
Commission on People with Disabilities Manual

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PURPOSE OF THE MANUAL

This manual has been developed by the staff of the Department of Civil Rights to provide the members of the Commission on People with Disabilities with vital information concerning their role, functions, and responsibilities with regard to the Commission.

This manual may also be used as a reference guide for Commissions. Commission members are encouraged to bring their Manual to monthly Commission meetings.

2014 MEETING SCHEDULE

Board/Committee/Commission: Commission on People with Disabilities	
Contact Person: Lucía Nuñez, Director	Dept: DCR
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Contact Person: Jason Glozier, Disability Rights and Services Specialist	Dept: DCR
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DAY	DATE	TIME	LOCATION
Thursday	January 23	5:00 PM	215 MLK Jr. Blvd. Room 201, CCB
Thursday	February 27	5:00 PM	215 MLK Jr. Blvd. Room GR 22, CCB
Thursday	March 27	5:00 PM	215 MLK Jr. Blvd. Room 260, MMB
Thursday	April 24	5:00 PM	215 MLK Jr. Blvd. Room 260, MMB
Thursday	May 22	5:00 PM	215 MLK Jr. Blvd. Room 260, MMB
Thursday	June 26	5:00 PM	215 MLK Jr. Blvd. Room 260, MMB
Thursday	July 24	5:00 PM	215 MLK Jr. Blvd. Room 260, MMB
Thursday	August 28	5:00 PM	215 MLK Jr. Blvd. Room 260, MMB
Thursday	September 25	5:00 PM	215 MLK Jr. Blvd. Room 260, MMB
Thursday	October 23	5:00 PM	215 MLK Jr. Blvd. Room 260, MMB
Thursday	November 20	5:00 PM	215 MLK Jr. Blvd. Room 260, MMB
Thursday	December 18	5:00 PM	215 MLK Jr. Blvd. Room 260, MMB

Key

MMB = Madison Municipal Building
 * = Alternate date because of holiday
 ** = No meeting because of Holiday and Budget meetings

Section 39.04 Madison General Ordinance states:

- (1) Organization. There is hereby created a Commission on People with Disabilities. (Am. by Ord. 12,880, 8-24-01)
- (2) Membership. The Commission shall consist of thirteen (13) members. Twelve (12) citizen members and one alderperson shall be appointed by the Mayor, subject to confirmation by the Common Council. Citizen members shall be residents of the City of Madison and shall be knowledgeable and sensitive to the service needs, rights, and responsibilities of citizens with disabilities. First priority for membership shall be given to people with disabilities, family members, and advocates. (Am. by ORD-05-00168, 11-8-05; ORD-07-00195, 12-20-07)
- (3)
 - (a) Terms. All members shall serve terms of three (3) years, commencing May 1, and expiring April 30, except that the term of the Alderperson member of the Commission shall expire with the expiration of her/his term as Alderperson. At the first regular Common Council meeting in April of each year, the Mayor shall appoint persons to fill terms which expire the following May 1. The Common Council shall either reject or confirm the appointments. Should the Council reject any appointment, the Mayor shall submit an alternative appointment as soon as possible. All members shall serve until a successor is appointed and qualifies. Vacancies shall be filled in the manner prescribed for original appointments but the vacancies shall be filled for the unexpired term only.
 - (b) (Repealed by ORD-05-00168, 11-8-05)
(Am. by Ord. 10,978, 9-14-94; Ord. 12,880, 8-24-01)
- (4) Duties. The Commission on People with Disabilities shall have the following responsibilities:
 - (a) Recommend policy to the Mayor, Common Council and Department of Civil Rights in all areas that affect people with disabilities and their families. (Am. by Ord. 10,498, Adopted 8-18-92; Am. by ORD-06-00078, 6-30-06)
 - (b) Study and make recommendations to all City departments, committees, and commissions on proposals to provide better access to facilities and services for people with disabilities and their families.
 - (c) The Commission shall monitor and report violations of city ordinances and state laws pertaining to citizens with disabilities to the appropriate agency.
 - (d) The Commission shall solicit comments and suggestions from citizens and organized groups regarding the concerns of citizens with disabilities.

- (e) The Commission shall establish close working relationships with other City Boards, Commissions and Committees whose activities may affect people with disabilities. (Am. by Ord. 12,880, 8-24-01)
- (5) Meetings. The Commission shall meet at least once each month and shall conduct its business in accordance with rules which it may establish.
- (6) Executive Committee. Each year the Commission shall meet as soon after May 1 as possible to elect a Chair and Vice-Chair and such other officers as the Commission may determine. The Commission Chair shall appoint a Commission member as Chair of any other committees. The Executive Committee shall consist of all Commission officers, committee Chairs and other commission members as appointed by the Chair. The Executive Committee shall have responsibilities as assigned by the Commission. (Am. by Ord. 12,880, 8-24-01)
- (7) Staff. The Commission shall receive staff services from the Department of Civil Rights. (Am. By Ord. 10,498, Adopted 8-18-92; ORD-06-00078, 6-30-06) (Sec. 3.62 R. & Re-Cr. by Ord. 10,246, 4-26-91; Am. by Ord. 12,880, 8-24-01)

MEETING GROUND RULES

Anyone who would like to request a reasonable modification of these rules may do so by making that request to CPD staff or to the CPD Chair before, during or after a meeting.

Meetings start precisely at 5:00 p.m. Members should be there by 4:55 p.m. Commission members should notify the Chair or staff if they are unable to attend, or if they will be late. Members should make every effort to arrive on time, as being late is disruptive and disrespectful to fellow commission members.

Members should limit their remarks to 3 minutes. If members haven't made their point within the allotted time, they'll have an opportunity to speak after all members have spoken on an issue.

Commission members will be asked to limit themselves to one question and one follow-up question per topic, and then allow other members to speak. If members still have questions, they may make additional inquiries only after everyone has had an opportunity to participate in the discussion (time permitting).

A commission member must be recognized by the chair in order to speak. Only one commission member should be speaking at a time. Members should refrain from having side conversations during meetings.

All members should feel comfortable expressing their thoughts and ideas.

The Commission invites a wide variety of guests ranging from City staff, to representatives of community groups, to individual citizens; these individuals provide technical assistance and advice, and educate commission members on issues of concern to Madison's citizens with disabilities. Many of these individuals come on their own time to assist the Commission to fulfill its mission. It is essential that commission members welcome and respect our guests.

SUMMARY OF WISCONSIN'S OPEN MEETINGS LAW

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Found in section 19.81 through 19.98 of the Wisconsin Statutes

Reproduced in section 3.44(1) Madison General Ordinances

Supplemented by section 3.44(2) Madison General Ordinances and Administrative Procedure Memorandum (APM) 3-13.

Purpose of the Law

In recognition of the fact that a representative government of the American type is dependent upon an informed electorate, it is declared to be the policy of this state that the public is entitled to the fullest and most complete information regarding the affairs of government as is compatible with the conduct of governmental business, Sec. 19.81(1), Wis. Stats.

