

June 8, 2009

To: Michael Tobin  
From: Steven Fronk  
Re: Proposed FPC Rule Change  
Rule III, Section 2 relating to required quorum

Given the fact that the membership of the Fire and Police Commission recently increased, it would appear that the FPC rule and applicable state statute(s) relating to what constitutes a quorum are now in conflict.

Current FPC Rule III, Section 2 states that "Three members of the Board shall constitute a quorum to do business. Section 62.50(1h) Wis.Stats states (in relevant part) that "a majority of the members-elect ... shall constitute a quorum necessary for the transaction of business."

The only statutory exception to the "majority-as-quorum" requirement is when the Board is deciding a citizen complaint or disciplinary appeal case. In all other instances, if there are six or seven members-elect the FPC will require four members to be present in order to conduct meetings and business and make decisions. We currently have six members and could some day have seven. I suggest that the FPC rule be changed to define quorum as a majority of the members-elect in order to conform to the statute.

### **Recommendation**

- Delete current FPC Rule III, Section 2
- Adopt following (or similar) language in its place

Section 2. A majority of the members-elect of the Board shall constitute a quorum for the purpose of conducting business and making decisions, provided, however, that pursuant to section 62.50(1h), a 3-member panel of the Board may conduct and decide by majority vote disciplinary appeal trials and citizen complaint trials as described in section 62.50 Wis.Stats. and elsewhere in these Fire and Police Commission rules.