

A Better Mount Pleasant

KELLY GALLAHER 414/3506858 abettermtpleasant@gmail.com

Office of Open Government
Attention: Paul M. Ferguson
Wisconsin Department of Justice
P.O. Box 7857
Madison, WI 53707-7857

May 14, 2018

RE: Open Meetings

Dear Mr. Ferguson,

I am writing to you regarding a reoccurring circumstance in the Village of Mt. Pleasant in which village officials have acted to prohibit members of the public from speaking on items listed on the agenda during publicly noticed public comment periods.

I am aware that Wisconsin open meetings law does not require a governmental body to allow members of the public to to speak or actively participate in the body's meeting.

However, according to the Department of Justice Open Meetings Law Compliance Guide - it does permit a governmental body to set aside a portion of an open meeting as a public comment period. Such a period must be included on the meeting notice and the body may receive information from the public and may discuss any matter raised by the public.

Since governmental bodies are prohibited from taking action on items not officially noticed on the agenda, they are cautioned to limit discussion raised by members of the public which are not listed on the agenda.

It is permissible for a governmental body to place limits on the amount of time members of the public may speak during a public comment period, and to request that comments focus on business listed on the meeting agenda. It is highly unusual, and possibly improper, for a governmental body to prohibit public discussion on items noticed on the agenda and threaten to rule such speech as out of order.

In two recent Mt. Pleasant Community Development Authority meetings, a public comments period was noticed on the agenda, members of the public were asked to fill out public comment

forms which stated they could address the body on “any item” and were then prohibited by the presiding officer from speaking specifically about items listed on the agenda for those meetings. Residents attended these village Community Development Authority meetings because items noticed on the agenda directly impacted them. During both public comment periods, Mr. Richardson called for members of the public to speak “on anything but items on the agenda.”

I believe that disallowing such content based comments violates the spirit of the open meetings law, serves no logical government interest, and is a violation of the First Amendment right to free speech.

I am requesting the Department of Justice Office of Open Government investigate these events and render an opinion which determines if a governmental body may disallow certain and specific public speech regarding agenda items during a properly noticed public comment period?

I have attached supporting documents to assist you in this request. If you require further information, please contact me at your convenience. A confirmation of receipt of this request by your office would be greatly appreciated.

Regards,

Kelly Gallaher
A Better Mt. Pleasant

APRIL 17, 2018

On Tuesday, April 17, 2018, the Village of Mount Pleasant Community Development Authority convened publicly for a regular meeting. A public comment period was noticed on the [meeting agenda](#). The single item of “New Business” listed on the agenda was an interim report from staff on materials received since March 20, 2018 Public Hearing on a Redevelopment Plan.

Approximately a dozen members of the public were given public comment registration forms to complete and submit to participate in the public comment period. This required form states that **“a period of time has been set aside at the beginning of each Village Board meeting to allow members of the public to speak to the board on any item.”** This is the only form which has been used by the village to register public comment requests.

When the public comment period was commenced by the Community Development Authority Chairman, Rob Richardson, he announced that **“public comments will only be on items not**

on the agenda and just for three minutes...Once again, on anything but the project plan, and tonight's agenda will not be part of public comment."

In spite of objections from residents in the meeting, Chairman Richardson maintained he had the authority to prevent the public from commenting on items listed on the meeting agenda.

A video can be found here: <https://www.youtube.com/watch?v=5sISVbWvB2o>

MAY 9, 2018

On Wednesday, May 9, 2018, the Village of Mount Pleasant Community Development Authority convened publicly for a regular meeting. A public comment period was noticed on the [meeting agenda](#). The first item of "New Business" listed on the agenda was a consideration and action on the same Redevelopment Plan discussed at the April 17th meeting.

Approximately a twenty members of the public were given public comment registration forms to complete and submit to participate in the public comment period. This required form states that **"a period of time has been set aside at the beginning of each Village Board meeting to allow members of the public to speak to the board on any item."** This is the only form which has been used by the village to register public comment requests.

When the public comment period was commenced by the Community Development Authority Chairman, Rob Richardson, he introduced Attorney Alan Marcuvitz who announced that any public comments regarding the redevelopment plan would be out of order.

Mr. Marcuvitz stated because the deadline for accepting testimony stemming from a hearing scheduled in March regarding the redevelopment plan had ended, the CDA could not hear any comments from the public during the public comments period.

Chairman Richardson read off the names of people who had registered for public comment to determine if they were willing to only speak about items not on the meeting agenda.

A video can be found here: <https://www.youtube.com/watch?v=xHaTcQwYfy8&feature=youtu.be>



Village of Mount Pleasant

COMMUNITY DEVELOPMENT AUTHORITY (CDA) AGENDA

Tuesday, April 17, 2018 | 5:00 PM

Village Hall – B114 Ebe Auditorium

8811 Campus Drive

1. Call to Order
2. Roll Call
3. Public Comment
4. Meeting Minutes
 - a. Approval of February 19, 2018 CDA Meeting Minutes
 - b. Approval of March 20, 2018 CDA Meeting Minutes
5. New Business
 - a. INFORMATION ONLY: Interim report from staff on materials received since March 20, 2018 Public Hearing on Redevelopment Plan
6. Adjournment

Request for persons with disabilities who need assistance to participate in this meeting or hearing should be made to the Village Administrator or Clerk's Office (262) 664-7800 with as much notice as possible.

