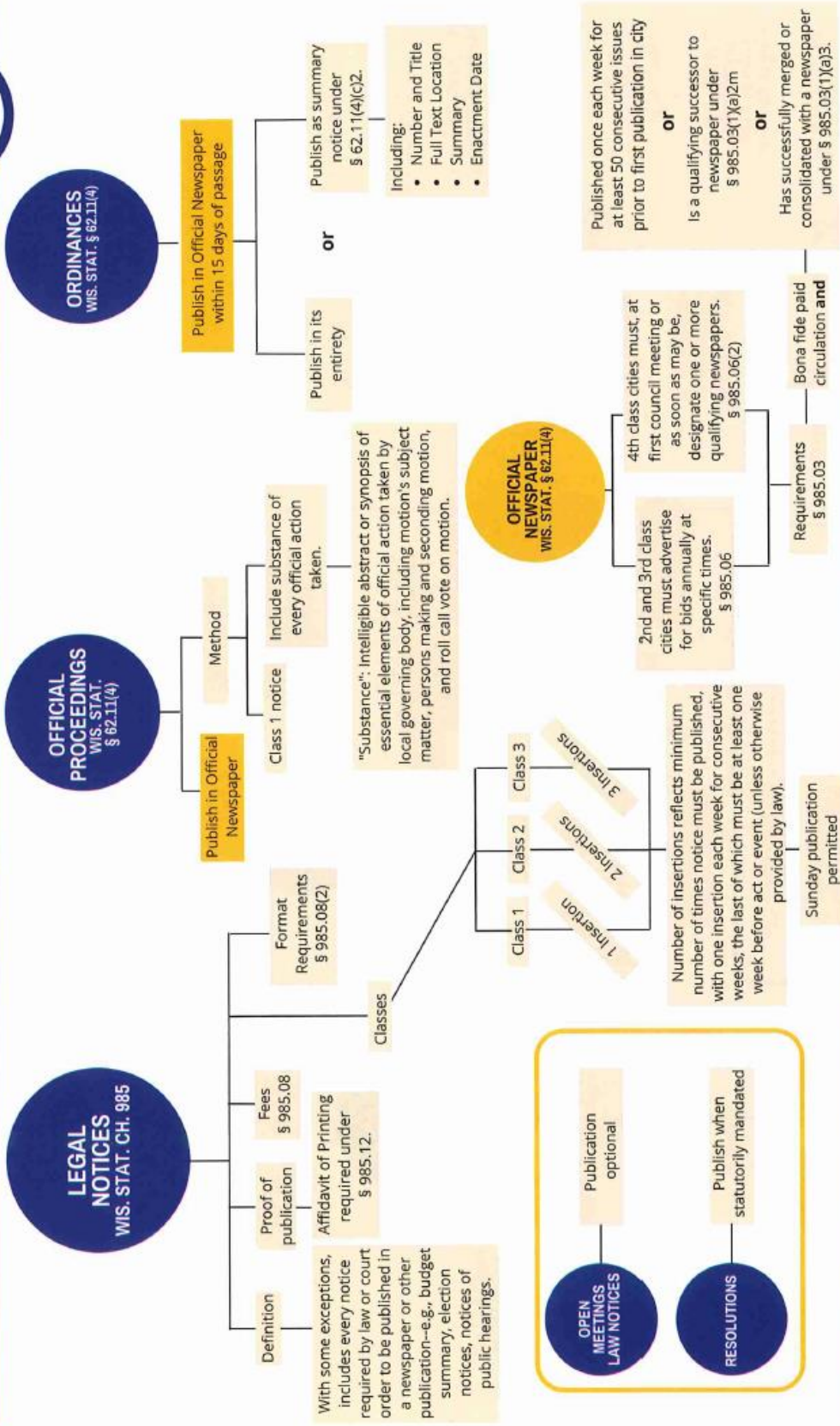
Official Newspapers

Cities are required to designate official newspapers for publication of council proceedings, ordinances and legal notices. The procedures for selecting official newspapers and the legal requirements for newspapers entitled to receive compensation for publishing city or village notices, etc., are set forth in ch. 985 of the Wisconsin statutes. Because of the detail and complexity of these laws, they will not be reviewed in detail here. The city clerk and attorney should study these statutes and advise the governing body with respect to them.

In fourth-class cities the council designates the official newspaper at its first meeting on the third Tuesday of April or as soon as possible thereafter. Sec. 985.06(2), Stats.

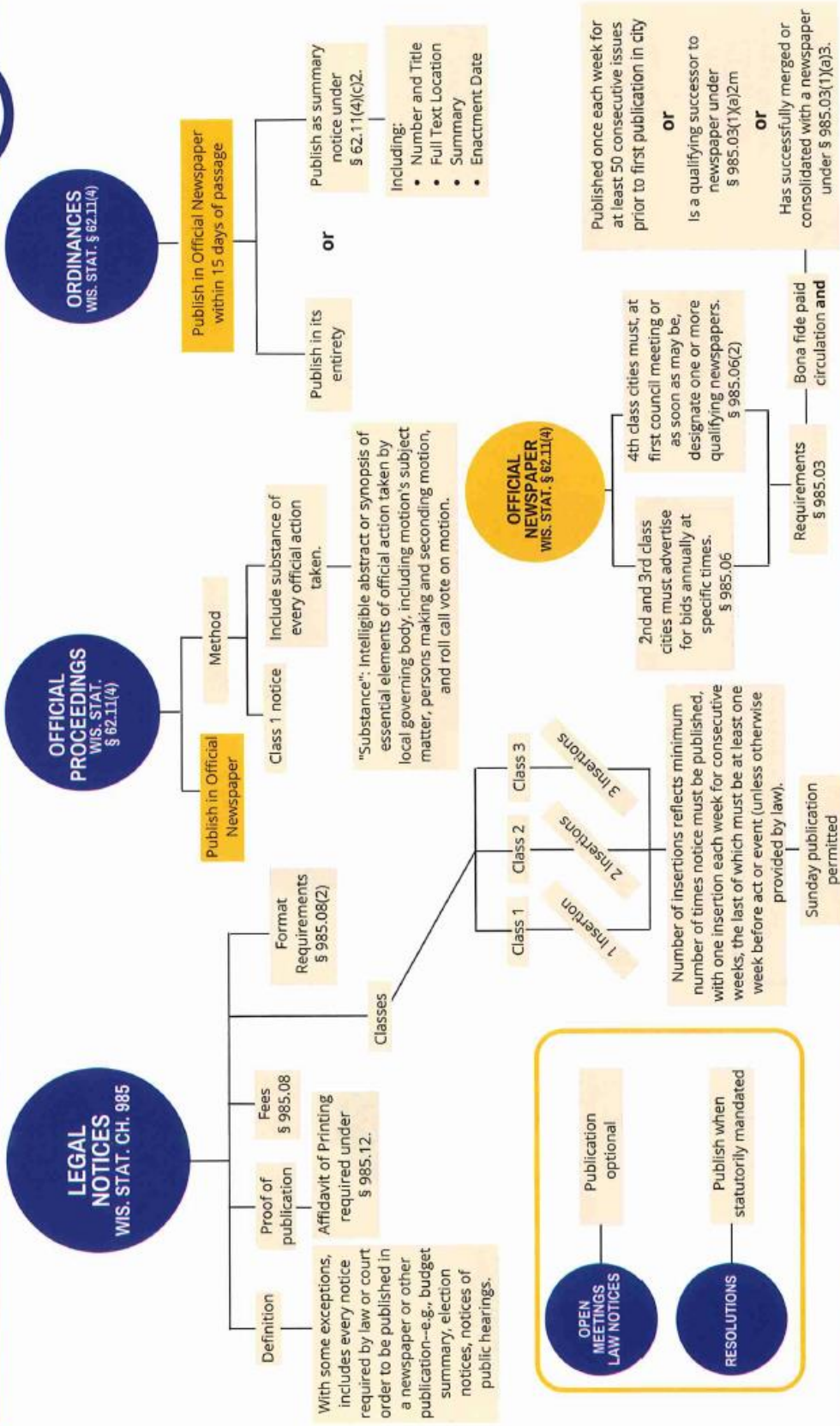


Publication Requirements for Cities





Publication Requirements for Cities



Voting

No member of an assembly can be compelled to vote. Wrzeski v. City of Madison, 558 F. Supp. 664 (W.D.Wis. 1983). However, casting a vote may subject him or her to prosecution or penalty under state law or local ordinance. See sec. 946.13, Stats., and the discussion entitled “Criminal Restrictions and Other Prohibited Acts.” If a person abstains because of a conflict of interest, that person is not considered present for quorum and voting purposes. See Ballenger v. Door County, 131 Wis.2d 422, 388 N.W.2d 624 (ct. app. 1986).