To develop an informed electorate and to ensure that government business is conducted in the open; to ensure that all persons with an interest in certain matters be provided meaningful notice of government's intent to act in those areas.

General Requirements

Meetings of state/local government bodies must be held in a place reasonably accessible to the public (including individuals with disabilities). Meetings must be preceded by notice (even for closed meetings). Meetings must be open to the public (unless statutes specifically authorize closed session)

Application to Governmental Bodies

Wisconsin's Open Meetings Law applies to all governmental bodies, including boards, commissions, committees, councils, etc. as well as all formally constituted subunits of the above, such as subcommittees.

Collective power of the group is conferred by constitution, statute, ordinance, rule or order. Collective power means a power that the individual members of the body do not possess. If you are here tonight, you can guarantee that you are a member of a governmental body. A subcommittee is a governmental body if it meets these criteria.

Collective Power

Even if the collective power is limited to providing advice or making recommendations, it still constitutes collective power sufficient to trigger application of the law.

A chair can designate a member to work with assigned staff to identify new meeting rooms and make a recommendation as to which room to use for future meetings. Although the staff and committee members are a group (body) that has a collective power (recommending a new

meeting room) they are not a formally constituted group pursuant to some legal authority and the conditions upon which their power (investigation and recommendation) is not defined.

What Meetings Are Covered?

Statutory Definition of a Meeting- “the convening of members of a governmental body for the purpose of exercising the responsibility, authority, power or duties delegated to or vested in the body.”

Two Conditions Create a Meeting

There must be a purpose or intent to engage in governmental business. This includes discussion/debate, information gathering, public hearings, or for decision-making. The number of members present must be sufficient to determine the parent body’s course of action on the subject under discussion.

CAUTION

Usually a quorum is needed before a meeting can be held. HOWEVER, the Public Meetings law is applicable in at least two situations where a quorum of members might not be present:

- Negative Quorum
- Walking Quorum

Negative Quorum

If a gathering of less than a quorum can determine the parent body’s course of action, such as when enough members are present to block passage of an action, the Public Meetings Law will apply.

Walking Quorums/Meetings

A series of gatherings or contacts (phone calls, conference calls, emails, chat rooms) among members who agree, tacitly or explicitly, in sufficient numbers to affect the course of action taken by the parent group.

State ex rel. Lynch v. Conta, 71 Wis. 2d 662 (1976), recognized that a walking quorum may produce a predetermined outcome and thus render a public meeting a mere formality. Walking quorums are subject to prosecution as a violation of Wisconsin Open Meetings Law.

Social Gatherings

Members may gather for social purposes if:

- Meeting is not an attempt to circumvent public meetings law
- Business of the parent body does not get discussed nor acted upon
- The Parent Body will be presumed to have held a meeting and will incur the responsibility of proving that it did not meet to engage in governmental business

Chance Meetings

The law recognizes the opportunity for chance encounters. However, in order to establish this defense it is important to refrain from discussing your board or committee's governmental business. This is a difficult task because the membership is often drawn to participate in an organization's business because they commonly value its mission. This common interest will often be a tempting topic of discussion.

Telephone Conference Calls

Telephone conference calls constitute a meeting if enough members are involved to affect business.

It is okay to hold a meeting by telephone if:

- Meeting is noticed that it will be held this way
- Meeting provides public facility with speakerphone that works well enough for public to hear/participate

Tours and Site Visits

Tours and site visits are meetings and must be properly noticed as such. If the board/committee provides members with transportation, it should do so in less than quorum numbers to avoid presumption of a meeting while traveling.

Attendance at Another Governmental Body's Meeting

Attendance at another governmental body's meeting constitutes a meeting if the members attend in order to exercise their responsibilities.

Notice must be provided. Sometimes it is appropriate to provide in the notice that "a quorum of the XYZ committee may be present in attendance at the ABC Board meeting for the purpose of ..." i.e., EOC attending a meeting of the Section 8 Housing committee when Section 8 Housing Committee was considering a report drafted by the EOC. Or UDC (Urban Design Commission) attending a Plan Commission meeting considering UDC decision.

Any committee where a quorum attends a Council meeting to speak on an item on the agenda also constitutes as a meeting.

Notice Requirements

Each Comm. (committee or commission)/Board has a staff person appointed to ensure compliance (with notice requirements?)

Notice must provide:

- 1) Time
- 2) Date
- 3) Place
- 4) Subject Matter (stated sufficient enough for average person to identify topic)

There are special requirements for certain governmental bodies and staff will advise when applicable.

The public can comment on any subject matter, even those not listed on the agenda. However, the body cannot act on any item not listed on its agenda. This prohibition includes discussion of any topic raised by a citizen that is not on the agenda. The body may place it on the next agenda.

Special requirements – some bodies have statutory requirements in addition to the public record requirements, and staff will help those committees comply with those laws.

Posting Notice

APM 3-13 requires that Agendas be posted as official notices of meetings.

Notices/Agendas must be physically posted in numerous locations reasonably accessible to the public.

Electronic postings on the City web page are also required.

Who must Be Notified

- Public (through postings)
- City's Official Newspaper
- News Media Outlets (those which have previously filed written request for notice)

Practice tip – meeting minutes or records should reflect that proper notice was given.

Timing

24 Hours notice is required, unless impossible or impractical and excluding Sunday and Holidays (Wis. Stats. §990.001(4)). **ABSOLUTELY NO LESS THAN TWO (2) HOURS NOTICE**

Two key points to keep in mind:

Defending less than a two hours notice is invariably more work than delaying the meeting

AND

Annual meeting schedules do not substitute for separate meeting notices

Closed Sessions

A closed session is any portion of a meeting where the public will be excluded.

Closed sessions are allowed for limited purposes, such as:

- Judicial/quasi-judicial deliberations (PFC, EOC)
- Discipline & licensing (personnel comm., ALRC)
- Compensation & evaluation
- Crime prevention (PSRB, crime stoppers board)
- Competitive or bargaining purposes (deliberations re: negotiations & actual negotiations)

Judicial/Quasi-Judicial: No body is required to deliberate in closed session. In fact, statutes prohibit the Board of Review from deliberating in closed session.

Personnel exception is limited and evolving. It applies only to information that, if discussed publicly, would likely have a substantial adverse effect on the reputation of the person involved. See Wis. Stats. §19.85(1)(f). **EXCEPTION DOES NOT FIT** unless the information is related to public employees and the information would be **TRULY** harmful to the individuals.

- ***Closed Sessions: Purposes***

Closed session is used for two purposes: personnel matters and when conferring with legal counsel.

Closed session for personnel matters can be used only if considering financial, medical, social or personal histories or disciplinary data of specific persons or the preliminary consideration of personnel problems or the investigation of charges against specific persons.

Closed session can also be used when conferring with legal counsel for advice on strategy regarding current or likely litigation.

- ***Can A Body Go Into Closed Session Without Notice On The Agenda?***

Yes, if:

- Body convened in open session with proper notice
- Closed Session could not have been contemplated at time agenda published (otherwise move closed session to next meeting agenda)

Closed session must be approved by a majority vote.

Body cannot reconvene for 12 hours following the end of a closed session.

