

CITY OF MADISON
OFFICE OF THE CITY ATTORNEY
Room 401, CCB
266-4511

Date: June 20, 2005

MEMORANDUM

TO: Mayor David Cieslewicz
Common Council Members

FROM: Michael P. May, City Attorney

RE: **Council Procedure on DCR Votes**

Because there have been a number of questions on procedure for voting on the Department of Civil Rights (DCR) proposal, I was asked to prepare a brief Memorandum on the parliamentary situation regarding approval, disapproval or amendment of the DCR proposal.

The Council conditionally approved the creation of the Department of Civil Rights in last year's budget. That conditional approval was subject to a later vote of the Council, following the report of the Ad Hoc Committee on the Department of Civil Rights, which vote is scheduled for Tuesday, June 21, 2005.

The report of the Ad Hoc Committee essentially followed the conditional approval of the Council, recommending the creation of the Department of Civil Rights with separate EOC and Affirmative Action sections within the department. Although the report did not get into specific organizational recommendations, it also recommended most of the additional services included in the original budget approval.

1. Acceptance or Approval of DCR Report.

As I understand it, the main motion to be made during the meeting on Tuesday night will be either to accept or approve the DCR Report. Since the Report contains some recommendations beyond the bare budget terms, the better motion would be to "approve" the Report. Acceptance or approval of the DCR Report, without any changes, would amount to reaffirmation of the Council's original vote to approve the Department of Civil Rights. It would authorize the Mayor and City departments to proceed to hire a single manager for the Department of Civil Rights and would authorize the other changes that were included in the budget. Those other changes would take place, as the Ad Hoc Committee report put it, "through normal City processes . . ." (Ad Hoc DCR Committee Report at Page 5).

2. Amendment of the Report or the Motion.

Once the main motion to approve the Report is on the floor, proposals to amend or modify that main motion would be in order. This is the same as is done on any other report of officers or committees that come before the Council.

It should be noted, however, that any modification that falls outside of the general organizational structure previously approved by the Council and endorsed by the Ad Hoc Committee, or that falls outside of the "proposed budget parameters" approved by the Council last year, would require a 15 vote majority. Thus, for example, a proposal to relocate EOC and AAD without creating a Department of Civil Rights, or to add funding for additional services without achieving the administrative savings conditionally approved by the Council in last year's budget, would both be 15 vote items.

3. Proposed Motion

To keep things clear, I suggest that the Council President make the following motion on Agenda Item 73, which then would be subject to debate and amendment:

"I move approval of the Report of the Ad Hoc DCR Committee. By this motion, it is intended: (1) that the Council's conditional approval of the creation of the Department of Civil Rights, as proposed in the 2005 Budget, with the administrative savings obtained through locating Affirmative Action and Equal Opportunities within that single department, be finally approved; (2) that the other recommendations in the Report of the Ad Hoc DCR Committee be adopted as City policy; and (3) that implementation of these changes be accomplished through normal City processes."

Michael P. May
City Attorney

cc: Tammy Peters
Lisa Veldran

MPM:skm