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MEMORANDUM

TO: Guaranteed Income Pilot Advisory Task Force

FROM: City Attorney Michael Haas

DATE: January 11, 2021

RE: Special Rules For Task Force Meetings and Members

This memorandum outlines special rules which the Guaranteed Income Pilot Task Force may wish to consider for its meetings.

M.G.O. § 33.01 outlines rules for the conduct of meetings for all City boards, commissions and committees and includes the following provision:

(9)(b) Boards, committees, and commissions may adopt rules of procedure. Such rules may not conflict with ordinances or resolutions of the Common Council. In case the Sub-unit does not adopt rules of procedure, it shall be governed by Robert's Rules of Order, insofar as Robert's Rules of Order does not conflict with ordinances or resolutions of the Common Council. Sub-units shall follow the procedure set forth in [Sec. 2.21](#), MGO, on motions for reconsideration, and shall not modify this rule. A motion to reconsider shall not be in order before any Sub-unit when the matter approved has been partially or fully carried out, including actions by City employees, or by the Council or another Sub-unit of the City, by acting upon a recommendation made to the body. Sub-units shall review and make any changes in rules of procedure every two (2) years, which shall be filed with the City Clerk by July 1 of even-numbered years. Boards, commissions and committees shall not adopt rules of procedure that interfere with the right of breastfeeding as protected by Wis. Stat. §§ 253.165 and [23.37](#), MGO.

The Task Force may adopt procedural rules that do not conflict with ordinances or resolutions of the Council. Absent the adoption of any special rules, Task Force meetings are governed by Robert's Rules of Order and any ordinances which modify those rules. The Task Force may wish to consider adopting the following special rules.

1. Public Comment and Discussion

In recent years, several City committees have adopted rules to allow for free-flowing discussion between members and the community during meetings. This would be a modification of M.G.O. 33.01(9)(e) which states:

(9)(e) Public Comment. Every Sub-unit, including subcommittees created under Subsection (4)(d), above, shall establish a period for public comment at or near the beginning of each meeting. The public comment section of the meeting allows comments on any matter on the agenda or matters not on the agenda, provided, however, that the Sub-unit shall not take action on a matter raised in the public comment portion of the meeting unless that matter is otherwise on the agenda. The Sub-unit may allow public comment on any agenda item at the time that item is taken up. Members of the public who comply with applicable rules, including registering to speak prior to the Sub-unit beginning discussion on any agenda item, on registration forms established by the City, shall be permitted at least three (3) minutes to speak. If the speaker requires an interpreter, either because of his/her limited English proficiency or because of a disability, he/she shall be allowed no less than six (6) minutes.

Therefore, the default rule for all City boards, commissions and committees is that members of the public may provide comment in a period near the beginning of each meeting. The Task Force also may, but is not required to, permit the public to speak at the beginning of any agenda item if they have registered prior to the Task Force's discussion of the item. The Common Council, and most other City bodies, limit speakers to three minutes with the exceptions described above.

Several City committees, including the Ad Hoc Committee on Police Procedures and Policies and the Task Force on Government Structure, adopted a rule permitting members of the public to interject comments, when called upon, during the body's discussion of the agenda item. This approach encouraged a more free-flowing discussion between members of the body and the public. Depending on the topics considered by the Task Force, it may consider adopting this procedure as a general rule that applies to all meetings, may adopt it at the beginning of each meeting, or may adopt it or exclude it for specific agenda items. There may be some agenda items, including those concerning Task Force organization and internal processes, which it decides is not appropriate for the public to comment on during the body's discussion.

2. Chair's Role

M.G.O. § 33.01(9)(c) states:

Unless authorized by the rules adopted under subdivision (b) above, the chair of a Sub-unit shall not vote unless the chair's vote would affect the

outcome of the matter before the Sub-unit and shall not participate in making motions or discussion thereon.

The Task Force may determine whether the Chair is allowed to vote on all motions and participate in making motions or the discussion. The unique charge of the Task Force and the various perspectives and expertise of members representing various organizations may support the Task Force varying from the default rule in M.G.O. § 33.01(9)(c).

3. Task Force Member Public Comments

Given the newness of the Guaranteed Income Pilot initiative, there may be significant public interest in the work of the Task Force. Members of the Task Force are free to express their opinions publicly and at meetings of the Common Council or other City bodies. When doing so, however, Task Force members may wish to be aware of, and make clear, when they are speaking on behalf of the Task Force or on their own behalf. Unless the member is discussing or advocating for an action already taken by the Task Force, the member is likely speaking only for themselves. Because of the high profile nature of the Task Force's responsibilities, some City officials, the media and the public may mistake a member's individual views with a position of the Task Force unless that is clarified.

The Task Force may simply trust that its members will make this distinction may wish to formalize it by adopting a rule requiring members to clarify when they are speaking on their own behalf in public settings. This is not a rule related to meeting conduct and enforcement would be difficult, but such a rule would establish expectations for members.

The Task Force may also consider any other special rules for its meetings that do not conflict with City ordinances or resolutions adopted by the Common Council. I will be available to discuss these issues at the Task Force's June 1st meeting.