It is always best to move a closed session to the end of the agenda. Otherwise agenda must list time for reconvening in public. Also, public must sit around waiting for closed session to end.

- ***Mechanics of Closed Sessions***

Convening:

- There must be a motion and a second
- Votes must be recorded (unless presiding officer notes unanimous vote in record)
- Announcement (presiding officer must announce nature of business and statutory exception)

Attendance in Closed Session

- Members of the Body
- Necessary Staff
- Other City Officers
- Those persons whose presence is necessary to conduct the business
- Not required to keep minutes (some statutory exceptions exist)
- Motions and roll call votes must be recorded and are open to public inspection)
- Records of debate, if kept, and discussion are not open to public inspection
- Once the underlying purpose of the closed session is past, the public may have access to all of those records

Note: If the closed meeting is of a subcommittee, members of the parent committee must be allowed to attend the closed session, unless the parent committee has rules that provide otherwise.

Minutes: Some entities are required to keep minutes such as PFC, see Wis. Stats. § 62.13(1) and Bd. Of Public Works, see Wis. Stats. §62.14(5).

Release of Records: Once the underlying purpose has passed, such as a property under discussion during closed session has finally been purchased, those records may be available to the public. However, the public records balancing test will still have to be performed and not all records will be released even when the underlying need for the closed session has passed.

Secret Ballots

The general rule is that secret ballots may not be used.

Two exceptions that allow the use of secret ballots:

- Where statutes specifically authorize use (staff will advise)
- To elect officers of the body

Roll Call v. Voice Vote

Voice vote is okay, except:

- When a statute requires ballot or roll call vote
- A member of the body demands roll call or a written ballot vote

Recording Meetings

There is no requirement that meetings be visually or audibly recorded.

There must be a reasonable effort to accommodate any person desiring to record meeting.

Many meetings are recorded and broadcasted on Ch. 12 and city website.

Such recording may not be allowed to interfere with the conduct of the meeting.

Enforcement

Prosecution

– The attorney general, district attorney or an individual citizen may initiate prosecution

Penalties include:

- Forfeiture of \$25.00 to \$300 plus statutory costs, which can be nearly double the total
- Liability is personal and the city will not reimburse individual

Any actions taken during illegal meeting may be voided.

Suggestions for Avoiding Liability

If you believe a stated purpose for the motion to close a meeting is legally insufficient, (you may or should) vote against the motion. At the outset of each meeting, the presiding officer should determine whether the meeting was properly noticed and if it was not, then the meeting should be rescheduled and adjourned.

If you have any questions about the substantive reasons for closing meetings, procedures, or notice requirements, call the City Attorney's Office and ask for advice. The City Attorney's Office phone number is 266-4511.

Various senior members of the City Attorney's Office are assigned as resources for the City's committees, boards and commissions. Often times an Assistant City Attorney will attend meetings where their services are likely to be needed. In cases where they do not attend such meetings, staff knows how to contact them.

09/25/07

MADISON ETHICS CODE SIMPLIFIED

The goal of the **Simplified Code** is to describe the City of Madison Ethics Code in everyday language. It is not intended to be a substitute for the Code. **Anyone who is uncertain whether a particular action (or inaction) may be a violation of the Code, or who believes that a violation of the Code has occurred, should obtain a copy of the Code and/or seek the advice of the City Attorney's Office or the City of Madison Ethics Board.**

WHAT IS THE MADISON ETHICS CODE?

The Code spells out ethical standards of conduct intended to foster public trust and promote confidence in the integrity of government by avoiding the appearance of self-interest, personal gain or benefit. The Code also requires written disclosures by most City elected officials, employees and appointees regarding their private financial or personal interests in matters that may affect the City. (Page 3 of the Simplified Code discusses this obligation in greater detail). The Ethics Code is found in Section 3.35 of the Madison General Ordinances (MGO).

WHY HAVE A CODE?

The Madison Ethics Code establishes guidelines to ensure that City elected officials, employees, and appointees (a) act impartially, responsibly and independently, (b) make decisions and policies through proper channels of City governmental structure, and (c) serve the public interest rather than some private interest.

The major areas of responsibility and accountability spelled out in the Code include:

- Disclosure of conflicts of interest and possible disqualification from subsequent action
- Use of office for private gain
- Disclosures of confidential or privileged information
- Receipt of gifts and favors
- Incompatible employment
- Restrictions after leaving office or appointment.

By enacting a Code of Ethics, the City recognizes that certain responsibilities accompany public office or public position. These responsibilities address the need for City officials, employees, and appointees to discharge their duties in the public interest, uphold the U.S. and State Constitutions, and carry out the laws of the nation, state, and municipality with impartiality and fairness and without regard to their private interests.

TO WHOM DOES THE CODE APPLY?

The Code applies to all elected City officials, employees and appointed members of City boards, committee and commissions (including sub-committees and ad hoc committees). The Code often uses the word “**incumbent**” to mean individuals in any of these categories. The Code may also refer to an incumbent’s “**immediate family**.” For these and other definitions, please consult Section 3.35(2) MGO.

In certain circumstances citizens who interact with City employees and officials may also be subject to the Ethic Code's standards of conduct. For instance, the Code prohibits the offering of gifts, or special favors as a reward or in exchange for some official action. The Code also prohibits an incumbent from accepting such gifts or rewards. This is an example how the Code offers guidance to both officials and citizens alike.

WHAT OBLIGATIONS DOES THE CODE IMPOSE?

I. Financial Disclosure on Statements of Interest

The Code requires incumbents to file annually a Statement of Interests describing their private financial or personal interests in matters that may affect the conduct of City business. Disclosure of these interests is required to assure the public of the impartiality of those who make decisions on the public's behalf.

Who must file? The filing requirement extends to all elected officials and members of boards, committees, commissions, unless they can demonstrate to the Ethics Board that they are **not** involved in the (a) regulation of economic activity, (b) expenditure or granting of public funds, or (c) entry into City contracts.

Disclosure forms must also be completed by City employees who work on behalf of the City (a) negotiating; the sale or acquisition of property or real estate, (b) overseeing economic development projects, (c) assessing or appraising property for tax purposes, or (d) enforcing City ordinances or state laws. Since Madison police officers are covered by their own departmental policies and disclosure requirements and need to have their identity protected from public disclosure, police officers are exempt from filing a Statement of Interest.

Candidates for elective public office must also file a Statement of Interest with the City Clerk at the same time as nomination papers are filed. Failure to file a Statement of Interest may result in the City Clerk removing the candidate's name from the ballot.

Failure to file: Failure of a City employee to file a Statement of Interest in a timely manner may result in the withholding of salary and other compensation. Failure to file may also prevent an appointee from being confirmed by the Common Council.

Amendments and changes: If a filer becomes aware of errors or omissions in the original Statement, he/she *must* file an amended version as quickly as possible. Moreover, elected officials, City employees who head departments or divisions and mayoral assistants *must also* report any changes on their Statement as soon as possible. Statement of Interest forms and instructions are available from the City Clerk.

