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# Ethics for Lake District Officials



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# Objectives

- Policy
- Code of Ethics for Local Government Officials
- Private Interest in Public Contract Prohibited
- Incompatible Offices
- Resources



# Special Integrity

- "Elected officials, their appointees, and government workers are expected to perform their public acts with honesty, openness, diligence, and special integrity."
  - Ronald Reagan
  - 1977 Speech

# Policy

# Ethics Laws

- Limit self-dealing
  - Not profiting from holding Public Office
- Avoid Conflicts between Personal Interest & Public Responsibilities
  - Preserve the Integrity of Governmental Decision Making
- Preserve public confidence
  - Avoid the Appearance of Impropriety

# Code of Ethics for Local Government Officials

- Code of Ethics for Local Officials
  - Wis. Stat. § 19.52
- Definitions
  - Wis. Stat. § 19.42



# State Code of Ethics applies to “Local Public Officials”

- “Local Public Official”  
Wis. Stat. 19.42(5m), (7u)(7w)&(7x)
  - Elected
  - Appointed at pleasure or fixed term
  - Exceptions to appointed official
    - clerical position
    - position limited to the exercise of ministerial action
    - position filled by an independent contractor.

# Local Ethics Code Basics

- Private Gain
- Influence and Reward
- Conflicting Interest
- “Pay to Play”

# Private Gain

## *Wis. Stat §19.59(1)(a)*

- Prohibits using Public Office
- To obtain financial gain, *or*
- Anything of substantial value
- For Private Benefit of:
  - The official,
  - Immediate family members, or
  - Organization associated with the official



# “Immediate Family”

## Wis. Stat. §19.42 (7)

### The Official’s:

- Spouse, or
- Relative by marriage or Lineal Descent
- Who, directly or indirectly:
  - Receives more than 50% of their support from the Official, or
  - Provides 50% of the Official’s support
- [§19.41(7)]

# Ethics Commission Opinion: Local Official may participate even if has a substantial financial interest if:

- The official's action affects a whole class of similarly-situated interests;
- The official's interest is insignificant when compared to all affected interests in the class; and
- The official's action's effect on the official's private interests is neither significantly greater nor less than upon other members of the class

# Abstaining from Official Action

- Not just voting “Abstain”
- Removing yourself from the decision making process or the information exchange in your official capacity.

# Example

- Gouda Lake District elected Sid Carlton to its commission.
- When the welcome page of the District web site was updated, a picture shows Sid in his work clothes in his office
- Sid has his own dental practice in town
- The picture caption and a message from Commission both state his name as **“Commissioner Dr. Sydney Carlton, D.D.S.”**



Commissioner Dr. Sydney Carlton, D.D.S.

# Do you have any concern about Carlton's photo on Commission's Web Site?

- A. No, so long as he does not have his dental office's information with the photo
- B. No, he just happens to be a dentist
- C. Yes, he is using the district web site to promote his dental practice
- D. Yes, the town looks bad, because nobody likes dentists

# Do you have any concern about Carlton's photo on Commission's Web Site?

- A. No, so long as he does not have his dental office's information with the photo
- B. No, he just happens to be a dentist
- C. Yes, he is using the district web site to promote his dental practice
- D. Yes, the town looks bad, because nobody likes dentists

# Influence and Reward

## *Wis. Stat. §19.59(1)(b)*

- No local public official
- May solicit or accept
- Anything of value
- If it could reasonably be expected to influence the official's judgment
- Or could reasonably be considered a reward for official action.



# Definition: “Anything of Value”

- Money
- Property
- Favor
- Service
- Payment
- Advance
- Forbearance
- Loan
- Promise of Future Employment

- *Wis. Stat. § 19.42 (1)*

# “Anything of Value” - Exceptions

- Compensation and expenses paid by governmental unit or on behalf of the government unit
- Hospitality extended by a person for purposes unrelated to government business
- Items or mere tokens of nominal, insignificant or trivial value

# Ethics Commission Advice

## Part 1

- As to item or service offered
  - a. Is it being offered because of my public position?
  - b. Is it of more than nominal or insignificant value?
  - c. Is it primarily for my personal benefit rather than for the benefit of my local unit of government?
- If you answer "**yes**" to all three questions, you may not accept the item or service

# Ethics Commission Advice

## Part 2

- Would it be reasonable for someone to believe that the item or service is likely to influence my judgment or actions or that it is a reward for past action?
- If you answer "yes," you may not accept the item or service.

# Bottom Line

- ***Cannot*** accept gifts because you are a public official
- ***May*** receive gifts unrelated to public office
- ***May*** receive gifts on behalf of the governmental unit

# Exercise

- Lake Commissioner Kate Nickelby is drinking an old fashioned with her family while waiting for her table in the bar of a local supper club.
- The bartender gives her another old fashioned saying “The man over there bought this for you.” He points to someone at the bar
- Kate is not sure, but she thinks she saw the man before at a lake district board meeting

# What should Kate do with the old fashioned?

- A. Ask if rail brandy was used or not
- B. Take the drink; anyone that knows her, knows that just one old fashioned will not influence her
- C. Politely decline the drink
- D. Give the drink to her spouse
- E. Down the drink before anyone notices

# What should Kate do with the old fashioned?

- A. Ask if rail brandy was used or not
- B. Take the drink; anyone that knows her, knows that just one old fashioned will not influence her
- C. **Politely decline the drink**
- D. Give the drink to her spouse
- E. Down the drink before anyone notices



# Conflicting Interests - *Affecting Financial Interest* *Wis. Stat. 19.59(1)(c)(1)*

- No local public official
- May take any official action
- Substantially *affecting* a matter
- In which the official, the official's immediate family, or an organization with which the official is associated
- Has a substantial financial interest.

# Conflicting Interests - *Producing Financial Benefit* *Wis. Stat. 19.59(1)(c)(2)*

- No local public official
- May use their public office
- To produce or assist in the production
- Of a substantial benefit
- For the official, the official's immediate family, or an organization with which the official is associated

# “Organization”

Any:

- Corporation
- Partnership
- Proprietorship
- Firm
- Enterprise
- Franchise
- Association
- Trust, or
- Other legal entity
  - But not an individual or body politic
    - §19.42(11)

# “Associated”

- When the official or a member of the official’s immediate family is
  - an officer, director or trustee, or owns at least 10% of an organization, or
  - Is an authorized representative of the organization
- ***Membership or employment*** with an organization ***does not*** constitute being “associated” with the organization

# “Pay-to-Play”

## *Wis. Stat. 19.59(1)(br)*

- Prohibited from using local office to obtain political favor for self, a candidate or party

# Ethics Code Enforcement



# Ethics Code Enforcement

- **\$1,000 forfeiture**
- **Void Action or Restitution of wrongful gains**
- **\$5,000 fine and 1 year imprisonment**
- **Removal from Office**

# Prohibited Interest in Public Contract - Wis. Stat. §946.13(1)(a)&(b)

- Crime: Class I Felony
- Covers Public Officials or Employees
  - Conduct in a Private Capacity
    - *and*
  - Conduct in Official Capacity



