



## *Oshkosh Common Council Rules of Order*

*Adopted: April 19, 2022*

These Rules are established in accordance with and to supplement the Rules contained in Chapter 2 of the City of Oshkosh Municipal Code.

- I. Scheduling, Location of Meetings, Agenda, Attendance and Remote Participation**
- A. The Council holds regular meetings on the second and fourth Tuesday of each month in the Council Chambers. Special meetings may be called upon request by the Mayor, City Manager or two members of the Council. (See Section 2-10 of the City of Oshkosh Municipal Code).
  - B. Meetings shall be publicly noticed and shall be open to and accessible by the public in compliance with the requirements of the Wisconsin Statutes. Closed sessions shall be noticed in accordance with Wisconsin Statutes.
  - C. When practicable, public meetings will be made available live on GOV TV in the City of Oshkosh, live streamed on oshkoshmedia.org, live on WOCT radio station 101.9 fm, live through Roku, Apple TV and Amazon Fire Stick.
  - D. Agenda
    - 1. Action Items: Council Members must have agenda items submitted no later than 4:00 PM on the Tuesday one week prior to the Council meeting. Council members should keep in mind that additional time may be needed to work with staff to put items into resolution or ordinance form or if clarifications are necessary; and that items submitted after the deadline may not be included in the agenda that is published on the Friday prior to the Council meeting.
    - 2. Informational Items: Council members shall inform the City Clerk no later than 12:00 noon on the day prior to the Council meeting of any Council Member Statements that they intend to make at the Council Meeting.
  - E. Attendance
    - To be considered an excused absence from a Council Meeting a Council Member must give notice to the Mayor and City Clerk prior to the meeting's start time.

## F. Remote Meetings and Appearances

The Council recognizes the value of and remains committed to in person meetings and deliberation of matters whenever practicable. However, the City Council recognizes the benefits of providing alternative means for the attendance and participation by its members, the City Manager and staff, and the public at its meetings when necessary due to extraordinary circumstances, when convenient or cost-effective for the City, or as a reasonable accommodation for persons with an ADA disability who are unable to otherwise provide input. Extraordinary circumstances shall mean highly unusual facts or circumstances which prevent in person attendance, due to emergency declarations or due to the desire for participation by persons including consultants or presenters who are unable because of distance, cost, time or other reason to attend in person; and/or when meetings may be better facilitated by those persons or all persons participating through Remote Means. Remote participation is intended for the benefit of the City of Oshkosh and not for the benefit of any individual council member or other individual.

“Remote Means, Remote Participation or Remote Appearance” shall mean participation by a member of a public body or by a member of the public or other individual in a meeting of that public body, where the member is not physically present at a designated meeting location. Remote Participation includes through video, telephone, computer or other means where persons are permitted to view, listen to and participate in the meeting without having a physical presence at a defined physical meeting location.

### 1) Remote Meetings (Meetings held entirely remotely or with significant remote participation)

A majority of the Common Council may direct by consensus or majority vote, or the City Manager in his/her discretion, may provide for Remote Participation in any regular or special meeting of the Common Council. Remote Participation may include members of the Council, staff, consultants or presenters, and/or members of the public.

Except as agreed upon by consensus or a majority of the Common Council when scheduling a particular meeting or workshop; or when in the determination of the City Manager, it is reasonable and necessary to limit in person participation for the protection of the public, city officials and city employees (for example, under a Declaration of Emergency); City Council members must be physically present at City Council meetings to participate and vote upon any matter. If a meeting includes Remote Participation by members, a council

member may participate remotely and shall retain all participation and voting rights. (This rule shall not be interpreted to circumvent or supersede any statutes, ordinances or rules pertaining to abstentions, recusal or removal of members).

If a meeting is conducted solely by Remote Means and there is no physical meeting location or the public is otherwise excluded from being present at a physical meeting location, the public must be afforded an opportunity to live access the meeting and instructions shall be provided how to do so. This may include live broadcast or streaming, video or call-in participation, or other adequate means to provide live access to the public meeting. Where public comment or participation is required by law, adequate means must be provided to accommodate such participation.

