

Veldran, Lisa

From: May, Michael
Sent: Monday, January 27, 2020 3:31 PM
To: Veldran, Lisa; Obeng, Kwasi
Cc: Rummel, Marsha
Subject: FW: APM 2-22

Can a copy of this email be available to the Work Group on Thursday? Thanks.

MPMay
City Attorney
City of Madison

From: May, Michael
Sent: Monday, January 27, 2020 3:30 PM
To: Glozier, Jason <jglozier@cityofmadison.com>
Cc: Lauten, Patricia <plauten@cityofmadison.com>; Peguero, Adriana <apeguero@cityofmadison.com>; Rummel, Marsha <district6@cityofmadison.com>; Leifer, Gregory <gleifer@cityofmadison.com>
Subject: RE: APM 2-22

Thanks Jason. That is very helpful

Since our current job is not necessarily to amend the APMs, but to decide how to apply to alders, I think we can do it through the Common Council Policy Guide. I will leave it to others to take on the job of amending APM 2-22, if necessary.

Thanks for your help.

Mike

MPMay
City Attorney
City of Madison

From: Glozier, Jason
Sent: Thursday, January 23, 2020 11:57 AM
To: May, Michael <MMay@cityofmadison.com>
Cc: Lauten, Patricia <PLauten@cityofmadison.com>; Peguero, Adriana <APeguero@cityofmadison.com>; Rummel, Marsha <district6@cityofmadison.com>; Leifer, Gregory <GLEifer@cityofmadison.com>
Subject: RE: APM 2-22

Mike,

This is a confusing issue that straddles Title I and Title II of the ADA. The requirement for accommodations does not apply to elected officials(excluding the Mayor), committee and commission members or visitors so I would not take this into consideration in changes to 2-22, though I think it would be prudent to send changes my way. That said it may require another APM or some sort of guidance because Title II s35.130 (vi) prohibits the denial of qualified individuals to participate on planning and advisory boards. I think based on this, the protections for elected officials and committee and commission members fall into Title II protections. This is also reinforced by s35.149, the general discrimination prohibition since carrying out their duties as elected or appointed officials constitutes an activity.

We could lump it into the accommodations APM the same way disability protections for employees is lumped into APM 3-5, but I think it's important to clarify the responsibilities so we don't run into a situation like the one that occurred with Rep. Anderson late last year.

Let me know if this helps, or if you have further questions.

From: May, Michael <MMay@cityofmadison.com>

Sent: Thursday, January 23, 2020 10:51 AM

To: Glozier, Jason <JGlozier@cityofmadison.com>

Cc: Lauten, Patricia <PLauten@cityofmadison.com>; Peguero, Adriana <APeguero@cityofmadison.com>; Rummel, Marsha <district6@cityofmadison.com>; Leifer, Gregory <GLEifer@cityofmadison.com>

Subject: APM 2-22

Jason:

A work group of alders are looking at whether and how to apply APMs to the alders. On its face, APM 2-22, on accommodations for those with disabilities, does not apply to alders, visitors or members of boards or committees. Yet my understanding is that all of these people are subject to the ADA, and that our buildings and facilities must be accessible. Moreover, if an alder or committee member needed an accommodation to undertake their duties, I assume we would have to provide that.

Can you provide some guidance on how the rules of APM 2-22 might apply to alders and the others noted in this email? Any information from you, or the others on this email, is appreciated. If these issues are covered by the ADA and we need take no action, then I would like to note that in the internal policy manual of the Common Council.

Thanks.

Michael

MPMay
City Attorney
City of Madison