

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

DATE: January 31, 2006

MEMORANDUM

TO: **Common Council Organizational Committee**

FROM: Michael P. May, City Attorney

SUBJECT: **Proposed Revisions to Chapter 3 - MGO**

One of the obligations imposed on the Office of the City Attorney is to make recommendations regarding revisions to the Madison General Ordinances, including removal of obsolete or outdated ordinances. Our office does this in two ways. First, we annually propose an attorney's reviser's ordinance that removes outdated provisions. Second, from time to time, we review certain provisions and initiate changes.

When we discussed this with the CCOC last year, I mentioned that we intended to take a look at Chapter 3 of the ordinances. From the view of a relative newcomer looking at this chapter, I found it very difficult to follow. In some ways, it appeared to be a place of last resort where ordinances which did not have another home were placed.

Attached to this memorandum are two documents. The first is an outline I have prepared of a proposed revision to Chapter 3. This revision would replace the current Chapter 3 with five separate chapters, numbered as follows:

- Chapter 3A Organization, Offices and Departments
- Chapter 3B Qualifications of Officials and Employees
- Chapter 3C Compensation and Civil Service
- Chapter 3D Elections
- Chapter 3E Open Meetings and Public Records

The existing ordinances that would fall within each of those five chapters is set forth. A number of the provisions in Chapter 3 would be moved elsewhere.

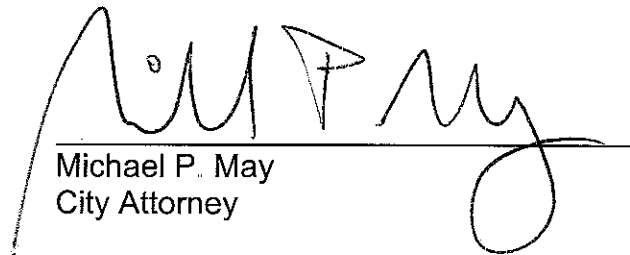
The second item attached to the memo is a list of the current provisions in Chapter 3, with my handwritten notes as to which portion of the revised Chapter 3 those provisions would be moved. Also note that in that list there are several sections of the ordinances which appear appropriate subjects of repeal. In addition, note that a number of the ordinances would be moved, in this revision, to a revised and expanded Chapter 33

which would be entitled "Boards and Commissions." Several provisions have already been suggested to be moved into a new Chapter 39 on Civil Rights.

This is my initial attempt at reorganizing the provisions in an unwieldy chapter. This proposal has not been reviewed by any other of City staff, such as the Mayor's Office, Human Resources, or the Comptroller's Office. I believe it would be very important to move slowly and carefully in any reorganization of Chapter 3.

Another important, and likely time-consuming, task will be to be certain that all cross-references in other provisions in the ordinances are changed when this reorganization is eventually adopted.

I have prepared this primarily for initial discussion purposes at the CCOC. I suspect our initial task will be to determine what process should be followed as we go forward with this.



Michael P. May
City Attorney

MPM:pah
Enclosures

cc: (w/ Enclosures)
Mayor Cieslewicz
Janet Piraino
Dean Brasser
Roger Goodwin
Lisa Veldran

MPM DRAFT 1/30/06—OUTLINE OF REVISED CHAPTER 3— Government Organization, Officials and Employees (To be renumbered).

Chapter 3A: Organization, Offices and Departments

- 3 01 Organization Under Mayor Plan
- 3.02 Continuity of Government
- 3.025 Emergency Proclamation
- 3.03 Mayor.
- 3.04 Mayor's Staff.
- (Missing)
- 3 11 Department of Public Works (still exist?)
- 3.12 City Treasurer. (Cr. by Ord. 9146, 3-30-87)
- 3.13 City Clerk (Soon to be Clerk/Treasurer)
- 3.14 City Assessor.
- 3.15 City Attorney.
- 3 16 City Engineer
- 3 17 Purchasing Division (or move to chapter 4, Finance)
- 3.18 Office of Community Services
- NEW City Comptroller (reference chapter 4).
- (Missing)
- 3.21 Emergency Management
- 3 22 Overture Center Director.
- (Missing)
- 3 48 Human Resources Department
- (Missing)
- 3.51 Department of Transportation
- (Missing)
- 3 59 Establishment of a Municipal Court for the City of Madison (Amend this).
- (Missing)
- 3 77 Department of Revenue (soon to be repealed)
- 3.78 Department of Data Processing.
- NEW Department of Civil Rights (reference new chapter 39)
- NEW Other Departments, Boards and Commissions (Reference expanded chapter 33, Boards and Commissions)