Appearance by Remote Means as required or permitted by these rules shall be consistent with the following:

- Remote participation may be permitted in meeting rooms that have adequate audio, video and other technological facilities to allow for remote participation.
- Persons participating by Remote Means should be advised via meeting agendas or other means that participation by remote means may be limited by number of participants and available technology, and may be disrupted by problems such as breakdowns of equipment and fluctuation or interruption of electric power or communications networks. The City of Oshkosh does not guarantee that even if persons have been afforded the opportunity to appear by Remote Means that telephone, computer, wifi or other connections will be sufficient or that the person will be guaranteed the ability to appear by this method.
- In order to accommodate participation for the general public by Remote Means, a meeting link will be provided on the meeting agenda. For meetings where the public may participate by Remote Means, general public comment and public comment on all agenda items shall be taken at the beginning of the meeting, except as necessary to conduct Public Hearings or as may be accommodated at the direction of the Council. Public comment may be closed at the end of any public comment period and persons participating by Remote means shall not interrupt or disrupt the business of the governing body.
- Persons wishing to provide public comment on agenda items for Council meetings either in person or by Remote Means must sign up to speak through the City's website or the Connect Oshkosh App and if participating remotely must participate through the City's meeting link as published on the meeting agenda.

- Persons wishing to provide public comment through Remote Means must join the meeting at least 15 minutes prior to the start of the meeting to allow staff to test the audio/video set up. Attendees must stay muted when not speaking and are responsible for muting and unmuting themselves in a timely fashion when called upon to speak.
- Each member of the public speaking must wait to be called upon by the Mayor or Presiding Member or their designee and must provide their name and address prior to speaking.
- Every person participating by Remote Means must be audible through clear telephone line or computer connections. If a connection is not clear or causes disruption of the meeting, the connection may be terminated at the discretion of the Mayor or Presiding Member or their designee. If a connection is terminated and this causes the loss of a quorum, the meeting shall be adjourned and rescheduled to another date to permit consideration by a quorum.
- All votes shall require a roll call vote – no “all in favor”

2) Remote Appearances (Limited Remote Participation by one or a small number of individuals)

The City of Oshkosh may in its sole discretion permit individual persons to appear via remote means at scheduled in person meetings as a reasonable accommodation to an individual for persons with an ADA disability who are unable to otherwise provide input; to facilitate presentations, to receive information or reports from consultants or other persons; or for other business purposes. Permission for appearances under this paragraph may be granted by the Council or the City Manager or his/her designee. Persons who are permitted to appear in this manner shall comply with all requirements for Remote Participation listed in paragraph 1) above.

Persons requesting accommodation under this provision must submit such request in advance of the meeting. Requests can best be accommodated if submitted at least 5 business days in advance of the scheduled meeting.

Remote appearances shall not be permitted during any quasi-judicial hearing or appeal hearing by persons testifying or by members of the Council adjudicating the matter except under extraordinary circumstances such as a Declaration of Emergency or Emergency Order.

## **II. Rules pertaining to Conduct of the Council Meeting/Motions**

The following chart is adopted to govern the most common motions and actions to be taken at Council Meetings. The Council chooses not to be strictly governed by Robert's Rules of Order, but where the actions listed below or other provisions of these Rules do not govern a particular issue, the most recent version of Roberts Rules of Order may be used for guidance. Council Liaisons for Boards and Commissions shall have voting rights.

<b>Control of the Agenda</b>				
<b>Action</b>	<b>Second Required</b>	<b>Debatable<sup>2</sup></b>	<b>Amendable</b>	<b>Vote Required<sup>3</sup></b>
Withdraw from Agenda <sup>1</sup>	Yes	Yes	No	Majority
Remove Item from Consent Agenda	No	No	No	None
Consider Items out of the Scheduled Order, Change the Agenda Order	Yes	No	No	2/3
Suspend Rules	Yes	No	No	2/3
<b>Taking up Items of Business</b>				
<b>Action</b>	<b>Second Required</b>	<b>Debatable<sup>2</sup></b>	<b>Amendable</b>	<b>Vote Required<sup>3</sup></b>
Adopt an Ordinance or Resolution, §64.07(3) Wis. Stats.	Yes	Yes	Yes	Majority of all members (4 members)
Other Original Motions (new business)	Yes	Yes	Yes	Majority
Amend an Original Motion	Yes	Yes	Yes	Majority
Divide the Issue	Yes	No	Yes	Majority
Withdraw Motion (by Proposer, with consent of the Second)	Consent by Second	No	No	None
Layover (Table) until a time certain	Yes	No	No	Majority
Take an item off the Table	Yes	No	No	2/3
Suspend Rules and Adopt an Ordinance on First Reading	Yes	No	No	2/3
<b>Limiting/ Extending or Ending Debate</b>				
<b>Action</b>	<b>Second Required</b>	<b>Debatable<sup>2</sup></b>	<b>Amendable</b>	<b>Vote Required<sup>3</sup></b>
Call for the Question (Close Debate) – no objection raised	No	No	No	None
Call for the Question (Close Debate) – objection raised	No	No	No	2/3
Limit or Extend Debate	Yes	No	Yes	2/3