# Prohibited in Interest in Public Contract - Wis. Stat. §946.13 (1)(a)

- Town Officer or Employee In Private Capacity cannot
  - Bid for, negotiate or enter into a contract with their Town
    - In which they have a direct or indirect financial interest, and
    - The officer or employee is *authorized* or *required* to participate in the making of the contract

# Abstaining is *NOT* a defense for Public Official or Employee

- Because the statute requires only that you are authorized or required to participate in making contracts
  - Statute covers private business conduct of an official or employee, not conduct on behalf of governmental unit
  - Irrelevant that choose not to participate
  - Impossible to abstain from your private interest in a contract

# Prohibited in Interest in Public Contract - Wis. Stat. §946.13 (1)(b)

- Violated when
- Official or Employee has a direct or indirect interest in a public contract
  - And
- Participates in the making of the contract or performs any function requiring discretion
  - Official Action in other words
    - Vote, Discuss, Investigate or Recommend

# Exemptions

- Contract does not exceed **\$15,000** in any year
  - Calendar year

# \$15,000 Exemption only applies to Private Interest in Contract

- In **Official Capacity** still must abstain or exercise no discretion
- Must also abstain under Ethics Code

# More Exemptions

- Wildlife damage compensation, tax credits for farmland preservation and others
- Bankers
  - Contracts for depositing funds in public depository
  - Loans for temporary borrowing or 10 year promissory notes, State bonds
  - Other exemptions
- Officials who are Lawyers with law firm providing the governmental unit legal service who have less than 2% interest in firm

# Penalties - Prohibited Interest in Public Contract

- Up to 2 Years imprisonment, \$10,000 fine or both
- Contract is void



# Incompatible Offices - Problems Holding 2 Public Offices

1. Where one office is superior to another in some respect so that duties under each conflict to the public detriment
2. Nature of duties of two offices for public policy reasons it is improper one person do both
  - Wisconsin Law Common Law
    - *State v. Jones*, 130 Wis. 572 (1907)



# 1. One office superior to the other

- Conflict as to some or all duties to public detriment
- Example:
  - City Alderperson and City Employee
    - Alderperson votes on terms of employment: wages, hours, benefits
      - *Otradovec v. City of Green Bay*, 118 Wis. 2d 393 (Ct. App. 1984).

## 2. Contrary to public policy

- Nature and duties of 2 offices makes it improper, for reasons of public policy, for one person to hold both
  - Not necessary one be superior to the other
- Example
  - Sanitary District Chair and Town Supervisor where Board appoints and sets salaries
    - 35 Op. Atty. Gen. 158 (1946).

# Holding Two Incompatible Offices Vacates First Office

- First office is automatically vacated upon taking incompatible office
  - *State ex rel. Stark v. Hines, 194 Wis. 34 (1927)*
- If resign, the second office is not automatically restored to first office
- Acts done in *good faith* in first office are valid
  - *73 Opinions of the Attorney General 83 (1984).*

# Bribery is Illegal

## Wis. Stat. §946.10



# Ethics Advice



# Ethics Advice

## *Wis. Stat. § 19.59 (5)*

- Ask Local Ethics Board or Attorney
  - Confidential
    - Advice and identity of requester
  - *Prima Facie* evidence of intent to comply with law
- *State v. Davis*:
  - Good faith reliance on attorney advice grounds to dismiss charge

# Leadership & Ethics

- It takes 20 years to build a reputation and five minutes to ruin it. If you think about that, you'll do things differently

# To Learn More

- Town Officials Handbook, Third Edition
- County Officials Handbook
- [lgc.uwex.edu/](http://lgc.uwex.edu/)
- [ethics.wi.gov](http://ethics.wi.gov)





# Procedures for Lake District Meetings

**WISCONSIN LAKES CONFERENCE**  
**APRIL 1, 2020**

**DANIEL FOTH, JD – INTERIM PROGRAM MANAGER,  
UNIVERSITY OF WISCONSIN – MADISON  
LOCAL GOVERNMENT EDUCATION, DIVISION OF EXTENSION**

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Philip Freeburg: Distinguished Lecturer, Local Government Legal Education



# Today's Agenda

- Meetings & Open Meeting Law
- Public Notice Requirements
- Meeting Procedures
- Roles & Responsibilities
- Motions & Common Issues
- Resources
  - Privileged, Subsidiary and Incidental motions
  - Interpersonal Meeting Dynamics
  - Bias



# Intelligence Quotient

- A. I am brilliant
- B. It's no one's business but my own how brilliant I is
- C. I'm smarter than the average bear
- D. I'm pretty darn smart, but I keep that to myself
- E. Average brainpower, but working on it

# Meeting Definition

- Meeting is a gathering of members of a governmental body for purposes of exercising its responsibilities

*Wis. Stat. Sec. 19.82(2)*



- **Definition of *meeting***
- **1:** an act or process of coming together: such as
- **a:** an assembly for a common purpose (such as worship)



# WI Open Meetings Law Intent



## ***Ensure:***

- Public Access
- Open Decision-Making: information gathering, discussion, and voting

## ***Through:***

- Advance public notice of meetings,
- Meetings that are open and accessible to the public, and
- Limited closed sessions.

# Bodies subject to the law

- Lake Districts - local governing bodies of general and special purpose units of government,
- *NOT Lake Associations*
- their committees, commissions and boards,
- special study and advisory committees, and other bodies or subunits created by a governmental body or an officer, and
  - (Body members covered by the law include citizen members.)

# Meeting defined - The Two Tests

Numbers test = enough members of a body are present to determine the outcome of an action

Purpose test = discussion, information gathering or decision-making on a matter within the jurisdiction of the body.





# Numbers Test

- By statute, if one-half of the members of a body are present, there is a presumption that a meeting has occurred, unless the purpose test is not met.
- A lesser number of members may meet the numbers test if they can affect the outcome.

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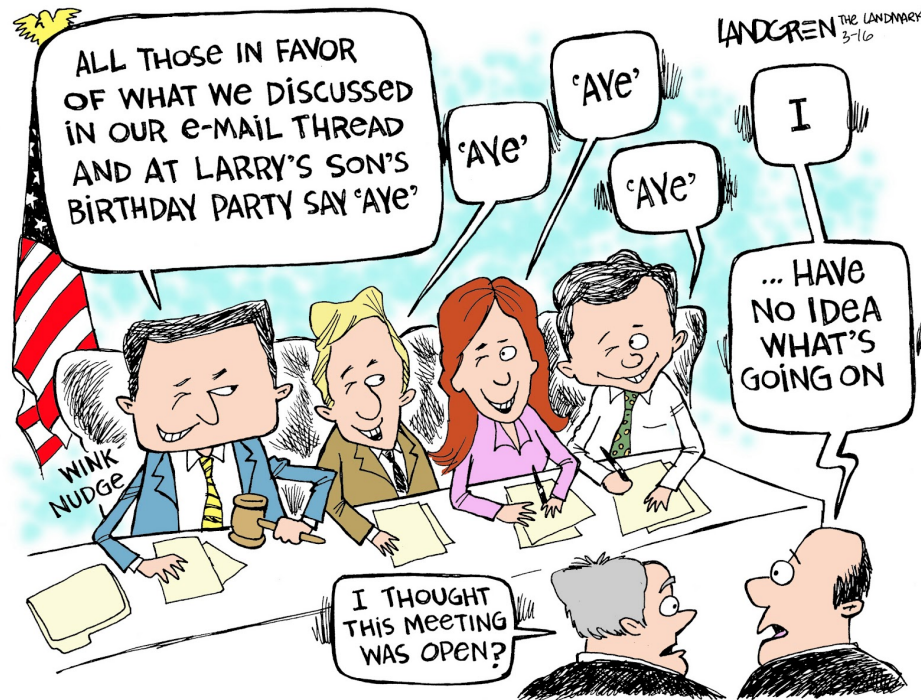
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# Quiz Question

- Are these board members in violation of the open meetings law?