II. Standards of Conduct

The following overview of the Code's standards of conduct is not intended to be definitive. The Code should be consulted for a complete description of its obligations and prohibitions.

Use of office or position: The Code states that no *incumbent* may use his/her position or office to obtain financial gain or anything of value or any advantage, privilege, or treatment for the private benefit of the incumbent, his/her immediate family, or an organization with which the incumbent is associated. Nor may an incumbent take any official action in a matter that may affect a family member or association in which he/she may have a personal or financial interest.

Disclosure and disqualification: The Code states that any incumbent who has a financial or personal interest in a matter coming before the Common Council or any board, committee or commission must **disclose** the nature and extent of such interest and if necessary, **disqualify** himself/herself from discussing and voting on the matter.

Influence and reward: The Code states that no incumbent may solicit or accept (directly or indirectly) anything of value that could reasonably be expected to influence a vote, official action or judgment or be considered a reward for any official action or inaction.

Privileges and advantages: The Code prohibits the use of City-owned vehicles, equipment, materials or property for personal convenience or profit, except as authorized by the Common Council or when such things are available to the public generally.

Outside employment: The Code prohibits incumbents from accepting outside employment and/or service (paid or unpaid) that would impair (or reasonably appear to impair) independence of judgment or action in the performance of official duties.

Disclosure of information: The Code prohibits the intentional use or disclosure of privileged information that could result in anything of value for the incumbent, his/her immediate family or for any other person or entity, unless the information has already been communicated to the general public or is a public record.

Cooling off period for incumbents: The Code places certain restrictions on the activities of former incumbents for **twelve months** after leaving office, employment or appointment. For instance, restrictions limit former incumbents from appearing before and/or negotiating with his/her former entity, office, board, committee or commission for a **one year** period. Such restrictions apply whether or not the former incumbent is paid for his/her services.

Receipt of anything of value: The Code prohibits incumbents from receiving or keeping any transportation, meals, beverage, entertainment, fees, honoraria or anything of value except in accordance with the standards of conduct contained in the Code. The Code is very explicit about what may and may not be accepted by *incumbents* in the performance of their duties and in outside activities. Incumbents who may be affected by such regulations should review the Code.

Nepotism and equal treatment: Favoritism and special treatment in hiring and promotion based on family and special relationships shall not be allowed.

Contract or leases: The Code places limitations on City contracts or leases (involving more than \$3000 per year) with any incumbent, his/her immediate family, or any organization in which the *incumbent* owns or controls at least 2% of the outstanding equity. Before accepting such a contract or lease, the incumbent must disclose in writing to the City Clerk the nature and extent of his/her interest in said contract or lease. In turn, the City Clerk will advise the Common Council about the disclosure at the time a vote on the contract or lease is considered.

See also City Attorney Michael May's Opinion on Conflict of Interest 007-003 found in the appendices of this Manual.

III. Appointment of City Employees to a non-City Board or Committee

When a City employee is appointed **by the mayor** to a non-City board or committee, that employee is obligated to represent the interests of the City and act with independence of judgment. Careful consideration should be given prior to the appointment to ensure that such individuals do not have a conflict of interest that would be incompatible with the proper discharge of their City duties and have the necessary independence of judgment in representing the City's interest.

IV. Political Activities

The Madison Ethics Code prohibits any City employee, during work hours or while on official business, from:

- wearing or displaying campaign material
- distributing campaign literature
- soliciting or receiving political contributions or
- actively campaigning for any candidate or referendum

WHAT IS THE ETHICS BOARD?

The City of Madison appoints an Ethics Board to answer questions, render opinions, and hear complaints on matters concerning the Code. The Board has seven members: four citizen members, one representative of the Mayor, the Common Council President (or designated alderperson), and one representative of organized labor. All members of the Board are appointed by the Mayor and confirmed by the Common Council.

The Ethics Board elects its own chair and vice-chair and develops written rules of procedures that are approved by the Mayor and the Common Council. The Human Resources Director provides staff support to the Board, and the City Attorney furnishes the Board with legal assistance.

HOW DOES THE BOARD BECOME INVOLVED IN A MATTER?

Advisory Opinions: When an incumbent or candidate for a City elected office is uncertain about the Code's application, he/she may ask the Ethics Board for an advisory opinion and use that opinion as a guide. The individual will have an opportunity to present the facts at issue and state why the Code may or may not apply to a particular situation at hand. When the individual follows the Board's advice, it is considered evidence of his/her intent to comply with the Code. If the applicant desires the request for advice and the Board's opinion to remain confidential, the Board will meet in closed session, and only an anonymous summary of its opinion will be made public.

Complaints: Any resident of the City may complain in writing to the Ethics Board about the activity or conduct of any person covered by the Code; however, that complaint must be filed within 12 months of the time the violation is alleged to have occurred. (The person making the complaint must be present at the time the complaint is brought before the Ethics Board.) The Board may issue subpoenas and administer oaths during the course of the proceeding. The procedure that the Board follows is based on rules and procedures that have been established by the Board and approved by the Common Council.

Copies of the Madison Ethics Code may be obtained from the Office of the City Attorney in Madison, Wisconsin.

The Procedures Manual may be obtained from the Office of the City Attorney in Madison, Wisconsin.

09/25/07

DESCRIPTION OF THE DEPARTMENT OF CIVIL RIGHTS

Department of Civil Rights

The Department of Civil Rights (DCR) is created by Section 39 of the Madison General Ordinances. The DCR shall be managed and directed by a Department Director. The DCR is responsible for management, development and implementation of Secs. 39.02, 39.03, 39.04, 39.05, and 39.06 of the Madison General Ordinances. The DCR is responsible for ensuring that the rights of all people are respected and that all persons are given the equal opportunities to succeed based upon their personal merits. To this end, the DCR is created to vigorously pursue the policies and principles embodied in this Chapter both within the City as an employer and within the City as a community of people who respect the rights and the contributions of every community member.

Director of the Department of Civil Rights

The position of the Director of the Department of Civil Rights as it becomes vacant shall be filled according to M.G.O. Sec. 3.38(6)(f). The Mayor shall consider the recommendation of the Commission on People with Disabilities, the Equal Opportunities Commission and the Affirmative Action Commission in the selection of the Director. The Director shall be a person who possesses demonstrated experience in the promotion of civil rights, equal opportunities and affirmative action for all persons. The Director shall perform duties and exercise authority in accordance with City Ordinances, State and Federal statutes together with such additional duties as the Mayor and/or Common Council may from time to time prescribe. The Equal Opportunity Division Head, the Affirmative Action Division Head and the Disability Rights and Services Program Coordinator are to perform any duties assigned by these ordinances under supervision, direction and control of the Director of the Department of Civil Rights. The Director of Civil Rights shall have the overall responsibility and authority for implementing and promoting Chapter 39 of the Madison General Ordinances.

