



Legislation Details (With Text)

File #: 62930 **Version:** 3 **Name:** Structure of City Government Advisory Referendum
Type: Resolution **Status:** Passed
File created: 11/9/2020 **In control:** Attorney's Office
On agenda: 12/1/2020 **Final action:** 1/5/2021
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Title: SUBSTITUTE. A Resolution authorizing the placement of advisory referendum questions related to the structure of city government on the Spring 2021 general election ballot.

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Indexes:

Code sections:

Attachments: 1. 62930 Alternate v2.pdf, 2. 62939 Original v1.pdf, 3. 11/24/20 John Rothschild Letter TFOGS Binding Referendum.pdf, 4. 11/25/20 Michael May Letter TFOGS Binding Referendum.pdf, 5. Council Emails Received Re: 62930.pdf

Date	Ver.	Action By	Action	Result
1/5/2021	3	COMMON COUNCIL	Amend Alternate	Fail
1/5/2021	3	COMMON COUNCIL	Adopt Substitute	Pass
1/5/2021	3	COMMON COUNCIL EXECUTIVE COMMITTEE	RECOMMEND TO COUNCIL WITH THE FOLLOWING RECOMMENDATIONS - REPORT OF OFFICER	Pass
12/1/2020	1	COMMON COUNCIL	Re-refer	Pass
12/1/2020	1	COMMON COUNCIL EXECUTIVE COMMITTEE	RECOMMEND TO COUNCIL WITH THE FOLLOWING RECOMMENDATIONS - REPORT OF OFFICER	Pass
11/17/2020	1	COMMON COUNCIL	Refer	Pass
11/9/2020	1	Attorney's Office	Referred for Introduction	

Fiscal Note

The proposed resolution authorizes the placement of advisory referendum questions to the spring 2021 ballot regarding the structure of City government. Additionally, the resolution instructs City officials to develop plans for informing the public and evaluating the results of the referendum questions. If the proposed referendum questions increase the ballot length, the City will incur additional costs from the County Clerk. The City Clerk has begun discussions with the County Clerk to determine potential costs. However, these conversations have been delayed as the County is currently conducting a recount of the presidential election ballots. Historically, ballot printing costs have varied by approximately \$3,000. Any dramatic increases associated with ballot or planning costs may require additional appropriation.

Resolution #58656, which accepted the final report of the Task Force on Government Structure, discusses initial estimates associated with structure changes and estimates an additional \$1m in costs from transitioning to a full-time council.

Title

SUBSTITUTE. A Resolution authorizing the placement of advisory referendum questions related to the structure of city government on the Spring 2021 general election ballot.

Body

WHEREAS, on September 8, 2017 the City of Madison created the Task Force on Government Structure (“Task Force”) (RES-17-00714) to examine and make recommendations related to the structure of the Mayor’s Office, Common Council, and the City’s Boards, Commissions and Committees; and,

WHEREAS, the Task Force Resolution asked the Task Force to consider whether the City’s existing government structure provides residents with adequate representation and meaningful avenues for participation, without privileging individuals with the time, resources, and ability to navigate the City’s current government structure; and,

WHEREAS, the Task Force Resolution specifically sought recommendations that could improve the ability of people of color and those living with lower incomes to participate and engage with City government; and,

WHEREAS, the Task Force and its subcommittees met ninety (90) times over an almost two-year period, held meetings throughout the community, collaborated with seven (7) community liaisons from the City’s most traditionally under-represented neighborhoods, held two community open houses, and created surveys seeking input from city residents, staff, and current and former government officials; and,

WHEREAS, the Task Force studied the history, structure, and function of the City’s Common Council, reviewed options for alternative government structures allowed by state law, and, among other things, investigated how the relationship between the current Common Council and the City’s nearly 100 Boards, Commissions, and Committees (“Committee System”) impacts resident representation, engagement and participation; and,

WHEREAS, the Task Force concluded that “the City’s current government structure is an impediment to full participation and representation and, therefore, that the City’s structure is fundamentally unfair to a large portion of the City’s population, including, most notably, the City’s residents of color and low income”; and,

WHEREAS, in reviewing the current structure of the Common Council, in which members are paid approximately thirteen thousand seven hundred dollars (\$13,700) annually to serve in what has historically been considered a part-time volunteer role, the Task Force found disparate levels of representation among districts based, in part, on how much time the district alder is able to devote to their position while balancing other life demands, like a second job; and,

WHEREAS, the Task Force found that this inhibits a district alder’s ability to fully utilize their talents and abilities as a member of the Common Council and, along with other demands of being an alderperson, reduces their availability to fully engage with constituents in a way that encourages meaningful and robust community engagement in city decision-making; and,

WHEREAS, the Task Force Final Report concluded that “as Madison has grown so too has the complexity of the challenges it faces; and that adequately representing constituents facing these challenges requires a full-time Council”; and,

WHEREAS, in specifically reviewing the current structure of the City’s Committee System, the Task Force Final Report found that the current Committee System of nearly one-hundred (100) committees lacks geographic and racial diversity; results in a drain on resident, staff, and alder time; lacks consistent accountability; varies in levels of authority and influence; includes committees that lack a well-defined purpose, have outlived their purpose, or have purposes that overlap; employ logistical processes (meeting times, locations, and rules) that inhibit rather than encourage resident participation for all but the few who have the time, resources, and knowledge to navigate the Committee System; and cannot be adequately staffed or supported given the total number of committee meetings scheduled each year (e.g., 907 meetings in 2017; 966 meetings in 2018; and 917 meetings in 2019); and

WHEREAS, the Task Force Final Report recommends creating a smaller full-time Common Council consisting of ten (10) members making the area median income of a single parent with two children, which is approximately \$67,000 per year; and,