# Special Cases



Walking Quorum--A series of phone calls, e-mails or conversations to “line up votes” or conduct other business

Phone conferences may constitute a meeting if the number and purpose tests are met.

Emails and related examples

# Public Notice Requirement

- Every meeting shall be preceded by public notice.
  - Separate notice for each meeting.
  - Reasonably proximate to the time and date of the meeting.
  - Special exemption for subunit meetings held during or right after lawful meeting of parent body.



## LAUDERDALE LAKES LAKE MANAGEMENT DISTRICT BOARD OF COMMISSIONERS

The Lauderdale Lakes Lake Management District will have a meeting on Saturday, February 15, 2020 at 8:00 AM at the Lauderdale Lakes Community Center located at N7511 Sterlingworth Drive, Elkhorn, WI 53121.

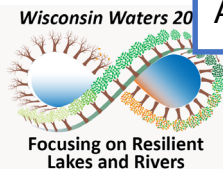
### Agenda

ROLL CALL  
APPROVE AGENDA  
APPROVE MINUTES OF NOVEMBER 23, 2019  
COMMUNITY COMMENTS  
TREASURER'S REPORT  
APPROVE RESOLUTION 2020-01 FOR WATER SHED STUDY  
DISCUSS ROUTE 12/67 STATUS  
DISCUSS PIER ORDINANCE  
DISCUSS THE NOISE OF LOUD SPEAKERS ON BOATS  
CLUB HOUSE REPORT  
INTERNET STATUS  
PROJECT REPORTS  
OTHER BUSINESS

DISTRICT MAILING ADDRESS: N7511  
STERLINGWORTH DR. ELKHORN  
VOLUNTEERS FOR INVASIVE SPECIES  
CONTROL AND LANDSCAPING AT  
CLUBHOUSE – WORK DATE TO BE  
DETERMINED

ADJOURNMENT

- Date
- Time
- Place



# Public Notice: What? Subject Matter

- Apprise public of what will be addressed.
  - Only noticed agenda items may be discussed.
- Specific.
- Does not grant citizens right to participate.
- Public comment period may be included.



- **Content**

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CLUBHOUSE – WORK DATE TO BE

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ADJOURNMENT



# Public Notice: When?

- At least 24 hours prior to the Meeting
  - (2 hours prior for good cause).





# Public Notice: To Whom?

- OOG recommendation is to post in at least 3 locations likely to be seen by constituents.
- **Notify official newspaper, if there is one;** if none, notify news medium likely to give notice.
- Must provide notice to any media requesting it.



OZAUKEE - WASHINGTON  
**DAILY NEWS**

NEWS GRAPHIC TIMES PRESS

# Public Notice: By Whom?

- Chief presiding officer.
- Or designee, usually the secretary.
- Ultimate responsibility rests with the chief presiding officer.



# Public Access

- Reasonable access.
- Anticipate large crowds for controversial topics.
- Proximate to the public served.



# Permitted closed sessions

Closed sessions are limited to those authorized by statute, including...

- Deliberations concerning a judicial or quasi –judicial “case”.
- Personnel matters including employee discipline and licensing.
- Deliberations on property acquisitions, investments, or for competitive or bargaining issues.



# Closed session procedures

- Convene in open session.
- Announce authority and purpose of proposed closed session.
- Close session by a majority vote, showing vote of each member.
- If unanimous, record as such



# Closed session procedures

- Objecting body members, personnel essential to closed discussion and members of parent body may remain.
- Limit discussion to announced items.
- Do not reconvene in open session unless it was included in the public notice.



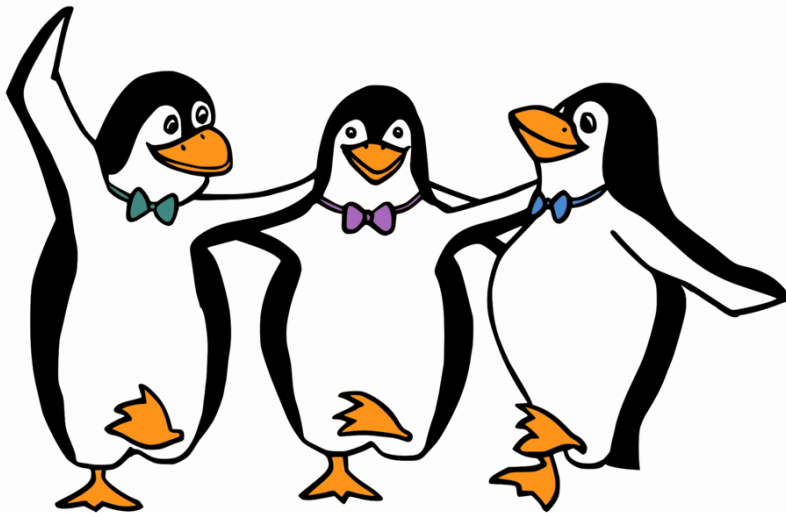
# Penalties

Any member

- \$25-\$300 non-reimbursable forfeiture.
- Attorney's fees may or may not be reimbursable.
- Loss of public trust.
- Personal embarrassment.