Equal Opportunities Division

The Division of Equal Opportunities shall be managed and directed by a Division Head. The Equal Opportunities Division Head shall report to, be supervised by and perform the duties of his/her office under the control of the Director of the Department of Civil Rights. He/She shall be responsible for the implementation of sec. 39.03, M.G.O., the Madison Equal Opportunities Ordinance. The Director of the Department of Civil Rights may designate the Equal Opportunities Division Head as an ex-officio, non-voting member of the Madison Equal Opportunities Commission. The Division Head shall have a background demonstrative of a commitment to the policies set forth in M.G.O. Sec. 39.03, the Madison Equal Opportunities Ordinance. In performing his/her duties, the Division Head may delegate his/her authority to a subordinate employee within the division.

Affirmative Action Division

The Division of Affirmative Action shall be managed and directed by a Division Head. The Affirmative Action Division Head shall report to, be supervised by and perform the duties of his/her office under the control of the Director of the Department of Civil Rights and shall be responsible for the implementation of M.G.O. Sec. 39.02, the City's Affirmative Action Ordinance. The Director of the Department of Civil Rights may designate the Affirmative Action Division Head to serve as an ex-officio non-voting member of the Affirmative Action Commission. The Division Head shall have a background of demonstrated commitment to the policies embodied in this ordinance. In performing his/her duties, the Division Head may delegate his/her authority to a subordinate employee within the division.

Disability Rights and Services Program Coordinator

There is hereby created the position of Disability Rights and Services Program Coordinator who shall work under the supervision of the Director of the Department of Civil Rights. This person shall assist the Director of the Department of Civil Rights in carrying out his/her responsibilities under M.G.O. Sec. 39.05, shall serve as staff to the Commission on People with Disabilities, and shall perform such other duties as the Director of the Department of Civil Rights may direct.

DCR Mission

The City of Madison's Department of Civil Rights, as a catalyst for change, strives to improve the quality of life for all people. We promote equality and the prevention and elimination of discrimination through education and enforcement.

Vision

We see the City of Madison as a dynamic place, where the inherent worth of each individual is esteemed and fostered, enabling them to reach their full potential.

Values

- Integrity
- Compassion
- Equality
- Courage

COMMITTEES AND COMMISSIONS STAFFED BY THE DCR

Affirmative Action Commission

The Affirmative Action Commission consists of eleven (11) members appointed by the Mayor. The members are appointed from the entire City and at no time does the total number of women, persons with disabilities, and ethnic minority members constitute less than a majority. These members, who are not compensated, are committed to the extension of equal employment opportunities and representative of the affected and/or under-represented groups of the Madison community.

This commission's responsibilities include, but are not limited to:

- Reviewing, approving and recommending City-wide affirmative action goals and timetables as proposed by the Director of Affirmative Action
- Disseminating information to educate the people of the City of Madison to a greater understanding and practice of Affirmative Action Employment for all affected or underrepresented groups
- Making specific recommendations to the Common Council to bring all appropriate ordinances into conformity with the policies of Madison General Ordinance 39.02 if necessary.

Commission on People with Disabilities

The Commission on People with Disabilities, pursuant to City Ordinance 39.04, consists of 13 people: 1 Common Council member, and 12 citizen members. All members must be residents of the City of Madison and be knowledgeable and sensitive to the service needs, rights and responsibilities of citizens with disabilities. First priority for membership is given to people with disabilities, family members (of individuals with disabilities), and advocates.

The Commission on People with Disabilities' responsibilities include, but are not limited to:

- Recommending policy to the Mayor, Common Council and Department of Civil Rights in all areas that affect people with disabilities and their families
- Studying and making recommendations to all City departments, committees and commissions on proposals to provide better access to facilities and services for people with disabilities and their families
- The Commission shall solicit comments and suggestions from citizens and organized groups regarding the concerns of citizens with disabilities.

Equal Opportunities Commission (EOC)

The Equal Opportunities Commission is composed of thirteen (13) voting members, at least one and no more than two of which shall be members of the Common Council.

The Commission:

- Studies the existence, character, causes and extent of the denial of equal opportunity because of sex, race, religion, color, national origin or ancestry, age, disability, marital status, source of income, arrest or conviction record, less than honorable discharge from the military, physical appearance, sexual orientation, domestic partnership, familial status, political beliefs, retaliation, Social Security Number, or the fact that a person is student
- Formulates policy regarding processing of complaints of discrimination in employment, housing, public accommodations, city facilities & credit
- Formulates policy
- Reviews cases on appeal from decisions issued by EOC Hearing Examiner and appeals of administrative dismissals issued by the Equal Opportunities Division Manager on complaints filed under M.G.O. Section 39.03, the Equal Opportunities Ordinance.

EOC Employment Committee

The EOC Employment Committee assists the Madison Equal Opportunities Commission in fulfilling its mission of enabling all individuals to live and work free of employment discrimination.

This is accomplished by:

- ☐ • Acting as an advisor on fair employment issues
- Developing ☐ and supporting the community's understanding of and commitment to fair employment
- Developing and supporting the community's understanding of and commitment to the value of diversity in the workplace

The Committee is made up of employer representatives and advocacy agency representatives. This provides a unique mix of perspectives on employment issues and approaches to address inequality, discrimination and diversity in the workplace.

Rev. Dr. Martin Luther King, Jr. Humanitarian Award Committee

The Rev. Dr. Martin Luther King, Jr. Humanitarian Award Committee identifies individuals within the Madison Community who have made outstanding and significant contributions in the spirit of brotherhood, sisterhood, and harmony towards making our city an ideal place in which to live. Awards are presented each year during the annual Martin Luther King, Jr. Celebration.

DEPARTMENT OF CIVIL RIGHTS

Phone: 266-4910
FAX: 266-6514

Room 523, City-County Building
dcr@cityofmadison.com

www.cityofmadison.com/dcr

Mission, Goals and Objectives

The City of Madison's Department of Civil Rights (DCR), as a catalyst for change, strives to improve the quality of life for all people. The DCR promotes equality and the prevention and elimination of discrimination through education and enforcement.

Lucía Nuñez, Director

266-5916

lnunez@cityofmadison.com

Manage the staff, programs and functions of the Civil Rights Department to ensure continued unity of programmatic goals and resources. Provide overall leadership in the development and implementation of civil rights policies and programs, and provide policy direction, interpretations and integration of relevant local, state, and federal legislation and guidelines. Oversee the development, approval and implementation of City affirmative action plans and programmatic and numerical initiatives. Oversee and coordinate the citywide Disability Rights Program and staff within applicable state, federal and local regulations to ensure that people with disabilities participate fully in city government, City programs and our quality of life. Oversee the development, promotion and implementation of the City's Contract Compliance Program, in order to ensure compliance with applicable federal, State and local regulations relative to small, disadvantaged, and minority and women business enterprises. Direct and participate in the enforcement of the City's Equal Opportunities Ordinance. Build positive relationships with commissioners, alders, businesses, advocacy and non-profit groups, and residents to advance civil rights and promote equal opportunities for all persons. Provide for the effective integration, coordination, and support of the roles of the Affirmative Action Commission, the Equal Opportunities Commission, and the Commission on People with Disabilities as an important linkage to the communities served. Develop, analyze, evaluate and present related reports, policy, legislative and program recommendations to the Commissions, the Mayor and the Common Council. Direct and participate in the development and management of the department's budget.