WHEREAS, the Task Force Final Report states that a full-time Common Council would, among other things, allow individuals to focus their time and energies on the Common Council and, in doing so, possibility open up the position of alder to persons who, for financial reasons, could not previously afford to serve; and

WHEREAS, the Task Force Final Report states that a full-time Common Council would be better able to fulfill its responsibilities as a Common Council set out in Wis. Stat. § 62.11(5) and comprehensively address the impediments to resident representation, engagement and participation identified in the Task Force Final Report, including reviewing, restructuring, and significantly reducing the size of the Committee System, providing ongoing accountability of the Committee System, and initiating alternative and innovative ways for residents to engage with their government; and,

WHEREAS, the Task Force Final Report states that regardless of whether the City transitions to a full-time Common Council, it should increase alderperson terms from 2-years to 4-years in order to put alderpersons on a level playing field with the Mayor, who also serves (4) year terms, and allow alderpersons to settle into their positions and role as constituent representatives before having to run for reelection; and

WHEREAS, the Task Force Final Report also recommends that the City should limit alderpersons to serving 12 consecutive years on the Common Council; and

WHEREAS, changing the number of alderpersons and length of alderperson terms requires amending Madison General Ordinance 3.01, which was enacted as a Charter Ordinance through a binding referendum in the Spring 1987 election; and,

WHEREAS, Wis. Stat. § 66.0101(8) states that a “charter ordinance enacted or approved by a vote of the electors controls over any prior or subsequent act of the legislative body of the city”; and,

WHEREAS, prior to amending M.G.O. § 3.01 to change the number of alderpersons and the length of alderperson terms the City through a binding referendum as required by Wis. Stat. § 66.0101(8), the City can place the questions on the 2021 Spring Election ballot as advisory referendum questions on the Spring 2021 Election in order to gauge resident interest in the changes before deciding whether to place them on the 2022 Spring election ballot as binding referendum questions; and

WHEREAS, in order to place the referendum questions on the Spring 2021 general election ballot, the Common Council must pass a resolution by majority vote of all Council members authorizing that those questions be sent to the electorate and directing city staff to give notice of the referendum questions to the election clerk within 70 days of the Spring 2021 general election; and

WHEREAS, because of the short time-frame between December 1, 2020 and the Spring 2021 election, the Task Force Implementation Workgroup discussed whether there is enough time to adequately educate the public about the proposed questions prior to a binding referendum; and

WHEREAS, the Task Force Implementation Workgroup explored the possibility of using the Spring 2021 election for an advisory referendum and the Spring 2022 election for a binding referendum, after taking into account the results of the advisory referendum and developing a plan for educating the public about the proposed changes; and

WHEREAS, the Common Council heard a general presentation regarding the Task Force recommendations related to the structure of the Common Council on September 15, 2020, discussed the issue more fully at a Committee of the Whole on October 8, 2020, and discussed whether to send these questions to referendum at

a meeting of the Common Council on December 1, 2020;

NOW THEREFORE BE IT RESOLVED, that the Common Council directs City staff to take the necessary steps to place the following four advisory referendum questions on ballot in the Spring 2021 general election:

1. Madison currently has a part-time Common Council who are paid approximately thirteen-thousand seven hundred (\$13,700) per year. ~~The Task Force on Government Structure recommends that the City of Madison transition to a full-time Common Council.~~

Beginning with the 2023 Spring Election, SHOULD the City of Madison transition to a full-time Common Council with each Common Council Member earning between fifty percent (50%) to eighty percent (80%) of the Adjusted Median Income for Dane County for a single parent with two children (approximately \$45,000 to \$71,000) per year?

2. Madison currently has a part-time Common Council comprised of twenty (20) alderpersons, one from each alderperson district. ~~The Task Force on Government Structure recommends that the City of Madison transition to a full-time Common Council comprised of ten (10) alderpersons, one from each alderperson district.~~

Beginning with the 2023 Spring Election, SHOULD the size of the City of Madison Common Council be reduced?

Beginning with the 2023 Spring Election, SHOULD the size of the City of Madison Common Council be increased?

SHOULD the size of the City of Madison Common Council remain the same?

3. Madison alderpersons are currently elected to two (2) year terms. The Madison Mayor is currently elected to four (4) year terms. ~~The City of Madison Task Force on Government Structure recommends that City of Madison alderpersons serve four (4) year terms, concurrent with the Mayor's term.~~

Beginning with the 2023 Spring Election, SHOULD City of Madison alderpersons be elected to four (4) year terms?

4. Madison alderpersons are currently not subject to term limits. ~~The Task Force on Government Structure recommends that if the City transitions to a full-time Common Council alderpersons should be subject to serving no more than twelve (12) consecutive years on the Common~~

Council.

Beginning with the 2023 Spring Election, if the City transitions to a full-time Common Council SHOULD the City of Madison alderpersons be subject to term limits of twelve (12) consecutive years?

NOW THEREFORE BE IT RESOLVED, that the ad hoc Task Force Implementation Workgroup should collaborate with the Mayor's Office and Common Council Executive Committee (CCEC) to develop a plan, as allowed by law, to provide information to the public about the above referendum questions, including regarding the potential fiscal impact of the questions; and

NOW THEREFORE BE IT FINALLY RESOLVED, that, after the Spring 2021 election, the Task Force Implementation Workgroup should collaborate with the Mayor's Office to evaluate the results of the Advisory Referendum and take the necessary steps to prepare a resolution that, if approved by the Common Council, would place binding referendum questions related to the structure of Madison's government on the Spring 2022 election ballot.