

4 **A RESOLUTION/ORDINANCE**
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6 amending Chapter 1 of the Milwaukee County Code of General Ordinances to facilitate
7 the ability to abstain on a vote by modifying how abstention votes are treated in
8 determining the outcome of a matter
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11 WHEREAS, Chapter 1 of the Milwaukee County Code of General Ordinances
12 (MCGO) serve as the rules of the Milwaukee County Board of Supervisors; and
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14 WHEREAS, a vote to abstain on a matter is neither voting for or against a
15 proposal, but rather taking a neutral stance by choosing not to vote; and
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17 WHEREAS, Section 1.26 of the MCGO states the rules that shall be followed in
18 the absence of any other local rule or statute, as follows:
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20 "*Robert's Rules of Order Newly Revised* shall govern the proceedings of the
21 county board in all cases to which they are applicable and in which they are not
22 inconsistent with these rules or the laws of the state"; and
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24 WHEREAS, Section 1.04(a) of the MCGO states how questions are determined,
25 as follows:
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27 "*Quorum*. A majority of the supervisors entitled to a seat in the county board shall
28 constitute a quorum for the transaction of business. All questions shall be
29 determined by a majority of the supervisors present, unless otherwise provided
30 by statute or this chapter."
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32 ; and
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34 WHEREAS, by requiring questions to be determined by a majority of the
35 supervisors *present*, as opposed to those *present and voting*, an abstention vote
36 effectively serves as a "no" vote and can adversely impact proceedings while denying a
37 member's right to abstain, or to refrain from voting; and
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39 WHEREAS, Roberts Rules of Order suggests in Roberts Rules of Order Newly
40 Revised § 44, p.390, 1. 13-24, that its approach (i.e. where abstentions are not counted

41 among the set of members to which the required voting proportion is applied) is
42 preferred:

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44 “Voting requirements based on the number of members present...while possible,
45 are generally undesirable. Since an abstention in such cases has the same effect
46 as a negative vote, these bases deny members the right to maintain a neutral
47 position by abstaining. For the same reason, members present who fail to vote
48 through indifference rather than through deliberate neutrality may affect the result
49 negatively.”

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51 ; and

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53 WHEREAS, Supervisors should have the ability to express neutrality on an issue
54 if they so desire by choosing to abstain on a vote; and

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56 WHEREAS, the Committee on Judiciary, Law Enforcement, and General
57 Services, at its meeting of December 2, 2022, recommended adoption of
58 File No. 22-1181 (vote 3-1); now, therefore,

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60 BE IT RESOLVED, the Milwaukee County Board of Supervisors hereby supports
61 the right to express neutrality by abstaining on an issue without affecting the outcome of
62 the matter and amends Chapter 1 of the Milwaukee County Code of General
63 Ordinances by adopting the following:

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AN ORDINANCE

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68 The Milwaukee County Board of Supervisors of the County of Milwaukee does ordain as

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SECTION 1. Chapter 1.04(a) of the Milwaukee County Code of General Ordinances is amended as follows:

1.04 - Voting.

(a) *Quorum.* A majority of the supervisors entitled to a seat in the county board shall constitute a quorum for the transaction of business. All questions shall be determined by a majority of the supervisors present **and voting**, unless otherwise provided by statute or this chapter.

(b) *Abstain from voting.* No member shall abstain from voting on a question when put, except by specific notice of that supervisor. Any member wishing to abstain from voting is expected to make a brief verbal statement of the reason for abstaining.

- 82 (c) *Roll call votes obligatory; when.* When a roll call is ordered by the chairperson, the
83 county clerk shall call the roll in alphabetical order, with the chairperson voting last,
84 and give to the chairperson the final number of those voting on each side. Debate
85 shall be closed with the commencement of the roll call and no motion shall be
86 received until after the result of the voting is announced by the chairperson. All
87 members shall be in the board room when voting, or present if appearing remotely
88 per 1.01(d) or 1.13(e). A roll call vote must be taken on:
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- 90 (1) Each committee report, and any proposed amendment(s) thereto. A motion to place
91 on file may be by voice vote by unanimous consent;
92 (2) Any action under suspension of rules;
93 (3) Any action to suspend the rules, unless unanimous consent be granted;
94 (4) Elections to offices and positions to be filled by the county board unless
95 otherwise provided by law.
- 96 (d) *Measures required to be adopted by affirmative vote of two-thirds or more of*
97 *members-elect of the board.* The following matters require the affirmative vote of
98 two-thirds ($\frac{2}{3}$) or more of the members-elect of the county board as hereinafter
99 designated:
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- 101 (1) Any resolution or ordinance transferring funds from the contingency
102 appropriation.
103 (2) Receipt of revenue appropriation transfers.
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105 (3) Any resolution or ordinance creating new, permanent, or temporary positions
106 or increasing salaries or other employment benefits which is acted upon by the
107 county board after the adoption of the budget applicable to the period in which
108 the ordinance or budget would become effective.
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110 (4) Any resolution or ordinance which has been vetoed by the county executive.
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112 (5) A motion to withdraw a matter from committee unless notice is given as
113 provided in section 1.09(b)(4) of the Code.
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- 115 (e) *Temporary borrowing.* Temporary borrowing under § 67.12, Wis. Stats., requires a
116 three-fourths ($\frac{3}{4}$) vote of members-elect to be adopted.
- 117 (f) *Procedure on matters vetoed by county executive.* A resolution or ordinance which
118 has been vetoed by the county executive and returned to the county board shall be
119 read by the county clerk, after which it shall be presented by the chairperson as
120 follows:
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122 "Shall the foregoing ordinance (resolution) vetoed by his/her honor, the county
123 executive, be adopted? If you wish to override the veto, you vote 'aye'; if you wish
124 to sustain the veto, you vote 'no.' "
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126 After the presentation of the above question by the chairperson, the following motions
127 are in order for non-budgetary vetoes only:

128 (1) To lay over;

129 (2) To refer to corporation counsel;

130 (3) To refer to a committee.

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132 If the resolution or ordinance is referred to committee, it shall be taken up at the next
133 meeting of the committee and reported to the board at its next meeting. Further, it shall
134 not be subject to amendment or change and on its return to the county board shall
135 again be presented by the chairperson in the manner set forth above.

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137 (g) *Changing votes during meetings.* Members may change their votes from "aye" to
138 "nay" or from "nay" to "aye" on any matter prior to the chairperson announcing the
139 vote. Once the results of a vote are announced, any member wishing to change
140 their vote, or to be recorded as voting, when such vote does not affect the outcome,
141 shall ask consent of the body. If any member objects to the request, the request
142 shall be voted on and shall be approved if supported by a majority of members
143 voting.

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145 **SECTION 2.** The provisions of this Ordinance shall become effective upon passage and
146 publication.

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12/02/22

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