Affirmative Action Division

Norman D. Davis, Division Manager

267-8759

ndavis@cityofmadison.com

Develops and administers the City's Contract Compliance Program. Ensures that contractors, vendors and suppliers are in compliance with applicable federal, state and city regulations, statutes and ordinances, as pertains to affirmative action, equal employment opportunity, targeted business utilization and prevailing wage. Manages and administers City of Madison's Small Business Enterprise (SBE) Program, Community Development Block Grant's Minority Business Enterprise (MBE) Program, and Madison Metro's Disadvantaged Business Enterprise (DBE) Program. Administers certification/recertification process for M/W/DBE's. Provides technical assistance to City departments and divisions to increase opportunities for targeted firms to compete for City business opportunities. Provides technical assistance. liaison with various City committees and commissions, community-based organizations, private and public sector small business resources and economic development agencies and federal agencies. Supervises Contract Compliance staff.

Vacant, Secretary 1

Secretary to the Affirmative Action Manager. Manages administrative support functions for the Affirmative Action Division and the Program Manager. Manages Division files. Processes Department payroll and purchasing needs.

Vacant, Equal Opportunity/Affirmative Action Specialist

Provides specialized expertise, consultation and guidance for planning, developing, organizing and establishing City-wide equal employment opportunities/affirmative action and Title VI policies, guidelines, initiatives and performance standards. Develops and implements procedures to evaluate and monitor equal opportunity/affirmative action efforts, including systems for comprehensive EEO/AA data collection and analysis. Provides specialized guidance regarding EEO/AA data requirements for responsible agencies (Information Services, Human Resources and the Comptroller's Office). Participates in human resource efforts as an advocate for equal employment opportunities and to monitor testing/selection procedures. Develops and conducts EEO/AA training for City employees, recommends new or different EEO/AA training programs and resources and/or participates in related team efforts.

Colier M. McNair, Contract Compliance

Monitor 266-6510 cmcnair@cityofmadison.com

Dana Hanaman, Contract Compliance

Monitor 267-1141 dhanaman@cityofmadison.com

Performs the day-to-day functions of the City's Prevailing Wage and Targeted Business Certification Programs. Monitors contractors on prevailing wage requirements; performs on-site compliance reviews; maintains necessary records and databases; provides technical assistance; performs outreach and information dissemination; prepares audit and activity reports and recommendations. Responds to general questions from workers and provides them with literature describing their rights as workers on City Public Works project. Supervises Prevailing Wage On-Site Interviewer. Reviews certified payroll reports from contractors for compliance. Conducts Pre-Bid, Pre-Cons and prevailing wage documents and forms. Maintain databases and file of payroll records. Reviews and evaluates applications and supporting documents submitted for certification and decertification to determine applicant eligibility to participate in targeted business programs.

Vacant, Contract Compliance Aide

Promotes and ensures vendor, supplier, and contractor compliance with federal, state and local statutes pertaining to Equal Employment Opportunity, Affirmative Action and targeted business utilization. Works primarily to provide vendors, suppliers, and contractors with routine technical assistance; reviews affirmative action plans for compliance; conducts routine compliance audits; processes job vacancy announcements from vendors, suppliers and contractors; and gathers, maintains, and reports related information.

Disability Rights and Services Program

Jason Glozier, Disability Rights

and Services Specialist 266-6511 jglozier@cityofmadison.com

Coordinates the City's efforts to prevent discrimination on the basis of disability in the delivery of City and City-funded programs and services. Manages the City's internal grievance and enforcement procedure as required by the Americans with Disabilities Act and Section 504 of the

Rehabilitation Act, as well as state law and local ordinances. Additionally, the coordinator provides information, and referral services for City residents with disabilities. Staffs the Commission on People with Disabilities.

Equal Opportunities Division

Vacant., Division Manager

Provides leadership to the Division pertaining to planning, developing, directing, coordinating and administering day-to-day operations. This includes, the overall program of education to prevent and eliminate discrimination based on those categories named in the Equal Opportunities Ordinance. Oversees the investigative process for complaints received under the Equal Opportunities Ordinance. Available for public speaking on issues of equal opportunities, civil rights issues and discrimination. Resource for outreach and training activities. Conducts intake of formal complaints of discrimination, client counseling and provides technical assistance. Investigates formal complaints. Handles informal complaints. Makes referrals to other governmental or community agencies when appropriate. Coordination of Worksharing Agreement with Wisconsin Equal Rights Division. Conducts Conciliations. Supervises Investigator/Conciliators.

Clifford Blackwell, Hearing Examiner 266-6860 cblackwell@cityofmadison.com

Responsible for making jurisdictional determinations, deciding appeals on Investigator's findings of no probable cause, holding hearings on claims of discrimination following a finding of probable cause and rendering preliminary decisions after the hearing. He also provides legal advice to the Commission and staff with respect to a variety of issues pending before the Commission.

Pam Givens, Clerk-Typist 1 266-4910 egivens@cityofmadison.com

Provides administrative support to the Equal Opportunities Division, including service of new complaints, closing cases, typing correspondence, maintaining computerized and manual case tracking systems.

Melissa Gombar, Equal Opportunity

Investigator/Conciliator 1 266-4721 mgombar@cityofmadison.com

Eric Kestin, Equal Opportunity

Investigator Conciliator 2 266-4873 ekestin@cityofmadison.com

Conducts intake of complaints and investigates allegations of violations of the Madison Equal Opportunities Ordinance (MGO 3.23) and issues initial determinations. Also conducts mediation and conciliation conferences with parties to a complaint and, if a settlement is reached, prepares an agreement to be signed by both parties. Available to assist with training and provide technical assistance to the general public, employers and employees, as well as housing and service providers. Represents the agency on Latino Family Support Network (LaSup), Communities United (CU) and the Superintendent's Human Relations Advisory Committee (SHRAC).

Annie Weatherby-Flowers, Education and Outreach

Coordinator

266-6577

aweatherby@cityofmadison.com

Develops and implements community outreach programs that disseminate information and provide educational programming. Provides technical assistance to businesses, non-profits and other organizations on how to comply with the Equal Opportunities Ordinance. Annie serves on the Neighborhood Guidance Team, the King Coalition planning committee and is the liaison to a number of community based initiatives and events. Also staffs the EOC Employment Committee.

ACRONYMS

AAC – Affirmative Action Commission

AAD – Affirmative Action Division

AASPIRE - Affirmative Action Student Professionals in Residence - The City of Madison's Affirmative Action Department, in concert with City Managers, sponsors internships for members of Affirmative Action target groups who are engaged in college level studies compatible with a Public Administration career track.

APM - Administrative Procedure Memoranda - Memorandum issued by the Mayor's office and generally applies to City Employees and/or Agencies.

CPD – Commission on People with Disabilities

DBE - Disadvantaged Business Enterprise - Part of the City of Madison Affirmative Action Department, Targeted Business Enterprise Program. To be certified as a DBE a business must be at least 51% owned by one or more socially and economically disadvantaged individuals, controlled (managed and operated daily) by one or more socially and economically disadvantaged individuals who own it and are not larger than a specific size depending on the industry.

