



LEGAL DEPARTMENT
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Legal Memorandum

To: Teri Lehrke – City Clerk
CC: Dick Swantz – Council Member
From: Stephen F. Matty – City Attorney
Date: August 29, 2008
Re: Informational Meetings

The Legal Department has been requested to provide an opinion on whether an informational meeting concerning the subject matter of pending legislation may be called by a Council Member. After researching the matter, the Legal Department could not locate any Council Rules or other authority on the matter except for a legal opinion from the former City Attorney originating from March/April 2007. (see attached). In that opinion, the City Attorney opined that a Council Member could not call for an informational meeting while there was pending legislation on the same topic. Rather, the regular legislative process, which included public hearings, was the proper method to receive input and other information. The opinion further provided that the Common Council may direct otherwise. At this time, the Legal Department is not aware of any facts or circumstances to modify or overrule said opinion.

One way the Council may direct for an informational hearing while there is pending legislation is for a Committee to hold a special meeting on the subject for the purpose of information gathering. Unlike the informational meetings that typically occur before the Committee of the Whole, the special committee meeting would require a quorum of Committee members to convene. A special meeting of a Committee may be called by the Mayor, the Committee Chairperson or by a majority of the members of said Committee. See Council Rule V. Likewise, a Special Council Meeting could be called by the Mayor or any five members of the Council in the event the Mayor fails to act. See Council Rule II.

Significantly, nothing in this opinion precludes the Common Council from adopting a Council Rule establishing a separate procedure concerning who may call for informational meetings.

SFM/tme
Enclosure

COUNCIL MEMBER AUDREY KADER
715 7TH ST S
LA CROSSE WI 54601

Re: April 5th meeting regarding snow removal issues

Dear Audrey:

After discussing this matter further and reviewing the Wisconsin Statutes on Wisconsin's Open Meetings Law and the Common Council Rules, I truly believe and have instructed the Clerk's office to cancel the meeting on April 5th at 5:30. You are more than welcome to speak with any department head you wish in connection with this matter. However, because of the importance to the public regarding these issues, it is recommended that unless the Council directs otherwise, the ordinance be discussed at the Judiciary & Administration Committee, and the Resolution be discussed at the Finance & Personnel Committee.

Please let me know if you wish to discuss this further.

Sincerely,

Patrick J. Houlihan
City Attorney

Cc: Mayor Mark Johnsrud
Teri Lehrke, City Clerk
Dale Hexom, Director of Public Works