Determining the required number of votes under special laws is frequently a matter which confronts a governing body. Usually, in these circumstances the entire authorized membership of the council or board must be counted even if some members are absent or their seats vacant. See State ex rel. Cleveland v. Common Council of City of West Allis, 177 Wis. 537, 188 N.W. 601 (1922); League opinion, Governing Bodies #204. Although the council president may on occasion be entitled to exercise the veto power of the mayor, if he or she, when presiding, votes as a member of the council he or she may not cast a second vote to break a tie. See McQuillin Mun Corp, sec. 13.25 (3rd Ed.); League opinion, Governing Bodies #257.

When an exact division of the membership into the required voting fraction is not possible, the next higher number of votes is required. Thus, on a four-member council a majority vote of all members requires three affirmative votes as does a 2/3 of 3/4 vote. State ex rel. Owen v. McIntosh, 165 Wis. 596, 162 N.W. 670 (1917); League opinion, Governing Bodies #321.

Two council members plus the mayor equals a 2/3 vote

Public Hearings

In their conduct of public business, governing bodies find it necessary or desirable to perform investigations into matters of concern to determine the need for legislation and what its nature should be if required. Investigations and hearings into the conduct or affairs of municipal officers are also sometimes undertaken at the direction of the governing body. This chapter describes the general procedures and legal powers and duties of governing bodies or their committees in conducting investigations and administrative reviews.

One procedure frequently employed in investigating city affairs in preparation for final legislative or administrative action on matters of special concern is the public hearing. Of course, all meetings of the city governmental bodies must be open to the public unless the subject matter falls within one of the exemptions prescribed by the open meetings law, sec. 19.85, Stats. However, public hearings are specifically required by certain state statutes. Some of these are listed in the following table:

STATE STATUTES REQUIRING PUBLIC HEARINGS

- Removal of City Officers for Cause. Sec. 17.16.
- Disciplinary Actions Against Police and Certain Firefighters. Secs. 61.65(am), 62.13(5) and 62.13(6m).
- Amendment of Official Map. Sec. 62.23(6).
- Enactment and Amendment of Zoning Ordinance. Sec. 62.23(7).
- Enactment of Extraterritorial Zoning Ordinance. Sec. 62.23(7a).
- Regulating Construction, Etc., in Fire Districts. Sec. 62.23(9)(b).
- Adoption of Budget. Sec. 65.90.
- Revocation or Suspension of Mobile Home Park License. Sec.66.058(2)(d).
- Discontinuance of Streets and Alleys. Sec. 66.296.
- Establishing Pedestrian Malls. Sec. 66.298.
- Removal of Housing Authority Commissioners. Sec. 66.40(8).
- Approval of Urban Redevelopment Plans. Sec. 66.406(3).
- Approval of Redevelopment Plan in Blighted Area. Sec. 66.43(5)(b)3.
- Modification of Development Plans. Sec. 66.43(10).
- Approval of a Redevelopment Plan Under the Blight Elimination and Slum Clearance Act. Sec. 66.431(6)(b)3.
- Modification of Redevelopment Plan. Sec. 66.431(11). Violation of Urban Renewal Orders. Sec. 66.435.
- Creation of a Tax Incremental District. Sec. 66.46(4).
- Levying Special Assessments. Sec. 66.60(7).
- Approval of Business Improvement District's Initial Operating Plan. Sec. 66.608(2)(c).
- Levying Special Assessments Under Alternate Procedure. Sec. 66.62(2).
- Assessment of Condemnation Benefits. Sec. 66.63(2).
- Property Assessment Board of Review. Secs. 70.47 and 70.48.
- Enact Airport Approach Protection Ordinances. Sec. 114.136.
- Revocation or Suspension of, or Refusal to Renew, Alcohol Licenses. Sec. 125.12.
- Enactment of Subdivision Regulations. Sec. 236.45(4).

* This section is from the "Handbook for Wisconsin Municipal Officials" published by the League of Wisconsin Municipalities.

Except when constitutionally protected rights of specific individuals are involved or when the applicable statute imposes other requirements, public hearings are subject to no special rules of procedure. However, the presiding officer prior to commencement of the hearing should announce those general rules of etiquette and order, which shall govern the hearing. If time limits are to be imposed on appearances at the hearing, this fact should be stated in the notice to the public and also in any notice sent directly to interested persons. This notice procedure will allow those persons desiring to appear whose presentations might exceed their allotted time to prepare written statements or consolidate their presentations with other speakers.

EFFECTIVE GOVERNING

In a democracy, the need to evaluate and balance all interests is a challenge and frustration facing most elected officials. City councils and village boards in Wisconsin are no exception to this rule.

Decision-Making

The fundamental job of a governing body member is to make policy decisions for his or her municipality. Decisions should be based on full, relevant and accurate information and with a clear objective in view.

Decisions of local governing bodies generally fall into three categories:

- 1) those regarding projects or facilities;
- 2) those with respect to services, and
- 3) those relating to the need for regulations affecting the health, safety or welfare of the municipality's residents.

See Wright, J. Ward, and Benson, Virginia, "Your Local Economy: Does City Hall Play a Role?", Nation's Cities, September 1972, p. 45.

The process of making decisions with respect to any of these three principal areas of municipal activity can be divided into six stages:

"Need. The process whereby it is determined that something needs to be done. Such determination is usually based on an awareness of community conditions.

"Solutions. The process of determining which government is responsible, what resources are available, what the scope of responsibility is, and the manner in which an answer to the problem should be formulated.

"Projects. The development of plans for specific allocations of resources to specified agencies to undertake given actions for specified purposes.

"Approval. The official act by which action is authorized and resources are allocated.

"Administration. The action of management in issuing directives, supervising activities, reviewing results, and making required adjustments.

"Evaluation. The process of reporting and reviewing, whereby the policy-makers may determine the success or failure of the programs, in whole or in part, in meeting the needs defined in the first stage."

Unfortunately, substantial impediments frequently exist which diminish effective city council or village board involvement in all stages of a decision. These include, among others, the existence of semi-independent agencies financed and/or sanctioned by state and federal largess and laws which may have progressed to the fourth stage of the process before bringing a project to the council or board for consideration and approval. In addition, there may be a large time span over which projects or issues may extend, resulting in numerous

changes in the composition of the decision-making body or a change in attitude of the citizenry or even a change in need for the project or service itself which can hamper effective decision-making.

Perhaps, in view of these impediments, governing body officials may have to console themselves with the satisfaction of having made informed and intelligent decisions after thorough study and deliberation even if in retrospect the particular project, service or rule fails to achieve its anticipated goal.

Data Gathering and Technical Assistance

Merely identifying stages in the normal evolution and denouement of a municipal project does not guarantee effective decision-making. Effective decision-making is the result of having sufficient data to provide the basis for making rational choices between alternative courses of action. Effective decision-making also requires a refining, sifting and winnowing of the issues and data, the creation of an atmosphere conducive to making decisions in an unhurried and judicious manner and the weighing of potential consequences of alternative decisions or courses of action. Finally, effective decision-making requires the creation of a local administrative system that will guarantee that decisions made by the governing body will be carried out as intended.

Gathering data or background information is generally the role of governing body members individually and collectively and of municipal departments and administrative heads.

Individually, council members can obtain data and background information on the need for specific projects, services or rules by reading the municipal code and charter and publications such as this; by receiving reports from the manager, department heads, boards, commissions and committees; by listening to their constituents and to citizens at public hearings; and by observing and viewing conditions in their own wards or districts.

