

It is expected that a Quorum of the Personnel Committee, Board of Public Works, Plan Commission and Administration Committee will be attending this meeting: (although it is not expected that any official action of any of those bodies will be taken)

**CITY OF MENASHA
Ad-hoc Committee
Accountability of Elected Officials
100 Main Street, Menasha
Room 207
Friday October 4, 2019
3:00 PM
AGENDA**

- A. CALL TO ORDER
- B. ROLL CALL
- C. MINUTES TO APPROVE
 - 1. 8/5/2019
- D. COMMUNICATIONS
- E. DISCUSSION/ACTION ITEMS
 - 1. Accountability of Common Council and Committee members
 - 2. Revisions to SEC. 2-2-5 STANDING COMMITTEES; ACTION OF COMMITTEE REPORTS
- F. ADJOURNMENT

"Menasha is committed to its diverse population. Our Non-English speaking population and those with disabilities are invited to contact the Menasha City Clerk at 967-3603 24-hours in advance of the meeting for the City to arrange special accommodations."

CITY OF MENASHA
Ad-hoc Committee Accountability of Elected Officials
100 Main Street, Room 133, Menasha
August 5, 2019
Minutes

A. CALL TO ORDER

Meeting called to order by Mark Langdon at 9:06 a.m.

B. ROLL CALL/EXCUSED ABSENCES

Present: Ald. Ted Grade, Ald. Mark Langdon, Ald. Steve Krueger, Mayor Don Merkes

Also Present: Ald. Stan Sevenich

C. APPROVAL OF MINUTES

1. Motion by Ald. Krueger second by Ald Grade to approve the minutes of 7/15/2019. Motion carried.

D. COMMUNICATIONS

1. Committee members reviewed communications 1-5

E. DISCUSSION/ACTION ITEMS

1. Accountability of Common Council and Committee members

Members discussed procedures and protocol for committee chairs to run meetings, how complaints would be filed, timeline, frivolous complaints, and penalties

Motion by Ald. Krueger second by Ald. Grade to create a draft procedure, to be included in the Rules of the Common Council and Mayor for review by the committee including:

- Procedure for committee chairs to use when running meetings to maintain order
- Complaints can only be filed by committee members, employees/public should follow other policies, ordinances, or statutes
- Creation of standing protocol committee consisting of Mayor, Council President, Personnel Committee Chair and one alderman at the annual organizational committee
- Complaint form
 - Complaints must be made in writing on the approved complaint form including name, contact information, person complaint is made against, complaint, rule, policy, or statute violated, attached information..
 - Complaints must be regarding violations of: council rules, healthy workplace policy, anti-harassment policy, ordinance, or state statute.
- Filing procedure
 - Complaints must be filed with the committee chair, if the complaint is against the chair filed with the city attorney no later than 45 days following the occurrence
 - The chair shall attempt to resolve the complaint if the complaint is not resolved to the satisfaction of both the chair and complainant it shall be forwarded to the protocol committee for a ruling within 10 calendar days
 - The protocol committee shall dismiss or forward the complaint to the Common Council within 10 days with a recordation

- Frivolous complaints
 - Defined as a complaint that does not specifically reference a violation of Common Council rules, City policy, City Ordinance, or State Statute
 - A written complaint that is not upheld by the protocol committee and/or Common Council
 - If more than two (2) frivolous complaints are filed within a legislative year (April-April) that person will not be able to file any additional complaints for the remainder of the legislative year
- Penalties and sanctions
 - The inability to be recognized to speak for one or more of the next meetings attended (but still having the ability to vote)
 - An informal censure by the committee, which would only be made as part of a motion in a public meeting.
 - A formal censure by the committee, which would be made by motion in a public meeting and then published in the City newspaper.
 - Mandatory community service. [Wis. Stat. 62.11(3)(e)]
 - Attendance at counseling or mediation sessions. [Wis. Stat. 62.11(3)(e)]
 - Imposition of a dollar fine of up to \$500.00. [Wis. Stat. 62.11(3)(a) & (c)]
 - Any other sanction available by law.

Motion carries

F. ADJOURNMENT

Motion made by Ald. Krueger and seconded Ald. Grade by to adjourn at 10:08 a.m. Motion carried.

Minutes submitted by DJM

1.07 ~~PRESIDING OFFICER TO PRESERVE~~ PRESERVATION OF ORDER

(1) Presiding Officer. It shall be the duty of the presiding officer to preserve decorum; and if any member transgresses the rules of the Common Council, the presiding officer shall, on his or her own or at any members' request, call such offending member to order. The Common Council if appealed to shall decide the matter.

1a) When a question is pending, a member can condemn the nature of likely consequences of the proposed measure in strong terms, but the member must avoid personalities and under no circumstances can the member attack or question the motives of another member or the entire Common Council.

2b) Points of Order may be used to draw attention to a breach in rules, an irregularity in procedure, the irrelevance or continued repetition of a speaker, the breaching of established practices, or contradiction of previous decision. The chair shall immediately acknowledge the Point of Order and rule on it. A Point of Order is non-debatable, however, may be overruled by a two-thirds vote of the body. Points of Order which are recognized shall be recorded in the official minutes.

(2) Member Complaints. Any member of the common council or a standing committee may file a complaint with the Chair (or City Attorney) for violations of council rules, Healthy Workplace Policy, Anti-Harassment Policy, relevant ordinance or state statute by any other member no later than forty-five (45) days following the occurrence.

a) Complaint Filing.

1. A complaint must be in writing on the approved form; and
2. A complaint must, with specificity, identify the rule, policy, ordinance or statute alleged to have been violated; and
3. A complaint form must be fully completed.

b) Complaint Procedure.

1. Within ten (10) days of the filing of a completed complaint, the Chair shall attempt to resolve the complaint to the satisfaction of both the Chair and the Complainant.
2. If the complaint is not resolved it shall be forwarded to the Protocol Committee for its consideration within ten (10) days of receipt.

c) Frivolous Complaints.

1. A complaint is considered frivolous if it does not specifically reference a violation of Council rules, city policy, city ordinance or state statute, or
2. It is found to be frivolous by the Protocol Committee or Common Council.
3. As a sanction for filing a frivolous complaint, if a person files more than two (2) within a legislative year (April – April), no additional complaints will be accepted for filing from that person for the remainder of the legislative year.

d) Penalties and Sanctions. The Common Council may impose any one or more of the following penalties and/or sanctions upon a member found by the Common Council to have committed a violation:

1. The inability to be recognized to speak for one or more meetings attended, but not losing the ability to vote;
2. An informal censure made as part of a motion at a public meeting;
3. A formal censure made as part of a motion at a public meeting and published in the City newspaper;
4. Mandatory community service. [Wis. Stat. §62.11(3)(e)];
5. Attendance at counseling or mediation sessions. [Wis. Stat. §62.11(3)(e)]
6. Imposition of a monetary fine up to \$500.00. [Wis. Stat. §62.11(3)(a) & (c)]
7. Any other sanction available by law.

Title 2 – Government and Administration

CHAPTER 2

Mayor; Common Council

SEC. 2-2-5 STANDING COMMITTEES; ACTION OF COMMITTEE REPORTS.

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- (a) **(5) PROTOCOL COMMITTEE.** The Protocol Committee shall consist of the Mayor and three (3) aldermen, the Council President, Personnel Committee Chair and one (1) at-large member. The Committee shall be responsible to make recommendations of protocol and rules of order to the Common Council at least once during its one year term. The Committee shall also hear unresolved complaints filed by standing committee members and either dismiss the complaint or sustain the complaint with penalty and/or sanction recommendations and report to the Common Council.