



Legislation Details (With Text)

File #: 44916 **Version:** 2 **Name:** ALRC Chairperson not required to serve on all ALRC disciplinary matters subcommittee hearings

Type: Ordinance **Status:** Passed

File created: 10/25/2016 **In control:** ALCOHOL LICENSE REVIEW COMMITTEE

On agenda: 12/6/2016 **Final action:** 12/6/2016

Enactment date: 12/15/2016 **Enactment #:** ORD-16-00110

Title: SUBSTITUTE Amending Sections 38.10(1)(b)1.b. and 2.a. of the Madison General Ordinances to delete the requirement that the ALRC Chair serve on subcommittees addressing disciplinary matters and when the Chair is absent, the senior non-alder member of the Hearings Subcommittee shall serve as chair.

Sponsors: Michael E. Verveer

Indexes:

Code sections:

Attachments: 1. Version 1

| Date | Ver. | Action By | Action | Result |
|------------|------|----------------------------------|--|--------|
| 12/6/2016 | 1 | COMMON COUNCIL | Adopt Substitute | Pass |
| 11/16/2016 | 1 | ALCOHOL LICENSE REVIEW COMMITTEE | RECOMMEND TO COUNCIL TO ADOPT AS SUBSTITUTED - REPORT OF OFFICER | Pass |
| 11/1/2016 | 1 | COMMON COUNCIL | Refer | Pass |
| 10/25/2016 | 1 | Attorney's Office/Approval Group | Referred for Introduction | |

Fiscal Note

No fiscal impact.

Title

SUBSTITUTE Amending Sections 38.10(1)(b)1.b. and 2.a. of the Madison General Ordinances to delete the requirement that the ALRC Chair serve on subcommittees addressing disciplinary matters and when the Chair is absent, the senior non-alder member of the Hearings Subcommittee shall serve as chair.

Body

DRAFTER'S ANALYSIS: This amendment deletes the requirement that the ALRC Chairperson serve on all ALRC Hearings Subcommittees when disciplinary matters are brought before the ALRC. This substitute amendment provides that in the Chairperson's absence, the most senior non-alder member of the Hearings Subcommittee shall serve as its chair. This amendment provides the ALRC with more flexibility in the composition of its Hearings Subcommittee.

The Common Council of the City of Madison do hereby ordain as follows:

1. Subparagraph b. of Paragraph 1. of Subdivision (b) entitled "Procedure on Hearing" of Subsection (1) of Section 38.10 entitled "Revocation, Suspension or Nonrenewal of License" of the Madison General Ordinances is amended to read as follows:

"b. If the licensee appears as required by the summons and denies the complaint then the Committee shall appoint a three member ad hoc subcommittee, ~~composed of the Chairperson and two additional members at least~~ one of whom must be an alderperson, hereinafter referred to as the Hearings

Subcommittee, to conduct the evidentiary hearing and to make a licensing recommendation to the Committee. The Committee shall also schedule such dates for the conduct of the evidentiary hearings as it sees fit. To the extent possible these hearings should be held in as expedient a fashion as is practicable. Whenever possible the hearing should be conducted on a single date.”

2. Subparagraph a. of Paragraph 2. entitled “Conduct of Hearings” of Subdivision (b) entitled “Procedure on Hearing” of Subsection (1) of Section 38.10 entitled “Revocation, Suspension or Nonrenewal of License” of the Madison General Ordinances is amended to read as follows:

“a. The Alcohol License Review Committee chairperson, or in the Chairperson’s absence, the most senior non-alder member of the committee, shall conduct the hearing, administer oaths to all witnesses and may issue subpoenas. So far as practicable, the rules of evidence provided in Wis. Stat. § 227.45, shall be followed. The complainant shall have the burden of proving the charges by a preponderance of the evidence.”