

# AGENDA #15

ID # 16305

May, Michael

**From:** May, Michael  
**Sent:** Tuesday, October 20, 2009 4:16 PM  
**To:** ALL ALDERS  
**Cc:** Cieslewicz, Dave; Mendoza, Mario  
**Subject:** Sheridan Glen Appointment; Agenda Item #15

Mayor Dave and Alders:

I was surprised to see this item back on tonight's agenda.

Sec. 3.30(2), MGO, generally requires that a person reside in the City to be appointed to a City board, commission or committee, except non-residents may be appointed with a 2/3 vote. It also says that if such a person ceases to reside in Madison, "his or her position shall be deemed vacated. Such vacancy shall be filled in the manner prescribed by law or ordinance for the original appointment of that position."

That is the general rule. However, the ordinances have a very specific exception for members of the Monona Terrace Board. Sec. 33.21(3), MGO, on members of the MT Board states:

"(3) Terms Continued. Once appointed, **regardless of other limitations on continuing to serve**, a member shall serve until her or his successor is appointed and is confirmed."

The legal rule is that a more specific law (the one for Monona Terrace only) governs over a more general law (one for all city appointees). I read the ordinance on Monona Terrace as trumping the vacancy by residency since "other limitations on continuing to serve" do not apply to MT Board members.

I had flagged this for the Mayor's office, but somehow it slipped through. I am not quite sure of the legal effect of offering a person for appointment when their term is not up, and am particularly unsure of what a vote by the Council not to re-appoint such a person would mean – if anything. It would be even more complicated if some number between 11 and 15 alders voted for the re-appointment.

It is my belief that Mr. Glen's term continues despite the fact that he has moved out of the City.

Perhaps it might be best to refer this back to the Mayor's office or to my office to sort this out

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