# Meeting Dynamics

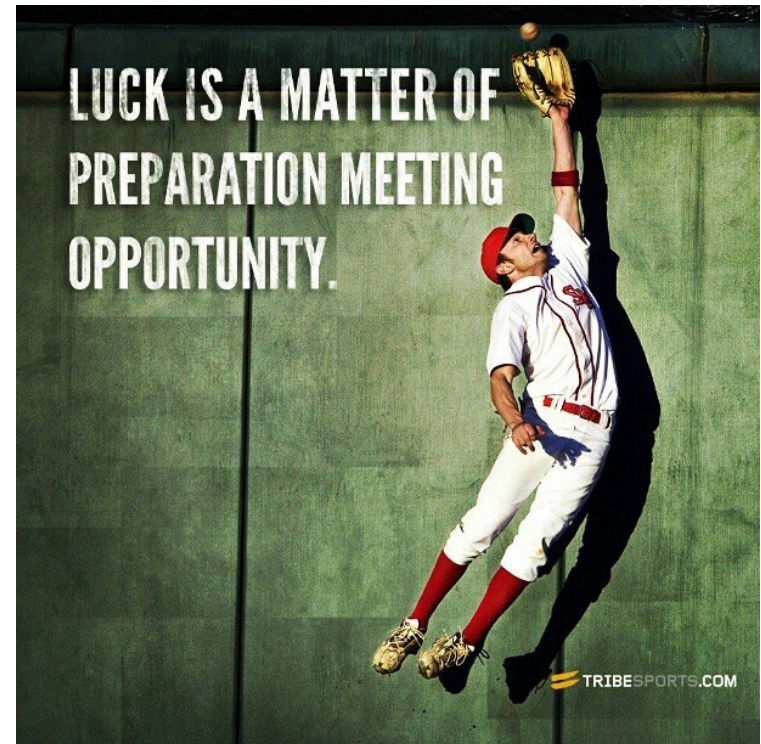


- What is the meeting purpose?
- Does everyone understand that purpose?
- Not all approach meetings the same way
- Our personalities can influence our interactions
- Knowledge helps accommodate people to be fully engaged



# Meeting Preparation

- Review agenda & materials before the meeting – do your homework!
- Do you have the information you need to make a decision? If not, ask your administrator (staff?) before the meeting



# Decorum Rules For Elected Officials & Meeting Participants



## The Golden Rule

TREAT OTHER PEOPLE THE  
WAY YOU WOULD LIKE TO  
BE TREATED

**WITH RESPECT**

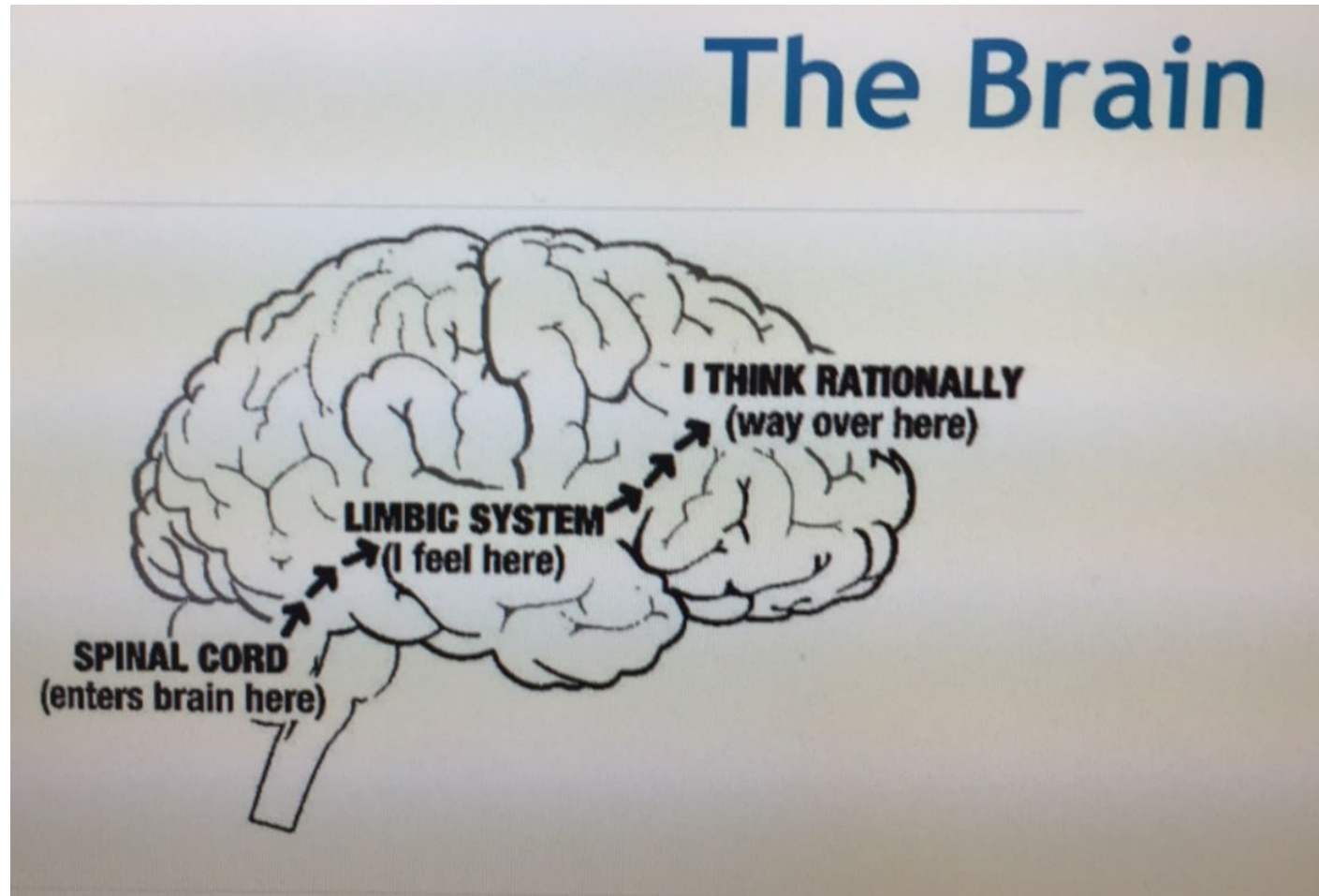
- Stay on the Agenda
- Confine remarks to pending issue
- Stay on Topic - Do not speak to an action not pending
- Refrain from speaking against own motion
- Avoid (no) “negative” motions
- Refrain from actions that “disturb the assembly”
- Respect - Golden Rule as guiding principle

# Listening

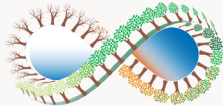
The biggest  
communication problem  
is we do not listen to  
understand.  
We listen to reply.



# And “hears” why!



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# Meeting Procedures & Rules

- Facilitate a decision made by the majority
- Providing ability to hear all views.
- Provide an orderly way to disagree without being disagreeable
- Sets expectations for meeting process and conduct
- Sources of Meeting Rules
  - Statutes and Constitution
  - Local Rules
  - Bylaws
  - Various options to create meeting rules



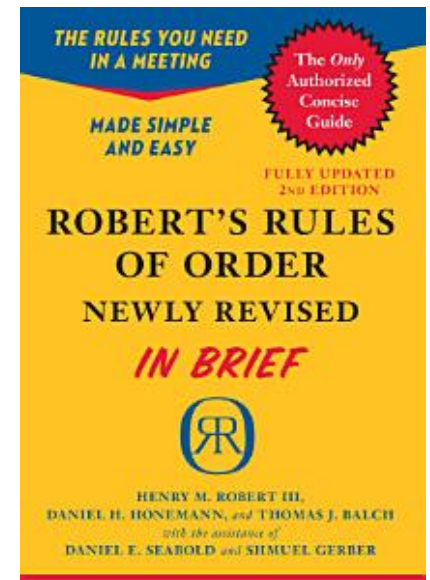
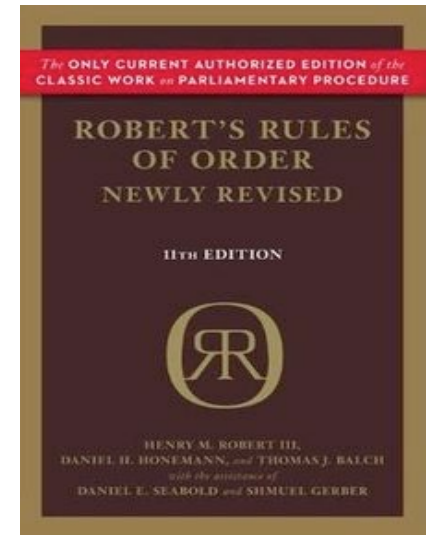
# Why Meeting Rules & Procedures?