Collectively, the council may wish to procure the advice of the municipal attorney; of bond counsel; of the municipal engineer or a consulting engineer on particular issues or projects. Information can also be obtained from state or federal agencies or associations.

Sometimes a special study committee of citizens and/or governing body members may be used to obtain background data on the need and desirability of a particular action by the governing body. In addition, a public hearing may be called for this purpose.

It should be kept in mind that the information gathering process is not in itself the solution. It is merely the initial step. The final decision rests with the members of the governing body, and a problem or need is seldom resolved merely by collecting facts and data. Indeed, it has been suggested that the practice of

Congress and the state legislature of separating the public hearing part of the process from the decision-making part leads to more efficient and more effective governing body determinations.

MAKING IT WORK

The types of problems confronted by your board can some times seem so burdensome that you wonder why you ever got involved. Try to keep in mind that the conflicts and problems that you tackle are important to the community you serve. When you work out the problems as a group, you will make healthy decisions. Keep in mind, too, your commitment to the board, your colleagues' commitment, the importance of your contribution, and the importance of making sound decisions.

As your board tries to make the best possible decisions, use the following “rules of thumb” to help you get over the hurdles:

- **Separate the people from the problem.** You and your colleagues aren't questioning each other's good intentions or personal integrity. You are discussing options for making the best possible decisions. Don't think about what you may not like about the person sitting across the table from you. Instead think about what he or she is saying, about the points that person is trying to make. If a colleague seems to be attacking your integrity, try to get that person back on track by asking him or her to make the point.
- **Focus on mutual interests and shared goals.** When your board seems to have bogged down, sometimes it is helpful to step back and think about the goals you have set for it. Keep in mind that you all have agreed on these goals, that you do have mutual interests, and that you are all serving the same constituency. Remember what is important!
- **Invent options for mutual gain.** Is there a compromise with which everyone will feel satisfied? Think about all that has been said throughout the debate. Can the best aspects of everybody's ideas be incorporated into a plan? Ask your colleagues why a particular approach is not satisfactory and why other approaches are.
- **Be open, honest, and willing to listen.** Examine your own approach to dealing with conflict. Are you really listening to what your colleagues are saying? Are you thinking about the implications? Are you considering them? Don't be afraid to state your concerns. Be honest by revealing what you see as the options and by explaining what you see as shortcomings in the suggestions of others.

GUIDELINES FOR COUNCIL MEMBERS

Each Council member should work to establish a good relationship with other members. The success or failure of efforts may be dependent upon the degree of cooperation evident among the individual members of the Board.

Each member should keep in mind these important points:

- Show respect for another's viewpoint.
- Allow others adequate time to fully present their views before making comments.
- Be open and honest.
- Make new members welcome and help them become acquainted with their duties.
- Strive to minimize polarization and factions among members.
- Always adhere to the Code of Conduct and Code of Ethics.

Each Council member receives public input and citizen participation in City government by the following means:

- **Reviewing Recommendations.** Council members receive information from Boards and the public on matters spanning a wide range of interests and needs. Board members review and make recommendations to City Council on matters within their scope of responsibility. They perform as a citizen's advisory arm of City Council, focusing attention on specific areas of the City. However, certain Boards may take final action in prescribed areas. These bodies give the citizenry an opportunity to voice their opinions on City programs and policies.
- **Assisting with Goal Identification.** One primary responsibility of Council membership is to formulate City goals. What do people say they want in their City? How can this be translated into a set of compatible, consistent, long- and short-range City goals? Advisory groups, staff and citizens can help with the decision-making process, but remembering the distinction between wants and needs is a policy decision and therefore, ultimately rests with City Council.
- **Representing General Interests.** The Council must be careful to represent general interests of the City, not special interest groups. Council members must work with the City Manager. They should not become directly involved in the administration or operation of City departments, and should not direct the administrative staff to initiate programs, conduct studies or establish official policy without approval of the City Council as a whole. Members, however, are encouraged to review and comment on relevant department programs as they affect the community.
- **Holding Open Meetings.** All meetings of the Council must be open to the public pursuant to the open meetings law. The intent of the law is to ensure actions be taken openly and that deliberations be conducted openly. Furthermore, the Council must announce a time, place and date

for holding any regular or special meetings. (See the section on Open Meetings and Open Records in this Manual. If you have questions or concerns, please contact the City Attorney.)

- Participating. Election to the City Council provides an opportunity for genuine public service. Although the specific duties of each Board vary widely, there are certain responsibilities common to all members. The following is a summary of important responsibilities that will assist in maximizing one's contribution to the City.
- Understanding the role and scope of responsibility of the Council may sometimes appear to be a daunting task with the sometimes conflicting goals of properly representing the City, being concerned with the entire community, keeping the lines of communication open, being conscious of your relationship to the rest of the City Council and City staff, and establishing a good relationship with other members.

By being open and honest at all times, while being aware that, in the public's eye, you represent the City you serve, your ultimate contributions to policy decisions should express your sensitivity to the diverse viewpoints held in the City.

Council Members Should Never

- Talk too much and listen too little.
- Publicly criticize a council decision that was voted on and passed by the majority of the council, but that you did not specifically support.
- Demonstrate to fellow council members that you have all the answers for every issue.
- Refuse to change your mind on any issue regardless of the evidence presented.
- Fail to read council packets and prepare for the council meetings.
- Divulge information from an executive council meeting.
- Refuse to compromise when decisions have stalemated.
- Ridicule past council members and the decisions made by the council before you became a member.
- Hold grudges about fellow council members when they do not agree with you.
- Try to dominate conversation at every council meeting.
- Resent the salary of the chief executive or staff because it is more than you or your spouse makes.
- Arrive late and leave early.
- Remind fellow council members "that it has always been this way in the past."
- Appear at park sites or facilities giving orders to employees.
- Want the agency to be a haven for hiring friends and the politically deserving.

- Constantly criticize and question council policies and the executive decisions, and compulsively dissent on almost every issue.
- Do not try to know or understand other people who serve on the council with you. Team building begins by knowing your teammates.
- Have no interest in being educated on being a good council representative.

COUNCIL RELATIONS

Representing the Council.

Council members cannot individually commit the City to positions without a vote or consent of the Council. Individual Council members should not insert themselves into or position the council on issues without a Council vote. It is inappropriate to commit to things that the whole Council may not be aware of or approve. Members should refer such matters to the administrative staff for review and later recommendations back to the Council.

Complaints from Citizens

When individual Council members receive citizen complaints, these should be referred to the Administrative staff for investigation and resolution immediately. A vast majority of complaints concerns enforcement issues, which must ultimately be addressed by the staff anyway. Council member involvement in enforcement or interpretation of ordinance, policies or laws could subject the Council to later problems. The Administrative staff enforces zoning, ordinances, basic services, personnel matters, etc., and through the separation of duties the City Council establishes the rules by which the staff function.

More on Handling Complaints

Do not wait to bring up citizen complaints at Council meetings, these should be handled as quickly and routinely as possible by proper referral to staff. Do not “invite” complaints to be dealt with at meetings. Council will not appreciate a “staged” show, and the complainant may not appreciate the delay involved.

Media Relations

From time to time, the media (particularly the press) will ask for commentary about a City Council action or position on an issue. To the extent that the Council has taken an action or position, the mayor will serve as spokesman unless the City Attorney has been designated by the Council President. In these situations, the “Council’s” position is to be disclosed, as opposed to individual opinions. Of course, individual opinions are individual opinions and may not express the opinion of the Council as a whole.

Approval of Minutes

Council minutes are considered “action minutes”. They convey a brief summary of discussion and action taken on items of business. They do not contain lengthy discourse from testimony given or all of this would be expensive, time

consuming, and unnecessary. Spelling and grammar errors should only be brought to the Clerk's attention outside of the meeting.

Ordinance/Resolution Preparation

The City Administrative staff and/or the City Attorney prepare all ordinances and resolutions for Council consideration. Council's concern in review of such legal documents should be whether or not they adequately convey the "substance" desired. They should not be prepared at the meeting by the Council.