<sup>1</sup> Administration may withdraw an item from the agenda prior to the meeting convening; after the meeting has convened only the Council may withdraw items from the agenda.

<sup>2</sup> By Council Rule, every Motion before the Council is debatable.

<sup>3</sup> Unless otherwise indicated majority or super-majority votes are counted as a percentage of the members present and voting. By statute a majority vote of all members of the Council is required to adopt any ordinance or resolution. §64.07(3) Wis. Stats.

<b>Changing Previous Actions</b>				
<b>Action</b>	<b>Second Required</b>	<b>Debatable<sup>2</sup></b>	<b>Amendable</b>	<b>Vote Required<sup>3</sup></b>
Amend Previously Adopted Motion	Yes	Yes	Yes	Majority with Notice; 2/3 without prior Notice
Reconsider (member of the prevailing side may request the body to reconsider its previous action -- must be made during the same meeting or the next succeeding regular meeting)	Yes	Yes	No	Majority
Rescind (repeal/reverse a prior action)	Yes	Yes	Yes	Majority with Notice; 2/3 without prior Notice
<b>Questions / Concerns and Other Issues Outside Substance of Debate</b>				
<b>Action</b>	<b>Second Required</b>	<b>Debatable<sup>2</sup></b>	<b>Amendable</b>	<b>Vote Required<sup>3</sup></b>
Point of Order (if rules are not being observed)	No	No	No	Chair Rules
Parliamentary Inquiry (help with parliamentary procedure, how to do something)	No	No	No	Chair provides assistance
Point of Information (to ask a question)	No	No	No	Chair obtains answer
Question of Privilege (some person or thing is interfering with the deliberative process, ie. too noisy, too hot or cold, belligerent person or member)	No	No	No	Chair directs corrective action
Appeal Chair's Decision	Yes	Yes	No	Majority

<sup>2</sup> By Council Rule, every Motion before the Council is debatable.

<sup>3</sup> Unless otherwise indicated majority or super-majority votes are counted as a percentage of the members present and voting. By statute a majority vote of all members of the Council is required to adopt any ordinance or resolution. §64.07(3) Wis. Stats.

<b>Ending a Meeting</b>				
<b>Action</b>	<b>Second Required</b>	<b>Debatable<sup>2</sup></b>	<b>Amendable</b>	<b>Vote Required<sup>3</sup></b>
Adjourn (ends/closes the meeting)	Yes	No	No	Majority
Recess (short break that does not end meeting)	Yes	No	Yes	Majority
Adjourn Sine Die (adjourn without future date – used to end/close the session of Council prior to seating of new Council upon election)	Yes	No	Yes	Majority
<b>Selection of Officers or Temporary Chair, if required</b>				
<b>Action</b>	<b>Second Required</b>	<b>Debatable<sup>2</sup></b>	<b>Amendable</b>	<b>Vote Required<sup>3</sup></b>
Nominations	No	No	No	None
Close Nominations (by Declaration of Chair or by Motion)	Yes (if by motion)	No	Yes	2/3
Election of Nominees	No	Yes	No	Majority
Reopen Nominations	Yes	No	Yes	Majority
Temporary Selection of Chair in absence or disability of Chair and Vice may be done by selection of the Chair and Consent of Board				

<sup>2</sup> By Council Rule, every Motion before the Council is debatable.

