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City of Racine, Wisconsin
COMMON COUNCIL

AGENDA BRIEFING MEMORANDUM

COMMITTEE: Finance and Personnel Committee **LEGISLATION ITEM #:** 0174-19

AGENDA DATE: February 24, 2019

DEPARTMENT: City Attorney's Office

Prepared By: City Attorney Scott R. Letteney

Reviewed By: N/A

SUBJECT: Communication from the Mayor proposing that Racine Ordinance section 2-63 be amended to eliminate the requirement that written notice of a special meeting of the Common Council be personally delivered to each member of the Common Council or left at her or his usual place of abode at least six hours before the time set for the meeting and replaced with the requirement set forth in Wisconsin Statute section 62.11(2) requiring the mayor to notify Common Council members in a manner likely to give each member notice of a Special Common Council meeting at least six hours before the meeting.

EXECUTIVE SUMMARY: Mayor Mason has proposed an amendment to Racine Ordinance section 2-63 regarding notice for special meetings of the Racine Common Council. The proposed amendment would remove the requirement that written notice of a special common council meeting be delivered to each member and allow flexibility in the means of giving notice of special common council meetings. The proposed amendment would be consistent with Wisconsin law.

BACKGROUND & ANALYSIS: Wisconsin Statute section 62.11 addresses matters related to the common councils of cities and their meetings. Wisconsin Statute section 62.11(2) sets forth the procedures for mayors to call special common council meetings.

Racine Ordinance section 2-63 provides that the mayor may call a special meeting of the common council at any time, and requires that "written notice" of special meetings be provided "to each member of the common council." Racine Ordinance section 2-63 further requires such written notice be "delivered to [each member of the common council] personally" or be "left at [each common council member's] usual place of abode at least six hours before the time set for the meeting." This ordinance section is consistent with the requirements of state law as existed for many years. Having

33 been in place at least since 1973, clearly Racine Ordinance section 2-63 predated many forms of
34 electronic communication that are common today.

35 On August 3, 2017, by 2017 Wisconsin Act 50, Wisconsin Statute section 62.11(2) was amended,
36 and the requirement that “written notice [of a special common council meeting be] delivered personally
37 to each member’s usual abode” was removed from the law. That requirement was replaced with a
38 provision requiring mayors to give notice to common council “members in a manner likely to give each
39 member notice of the meeting.” The requirement that the mayor provide notice of a special meeting “at
40 least 6 hours before the meeting” remained unchanged.

41 As it now exists, Racine Ordinance section 2-63 remains consistent with state law, but has a
42 more-stringent requirement. The requirement under the ordinance that “written notice” of a special
43 meeting be provided by personal delivery to each member of the common council or left at the common
44 council member’s home certainly is notice “in a manner likely to give each member notice of the
45 meeting.” However, it would not permit notice by such means as email, text, telephone, or other
46 methods of communication. Amending Racine Ordinance section 2-63 to be consistent with current
47 state law would not preclude written notice. It would permit the Racine mayor greater flexibility in
48 giving notice in a manner consistent with evolving means of communication.

49 Mayor Mason has proposed that Racine Ordinance section 2-63 be amended to eliminate the
50 requirement that written notice of a special meeting of the Common Council be personally delivered to
51 each member of the Common Council or left at her or his usual place of abode at least six hours before
52 the time set for the meeting. He further has proposed that such requirement be replaced with the
53 requirement set forth in Wisconsin Statute section 62.11(2) requiring the mayor to notify Common
54 Council members in a manner likely to give each member notice of a special Common Council meeting
55 at least six hours before the meeting.

56 The notice and agenda requirements of the Wisconsin Open Meetings Law would remain in
57 place.

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59 **BUDGETARY IMPACT:** None

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61 **OPTIONS/ALTERNATIVES:** Decline to amend Racine Ordinance section 2-63.

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63 **RECOMMENDED ACTION:** Direct the City Attorney’s Office to draft an amendment to Racine Ordinance
64 section 2-63 eliminating the requirement that written notice of a special meeting of the Common
65 Council be personally delivered to each member of the Common Council or left at her or his usual place
66 of abode at least six hours before the time set for the meeting, replacing it with the requirement that
67 the mayor notify Common Council members of a special Common Council meeting in a manner likely to
68 give each member notice at least six hours before such meeting, and to present such amendment to the
69 Common Council for consideration.

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71 **ATTACHMENT(S):** None