Private Disputes

On occasion, individual City residents or neighborhoods will come forth with problems of a purely private nature. These typically include nuisance complaints, work hours for contractors, boundary line disputes, fence problems, etc. The City should not get involved. Intercession in such matters will needlessly consume time and taxpayers' dollars and could potentially expose the City to liability. If you are not clear whether a reported "problem" is properly within the City's jurisdiction, the best thing to do is ask the staff for a determination and ask that they report back to the Council.

Policing Problems. It is the Council's responsibility to police and correct any problems among Council members. Council should not expect the administration to do this for them.

CITY COUNCIL, MAYOR, AND STAFF RELATIONS

Everybody's Equal

All Council members will receive the same information about a matter particularly as it relates to business items for your consideration as a body. No one will receive different or "special" information that would tend to put one Councilperson at an advantage over the others. Staff reports, per se, will be prepared for the entire Council to avoid such problems.

Favoritism

We all know that individual Council members may have more of an interest in some departmental functions than others. However, that should not give cause for staff to show special deference to certain Council members. Every Council member is to be treated equally; no favoritism is to be demonstrated. Be cooperative and responsive, but do not play favorites.

Lobbying Council Members

Individual Council members are not to be lobbied by Department heads for support of their projects, budget requests, etc. Department heads work for the mayor, and it is he/she that the Department heads or staff must lobby. Their programs must stand on its merits, as opposed to their success in lobbying and lining up Council votes. The City has a chain of command and must adhere to it.

Council Orders

As the Municipal Code requires, no Council member is to individually “order” the Department Heads, Staff, and others to do anything. Only a majority of the council may instruct the administration to do something. However, committee chairs may communicate directly with designated staff with regard to the conduct of committee business.

Use of Resources

Staff resources are limited. Those resources the City has are fully devoted to carrying out Council-determined priorities and programs. There are no resources available to pursue individual Council members’ special requests. Resources will be used as a matter of establishing a proper relationship with the entire Council. There will be a number of occasions when a Councilperson will call or request information. To the extent that it is available, the information is to be furnished. However, staff is not to launch into a special research effort that could divert limited resources from working on the priorities of the entire Council.

Council Member Involvement in Negotiation Meetings

At any one time, staff can be involved in various meetings with citizens, consultants, prospective developers, etc. The subject matter runs the gamut from complaints to researching Council reports, possible development scenarios, and the like. The City Council hires staff to perform these functions, and they have repeatedly reaffirmed this position. There may be a few situations that would call for meetings where a designated Council member and a staff member would both be involved. These situations will be few, and the entire Board will/should formally authorize this approach. Otherwise, Council intercession in such staff meetings and negotiations is inappropriate.

Office Visits

Council members are welcome to frequent City Hall. Usually, these visits will be for business matters (to ask a question, forward a complaint, etc.). “Social” visits will be made from time to time. These are fine. However, “socializing” is discouraged to the extent that it interferes with staff’s schedule or disrupts normal staff activities and workflow. For the Council members: do not disturb or demand the attention of the entire office staff. Likewise, the administrative staff should not let this happen.

More on Visitations

It is not appropriate for Council members or board/committee member to assume a “staff role” while you are in City Hall. Staff has a proper role, and elected officials have a proper role. Please do not, as a Council member, answer telephones, work behind the counter, review plans with developers and contractors, respond to inquiries or complaints, or try to operate as a “staffer”.

Mayoral Contact

The Council member's primary contact is the mayor. Questions, requests for information, etc. should be made through him/her, not individual Department Heads or other staff people. There are good reasons for this approach: the mayor will then know what is going on, and he/she properly can determine which department(s) should become involved. In addition, it is a good way for the mayor to assess the responsiveness and effectiveness of the departments. A further advantage is that many of the issues addressed in these guidelines will not become problems for the mayor or Council.

Personnel Complaints

As a Council member, you may receive complaints about City personnel. These complaints, however severe they may or may not seem, should be turned over to the City to investigate and resolve. In some cases, disciplinary action may be required, and protection of the City rights and employees' rights is a paramount consideration in dealing with employee complaints. The mayor is the City's Personnel Officer, so please turn over any employee complaint to him/her for internal investigation and disposition.

OPEN RECORDS AND OPEN MEETINGS

The following information has been included to help guide all City officials and in their duties to the public in creating an open government and informed electorate. This manual is distributed to provide guidance with respect to compliance with open meetings and open records laws. Both areas of law have been the source of much litigation and opinions of the Attorney General, and therefore, the application of the laws can be quite fact-based and complicated.

Although this was written in 1996, it remains relevant today, with the addition of concerns about electronic mail. Please be aware that e-mail received and sent and instant messaging that pertains to City and Council business is a public record and a hard copy should be filed with the City Clerk-Treasurer, or the e-mail should be forwarded or copied to the City Clerk-Treasurer's e-mail address.

In addition, please be aware that online chats, instant messaging and forwarded e-mails involving other members of the Council are likely to be viewed identically as the use of the telephone, and therefore, the same concerns about conducting meetings by walking quorums that can put the City and Council members at risk of violating the open meetings law may apply. Please do not construe this as a prohibition of these kinds of communications, however. These comments are provided for the purpose of informing members of the precautions that may be appropriate in certain situations as they arise.

Please review this guidance and if you have any questions, concerns or you wish to review additional information on Open Meetings and Open Records laws,

please contact the City Attorney. Therefore, if you have a question regarding the propriety of a contemplated action or practice with respect to the application of these laws, please do not hesitate to make a request for a legal opinion. In addition, although most "infractions" of the laws and their application may appear minor at the time, the violation of these laws can result in prosecution by the District Attorney, fines of up to \$1,000, and possible other costs and remedies, including under some circumstances, the payment of attorney's fees.

The texts of these laws are laid out in subchapters II and V of chapter 19, *General Duties of Public Officials*, in the WI State Statutes. The policies of the laws are frequently the basis for their interpretation by the courts and the Attorney General, because both laws state that their application is to be construed liberally in favor of openness in government and its activities. In addition, because of the strong policy implications stated in the statutes, the spirit of these laws is often looked to during enforcement, rather than simply the letter of the statutes. Thus, upon casual observation, a set of facts may look like they don't fall exactly within the wording of the statutes, but they may, depending on the exact nature of those facts, become a violation when actually litigated or prosecuted.

Open Records Law

The context in which your official duties relate to the open records laws is somewhat limited. Basically, all governmental records are presumed to be open to the public, and access to those records may not lawfully be denied to persons asking for such access, unless the records custodian can show the proper exceptions to the law. Moreover, records are defined very broadly, and they are much more than simply the agendas and meeting minutes of commissions, boards, and the Council.

Fortunately, no member of a commission, board, or the Common Council needs to concern him or herself with the rules for determining whether records under an open records request need to be turned over to the public. Law assigns the City Clerk as the official records custodian for all commissions, boards, and the Council. The City Clerk knows the proper procedures to be followed in determining which records have to be disclosed upon request, and which records may lawfully be denied to the public.

Where all members of commissions, boards, and the Common Council need to be concerned with the open records law is at the front end of the records access question, rather than at the back end. You, as members of these governmental bodies, need to be aware that you may be held responsible for seeing to it that all public records are placed on file with the City Clerk.

And since public records are not simply written communications generated by the governmental body itself, it would always be a wise practice to have placed on file with the City Clerk all written communications to you, whether they are letters, reports, or memos. (If, however, these documents were generated by city

administration, you can rely on the fact that they are already on file with the City Clerk, since the City Clerk is also the record custodian for city administration.) In addition to all written communications, recorded communications also are public records, as are computer files and fax documents.

Although the governing body, whether it is the Council, a commission, or a board, is the authority responsible for turning over all public records to the records custodian, the individual member in each of these bodies presumed to have the primary responsibility for compliance with the law is the presiding officer of each body. Therefore, if communications that are records come to a governing body as a whole, individual members should look to their chair or president to fulfill the responsibility for filing these records with the City Clerk. The responsibility becomes an individual one, however, if a record is given to only one member of the body.

