

**CITY OF MADISON
OFFICE OF THE CITY ATTORNEY
Room 401, CCB
266-4511**

Date: September 21, 2007

MEMORANDUM

TO: Common Council Organizational Committee

FROM: Michael P. May, City Attorney

RE: Chapter 2 Amendments

Attached is another draft of the Chapter 2 amendments reflecting issues discussed at the September 18, 2007 meeting. This memo will highlight the changes from the prior draft.

1. In section 2.04, the new language on early public comment was added.
2. In section 2.05(1)(b), language was added to clarify how to treat matters introduced from the floor. The new language says: "Any matter introduced from the floor shall be either (i) referred to the next Common Council meeting for action or (ii) referred to the next Common Council meeting and be placed on the agenda as if for introduction, solely for the purpose of additional referrals."
3. In section 2.15, language limiting Boards, Committees and Commissions was deleted. Upon reflection, any such limitation should go in chapter 33. I have heard comments from many staff members that telephonic meetings have at times been essential to the conduct of the business of committees. I recommend that the CCOC separately take up the application of this rule to boards, committees and commissions. I recommend a rule that bars proxy voting, but allows telephonic or electronic meetings upon motion or rule adopted by the body and in compliance with all aspects of the open meetings law.
4. Sections 2.24 and 2.25 have been modified to include language regarding the lead referral. The language states: "Any matter referred to more than one board, committee or commission shall have a lead referral. Non-lead referral bodies shall make recommendations that the lead referral will consider. The recommendation of the lead referral will usually be presented to the Common Council as the recommended action, either in the form originally introduced or as a substitute or alternate."
5. In section 2.38, a portion of the sub. (2) proposed to be deleted was reinstated and amended. The new sub. (2) has the following language: "If the Common Council does not act on the recommendation within sixty (60) days after the date

of submission of the recommendation for confirmation, the appointee shall be deemed confirmed.”

6. There is one additional item not included in this revision that should be discussed. Our office recommends that the Council adopt a rule that no member of the council shall email, text, or otherwise electronically communicate with another member during a Council meeting on any matter on the agenda. This could be added to chapter 2 or to the ordinance related to open meetings.

cc: Janet Piraino
George Twigg
Lisa Veldran