DRSP – Disability Rights and Services Program

DRSPC – Disability Rights and Services Program Coordinator

EEO - Equal Employment Ordinances

EEOC - Equal Employment Opportunity Commission - Federal Agency

ERD - Wisconsin Equal Rights Division - State Agency

FT - Full Time Employee

MBE - Minority Business Enterprise - Part of the City of Madison Affirmative Action Department Targeted Business Enterprise Program. To be certified as a MBE a business must be organized for profit, performing a commercially useful function, at least 51% owned by one or more racial/ethnic affirmative action group members, controlled (managed and operated daily) by one or more racial/ethnic affirmative action group members. There are no size restrictions.

MEOC - Madison Equal Opportunities Commission

MEOD – Madison Equal Opportunities Division

MGO- Madison General Ordinances

SBE - Small Business Enterprise - Part of the City of Madison Affirmative Action Department Targeted Business Enterprise Program. To be certified as a SBE a business must be organized for profit, performing a commercially useful function, independently owned and controlled, and averaging annual gross receipts of \$750,000 or less over the last three year period.

Title VI - Title VI of the 1964 Civil Rights Act says, “No person in the United States shall, on the grounds of race, color or national origin, be excluded from participation in, be denied the benefit of, or be subjected to discrimination under any program or activity receiving federal financial assistance.” 42 U.S.C. §2000d

WBE - Women Business Enterprises - Part of the City of Madison Affirmative Action Department Targeted Business Enterprise Program. To be certified as a WBE a business must be organized for profit, performing a commercially useful function, at least 51% owned by one or more women, controlled (managed and operated daily) by one or more women. There are no size restrictions.

ROBERT'S RULES IN SHORT: A GUIDE TO RUNNING AN EFFECTIVE MEETING

**By Michael P. May, Office of the City Attorney
March, 2007**

"Where there is no law, but every man does what is right in his own eyes, there is the least of real liberty." Henry M. Robert.

Importance of Rules for an Effective Meeting:

While groups sometimes proceed informally or by consensus, it is generally accepted that deliberative bodies operate much more effectively when they follow known rules of procedure.

In most instances and except as changed by the deliberative body, the rules to be followed are **Robert's Rules of Order** (hereinafter referred to as RR). These rules were first established by General Henry M. Robert in 1876. The latest edition of RR is the 10th edition.

A complete copy of RR runs nearly 700 pages. Even abridged versions, which are quite useful, often run 200 pages. This manual will be much shorter.

RR defines the role of the chair, of members of the body, and establishes rules of procedure. These rules have been crafted and adjusted over the years to assist in effective meetings, and to balance carefully the rights of the majority to act and the rights of the minority to be heard, and in some cases, prevent action.

Proper Notice and Agenda For a Meeting:

While RR require that there be an order of business for a meeting, the major law governing notice and agenda for meetings is the Wisconsin Open Meetings Law, Sec. 19.81, et seq. and Sec. 3.44, MGO. This manual is not a complete analysis of the Open Meetings Law, but those conducting a meeting should know some of the basic rules. They are:

1. All meetings must be preceded by adequate notice. This is generally 24 hours, although it may be two hours in the case of an emergency. The giving of the notice should be coordinated through the City Clerk's Office.
2. The notice must include all items to be taken up at the meeting in such a manner as to apprise the public of the nature of the public business. Broad items such as "Report of the Chair" should be avoided.
3. Except for meetings that provide for public comment, there can be no discussion of any item not on the agenda. Nor can there be action on any item not on the agenda. A "Public Comment" section allows the public to talk about anything, and the board may question them, but no further action or discussion is allowed.
4. There may be action on any item on the agenda, unless the agenda explicitly states something to the effect of "for information only - no action."
5. Special rules govern when a body may go into closed session. Consult the Office of the City Attorney for procedures.

Special Procedures, Chapter 2, MGO:

The Madison Common Council has a body of standing rules set out in Chapter 2, MGO. In addition, every board or commission has the right to adopt its own rules of procedure. MGO Sec. 3.27(4)(b). To the extent there are not specific rules, Robert's Rules of Order are to be applied.

This manual will not review all of the provisions in Chapter 2 of the Standing Rules of the Common Council. In a number of instances, those rules simply adopt a provision of RR. However, some key rules are:

Sec. 2.04, Order of Business. This sets out the normal order of business for the council, which may be modified by a suspension of the rules on a two-thirds vote. It often is modified.

Sec. 2.05, Introduction of Business. Generally, any item to be taken up by the Council must first be introduced at a prior Council meeting, referred to an appropriate committee, board, or commission, and taken up no earlier than the next succeeding Council meeting. There are a number of exceptions to this and the Council may suspend these rules in order to act immediately.

Sec. 2.18, Majority Vote of All Members Required. The Council operates on a "Rule of 11." It takes 11 votes to pass a measure, regardless of how many members vote or are attending the meeting. This is not the same rule as applies to boards or commissions, see Sec. 3.27(3), MGO.

It should be noted that under the Council's operations, a report of a board or commission will contain recommendations. In almost all instances, this report and the recommendations contained therein become the main motion on the floor when an alder moves the adoption of the report.

Robert's Rules of Order / Common Motions

This section will summarize some of the provisions of RR.

A. Proceed by Motion. The most basic element of RR is that matters come before the body by motion. An alder makes a motion simply by saying "I move that " or "Move adoption of " or "Move referral of " or "I move to amend." It is not the form of the motion but the substance of it that governs.

B. Role of the Chair. It is the obligation of the Chair to run an orderly meeting. Members of the body are not to speak until they have been recognized by the Chair. Except for a limited class of motions, a member may not interrupt another member when they have the floor. The Chair also rules on any votes and rules on any questions of proper procedure. In the event of a disruption in the meeting, the Chair may call on the sergeant at arms or others to return the meeting to order. Generally, under RR, the Chair does not participate in debate or vote unless the chair's vote affects the outcome of the motion. Some committees have changed this by rule to always allow the chair to vote.

C. Types of Motions. Under RR, motions generally fall into one of four classes. These are:

1. The Main Motion: This is the matter that is before the body at that moment. Nearly all other motions bear some relation to the main motion.
2. Subsidiary Motions: These are a series of motions which propose to do something to or with the main motion. Examples include amendment, referral, laying on the table and calling the question. These motions are all subject to an order of precedence which is discussed below.

Note that what is the "main motion" for application of the rules of precedence may change during the course of consideration of a matter. For example, if the main motion is to adopt a resolution, and a member offers a subsidiary motion to amend the resolution, the proposal for amendment becomes the main motion for purposes of consideration of the order of precedence of other motions. That is, the motion to amend is subject to further amendment, referral, laying on the table, etc. It is only when that motion has been disposed of that the motion to adopt is then back before the body for consideration.