The following examples are intended to illustrate how the open records law would apply to you and your duties as a public official or board member, subject the city's record retentions policy, City of Bayfield Ordinance - Chapter 99:

1. You are stopped on the street by a citizen who wants to talk to you about how a particular item on an upcoming agenda should be decided. To remind yourself of the concerns and the conversation, you jot down some notes for your own personal use. Are these notes a public record that needs to be filed with the City Clerk? No. Personal notes used only by you are not public records and there is no public right of access to them. However, if you pass along your notes to other members of your body, they then have become public records and need to be filed with the City Clerk.
2. You are stopped on the street by a citizen who wants to discuss how you should decide a particular item on an upcoming agenda. A few days later, the same person follows up with a letter sent to the entire board, of which you are a member, but you are not the presiding officer. Is the letter a public record? Yes. Do you have to file it with the City Clerk? No. Does the presiding officer need to file it with the City Clerk? Yes. Will it hurt anything for you to file it as well? No.
3. You received a letter/email apparently addressed only to you that is urging you to vote or take action in a particular manner. No agenda has been formally made that encompasses the action being requested, but it is an action you are lawfully empowered to make and it is foreseeable that at some time in the future, you might be discussing the matter. You do not know whether anyone else in your body received the same letter. Is this a public record? Yes. Do you need to do something with the letter/email? Yes. You have two options. The first is to share the letter/email with the other members of your body by mailing them copies or by giving them copies at the next meeting of your governmental body. The second option is

to file the letter/email with the City Clerk. Under the first option, the presiding officer would ultimately be responsible for filing the record. Under the second, you are responsible for filing the record.

4. You are the secretary for a governmental body, and a particularly complicated issue comes before you that you want to carefully write into the minutes of the meeting. You decide that you can write far more detailed and accurate minutes if you tape record the meeting with your own tape recorder. You follow the procedures of having your body approve the minutes and they are placed on file with the City Clerk. Is the tape also a record that must be filed? Yes. Public records are also tape recordings. It might have been better to request that the City furnish you with the tape before recording, but the fact that it was a privately owned tape at the time of recording under the circumstances set out above does not change the fact that it has now become a public record. And, unfortunately, erasing the tape would not make it less of a public record. Instead, erasing the tape would be a violation of the open records law because of unlawful destruction of a public record.
5. Someone calls your home answering machine and leaves a recorded message. Is this a public record? No.
6. Your commission wants to track certain data collected over time on some aspect of city government. Perhaps you are on the Zoning Board of Appeals, and you want to determine the amount of side yard variances that have been granted, and how large was the largest variance, how small was the smallest, and what was the average. Someone volunteers to extract that information from previous meeting minutes and place it in a database. Is the computer file that contains the data a public record? Yes. If the software is compatible with City software, filing a copy of the file with the City Clerk is sufficient, unless reports were also generated from the data, which would also have to be filed. If the software were incompatible, filing the hard copies of all manipulations of the data in the database would be necessary to be in compliance.
7. Someone sends you a fax on your company's fax machine relating to your duties to the City. Is this a public record? Yes.
8. Your governing body meets in a properly noticed and convened closed session. Are the minutes of the closed session a public record that must be filed with the City Clerk? Yes. Are the minutes of the closed session public information that can be released or talked about by any member of your body? No. It is within the sole lawful authority for the City Clerk to determine when, and if, the minutes of a closed session may be released to the public.

9. Your board wants the cable TV people to come and videotape your meeting so members not in attendance can view the meeting at a later date. Is this videotape a public record? Yes. What if the cable TV people record a meeting that has nothing to do with city government? Is this a public record? No.

I hope these examples help to clarify responsibilities under the open records law. One final word of caution, since you are not charged with making the determination of what records are actually released to the public under the law, it would be wise not to assume that all records placed on file are necessarily available as public information. It is the records custodian's responsibility to make that determination, and to make the appropriate information public, if requested. The rules for making these determinations are beyond the scope of this memo.

Open Meetings Law

Your individual responsibilities under the open meetings law are more complicated and more varied than those under the open records law. These responsibilities relate to conducting governmental business in the open so that the public knows what is being discussed, deliberated, decided, by whom, when, where and why. The legislature has incorporated the policy of openness into the legislation and has codified the notion that this law, like the open records law, will be liberally construed in favor of openness, rather than in favor of the government's other concerns for efficiency, expediency, or lack of controversy. The court decisions and the Attorney General opinions relating to the open meetings law have stretched the meaning and application of the law beyond the words of the statutes, and the law has been rewritten to broaden its application to more circumstances, rather than fewer.

Put simply, the law requires that all business of governing bodies be conducted at meetings that have been properly noticed to the public and the media, and that the notice sets forth in detail the items of business to be discussed or decided, and when the meeting will occur, and where the meeting will be held, and that the place of the meeting must be reasonably accessible to all members of the public wishing to attend. These meetings are required to be in open session, unless the proper prior notice of a closed session has been posted and stated at the meeting, and unless the legally authorized exception to openness has been met. Penalties for violation of the law can range from prosecution by the District Attorney, fines, and costs, to some other remedies that may include voiding the action taken contrary to the open meetings law, injunctions, declaratory judgments, and possibly attorney's fees.

Unfortunately, the law has been the source of much litigation and many opinions of the Attorney General, so as with the open records law, if you do not believe you know whether a contemplated action or practice would be in violation of the open meetings law, please do not hesitate to ask for a legal opinion, since the law's application is always to individual facts in particular circumstances, and the duty to

obey the law is an individual duty of each and every city official who is a member of a board, commission, or the Council.

The following examples are intended to illustrate the application of the open meetings law to particular circumstances to help you to decide whether your contemplated actions would be in compliance with the law. However, if you are ever in doubt, please seek a legal opinion.

Public Notice

The presiding officer of your governmental body is the individual presumed under the law to be responsible for complying with public notice requirements for all meetings. In the case of the Plan Commission, Public Works Board, the Council, and the Zoning Board of Appeals, this responsibility has been delegated to the City Clerk, and the law's applicability to notice requirements, for the most part, is not a concern to the presiding officer and the individual members of these governing bodies.

However, taking action at a meeting that has not been properly noticed is a violation of the open meetings law, and these violations can be found against individual members who took action, even though they did not have any part in posting notice of the meeting. Therefore, it is important that all members of all governing bodies know the requirements of meeting notices.

Following standard procedures for giving public notice is the best defense against violating the open meetings law on the grounds that inadequate public notice has been given. The standard procedure for giving notice of a meeting involves writing the agenda in a manner that lists the time and place of the meeting, and the items of business in enough detail to give the public an idea of what will occur at the meeting. This detail should deal with all of the following, when applicable:

1. Will there be a public hearing? If yes, this requires additional public notification.
2. Is there an item of business that will only be discussed, but no decision will be made?
3. Will a decision of some sort be made?
4. If a decision is made, will it be in the form of a recommendation, or an actual, final decision of the body that will not be referred on to another body for a final decision?
5. Is there going to be a closed session, and if so, what is the specific statutory exemption that authorizes such a closed session, and what will the discussion in closed session be about?

The standard procedure is to post copies of the agenda at City Hall and on the city's website at the same time that the agenda is posted at the meeting place.

Unfortunately, circumstances sometimes arise that make it impossible to conduct the business of the government and to comply with the standard procedures for

providing notice. The following examples will illustrate what to do under those circumstances.