- Clear communication and clear motions
- Meeting Decorum – board/council meeting discussion conduct
- Meeting agenda approach
- Separate decision and discussion items.
- Actions violating local meeting rules
- How far does “Meeting Policy” apply



# Roberts Rules of Order

- Facilitate Discussion, Not Obstruct It
  - Justice and courtesy to all
  - Each proposition is entitled to full and free **debate** discussion
  - Address only one issue at a time
  - Common understanding
  - Substance over process
- Fairness to All
  - Majority
  - Respect the rights of the minority & individual Members
- Provide Order
  - The majority rules
  - Organizational Stability
- RONR – May Not Be A Fit
  - created for all kinds of meetings, so not always applicable
  - Use it or there are other options, including making your own rules



# Understanding the Roles Board, Staff, and Public





# Chair

- Chair is responsible for the agenda
  - Members may place items on agenda
- Chair has all the rights of participation, including making and seconding motions, and voting
- Chair is responsible for administering the group's deliberations



# Chair

- Chair is responsible for administering the group's deliberations
  - foster orderly discussion
  - Announces issues and keeps members on track
  - Restates motions for clarity
  - Recognizes members
  - Seeks balance
  - Follows the Agenda
  - Enforces group's rules
  - Responds to requests
  - Rules on points of order
  - Asks for votes on each side and announces outcome



# Board Members

- Prepares for the Meeting
- Attends the Meeting (on time!)
- Contribute as appropriate.
- Respects other opinions and comments
- No sidebar discussions - address comments to presiding officer
- Focus on THIS topic—not last week's
- Listen to understand
- Vote
- Mute and stay off personal electronic devices

## Questions a Critical Thinker Asks



a place of mind

learningcommons.ubc.ca



# Secretary



- Takes the minutes, unless other agreement
- Provides Report or Update
- Provides input when asked
- May provide parliamentary advice,
- May provide a report or update

# The Audience & Citizens



- No Right to speak unless the Body grants permission
- The Body may allow Public Comment
- Suggest rules on how public comment is received
  - Time limits
  - Decorum
  - Speak only to Agenda Items
- Body hears comment(s)
  - May ask clarifying comments,
  - Takes no action, except to place on a future Agenda if needed

# What is a Motion?



- A Motion is a formal proposal by a member of the body, in a meeting, that the body take certain action. (*RONR p. 27 1. 7 to p. 35, p.62, ll. 18-21; p.100, ll. 3-5*)

# Motions

- Required on substantive issues
- Avoid negative motions, accepting informational reports, reaffirming existing policy
- Should be stated fully and repeated by chairperson, once seconded
- Must be seconded, unless incidental



# Motions



- Main Motion - Starts the discussion
  - Only one MAIN motion can be pending at any given time
- Other classes of motions take precedence over main motions
  - Privileged Motion - Relates to the meeting itself
  - Subsidiary Motions - Relates to the treatment of main motion
  - Incidental Motions - Relates to the conduct of the meeting



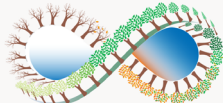
# Main Motion



*"This meeting was called in order to discuss the meat. It has been pointed out that there is no more meat. A motion has been made to fight over the bones."*

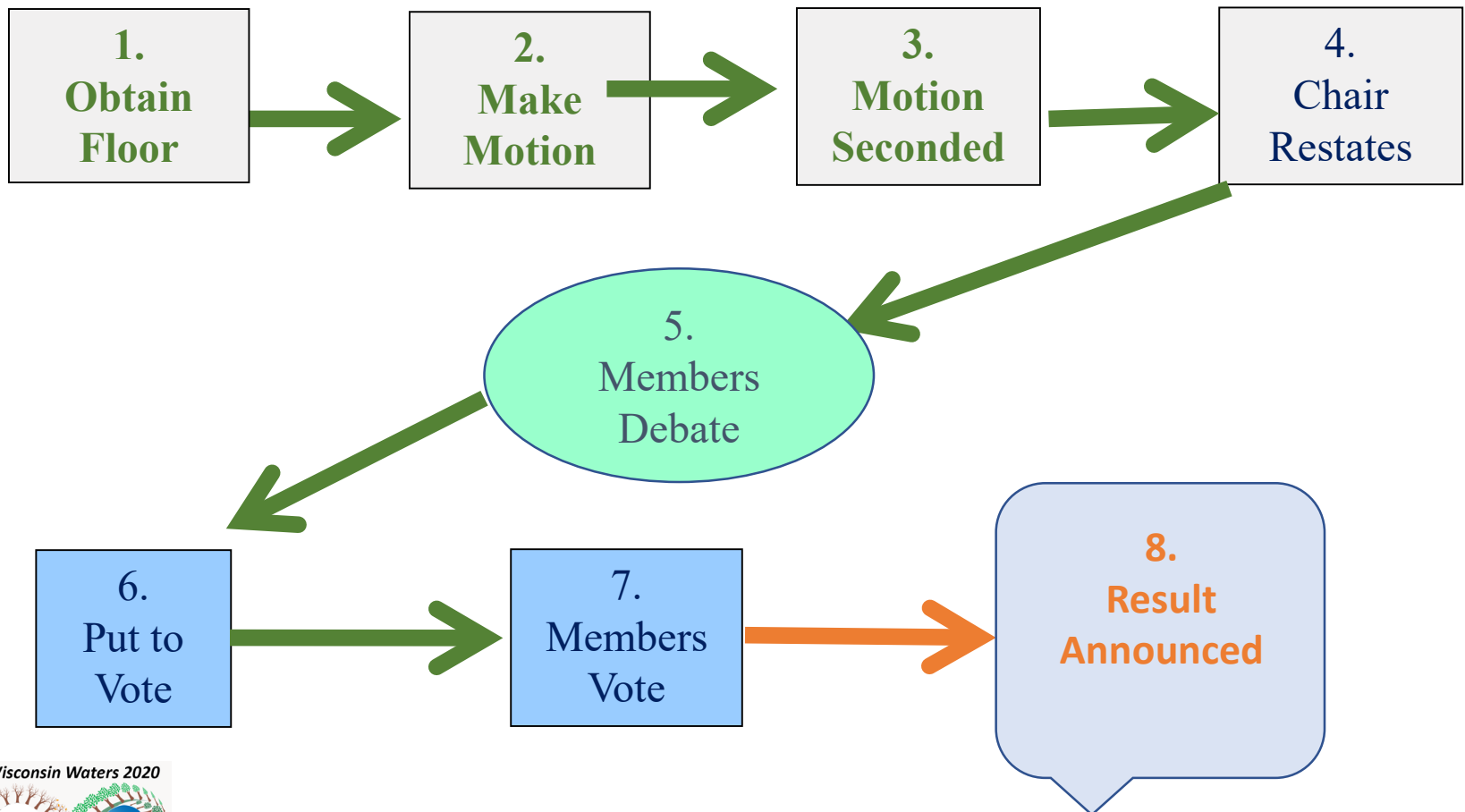
- Main Motion - Starts the discussion process
- I move that  
“ \_\_\_\_\_ ”