<sup>3</sup> Unless otherwise indicated majority or super-majority votes are counted as a percentage of the members present and voting. By statute a majority vote of all members of the Council is required to adopt any ordinance or resolution. §64.07(3) Wis. Stats.

*Motions.* No motion requiring a second shall be discussed or acted upon unless and until it has received a second. Motions may be withdrawn by the person making the same, if the motion has received a second, then the person seconding the motion must also consent to the withdrawal of the motion. Motions may only be amended by another motion and second (There shall be no “friendly amendments” to motions) or by withdrawal of the motion and a new motion made.

*Actions/Motions in Order during Debate.* When a question is under debate, no other action or motion shall be in order, except:

- 1) Questions/Concerns and Other Issues Outside the Substance of Debate as identified within the table above;
- 2) To recess;
- 3) To adjourn;
- 4) To lay the matter over to a specific date or to be returned to the Council upon the occurrence of a specific event;
- 5) To Call the Question;
- 6) To refer to a Board or Commission for additional review or action;
- 7) To Divide the Issue;
- 8) To Amend; or
- 9) To withdraw the motion.

The items listed above shall have precedence in the order in which they are listed.

*Vote Change.* A member shall only be permitted to change his/her vote upon a matter at the time their name is called by the Clerk and no member shall be permitted to change his/her vote on a matter once a succeeding member has cast his/her vote.

*Abstentions / Voting Present.* In the event that a member declines to vote, that member shall not be counted toward the number present and shall not have their vote counted as either “aye” or “no” in relation to the matter. If a member’s declining to vote causes the Council to fall below a quorum voting on the matter, the matter shall be scheduled for consideration at the next meeting of the Council when a quorum may be present, unless statutory or ordinance time limits or other considerations or limitations with respect to the particular matter require the Council to take action prior to the next regular meeting. In such case the Council may convene a special meeting to consider the matter or take such other action as may be appropriate with regard to the matter.

*Motions to Lay Over shall include Date or Time Frame for Action.* Motions to lay over shall include a specific date to be returned to the Council or shall require return to the Council upon a specific occurrence within a specified time frame. Except for matters which may be approved by operation of law if not acted upon by Council, if the occurrence shall not happen within the specified time frame, the City Clerk shall notify the Council at the end of the time frame that the matter shall not be brought forward and make appropriate notation to the minutes of the meeting during which the matter was laid over. Upon notice of non-action by the City Clerk, any Council member may request that the matter be placed upon the next Council agenda for report or official action.

*Reconsideration.* Except as action may have already been taken in reliance upon the council's approval/disapproval of an item, any member who voted with the prevailing side on any question may move for reconsideration of a vote at the same meeting or at the next succeeding regular meeting of the Council by notifying the City Clerk of the member's request to have the reconsideration included on the Agenda for the next succeeding regular meeting. A motion to reconsider having been put and lost shall not be renewed by the same or any other member.

*Termination of Debate / Calling the Question.* Any member wishing to terminate debate may move the previous question (call the question). The Mayor or other presiding officer shall ask whether there is any objection to calling the question. If no objection is voiced, then the Clerk shall record unanimous consent to terminate the debate. If an objection is voiced, a roll call vote shall be taken and 2/3 of members present shall be required to terminate the debate. If debate is terminated, the question, including any pending amendments, before the Council shall be taken without further debate.

*Use of Unanimous Consent.* Unanimous Consent shall only be used for termination of debate, motions to adjourn, motions to recess and for elections for Deputy Mayor or Temporary Chair when there shall be only one member put forward for election.

*Amendment of these Rules.* These Rules may be amended or new rules adopted upon proper notice by a majority of all members at any meeting of the Council.

*Suspension of the Rules.* A vote of two-thirds of the members present will suspend any Rule of the Council.

*Rules pertaining to Council Members speaking to items on the Agenda.* When two or more members simultaneously seek recognition, the Mayor or other presiding officer shall name the order of the members who are to speak.

*Council Member Announcements, Statements & Discussion.* Council members speaking under the heading “Council Member Announcements, Statements & Discussion” are limited to five (5) minutes and must not include endorsements of any candidates or other electioneering. (NOTE: Exception to the five (5) minutes may be made at the discretion of the Council.)