1. You are the presiding officer of a governmental body and you find out that an emergency item of business needs to be acted upon at your next meeting, but the agenda has already been published and the meeting notices have already been posted. What do you do? You write an amended agenda that must be posted at least 24 hours in advance of the meeting. You also have copies of the amended agenda available to the public at the start of the meeting.
2. You are the presiding officer and you don't find out about the emergency item until after it is too late to comply with the 24-hour meeting notice requirement, but the item is so urgent, and you can show good cause why it has to be acted upon immediately without another 24-hour delay to post notice of another meeting. What do you do? Under these circumstances, which are probably quite rare, you can still act on the emergency item if you follow the amended agenda procedures listed above, and if you can provide the required notice to the newspapers and to the public a minimum of 2 hours in advance of the meeting.
3. You are the presiding officer and an item of business comes to your body through discussions that may be straying from the agenda. It seems to be logical to pursue the new area of discussion. Do you allow the discussion to continue, even though it does not fit the agenda? In almost all cases, no. It is the presiding officer who will be presumed to be responsible for keeping the discussion and business of the body on track with the public notice and agenda. Even if no real harm comes of the discussion because no immediate decision is being made and the discussion will likely continue at a later meeting with proper notice, it is still possible that the presiding officer may be found to be in violation of the open meetings law. And, if a vote is taken, anyone participating in the decision may also be found to be violating the open meetings law, and the action taken may be voided as well.
4. However, there is an exception to this rule if it falls within a legitimate emergency that could not wait 24 hours for proper notice as listed under 1 above, and if the presiding officer did not know about the emergency at least 2 hours before the meeting, so the procedures under 2 above could not be followed. The probability of this exception becoming anything but extremely rare is quite small.
5. You are a member of the body and the discussion has obviously strayed from the agenda and the lawful business of your body at the otherwise properly noticed meeting. How do you protect yourself from any allegations that you have participated in a violation of the open meetings law? You call for a point of order and state that the discussion is not

proper to pursue at this time, given that it is not public noticed and not on the agenda. If order is not established by the presiding officer after you have taken this step, and if the presiding officer has not established the rare exception that would allow the urgent item to continue to be pursued, then you should not participate by making any motions or seconds on the item, and it would be prudent to abstain from any vote.

6. You are a member of the body that is about to consider whether to go into a previously noticed closed session. You note that the presiding officer has not stated at the meeting the statutory authority allowing a closed session, and the presiding officer also has not stated with some specificity the subject matter of the contemplated closed session. What do you do prior to a vote on a motion to go into closed session? You point out to the presiding officer that the above stated requirements have not been met, and ask the presiding officer to announce the authority and the reason for the closed session prior to a vote on the motion.
7. You are a member of a body that votes to go into closed session, but no notice has been made, no emergency exception can be shown, and no announcement of the authority and the subject matter has been made. You vote not to go into closed session, but a majority of the members vote to go to closed session. What do you do? You are not lawfully required to leave the meeting to preserve your defense that you have not violated the law. You have established your defense by voting against the closed session, and you can maintain your defense if you do not participate in any decision made in closed session. However, it would be in your interest to state during the open session your reasons for your opposition to the closed session so it can be recorded in the minutes.

Public Access

Whether sufficient public access is provided for meetings of governing bodies should usually not be an issue, since most meetings are held either at the public library or the public works building or at another pre-established city-owned or city-controlled building that, under most circumstances, should meet the reasonable access requirements of the law.

However, there are times when meeting where you usually hold your meetings may be a problem under open meetings law. These situations are quite unlikely, but you need to be aware of them. The first situation may be a case where a particularly large amount of public interest is likely and foreseeable by the presiding officer, and this public interest might generate attendance at the meeting that could not be accommodated by the usual meeting place. If such a circumstance is foreseeable, it is fully possible to move the meeting to another, larger location and still comply with the law if it is done no later than two hours prior to the meeting, and proper notice to the public and media has been made, and if the previously noticed meeting location is posted with a notice of the new location.

The second situation where accessibility difficulties may occur is when someone inadvertently neglects to make sure a public entrance to the building where the meeting is occurring is kept unlocked at all times. This may become an issue if the building used is open for other functions at the start of your meeting, but it closes for those functions prior to the end of your meeting, such as the library. The presiding officer should always make sure that the entrance to the building used for the meeting is left unlocked throughout the entire meeting.

Other situations may sometimes arise that you may need to avoid if you wish not to be in violation for participating in an otherwise properly noticed meeting, if it can be shown that no reasonable access has been provided to the public. One such situation would be moving the normal meeting place to a place located outside the City of Bayfield. Meeting in a different municipality, or in a different county, would be extremely difficult to justify under the open meetings law reasonable access provisions. There may be some rare, narrow circumstances, such as a retreat, to justify moving the meeting from the City, but no presiding officer of any governmental body should make such a decision on meeting place without seeking a legal opinion.

In addition, moving the meeting location to a private building or a private home is also very risky business under the reasonable public access requirements of the law. There is an Attorney General opinion that exists on the question of a town board meeting at a private home. The reasoning in that opinion was such that many town boards lack adequate public facilities for meetings, and under those circumstances, if proper notice is made, and if an open invitation to enter the home is extended to all members of the public during all times that the meeting is in session, the meeting would probably not be in violation of the law. However, he went on to state that these meeting places need to be the exception, rather than the rule, and that public policy requires that public meetings be held in publicly controlled buildings whenever possible.

What is a Meeting?

The largest area of litigation and Attorney General opinions center on the question of what constitutes a meeting, which triggers all of the requirements of the open meetings law. The courts and the legislature have dealt with this area of the law and have broadened over time the definition of a meeting to include situations that constitute a meeting that are not intuitively obvious to most casual observers. Therefore, the question of what constitutes a meeting is one that should be uppermost in the minds of all members of governing bodies within the City, because this area is the most likely area to bring about allegations, whether warranted or not, of city officials violating the open meetings law.

The law presumes that if half of the members of a governing body are present, they are at a meeting, unless it is a purely chance event that they are in the same place at the same time, or unless it is a social gathering and no business of the body is

being discussed. However, the legislature has declined to state precisely how many members it takes for their presence to be a meeting. And the courts have found that under the right circumstances, it only takes two members for there to be a meeting. And the courts have found that they do not have to be physically in each other's presence. The telephone can serve as the link that constitutes a meeting.

The courts have found that walking quorums exist. This is the situation where one member talks to another member about their body's business. Then one of those members talks to a third member. Only one of these persons knows that he or she has talked to two others about the item of business. The other two do not know that all three members have discussed the business. However, this sort of activity can be found to be a walking quorum, and a violation of the open meetings law by all three members.

The courts have also found negative quorums, who constitute a meeting for purposes of open meetings law. A negative quorum exists when members have discussed an item of business and reached a consensus that they will vote against a particular measure, and that they have enough power together to prevent that measure from passing. This negative quorum effect can occur whenever a 2/3 or 3/4 vote of a five-member body is needed and two of the members have discussed the item and reached a consensus to vote against it. The danger of a negative quorum is the most prevalent when certain kinds of decisions are being made by the Council that require a "super" majority for passage, or when disciplinary actions are being brought before any body with disciplinary powers, such as the Police and Fire Commission or the Council. And decisions of the Zoning Board of Appeals require more than a simple majority, so negative quorums are a particular hazard for any two members of that body wishing to discuss together the wisdom of voting against a particular item.

Therefore, because of the concepts of walking quorums and negative quorums, the "rule of thumb" that no violation of the law will occur if member A only talks to member B can be dangerous, because member A doesn't know that member B is also going to or already has talked to member C, and even if member B only talks to member A, it may be about an item of business requiring a vote that can be blocked by both A and B voting no to the measure.

And finally, the courts have found that meetings in violation of the open meetings law have occurred even when the members have not spoken to each other. This violation can occur if a quorum of one body attends the meeting of another body simply for the purpose of gathering information to use later in its own decisions.

CONCLUSION

I hope that this guidance will prove useful as you carry out your duties as an elected or appointed member of a governing body of the City of Bayfield. Because the law presumes that persons subject to it know the law, and intent to violate the open meetings or open records laws does not have to be shown for it to be enforced, I hope you will accept these comments in the spirit with which they were intended by me. I want all city officials to be informed to the fullest extent possible so they may function in their roles without concern over possible negative repercussions that may result, even though their actions are well intended.”

Appendix A

CITY INFORMATION

The official website of the City of Bayfield is www.cityofbayfield.com/

Here you will find:

- Contact information for elected officials and staff,
- A calendar listing city meetings events,
- City news and announcements,
- Meeting agendas and minutes,
- Maps and plans
- City Ordinances,
- Community information,
- Applications and forms, and
- Election results.

