

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

Date: January 30, 2017

MEMORANDUM

TO: Common Council Organizational Committee

FROM: Michael P. May
City Attorney

RE: Petitions and Communications

At the CCOC's meeting last October, we began discussion on how to treat petitions and communications (Legistar No. 39257).

The Council Rules in chapter 2, MGO, mention these items sparingly. They are listed in the normal Order of Business in sec. 2.04(1)(e). Sec. 2.05(8), MGO, provides:

Citizen petitions or communications may be introduced in the same manner as ordinances or resolutions, or may be presented to the clerk for inclusion on the agenda.

Petitions for direct legislation are included in matters not needing a sponsor, sec. 2.06(6)(f), MGO. Sec. 2.29(4), MGO, includes petitions and communications in the items that may not be addressed by the public if only being introduced and referred.

Robert's Rules of Order (11th Ed.) has only a short section on communications (p. 28, l. 5-33):

It is not customary to make a motion to *receive* a communication or a committee report, which means only to permit or cause such a paper to be read. This is an example of a case in the ordinary routine of business where the formality of a motion is dispensed with. It should be noted that a motion "to receive" a communication after it has been read is meaningless and should therefore be avoided.

The reading of a communication does not in itself formally bring a question before the assembly. After the reading, or at the time provided by the order of business, a motion can be offered proposing appropriate action. If no member feels that anything needs to be done, the matter is dropped without a motion.

I also asked other city attorneys if they had rules on petitions and communications. I got only a couple of responses. One city said that all petitions and communications are initially placed on the agenda as part of the Report of the City Clerk. Unless a member

of the body asks that something more be done with the item, that is the end of it. This process sounds similar to that suggested in Robert's Rules.

The only other response indicated that the city only puts petitions that require Council action on the agenda, e.g., petitions for direct legislation, petitions to annex. All other items are treated as communications and simply shared with the Council without being put on the agenda. Then, if a Council member wanted to take further action, the member could do so by sponsoring an appropriate legislative action.

Recommendation.

The City should develop a new rule in chapter 2 to deal with Petitions and Communications. There are a number of possibilities, but I would suggest something to get the discussion started:

1. Petitions requiring Council action would be on the agenda with a recommendation for referral or action as necessary. Our office would try to come up with a list of petitions that would fall in this category. These petitions could be sponsored by a member of the Council or filed with the Clerk.
2. Any other communication would require sponsorship to be placed on the agenda, and would be solely for the purpose of informing the Council of the communication. If any other action was desired, it would require a Council member to sponsor it.
3. The above rules would also allow the Clerk, a member of the Council, or any other person to simply send the communication directly to members of the Council. It would not be placed on the agenda unless a member so desired.

I am not dedicated to the procedure I suggest, but whatever the City ends up with, it should be simple and eliminate any need for long discussions on procedure.

CC: Mayor Paul Soglin