

From: Paul Soglin
Sent: Thursday, September 23, 2010 8:33 AM
To: Cooley, Timothy
Subject: Landmarks ordinance

Tim:

In response to inquiries about the landmarks Ordinance, allow me to provide this background with the assistance I received from others who helped me recall the circumstances.

Prior to amendments to the ordinance which took place during the mid 1970's the Landmarks Commission authority was limited to designating properties and mounting plaques.

When we amended the ordinance in the 1970's we replicated the work of New York City,. It was not uncommon then as it is now, to take the best works of other communities and adopt them locally. Then, as now, more thought needs to go into simply replicating laws from other jurisdictions.

If I were to do it over, I would first think about the issues of requiring more than a simple majority, a practice I find undemocratic, to overturn the decision making of a non elected body.

I know there are Wisconsin statutes and local ordinances that require super-majorities in other instances. Let me point out that these are requirements usually imposed in an effort to limit the extension of authority by elected officials. For example super-majorities are required to raise taxes, and extend the powers of government over private lands.

The existing ordinance is novel in that the power of government over persons, places, or things is extended unless an extraordinary majority stops it.

Regardless of one's view of other requirements for super – majorities, given the ordinary work of the Common Council, I see no logical reason why that body should be required to muster more than the simple majority required for the vast body of legislation it considers.

Paul Soglin