Appendix B

ORGANIZATION CHART

Appendix C

CITY OF BAYFIELD ORDINANCES

The City of Bayfield Ordinances can be found through a link on the City's website or at <https://ecode360.com/BA2193>. The Table of Contents as of 4/1/2023 is shown below for your information.

Part I: Administrative Legislation

- Chapter 1 **General Provisions** (§ 1-1 – § 1-20)
- Chapter 7 **Administrative Determinations Review** (§ 7-1 – § 7-13)
- Chapter 15 **Assessments and Charges** (§ 15-1 – § 15-20)
- Chapter 21 **Boards, Commissions and Committees** (§ 21-1 – § 21-9)
- Chapter 27 **Citations** (§ 27-1 – § 27-9)
- Chapter 36 **Elections** (§ 36-1 – § 36-4)
- Chapter 42 **Emergency Government** (§ 42-1 – § 42-2)
- Chapter 48 **Ethics, Code of** (§ 48-1 – § 48-9)
- Chapter 54 **Finance and Taxation** (§ 54-1 – § 54-20)
- Chapter 60 **Fire Department** (§ 60-1 – § 60-3)
- Chapter 72 **mayor and Council** (§ 72-1 – § 72-19)
- Chapter 79 **Officers and Employees** (§ 79-1 – § 79-14)
- Chapter 87 **Police Department** (§ 87-1 – § 87-8)
- Chapter 93 **Property, Disposal of** (§ 93-1 – § 93-2)
- Chapter 99 **Records** (§ 99-1 – § 99-9)

Part II: General Legislation

- Chapter 119 **Alarm Systems** (§ 119-1 – § 119-12)
- Chapter 126 **Animals** (§ 126-1 – § 126-22)
- Chapter 134 **Bicycles and Play Vehicles** (§ 134-1 – § 134-7)
- Chapter 140 **Blasting and Rock Crushing** (§ 140-1 – § 140-8)
- Chapter 146 **Lawns, Natural Plantings, Brush and Weeds** (§ 146-1 – § 146-2)
- Chapter 152 **Building Construction** (§ 152-1 – § 152-19)
- Chapter 160 **Bulkhead Lines** (§ 160-1 – § 160-2)
- Chapter 166 **Cable Television** (§ 166-1 – § 166-48)
- Chapter 172 **Cemeteries** (§ 172-1 – § 172-13)
- Chapter 178 **Cigarettes** (§ 178-1 – § 178-3)
- Chapter 184 **Coin-Operated Devices** (§ 184-1 – § 184-4)
- Chapter 190 **Construction Site Erosion Control** (§ 190-1 – § 190-11)
- Chapter 200 **Direct Sellers** (§ 200-1 – § 200-8)
- Chapter 201 **Door-To-Door Sellers** (§ 201-1 – § 201-8)
- Chapter 206 **Driveways and Culverts** (§ 206-1 – § 206-12)
- Chapter 217 **Fair Housing** (§ 217-1 – § 217-3)
- Chapter 223 **Fire Prevention** (§ 223-1 – § 223-8)
- Chapter 229 **Fireworks** (§ 229-1 – § 229-6)
- Chapter 237 **Garage Sales** (§ 237-1 – § 237-6)
- Chapter 244 **Hazardous Materials** (§ 244-1 – § 244-11)

- Chapter 255 **Intoxicating Liquor and Fermented Malt Beverages** (§ 255-1 – § 255-38)
- Chapter 260 **Juveniles** (§ 260-1 – § 260-7)
- Chapter 268 **Licenses and Permits** (§ 268-1 – § 268-18)
- Chapter 273 **Lighting, Exterior** (§ 273-1 – § 273-15)
- Chapter 278 **Mining, Nonmetallic** (§ 278-1 – § 278-6)
- Chapter 284 **Noise** (§ 284-1 – § 284-14)
- Chapter 289 **Nuisances** (§ 289-1 – § 289-10)
- Chapter 298 **Parks and Recreation** (§ 298-1 – § 298-8)
- Chapter 302 **Pawnbrokers and Secondhand Dealers** (§ 302-1 – § 302-12)
- Chapter 306 **Peace and Good Order** (§ 306-1 – § 306-24)
- Chapter 314 **Property Maintenance** (§ 314-1 – § 314-7)
- Chapter 319 **Public Buildings, Access to** (§ 319-1 – § 319-5)
- Chapter 329 **Sewers** (§ 329-1 – § 329-10)
- Chapter 333 **Smoking** (§ 333-1)
- Chapter 337 **Snowmobiles and All-Terrain Vehicles** (§ 337-1 – § 337-8)
- Chapter 342 **Solid Waste** (§ 342-1 – § 342-33)
- Chapter 349 **Streets, Sidewalks and Public Areas** (§ 349-1 – § 349-27)
- Chapter 360 **Trees and Shrubs** (§ 360-1 – § 360-11)
- Chapter 366 **Vehicles, Abandoned** (§ 366-1 – § 366-7)
- Chapter 370 **Vehicles and Traffic** (§ 370-1 – § 370-40)
- Chapter 378 **Water Utility** (§ 378-1 – § 378-35)
- Chapter 380 **Enforcement, Violations and Penalties** (§ 380-1)

Part III: Land Use Legislation

- Chapter 388 **Comprehensive Plan** (§ 388-1 – § 388-5)
- Chapter 407 **Floodplain Zoning** (§ 407-1 – § 407-47)
- Chapter 423 **Historic Preservation** (§ 423-1 – § 423-6)
- Chapter 474 **Subdivision of Land** (§ 474-1 – § 474-53)
- Chapter 489 **Wellhead Protection** (§ 489-1 – § 489-7)
- Chapter 500 **Zoning** (§ 500-1 – § 500-108)

Disposition List

- Chapter DL **Disposition List** (§ DL-1)

Appendix D

CRIMES AGAINST GOVERNMENT AND ITS ADMINISTRATION

Chapter 946 of the Wisconsin State Statutes identifies crimes against government and its administration. Subchapter II applies to public officers, whether legally constituted or exercising powers as if legally constituted.

The table of contents is provided for your information and the complete text will be found at <https://docs.legis.wisconsin.gov/statutes/statutes/946>

SUBCHAPTER II BRIBERY AND OFFICIAL MISCONDUCT

- [946.10](#) Bribery of public officers and employees.
- [946.11](#) Special privileges from public utilities.
- [946.12](#) Misconduct in public office.
- [946.13](#) Private interest in public contract prohibited.
- [946.14](#) Purchasing claims at less than full value.
- [946.16](#) Judicial officer collecting claims.
- [946.17](#) Corrupt means to influence legislation; disclosure of interest.
- [946.18](#) Misconduct sections apply to all public officers.

Appendix E

RULES OF PARLIAMENTARY PROCEDURE

Rules of procedure for individual governing bodies vary. However, most common councils have adopted Robert's Rules of Order Newly Revised, or similar parliamentary rules.

What is Parliamentary Procedure?

It is a setoff rules for conduct at meetings, that allows everyone to be heard and to make decisions without confusion.

Why is Parliamentary Procedure Important?

Because its' a time tested method of conducting business at meetings and public gatherings. It can be adapted to fit the needs of any organization. Today, Roberts's Rules of Order newly revised is the basic handbook of operation for most clubs, organizations, and other groups. So it's important that everyone know these basic rules.

Organizations using parliamentary procedure usually follow a fixed order of business. Below is a typical example:

1. Call to Order.
2. Roll Call of Members Present.
3. Approval of Minutes of Last Meeting.
4. Officer Reports
5. Committee Reports
6. Special Orders-Important business previously designated for consideration at this meeting.
7. Unfinished business.
8. New Business.
9. Announcements
10. Adjournment

The method used by members to express themselves is in the form of moving motions. A motion is a proposal that the entire membership take action or a stand on an issue. Individual members can:

1. Call to Order.
2. Second Motions.
3. Debate Motions.
4. Vote on Motions.

How are Motions Presented?