Chapter 3B: Qualifications of Officials and Employees

- 3 27 Qualifications--City Officers, Members of Commissions, and Employees.
- 3 28 Bonds to be Filed by City Officers.
- (Missing)
- 3 36 Absence of Employees From Duty.
- 3.37 Trainee Program
- (Missing)
- 3 41 Judgments Against Employees.
- (Missing)
- 3.47 Code of Ethics.

(Missing)

3.49 Bargaining Agreements.

3.50 Post Entry Training Program.

(Missing)

3.52 Nonrepresented Transit Division Employees. (Am. by Ord 9917, 12-29-89)

3.53 Overtime Control.

(Missing)

3.63 Use of Polygraph Tests Prohibited. (Cr. by Ord. 4694, 8-30-74)

3.64 Privilege. (Cr. by Ord 6772, 10-5-79)

Chapter 3C: Compensation and Civil Service

3.29 Salaries of Mayor and Officials.

(Missing)

3.33 Pension System.

3.34 Travel Expense Accounts

3.35 Civil Service System.

(Missing)

3.38 Compensation Plan.

Chapter 3D: Elections

3.30 Primary for City Elections.

3.31 Appointment of Election Officials and Their Compensation.

3.32 Opening and Closing of Polls.

Chapter 3E: Open Meetings and Public Records

3.42 Open Meetings

(Missing)

3.44 Public Records

1/30/06

CHAPTER 3

OFFICIALS, BOARDS, EMPLOYEES AND PUBLIC RECORDS

Section

	3.01	Organization Under Mayor Plan.
	3.02	Continuity of Government
3A ←	3.025	Emergency Proclamation. (Cr. by ORD-05-00202, 1-3-06)
	3.03	Mayor
	3.04	Mayor's Staff.
	3.045	Chairperson Restriction.
REV. CH. 33	3.05	Board of Police and Fire Commissioners.
BOARDS & COMMISSIONS ←	3.06	Board of Education → Repeal?
	3.07	Board of Park Commissioners.
	3.08	Board of Review.
	3.09	Commission on The Environment. (Cr. by Ord. 4801, 12-6-74)
	3.10	Board of Public Works.
	3.11	Department of Public Works.
	3.12	City Treasurer. (Cr. by Ord. 9146, 3-30-87)
	3.13	City Clerk
3A ←	3.14	City Assessor.
	3.15	City Attorney
	3.16	City Engineer.
	3.17	Purchasing Division.
	3.18	Office of Community Services. (Am. by Ord. 7896, 12-29-82, 12-31-82, 1-2-83)
	3.185	Community Services Commission (Cr. by Ord. 7982, 3-25-83)
REV. CH. 33 ←	3.19	Monona Terrace Convention and Community Center Board. (Cr. by Ord. 10,642, 4-30-93)
	3.20	Board of Assessors. (Cr. by Ord. 5974, 9-30-77)
	3.21	Emergency Management
3A ←	3.22	Overture Center Director. (Cr. by Ord. 13,379, 8-2-03)
CH. 39 ←	3.23	Equal Opportunities Ordinance.
	3.24	Madison Commission for Youth.
REV. CH. 33 ←	3.25	Alcoholism Information and Referral Center → Repeal?
	3.26	City-County Commissions. (Am. by Ord. 8055, 6-17-83)
3B ←	3.27	Qualifications--City Officers, Members of Commissions, and Employees.
	3.28	Bonds to be Filed by City Officers
3C ←	3.29	Salaries of Mayor and Officials.
	3.30	Primary for City Elections
3D ←	3.31	Appointment of Election Officials and Their Compensation.
	3.32	Opening and Closing of Polls
	3.33	Pension System
3C ←	3.34	Travel Expense Accounts.
	3.35	Civil Service System.
	3.36	Absence of Employees From Duty
3B ←	3.37	Trainee Program
3C ←	3.38	Compensation Plan.
REV. CH. 33 ←	3.39	Board of Canvassers. (Cr. by Ord. 6504, 2-8-79)
	3.40	City Employees Merit Award Commission.
3B ←	3.41	Judgments Against Employees
3E ←	3.42	Public Records.
	3.43	Prohibition Against Professional Strikebreakers.
3E ←	3.44	Open Meetings of Municipal Bodies.