Note: Other Village Board Members may be present for informational purposes, but no action will be taken. Notice is hereby given that a quorum of the Village Board may be present at a meeting of the Community Development Authority on this day to gather information about all items that appear on this agenda, a subject over which they have decision-making responsibility. This constitutes a meeting of the Village Board pursuant to State ex rel. Badke v. Greendale Village BD., 173 Wis.2d 553, 494 N.W.2d 408 (1993), and must be noticed as such although the Village Board will not take any formal action at this meeting.

Posted: Thursday, April 12, 2018, at 1:30 PM



Village of Mount Pleasant
COMMUNITY DEVELOPMENT AUTHORITY (CDA) AGENDA
Wednesday, May 9, 2018 | 5:00 PM
Village Hall – B114 Ebe Auditorium
8811 Campus Drive

1. Call to Order
2. Roll Call
3. Public Comment
4. Meeting Minutes
 - a. Approval of April 17, 2018, Meeting Minutes
 - b. Approval of April 30, 2018, Meeting Minutes
5. New Business
 - a. Consideration and action on Resolution No. 31-2018, a Resolution Designating Boundaries for Redevelopment Project Area; Approving Redevelopment Plan therefor; and Submitting said Boundaries and Redevelopment Plan to the Village Board of the Village of Mount Pleasant for Approval
 - b. PLEASE TAKE NOTICE that the Community Development Authority will convene, upon passage of the proper motion, into Closed Session with legal counsel and staff, under §19.85(1)(e), Wis. Stats: Specifically, to discuss a TID No. 4 Phase II Development Agreement with MLG.
 - c. Reconvene into open session to consider any motions on any of the matters discussed under the closed session listed above.
6. Adjournment

Request for persons with disabilities who need assistance to participate in this meeting or hearing should be made to the Village Administrator or Clerk's Office (262) 664-7800 with as much notice as possible.

Note: Other Village Board Members may be present for informational purposes, but no action will be taken. Notice is hereby given that a quorum of the Village Board may be present at a meeting of the Community Development Authority on this day to gather information about all items that appear on this agenda, a subject over which they have decision-making responsibility. This constitutes a meeting of the Village Board pursuant to State ex rel. Badke v. Greendale Village BD., 173 Wis.2d 553, 494 N.W.2d 408 (1993), and must be noticed as such although the Village Board will not take any formal action at this meeting.

Posted: Thursday, May 3, 2018, at 1:30 PM

Posted online: Sunday, May 6, 2018 at 4:15 PM

VILLAGE OF MT. PLEASANT BOARD OF TRUSTEES

REGISTRATION TO PARTICIPATE IN PUBLIC COMMENT PERIOD

(Please print answers to all questions)

1. Date: _____
2. Name: _____
3. Address: _____
(Street address) (City, State, Zip Code)
4. Phone #: _____
(Daytime #) (Evening #)
5. Topic of Presentation or Comments:

Village Of Mount Pleasant Board of Trustees Public Comment Period

The Village of Mount Pleasant Board of Trustees is interested in hearing from members of the public. In order to facilitate this process, a period of time has been set aside at the beginning of each Village Board meeting to allow members of the public to speak to the board on any item.

The following guidelines are to be adhered to in order to ensure an opportunity to the general public to address their Village Board. Your cooperation in following these guidelines is appreciated.

SEE BACK OF PAGE FOR GUIDELINES

GUIDELINES

- I. Members of the public wishing to address the Mount Pleasant Village Board are required to fill out a Registration for Participation in the Public Comment segment of the Board Agenda and present same to the Clerk prior to the start of the Village Board Meeting.
- II. Only those persons who have filled out the required registration form and presented to the Clerk will be allowed to address the Village Board.
- III. Each registrant will be allowed a maximum of three (3) minutes to address the Village Board on the topic they have listed on their Registration Form.
- IV. Village Board members are not to ask questions or engage in debate with the registrant.
- V. The Village Board President or other presiding officer at their discretion, may refer the registrants to staff for follow-up on any information presented.
- VI. Total Board time allocated to Public Comment is thirty (30) minutes.

The following rules of decorum shall apply to the Public comment period of the Village Board meeting:

- Proper decorum must be observed by speakers in providing testimony and remarks during any public comment period. Speakers are expected to conduct themselves with civility and to accord a measure of dignity and respect.
- The Village Board President shall keep control of the meeting and require speakers and audience to refrain from abusive or profane remarks, disruptive outbursts, applause, protests, or other conduct which disrupts or interferes with the orderly conduct of the business of the meeting.
- Personal attacks on Village Board Trustees, Village staff, other officials or members of the public are not allowed.
- Engaging in such conduct will be grounds for ending a speaker's time at the podium or removal from the meeting room at the discretion of the Village Board President.