*Council Member Reports.* Council Members will be given the opportunity to report on activities of their assigned Boards and Commissions to which they are a liaison. The Mayor will ask each Council Member to provide a report if applicable. Such report shall be limited to one (1) minute per assigned Board/Commission. If greater discussion is required, the item may be scheduled for a future agenda.

*Rules pertaining to Individuals addressing the Council*

1. Individuals speaking to the Council regarding agenda items are limited to one appearance per person of no more than five (5) minutes per agenda item. Whenever the Council proposes an amendment to a resolution or ordinance, the Council will permit additional public comment specific only to the amendment and its effect. (NOTE: Exception to the five (5) minutes may be made at the discretion of the Council.)
  - i. When Remote Participation is required or permitted for the general public, the rules governing Remote Participation as set forth above shall govern the timing of public comments and limitations on public speaking and shall be noted so on the meeting agenda. If a meeting includes Remote Participation, the rule above pertaining to permitting additional comment pertaining to amendments is also suspended, however, Council may, at its sole discretion determine to open public comment on any amendments offered.
  - ii. When Remote Participation is permitted as a reasonable accommodation or for purposes of accommodating a presentation, consultant or other similar individual reason, the City Manager in his/her discretion, shall determine whether the rules governing Remote Participation as set forth above shall govern the timing of public comments and limitations on public speaking and if so, shall so note on the meeting agenda.

## 2. Citizen Statements.

1. Individuals speaking to the Council under the heading "Citizen Statements to Council" are limited to five (5) minutes. (NOTE: Exception to the five (5) minutes may be made at the discretion of the Council.)
2. Individuals may address the Council only and must address items that are not listed on the Council meeting agenda; except items listed under City Manager or Council Member Statements shall be addressed under the heading and at the time permitted for "Citizen Statements to Council".
3. Statements are limited to issues that have an impact on the City of Oshkosh and that the Common Council may address at a future meeting.
4. Statements must not include endorsements of any candidates or other electioneering.
5. Persons are encouraged as an alternative to appearance in person to submit written comments. Written comments may be sent via mail addressed to the City Council, placed in the City Hall dropbox, or sent by email prior to the scheduled meeting to [council@ci.oshkosh.wi.us](mailto:council@ci.oshkosh.wi.us).

The public may, as an alternative to appearance in person, submit written comments. Written comments may be sent via mail addressed to the City Manager, placed in the City Hall dropbox, or sent by email to [council@ci.oshkosh.wi.us](mailto:council@ci.oshkosh.wi.us) prior to the scheduled meeting. Contact information for the Council and City Manager is available on the City website: [www.ci.oshkosh.wi.us](http://www.ci.oshkosh.wi.us)

Written comments received prior to the meeting will be distributed to the Council and made part of the public record of the meeting.

Persons requiring reasonable accommodations to these rules may contact the City Manager's office who shall work with the individual to provide appropriate accommodation as necessary. Persons requesting accommodation under this paragraph must submit such request in advance of the meeting. Requests can best be accommodated if submitted at least 5 business days in advance of the scheduled meeting.

### *Rules of Decorum*

#### 1. Adoption of Civility Pledge.

All participants in Council meetings shall conduct themselves according to the Civility Pledge adopted by the Council on June 14, 2011 by Resolution 11-270, as noted below:

- **Pay Attention** - Be Aware of Others & Sensitive to the Immediate Context of Actions
- **Listen Closely** - Understand Other Points of View
- **Be Inclusive** - Welcome All; Don't Exclude Anyone
- **Don't Gossip** - Remind Others of the Importance of this Practice
- **Show Respect** - Honor Others (Especially in Disagreement)
- **Be Agreeable** - Find Opportunities to Agree
- **Apologize Sincerely** - Repair Damaged Relationships
- **Give Constructive Comments, Suggestions & Feedback** - No Personal Attacks (Focus on Issues)
- **Accept Responsibility** - Don't Shift Blame; Share Disagreements Publicly

#### 2. General Rule of Decorum.

No person shall personally attack a council member, city official, city employee or any other person. For purposes of this section personal attacks shall include comments directed at a particular person or persons which pertain to any matter that is unrelated to the performance of official duties or the conduct of city business, are threatening, slanderous, defamatory or obscene or are of such a nature that the comments disrupt the meeting or cause a disturbance. No person shall make irrelevant, unduly repetitious, offensive, threatening, slanderous, defamatory, or obscene remarks or act in such a manner as to disrupt or disturb the orderly conduct of any meeting, including handclapping, stomping of feet, whistling, shouting or other demonstrations. Any person violating this provision shall be called to order by the Mayor. If the conduct continues, the Mayor may order the person removed and the Council may make a fact finding whether such behavior was outside the scope and content of the council rules and, if applicable, whether the behavior was of a character to cause a breach of the peace.