1. Obtaining the floor
 - a. Wait until the last speaker is finished.
 - b. Rise and address the Chairman by saying "Mr. Chairman or Mr. mayor"

- c. Wait until the Chairman recognizes you.
2. Make Your Motion.
 - a. Speak in a clear and concise manner.
 - b. Always state a motion affirmatively. Say, "I move that we..." rather than, "I move that we do not..."
 - c. Avoid personalities and stay on your subject.
3. Wait for someone to second your motion.
4. Another member will second your motion or the Chairman will call for a second.
5. If there is no second to your motion it is lost.
6. The Chairman states your motion.
 - a. The Chairman will say, "it has been moved and seconded that we..." Thus placing your motion before the membership for consideration and action.
 - b. The membership then either debates your motion, or may move directly to a vote.
 - c. Once your motion is presented to the membership by the chairman it becomes "assembly property", and cannot be changed by you without the consent of the members.
7. Expanding on Your Motion.
 - a. A time for you to speak in favor of your motion is at this point in time, rather than at the time you present it.
 - b. The mover is always allowed to speak first.
 - c. All comments and debate must be directed to the chairman.
 - d. Keep to the time limit for speaking that has been established.
 - e. The mover may speak again only after other speakers are finished, unless called upon by the Chairman.
8. Putting the Question to the Membership.
 - a. The Chairman asks, "Are you ready to vote on the question?"
 - b. If there is no more discussion, a vote is taken.
 - c. On a motion to move the previous question may be adapted.
9. Voting on a Motion.

The method to vote on any motion depends on the situation and the by-laws of policy of your organization. There are five methods used to vote by most organizations, they are:

 1. By Voice—The Chairman asks those in favor to say, "aye", those opposed, "no". Any member may move for an exact count.
 2. By Roll Call—Each member answers "yes" or "no" as his/her name is called. This method is used when a record of each person's vote is required.
 3. By General Consent—When a motion is not likely to be opposed, the Chairman says, "If there is no objection..." The membership shows agreement by their silence, however if one member says, "I object", the item must be put to a vote.

4. By Division—This is a slight verification of a voice vote. It does not require a count unless the chairman so desires. Members raise their hands or stand.
5. By Ballot—Members write their vote on a slip of a paper, this method is used when secrecy is desired.

Appendix F

ROBERT'S RULES OF ORDER SIMPLIFIED

A simplified description of Robert's Rules of Order appears in Preparing for Takeoff. Taken from Brian O'Connell's *The Board Member's Book*, it describes the motion; the second; the discussion, debate, and clarification; the vote; and a restatement of the motion. The next level of detail in Robert's Rules involves a situation in which the board may want to make some changes in the original motion before the vote. In the course of the discussion it may become obvious that the motion doesn't quite say what the board now has in mind. The following rules of order depict how a slightly more complicated scenario might unfold:

- The motion.
- The second.
- The chairperson restates the motion.
- Discussion, clarification, and debate.
- Someone moves that the original motion be amended, and another person seconds the idea. (At that point the maker and seconder of the original or main motion will usually agree to the amendment even though a vote on the amendment has not been taken. Technically, once a motion has been made and seconded, it involves the whole assembly, but if no one offers objection to the amendment, no vote is usually taken.)
- If the persons who moved and seconded the original motion do not agree to the amendment or if anyone else voices objection, there is discussion, clarification, and debate on the amendment itself.
- After the group has adequately considered the amendment, the chairperson restates the motion to amend, and the group votes on the amendment.
- Once the amendment has been accepted or rejected, the group returns its attention to the original motion.
- If the amendment passes, the main motion is now known as "the original motion as amended." If the amendment is defeated, the motion is simply the original motion.
- Debate then proceeds on the original motion. It could be amended again, in which case the new amendment would get informal or formal consideration.
- When the amendments have been disposed of, the board votes on the original motion (as amended, if that's the case). Although the amendment process complicates the motion process slightly, it is simply the group's way of deciding whether the original motion needed some changes before it reflected the combined view of what should be done.
- When the motion is brought to a vote, members may abstain from voting. However, those members should explain for the record why they wish to abstain. The most common reason for abstaining is that a potential conflict of interest exists. The inability of a member to reach a decision is generally not an acceptable reason for abstaining.

- If the main motion is defected, the same basic proposal cannot be brought forward again at the same meeting. This is designed to keep the losers from filibustering by bringing the same motion up again and again. (There is an exception. If one person who was on the winning side of the vote realizes that he or she may have made a mistake, such as misunderstanding what the motion called for, he or she can move for reconsideration, at which point the board decides whether to allow reconsideration.)
- The motion to “table” is often used improperly in an attempt to suppress a measure. You can, however, use this motion in the appropriate manner to your group’s advantage. The group may wish to lay aside discussion and action on a question temporarily until some other question is disposed of. You may do this by moving that the question be “tabled.” By so doing you retain the privilege of resuming consideration of the tabled question at any time.

Policy Guidelines for Council Procedure

- a. To avoid interruptions, members, when recognized, should indicate the course their remarks will follow and perhaps verbally, or otherwise, indicate they have concluded.
- b. Motions on the floor should not be modified by statements such as, “that’s all right” or “I’ll include that change.” Preferably, motions should be prepared in advance and should incorporate suggested changes prior to being made. Changes to a motion should be in the form of amendments.
- c. Committee chairmen should report committee actions and move adoption of recommendations, regardless of their position on the committee vote. The committee chairman may speak against the action during debate on the subject.
- d. Legislative action should be taken only by ordinance, resolution or bylaw. Unless otherwise specifically required by law, any action may be taken either by resolution or by motion. In matters of urgency, a resolution may be presented verbally in motion form together with instructions for later written preparation of the resolution.
- e. Whenever feasible, any member who intends to offer a resolution should arrange to have it prepared in writing by the municipal attorney and circulated with the agenda in advance of the meeting at which it is to be offered. Similarly, any member who intends to offer a motion should prepare the motion in writing and arrange to have it circulated with the agenda in advance of the meeting at which it is to be offered.

- f. Members offering motions, resolutions or ordinances should introduce them in the forms shown below:

MAIN MOTION

- 1) I MOVE _____

AMENDMENTS

- 2) I MOVE to amend the motion by inserting ____ between ____ and ____.
- 3) I MOVE to amend the motion by adding ____ after ____.
- 4) I MOVE to amend the motion by striking out ____.
- 5) I MOVE to amend the motion by striking out ____ and inserting ____.
- 6) I MOVE to amend by striking out the motion and substituting the following ____.
- 7) I MOVE that this motion be referred to the ____ committee (commission).

PREVIOUS QUESTION

- 8) I MOVE the previous question (2/3 vote) (stops debate and orders an immediate vote).

RECONSIDER

(In order same day motion is made or at next regular meeting)\
(Mover must have voted with majority)
(Not permitted in committee of the whole)

- 9) I MOVE to reconsider the vote by which ____ was voted. I voted with the majority.

AWARD OF CONTRACTS

- 10) I MOVE that the bid of ____ be approved for award, pending the signing of the contract and furnishing of required bonds, and that the city manager be authorized and directed to sign and the clerk to countersign the contract for and on behalf of the city.

INTRODUCTION OF ORDINANCE (FIRST READING)

- 11) I MOVE the introduction of an ordinance entitled (read from the agenda).

ADOPTION OF ORDINANCE (SECOND READING)

- 12) I MOVE the adoption of an ordinance entitled (read from the agenda).

ADOPTION OF RESOLUTION

- 13) I MOVE the adoption of a resolution entitled (read from the agenda).

CLAIMS

- 14) I MOVE that the (council) accept the recommendation of the (city) attorney and (deny) (pay) the claim of ____ in its entirety.

PLANNING

- 15) I MOVE that the (council) adopt the findings of the planning commission made in Resolution No. ____ and further move the introduction of an ordinance entitled (read from the agenda).
- 16) I MOVE that the (council) disapprove the findings of the planning commission made in Resolution No. ____ and deny the application for change of classification of ____.

Adopted from "Conducting Orderly Meetings," Ralph E. Houseman, The Municipality, Feb. 1972.

Appendix G
CITY OF BAYFIELD'S 2002 COMPREHENSIVE PLAN

Appendix H
CITY OF BAYFIELD'S 2023 BUDGET