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CLIENT/MATTER NUMBER
027551-0104

August 15, 2019

BY E-MAIL AND U.S. MAIL

Michael May
City Attorney for the City of Madison
City Attorney's Office
210 Martin Luther King, Jr. Boulevard
Room 401, City-County Building
Madison, WI 53703

Re: Procedural Violation

Dear Mr. May,

This letter raises a procedural violation by Alder Tag Evers with respect to his proposed floor amendment to Madison General Ordinance § 28.097, part of Madison's Zoning Code. Alder Evers is attempting to fast-track this floor amendment in violation of M.G.O. § 2.05.

M.G.O. § 2.05 governs the "Introduction of Business" to the Common Council. It states that "[a]ny matter introduced from the floor shall be either (i) referred to the next Common Council meeting for action or (ii) automatically referred to the next Common Council and be placed on the agenda as if for introduction, solely for the purpose of additional referrals." M.G.O. § 2.05(1)(b). This provision ensures that the public receives adequate opportunity to comment on Common Council business by deferring action across at least two Common Council meetings.

Here, Alder Evers introduced an amendment to the Zoning Code from the floor and by title only (that is, with no specific proposed text) at the Common Council meeting on August 6, 2019. He did so with the "[r]ecommended [a]ction" of immediately "[r]efer[ing]" the proposed amendment "to [the] Plan Commission Public Hearing" on August 26, 2019, and then to the Common Council on September 3, 2019. That course of action—referring to the Plan Commission and then to the Common Council—plainly violates M.G.O. § 2.05(1)(b), which, as noted above, requires "[a]ny matter introduced from the floor" to be "referred to the next Common Council meeting" or "the next Common Council." The members of the Common Council have had no opportunity to take action on the proposed floor amendment or to provide additional referrals. Nor did the public have any opportunity to provide comment to the Common Council on the proposed floor amendment.

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Under M.G.O. § 2.05(1)(b), Alder Evers' floor amendment is required to come back to Common Council on September 3rd. Only after that meeting will the Common Council be authorized to refer the amendment out to Plan Commission or make any other referrals. There should be no up or down vote on Alder Evers' amendment until, at the earliest, the October Common Council meeting.

Sincerely Yours,

A handwritten signature in blue ink, appearing to read 'Matthew D. Lee'.

Matthew D. Lee

cc: Attorney John Strange (via e-mail)
Attorney Nathan Wautier (via e-mail)