

AGENDA # _____

CITY OF MADISON, WISCONSIN

REPORT OF: **CITY ATTORNEY**

TITLE: Reorganization of Department of Revenue

AUTHOR: Michael P. May, City Attorney

DATED: January 30, 2006

PRESENTED _____

REFERRED _____

REREFERRED _____

REPORTED BACK _____

ADOPTED _____ POF _____

RULES SUSPENDED _____

ID NUMBER _____

TO THE MAYOR AND COMMON COUNCIL:

RE: Ordinance to reorganize existing Department of Revenue
I.D. Nos. 02702, 02703, 02704, 02705

This packet of five ordinances reflects changes to various provisions of the Madison General Ordinances required to accomplish the reorganization of the Department of Revenue as proposed in the Mayor's budget. Through that proposal, the Department of Revenue is dissolved and replaced by the creation of the positions of City Clerk/Treasurer, and City Assessor.

Ordinance ID No. 02702 repeals Sec. 3.13 of the ordinances, entitled "City Clerk"; and Sec. 3.77 of the ordinances entitled "Department of Revenue", as those provisions will no longer be required under the proposed reorganization.

Ordinance ID No. 02703 repeals Sec. 3.12 entitled "City Treasurer" as that provision is also unnecessary under the proposal. The ordinance also recreates Sec. 3.12 as City Clerk / Treasurer, as part of this proposal. As stated in the ordinance, state law permits combining these offices. To do so requires a "Charter Ordinance" which allows the City to change the way the state initially constructed these positions. Charter ordinances require adoption by two-thirds of all the members of the Common Council, and are subject to referenda provisions.

Ordinance ID No. 02704 amends Sec. 3.14 entitled "City Assessor" to take that position out of supervision of the now repealed Director of Department of Revenue. The Assessor's duties under the state statutes remain unchanged. Because the position was placed into the Department of Revenue by charter ordinance, this amendment is also a charter ordinance. A charter ordinance may be amended (or repealed) only by an enactment of equal status, here, a charter ordinance.

Ordinance ID Nos. 02705 and 02636 are essentially housekeeping provisions. No. 02705 removes the City Clerk / Treasurer from the civil service system to provide for the filling of the position by Employment Agreement, as are other positions in Compensation Group 21; this is also a charter ordinance. Ordinance ID No. 02636 amends the salary schedule to provide the salary classification of the City Clerk / Treasurer in Compensation Group 21, Range 16. A charter ordinance is not required in this instance.

Ord. ID # 02636 relating to the salary classification of the City Clerk/Treasurer has already been adopted. The other four ordinances collectively are designed to accomplish the balance of the reorganization and are therefore not susceptible to separation. If the Common Counsel determines that one or more of the four are not in the best interest of the City, the four should be referred for further consideration.

Michael P. May
City Attorney