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# A Motion's Life – Start to Finish



# 1. Obtain Floor

- Typically, raising hand
- Called upon or recognized by the presiding officer

## 2. Make Motion

- Proposal to take action - “I move that...”
- Clearly stated
  - Make positive motions – not negative motions
  - “So moved” is not needed
  - Motion must include a brief description of what you are talking about

# 3. Motion Seconded

- By another member
  - Worthy of discussion
  - Does not have to “favor” the Motion
- Get in advance, especially for substantive motions
- Not needed if committee recommendation
- Should have, but do not need, before starting discussion
- “de-facto” or “ad-hoc” is where discussion has started before a “second” can be obtained
- Withdrawing a “Second” has no impact on a Motion’s validity. Once moved and seconded, presented to the body by the Chair, Motion is now owned by the body.

# 4. Chair Restates

- Clarifies
  - “It has been moved and seconded that...”
- Transfers ownership of the motion to the body
- Once the chair restates it, it belongs to the body and can not be taken back or withdrawn if even only one person objects
  - A motion can only be withdrawn, by a separate motion/second and a vote to withdraw

# Withdrawing a Motion

- Can a Member withdraw his/her motion at any time?
- Once a Motion is made, seconded and restated by the Chair, any changes to the Motion is subject the will of the Body

# 5. Members ~~Debate~~ - Discuss

- Fine tune the motion
- May occur prior to a motion
- Even if there appears to be plenty of discussion before a motion is made, an opportunity for discussion must be given to all



# 5. Members Discuss - Amendments

- Main motions may be amended
- Amendment must be germane
- Amendments require a motion stating the amendment, a second and a vote
- Amendments take precedence over Main motions
- Amending is a body decision
  - No Friendly Amendment



# 5. Members Discuss - Amendments

- Amendments are debatable
- Amendments are amendable – keep track
  - Only one amendment to an Amendment at a time
  - Any additional amendments to the amendment should be brought up after the original amendment is decided
- Once voted on, the matter is “settled”, not up for additional amendments covering the same context or effect



# 5. Members Discuss – Refer to Committee

- During discussion, it may become apparent that the Motion should be referred to a Standing or special committee for further study and input
- A member may then make a Motion to refer the matter to Standing or special Committee
- Such Motion is amendable
- Usually made with a response within a date certain



# 5. Members Discuss – Postpone & Table

- A pending Motion may be postponed to a time later in the same meeting or a later time
- May be referred to committee
- Postponing is NOT tabling
  - Tabling requires another motion to bring it back
  - Postponed brings the Motion back at the time specified
- Postponing “indefinitely” effectively “kills” the motion
- Role of the chair in clarifying the member’s intent – “postpone or table”

# Side Trip on Discussion



- Chair guides debate
- Discuss
- Focus on problem solving
- Listen to understand
- Get Facts
- Respect each other

# Single Person or Minority Dominating Discussion



Passive



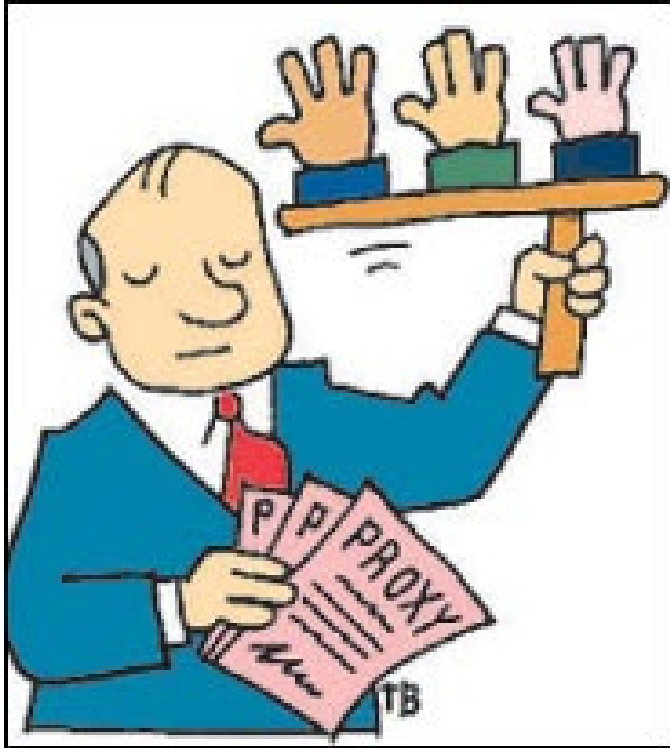
Assertive



Aggressive

- The Chair is responsible for administering the body's deliberations
- Advisable to seek balanced participation
- Advisable to recognize members who have not yet spoken
- RONR says 10 minute limit and twice to any issue –  
May make own rules

## 6. Put to Vote



- Chair prompts
  - “Any further discussion?”
  - “Are you ready to vote?”
  - “Any new points, before we vote?”
- Presiding officer may not end discussion on her/his own
- Presiding officer restates the question and effect of a “yes” or “no” vote
- Motion to end discussion
  - Needs a two-thirds vote to pass

# End Debate – Call the Question?



- How to end discussion in a meeting?
- Chair can seek unanimous consent of the body

“Council member \_\_\_\_\_ is ready to vote, is it the unanimous view of the Council to close discussion and move to a vote on the main motion.”
- If any objection then to end discussion requires a motion, second and 2/3rds of the body voting to approve
- This motion is not debatable



# 7. Members Vote

**VOTE EARLY  
and  
VOTE OFTEN**

- Votes can be taken in a variety of ways
  - Viva-Voce (Aye/Nay)
  - Show of hands
  - Rising vote
  - Division of the assembly or the house
  - Roll-call (required if requested)
  - Ballot
- Ask for votes on both sides

# Side Trip on Voting



- Quorum must vote
- Unless a roll call vote, there is no record of an individual abstaining from a vote
- Not required to vote, *Wrezeski v. City of Madison*, 558 F. Supp. 664 (W.D. Wis. 1983)
- Conflicts of interest
  - Remove oneself from participation or voting
  - Do not have to disclose
  - Treated as absent for quorum and voting purposes, *Ballinger v. Door County*. 131 Wis. 2d 624 (Ct. App. 1986)