3. Incidental Motions: Incidental motions relate to the pending matter, but generally relate to the pending matter in a procedural way such that the incidental motion must be dealt with before the body may return to either the main or subsidiary motion before it. Incidental motions take precedence over whatever motion is before the body, and in some instances, may be made when the mover does not have the floor. Examples of incidental motions are a point of order or procedure, appeal of a ruling on a point of order or procedure, a point of information, call for a roll call (division of the assembly), or a suspension of the rules.
4. Privileged Motions: These are very few motions that take precedence over all other motions. They include: motion to recess, question of privilege, and a motion to adjourn.

D. Common Motions. An almost limitless number of motions may be made. RR lists at least 84 potential motions. This section will discuss some common motions. The reader is also referred to the accompanying "cheat sheet" attached as an appendix to this manual.

1. Adjourn: To end the meeting. Not debatable.
2. Adoption: This is to adopt the matter before the body.
3. Amendment: To modify the main motion before the body.
4. Division of Assembly/Roll Call: A call for division is the same as calling for a roll call vote. Any member may do this and the motion need not be seconded; it is simply granted when asked for. It is not debatable.

5. Division of the Question/Separation: This is a request to have separate votes on different paragraphs or portions of the proposal before the body. It is not debatable, but does require a second.
6. Lay on the Table/Take off the Table: This is a motion to temporarily defer consideration of a matter and then to ask that the matter be taken up again. It is often used, when, for some reason, a member of the assembly or some information necessary for consideration is temporarily unavailable. Motions to lay on the table or take off the table are not debatable. The motion is often made simply as a motion to "table." The motion should not be used if the intent is essentially to kill a proposal.
7. Place on File/Postpone Indefinitely: This is a common motion used in proceedings of the Madison Common Council and is the equivalent of a motion to postpone or defer indefinitely. This is the motion to be used if the intent is to not adopt the matter before the Council, without explicitly voting it down.
8. Point of Information: This is an incidental motion in which a member of the assembly desires some information prior to proceeding to a vote on the matter before the body. It does not require a second and no vote is actually taken on the point of information. A member simply says "I rise to a point of information" or "Point of Information?" It is proper when another has the floor.
9. Point of Order or Procedure: This is another incidental motion and again is not subject to a second or a debate. It raises a question about the procedure being followed by the body. The ruling on the Point of Procedure is committed to the Chair of the body. If a member of the body disagrees with the ruling, they may appeal the ruling of the Chair to the full body. An appeal does require a second, and a majority of the body must disagree with the Chair's ruling for it to be reversed.
10. Point of Privilege: This is one of the privileged motions, and again does not require a second, nor is it debatable. This normally relates to some personal matter or something relating to the operation of the body, such as a room that is too hot, too cold, too loud, some confidential information which should not be discussed before the body, etc.
11. Previous Question: This is a motion requesting that the body immediately vote on whatever matter is otherwise before it; it cuts off debate and proceeds to an immediate vote. The motion can be made either by "calling the question", "moving the previous question," or simply stating "Question." The motion requires a second and is non-debatable and requires a two-thirds vote.
12. Recess. The motion asks that the body take a short break. The length of time of the recess should be established. This is a privileged motion, in that it takes precedence over almost all other pending motions. It requires a second, it is not debatable, and requires a majority vote.

13. Reconsideration: A motion for reconsideration asks that the body reconsider something it has already acted upon. It must be made either at the same meeting at which the matter was considered, or at the next succeeding meeting. If it is to be made at the next succeeding meeting, it must be on the official agenda of the meeting.

Common Council members are referred to the "Point of Order" memorandum from the Office of City Attorney, dated July 13, 2004.

A motion to reconsider may only be made by a member who voted on the winning side of the prior question. This normally will be a member in the majority, but if a matter fails because it does not reach the required majority, it may be that the motion for reconsideration may be made by a member who actually is less than a majority. For example, if a matter needing a 2/3 vote falls one vote short of 2/3, reconsideration may only be moved by a member of the minority. If the motion to reconsider is approved, the prior proposal is then again before the body.

14. Motion to Refer/Commit: This is a subsidiary motion which asks that a matter be referred to another body, or to another meeting of the same body. Called a motion to commit in RR.

15. Suspension of the Rules: This is an incidental motion because it relates to the manner in which the body will take up an issue. It requires a two-thirds majority, but is not debatable.

E. Debate. Once a debatable motion is before the body, members of the body proceed to debate. In both the making of motions and in debating the motions, members should wait to be recognized by the Chair. The standing rules of the Common Council limit the number of times and length of time that a member of the body may participate in debate.

F. Unanimous Consent. Asking for unanimous consent is a quick way to dispose of non-controversial items. The Common Council does this by proposing a "consent agenda" near the beginning of every meeting. Items that no member of the body objects to are disposed of by unanimous approval. The Chair may ask for unanimous consent, or a member may ask for it on any pending matter. The Chair may do this by asking: "Is there any objection to recording a unanimous vote on item ?."

Precedence of Motions

Some common motions are listed in descending order of precedence, that is, a motion is not in order if it has a higher number than the pending matter.

Undebatable Motions

1. Adjourn
2. Recess
3. Question of Privilege
4. Lay on the Table
5. Previous Question
6. Limit or Extend Debate

Debatable Motions

7. Postpone to a Definite Time
8. Refer or Commit
9. Amend
10. Postpone Indefinitely / Place on File
11. Main Motion

Incidental Motions (e.g., Point of Order, Point of Information, Suspend the Rules, Division of the Assembly or of the Question) take precedence over whatever matter is pending.

“Cheat Sheet” for Robert’s Rules

Motion	In Order When Another has the Floor?	Second Required?	Debatable?	Amendable?	Vote Required for Adoption	Can be Reconsidered
Main Motion	N	Y	Y	Y	Majority (unless other spec'd by Bylaws)	Y
Adjournment	N	Y	N	Y	Majority	N
Recess (no question before the body)	N	Y	N	Y	Majority	N
Recess (question before the body)	N	Y	Y	Y	Majority	N
Accept Report	N	Y	Y	Y	Majority	Y
Amend Pending Motion	N	Y	If motion to be amended is debatable	Y	Majority	Y
Amend an Amendment of Pending Motion	N	Y	See above	N	Majority	Y
Change from Agenda to Take a Matter out of Order	N	Y	N	N	Two-thirds	N
Limit Debate Previous Question / Question	N	Y	N	Y	Two-thirds	Yes, but not if vote taken on

Motion	In Order When Another has the Floor?	Second Required?	Debatable?	Amendable?	Vote Required for Adoption	Can be Reconsidered
						pending motion
Limit Debate or extend limits for duration of meeting	N	Y	Y	Y	Two-thirds	Y
Division of Assembly (Roll Call)	Y	N	N	N	Demand by a single member compels division	N
Division of Ques/ Motion	N	Y	N	Y	Majority	N
Point of Information	Y	N	N	N	Vote is not taken	N
Point of Order / Procedure	N	N	N	N	Vote is not taken	N
Lay on Table	N	Y	N	N	Majority	N
Take from Table	N	Y	N	N	Majority	N
Suspend the Rules as applied to rules of order or, take motion out of order	N	Y	N	N	Two-thirds	N
Refer (Commit)	N	Y	Y	N	Majority	Negative vote only

NOTES