### **III. Rules pertaining to Duties of the Deputy Mayor**

The Deputy Mayor shall be responsible for ensuring that the annual evaluation of the City Manager is accomplished and the goals for the City Manager are developed and approved annually.

JUNE 14, 2011

11-270

RESOLUTION

(CARRIED 7-0 LOST \_\_\_\_\_ LAID OVER \_\_\_\_\_ WITHDRAWN \_\_\_\_\_)

PURPOSE: EXPRESSING COUNCIL'S SUPPORT FOR THE OSHKOSH CIVILITY PROJECT AND ENDORSING THE OSHKOSH CIVILITY PLEDGE

INITIATED BY: CITY ADMINISTRATION

WHEREAS, the Oshkosh Civility Project has been created by a group of community leaders as follows: the Oshkosh Area Community Foundation; the University of Wisconsin-Oshkosh; the Oshkosh Northwestern; Oshkosh Area United Way; Oshkosh Public Library; Oshkosh Area School District; and the Oshkosh Chamber of Commerce; and

WHEREAS, the leaders of the Oshkosh Civility Project have asked other community leaders to ceremonially endorse the Oshkosh Civility Pledge; and

WHEREAS, individual members of the Oshkosh Common Council and city management have participated in discussions to improve our community through a dedication to the principles of civility; and

WHEREAS, the Oshkosh Civility Project seeks the formal endorsement of the City of Oshkosh in the Oshkosh Civility Project;

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Oshkosh:

1. That the Oshkosh Common Council endorses the Oshkosh Civility Pledge, which states as follows: We built a stronger and more diverse community by actively sharing our ideas and opinions with others in thoughtful and considerate ways. By practicing this basic commitment to civility, we learn and grow from one another – even in disagreement.
2. That the Council will endorse and put into practice the identified skills by the Oshkosh Civility Project that are designed to promote civility.
3. That the Council will, through its actions, endorse these principles and skills by following these basic rules of decorum at Council Meetings and encourage the public to practice these principles in matters coming before the Oshkosh Common Council.

**PAY ATTENTION**

Be aware and attend to the world and the people around you.

**Listen**



FOCUS ON OTHERS IN ORDER TO BETTER UNDERSTAND THEIR POINTS OF VIEW.

**WELCOME**  
**BE INCLUSIVE**

Welcome all groups of citizens working for the **GREATHER GOOD** of the community.

**DON'T GOSSIP**



And don't accept when others choose to do so.

**Show Respect**



Honor other people and their opinions, especially in the midst of a disagreement.

LOOK FOR OPPORTUNITIES TO AGREE. DON'T CONTRADICT JUST TO DO SO.  
**BE AGREEABLE**

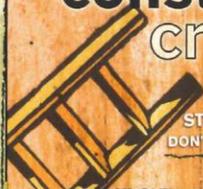


**apologize**

Be sincere and repair damaged relationships.



**GIVE constructive criticism**



WHEN DISAGREEING, STICK TO THE ISSUES AND DON'T MAKE A PERSONAL ATTACK.

Don't shift responsibility and blame onto others; share disagreements publicly.  
**TAKE RESPONSIBILITY**



It's not what you say.  
It's how you say it.

[OshkoshCivilityProject.org](http://OshkoshCivilityProject.org)  
OshkoshCivilityProject@gmail.com

**Speak your Peace**

The Oshkosh Civility Project

The Oshkosh Civility Project is a community-based effort to encourage better practices of interpersonal communication. It is modeled after a campaign originated by the Duluth-Superior Area Community Foundation based on Choosing Civility by P.M. Forni. The Project is sponsored by the Oshkosh Area Community Foundation, the University of Wisconsin Oshkosh and The Oshkosh Northwestern.