# Side Trip on Voting



- Therefore, the individual with a conflict of interest must remove themselves from the meeting
- Suggest a roll call vote to note member removing themselves
- A member can change his/her vote before final result is announced. *45 RONR 408*
- Where there is a tie vote, the motion fails as there is no majority in favor

# 8. Result Announced



- Presiding officer announces results
  - Motion carried or failed
  - Number of votes on each side, if known
  - Outcome
    - Motion passes or fails

# Point of Order



- Pointing out a discrepancy in the application of rules of order
- Needs to be made when the infraction or mistake occurs
- Member states reason for the Point of Order
- I make a Point of Order that \_\_\_\_\_
- Chair – determines for or against Point of Order

# Appeals of a Chair's Point of Order Ruling

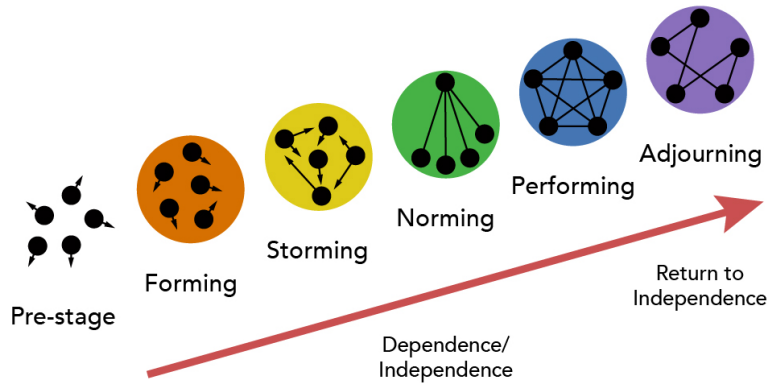


- Member – I appeal the Chair's decision
- Chair
- The decision of the Chair is appealed
- Clearly state exact question at issue and reasons for the Point of Order decision
- The state: "Shall the decision of the Chair be sustained"

# Adjourn



- Chair can adjourn without a motion if there is no further business



# Thanks!

## Local Government Education University of Wisconsin-Madison Division of Extension

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Local Government Education

<https://lgc.uwex.edu/>





# Resource Information



- **Local Government Center Website - <https://lgc.uwex.edu/>**
  - Effective Meetings - <https://lgc.uwex.edu/effective-meetings/>
  - Provides wealth of Parliamentary Procedure information, written and video format
- **Deliberative Governance - <https://lgc.uwex.edu/deliberative-governance/>**
  - Provides deliberative governance tools, guides and web resources
- **League of Wisconsin Municipalities,**
  - Handbook for Wisconsin Municipal Officials
  - The conduct of City Council Meetings
  - The Conduct of Village Board Meetings
- **Robert's Rules of Order Newly Revised – 11<sup>th</sup> Edition 2011**
- **Daniel Foth, Local Government Center, UW Madison - Division of Extension [Daniel.Foth@wisc.edu](mailto:Daniel.Foth@wisc.edu)**



# Resource Information

## Privileged Motions

- Privileged Motion - *Relates to the meeting itself*
- Raise a Question of Privilege – *chair responds*
- Call for orders
  - Stick to the Agenda
- Pressing issue
  - Raise a question of Privilege
- Recess
  - specified length of time
- Fix a time to adjourn
- Adjourn – *majority vote*



# Resource Information

## Subsidiary Motions

- Subsidiary Motions - *Relates to the treatment of main motions*
- Lay on the Table (table motion) – *majority vote*
- Previous Question (close discussion) – *two-thirds vote*
- Amend – *majority vote*
- Postpone - majority
- Refer to Committee - majority
- Extend Debate – *two-thirds vote*



# Resource Information

## Incidental Motions

- Incidental Motions - *Relates to the conduct of the meeting*
  - Division of a Question – *chair responds*
  - Point of Order – *chair responds*
  - Withdraw a Motion – *majority vote*
  - Appeal a Decision of the Chair - *Member motion & second*
  - Suspend the rules
  - Split a Main Motion containing two or more separate parts.
  - Decide amendments to complex main motions in separate parts



# Robert 's Rules of Order Motions Chart

- <https://robertsrules.org/motions.htm>

**Part 1 - Main Motions. These motions are listed in order of precedence.  
A motion can be introduced if it is higher on the chart than the pending motion.**

RONR §	Purpose	You Say:	Interrupt	2nd	Debate?	Amend?	Vote?
§21	Close meeting	I move to adjourn	No	Yes	No	No	Majority
§20	Take a break	I move to recess ...	No	Yes	No	Yes	Majority
§19	Register complaint	I rise to ask a question of privilege	Yes	No	No	No	None
§18	Make follow agenda	I call for the orders of the day	Yes	No	No	No	None
§17	Lay aside temporarily	I move to lay the question on the table	No	Yes	No	No	Majority
§16	Close debate (discussion)	I move the previous question ...	No	Yes	No	No	2/3rd
§15	limit or extend debate (discussion)	I move that discussion be limited to ...	No	Yes	No	Yes	2/3rd
§14	Postpone to a certain time	I move to postpone the motion to ...	No	Yes	Yes	Yes	Majority
§13	Refer to committee	I move to refer the motion to ...	No	Yes	Yes	Yes	Majority
§12	Modify wording of motion	I move to amend the motion by ...	No	Yes	Yes	Yes	Majority
§11	Kill main motion	I move that the motion be postponed indefinitely ...	No	Yes	Yes	No	Majority
§10	Bring business before assembly (a main motion)	I move that (to) ...	No	Yes	Yes	Yes	Majority



# Robert 's Rules of Order Motions Chart

- <https://robertsrules.org/motions.htm>

**Part 2 - Incidental Motions. No order of precedence.**  
**These motions arise Incidentally and are decided immediately.**

RONR §	Purpose	You Say:	Interrupt	2nd	Debate?	Amend?	Vote?
§23	Enforce rules	Point of Order	Yes	No	No	No	None
§24	Submit matter to assembly	I appeal from the decision of the chair	Yes	Yes	Varies s	No	Majority
§25	Suspend rules	I move to suspend the rules	No	Yes	No	No	2/3rd
§26	Avoid main motion altogether	I object to the consideration of the question	Yes	No	No	No	2/3rd
§27	Divide motion	I move to divide the question	No	Yes	No	Yes	Majority
§29	Demand a rising vote	I move of a rising vote	Yes	No	No	No	None
§33	Parliamentary law question	Parliamentary inquiry	Yes, if urgent	No	No	No	None
§33	Request for information	Point of Information	Yes, if urgent	No	No	No	None

**Part 3 - Motions that bring a questions again before the assembly**  
**No order of precedence. Introduce only when nothing else is pending.**

RONR §	Purpose	You Say:	Interrupt	2nd	Debate?	Amend?	Vote?
§34	Take matter from table	I move to take from the table...	No	Yes	No	No	Majority
§35	Cancel previous action	I move to rescind ...	No	Yes	Yes	Yes	2/3rd or Majority with notice
§37	Reconsider motion	I move to reconsider...	No	Yes	Varies	No	Majority