To Ch. 23
Offenses ag. Public
Policy

Section

- 3 45 (Cr. by Ord. 13,556, 4-21-04; R. by ORD-05-00167, 11-8-05)
- 3.46 (R. by Ord 9865, 10-13-89)
- 3 B ← 3.47 Code of Ethics.
- 3 A ← 3.48 Human Resources Department. (Cr. by Ord 9865, 10-13-89)
- 3 B ← 3.49 Bargaining Agreements
- 3.50 Post Entry Training Program.
- 3 A ← 3.51 Department of Transportation
- 3 B ← 3.52 Nonrepresented Transit Division Employees (Am. by Ord. 9917, 12-29-89)
- 3.53 Overtime Control.
- REV. ← 3.54 Economic Development Commission
- CH. ← 3.55 Common Council Organizational Committee. (R. & Recr. by Ord. 4974, 5-28-75)
- 33 ← 3.56 Alcohol License Review Committee.
- 3.57 (R. by Ord. 9865, 10-13-89)
- Ch. 39 ← 3.58 Affirmative Action Ordinance. (Cr. by Ord 4246, 6-22-73)
- 3 A ← 3.59 Establishment of a Municipal Court for the City of Madison (Cr. by Ord. 10,463, 6-26-92)
- Ch. 39 ← 3.60 Reverend Doctor Martin Luther King, Jr. Humanitarian Award. (Cr. by Ord. 4408, 12-19-73)
- 3.61 Consultant Services (Cr. by Ord. 4443, 1-7-74) ~~→ To Ch. 9, Finances.~~
- Ch. 39 ← 3.62 Commission on People with Disabilities. (Cr. by Ord 4511, 3-27-74)
- 3 B ← 3.63 Use of Polygraph Tests Prohibited. (Cr. by Ord. 4694, 8-30-74)
- 3.64 Privilege. (Cr. by Ord. 6772, 10-5-79)
- Ch. 33 ← 3.65 Public Safety Review Board (Cr. by Ord. 8584, 5-15-85) ??
- 3.66 Wayne Morse Memorial Forum. (Cr. by Ord. 4692, 8-30-74)
- REV. ← 3.67 Committee on Community Gardens
- CH. ← 3.68 Joint City-County Section 8 Rental Housing Provider Advisory Commission. (Cr. by Ord 12,745, 12-29-00)
- 33 ← 3.69 Community Development Authority of City of Madison. (Cr. by Ord. 6619, 5-9-79)
- 3.70 Community Development Block Grant (CDBG) Commission. (Cr. by Ord. 8155, 11-14-83)
- 3.71 Madison Cultural Arts District Board (Cr. by Ord. 12,690, 10-17-00)
- Ch. 39 ← 3.72 Nondiscrimination Based on Disability in City Facilities and City-Assisted Programs and Activities (Cr. by Ord. 10,160, 12-28-90)
- Ch. 33 ← 3.73 Solid Waste Advisory Committee. (Cr. by Ord. 10115, 9-27-90)
- 3.74 Reserved For Future Use.
- 3.75 Reserved For Future Use. (R. by Ord. 11,430, 12-4-95)
- 3.76 Reserved for Future Use (R. by Ord. 11,571, 5-1-96)
- 3 A ← 3.77 Department of Revenue. (Cr. by Ord. 9146, 3-30-87)
- 3.78 Department of Data Processing. (Cr. by Ord. 8762, 12-31-85)
- Ch. 33 ← 3.79 Report of Vacancies (Sec. 3 12 R. & Re-Cr. as 3.79 by Ord 9146, 3-30-87)