

**PROCEEDINGS OF THE CITY OF NEW BERLIN
COMMUNICATIONS COMMITTEE**

Wednesday May 21, 2008 5:00 PM

**NEW BERLIN CITY HALL
3805 S. Casper Drive
Common Council Chambers**

Please note: Minutes are unofficial until approved by the Communications Committee at the next regularly scheduled meeting.

Call Meeting to Order

Alderman John Hopkins called the meeting to order at 5:04 PM.

Roll Call; Declaration of Quorum and Public Notice

Members Present: Alderman Hopkins, Alderman Seidl, Kris Scalzo and Bruce Peterka. Also present: Information Technology Director Nick Roethel, City Clerk Marilyn Gauger and City Attorney Mark Blum. Absent: Alderman Poshepny

This meeting was noticed on Friday, May 16, 2008 in accordance with the Open Meeting Law.

Election of Committee Chairperson

Alderman Seidl nominated Alderman Hopkins as Chairperson.

Motion by Kris Scalzo to close nominations. Seconded by Bruce Peterka and carried unanimously.

Motion by Alderman Seidl to approve Alderman Hopkins as Chairperson. Seconded by Bruce Peterka and carried unanimously.

Minutes

Motion by Kris Scalzo to approve the April 16, 2008 minutes as printed. Seconded by Alderman Seidl and carried unanimously.

New Business

Consideration of removal of political organizations from City's website/REFERRED TO COMMUNICATIONS COMMITTEE 4-22-08 from Council.

Information packets were provided to members. Chairman Hopkins gave a brief explanation of the letter the city received from Attorney Bucher requesting the New Berlin Citizens for Responsible Government be removed from the City's website under Civic Groups.

City Attorney Blum wrote: "In my opinion, trying to restrict access to that designated public forum through trying to decide if a group is civic or not or even if it were to be political or not would necessarily involve an analysis of the content of the speech by the group or viewpoints which they express. Many of the groups that are listed on the City website at present may have from time to time expressed an opinion regarding some political issue pending in the City and, indeed, some of those groups have probably advocated on behalf of political candidates. What this indicates is that the analysis of who should be included and who shouldn't will most likely devolve into analysis of viewpoints and political speech which would be unconstitutional. In light of these conclusions, I would suggest that if the City were to establish a policy that assessing whether a particular group is political or not or even whether they are civic or not would be difficult. I would suggest therefore that the City not establish a policy and simply include a disclaimer that the inclusion of the group does not necessarily indicate that the City is endorsing the group or its message. Of course the second option would be simply to remove the list altogether."

Chairman Hopkins read the disclaimer suggested by City Attorney Blum: "Organizations which appear on this page have their principal office and place of business in the City of New Berlin. They are included at the request of the organization; however, by including the organization on this page, the City does not necessarily endorse the group or its message."

Motion by Alderman Seidl to recommend to Council that only organizations with their principal office and place of business in the City of New Berlin be permitted to appear as "Civic Groups" on the city web site and that no other restrictions be placed on participation in that forum. The committee further recommends that the disclaimer language that was offered by the City Attorney be incorporated in the "Civic Group" section of the City's website as follows: Seconded by Kris Scalzo and carried unanimously.

Old Business

City of New Berlin Web-site Update

Information Technology Director Roethel indicated we are waiting on final proofs of design which should come within the next few weeks to a month and the budget with final costs. This item will stay on the agenda for next months meeting.

Responsibilities of the Communications Committee/Structure/By-Laws.

Chairman Hopkins indicated this will be considered at a future meeting.

Discussion on electronic (paperless) agenda packets/Council E-Packet System & Paperless Initiative.

Chairman Hopkins indicated this will not be considered tonight.

City Clerk Gauger read the following:

Closed Session

- **The basis for the items to be discussed in Closed Session are as enumerated in Section 19.85 (1) (e) of the Wisconsin State Statutes.**

Deliberating or negotiating the purchasing of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session; more specifically State Franchise Agreements – new state law and AT&T U-Verse TV Service within the City of New Berlin & Government Channel Access requirements and associated costs.

Motion by Kris Scalzo to go to Closed Session at 5:17 PM. Seconded by Alderman Seidl and carried per roll call vote unanimously.

Motion by Bruce Peterka to reconvene in Open Session at 5:26 PM. Seconded by Alderman Seidl and carried unanimously.

Open Session

Discussion and possible action on State Franchise Agreements

No action taken.

AT&T U-Verse TV Service within the City of New Berlin & Government Access requirements and associated costs

No action taken.

Adjourn

Motion by Kris Scalzo to adjourn at 5:27 PM. Seconded by Alderman Seidl and carried unanimously.

Respectfully submitted:

Marilyn Gauger, MMC
City Clerk