# Resource Information

## Interpersonal Dynamics



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# Bias - Common Mental Errors That Prevent Making Good Decisions

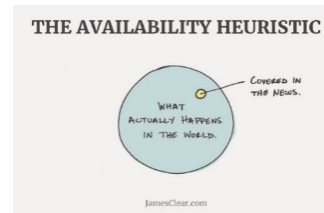
## 1. Survivorship Bias



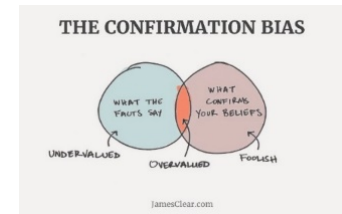
## 2. Loss Aversion



## 3. The Availability Heuristic



## 4. Confirmation Bias



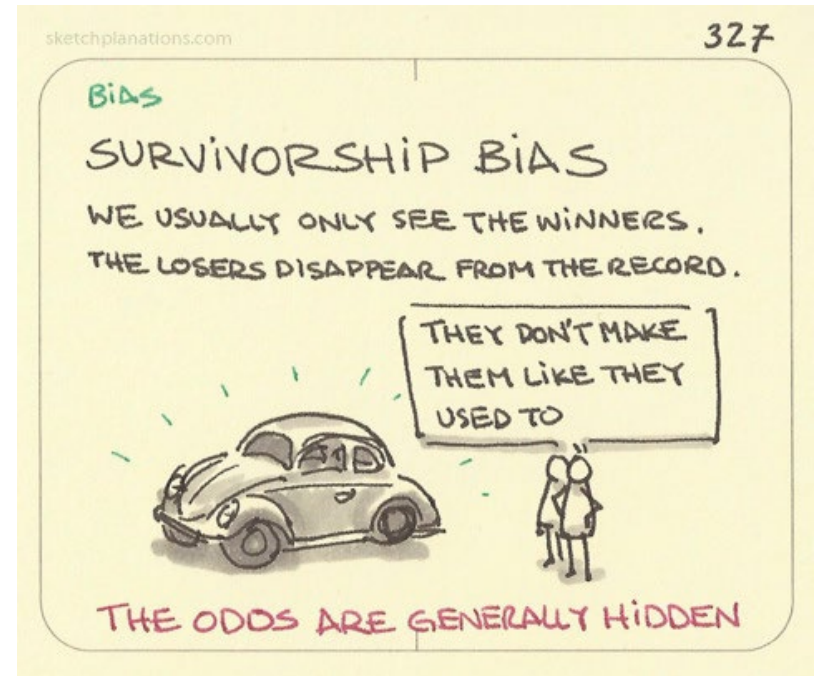
Adapted from James Clear, <https://jamesclear.com> Copyright © 2018





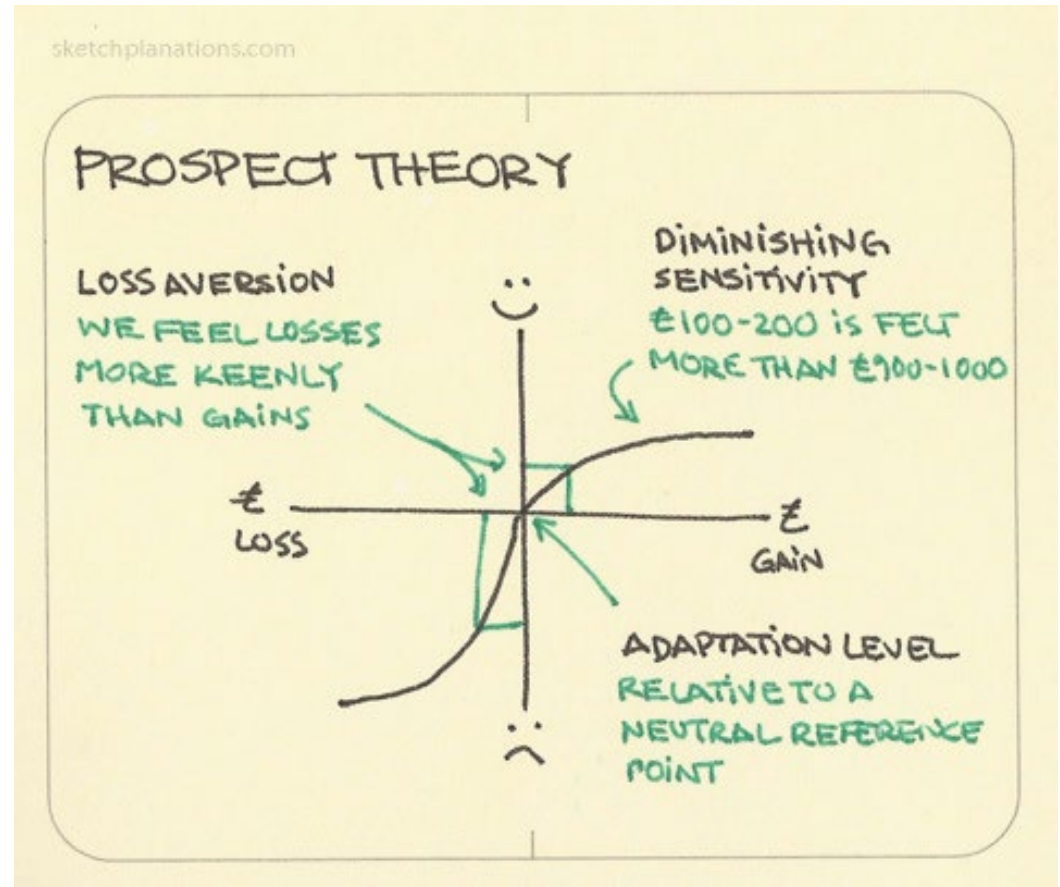
# Bias - Survivorship Bias

1. Focus on the winners and try to learn from them
2. Completely forgetting about the losers who use the same strategy



# Bias – Loss Aversion

1. Strongly prefer to avoid losses over acquiring gains
2. Overvalue items in comparison with the options



Wisconsin Waters 2020






# Bias - The Availability Heuristic

1. Examples which come to mind easily are the most prevalent things

2. Undervalue events we hear nothing about

**THE AVAILABILITY HEURISTIC<sup>†</sup>**  
THINGS THAT COME TO MIND EASILY WE THINK OF AS MORE COMMON AND MORE IMPORTANT

	EASY TO RECALL	HARD TO RECALL	CAN LEAD TO
	PLANE CRASHES	SAFE FLIGHTS	FEAR OF FLYING
	COLD SPELL	GRADUAL WARMING	IGNORING CLIMATE CHANGE
	WINNING TICKETS	NORMAL TICKETS	BUYING MORE

... AT THE EXPENSE OF THINGS THAT MAY BE MORE COMMON BUT THAT DON'T EASILY COME TO MIND

<sup>†</sup> AND BIAS sketchplanations

# Bias – Confirmation Bias

1. Search for/favor information that confirms our beliefs
2. Ignore/devalue information that contradicts our beliefs

