

CITY OF MADISON, WISCONSIN

REPORT OF: OFFICE OF CITY ATTORNEY	PRESENTED	<u>December 13, 2005</u>
	REFERRED	_____
TITLE: PETITION FOR DIRECT LEGISLATION: RESOLUTION ON IRAQ WAR	REREFERRED	_____

AUTHOR: Michael P. May City Attorney	REPORTED BACK	_____

DATED: December 1, 2005	ADOPTED _____	POF _____
	RULES SUSPENDED _____	_____
	ID NUMBER _____	_____

TO THE MAYOR AND COMMON COUNCIL:

RE: File ID #02521

Before you is a petition for direct legislation pursuant to Sec. 9.20, Wis. Stats. The petition has been certified by the City Clerk. Our office advised the City Clerk with respect to certain legal issues on the petition prior to the Clerk's certification.

The relevant statute is Sec. 9.20(4). This provision reads in its entirety as follows:

(4) The common council or village board shall, without alteration, either pass the ordinance or resolution within 30 days following the date of the clerk's final certificate, or submit it to the electors at the next spring or general election, if the election is more than 6 weeks after the date of the council's or board's action on the petition or the expiration of the 30-day period, whichever first occurs. If there are 6 weeks or less before the election, the ordinance or resolution shall be voted on at the next election thereafter. The council or board by a three-fourths vote of the members-elect may order a special election for the purpose of voting on the ordinance or resolution at any time prior to the next election, but not more than one special election for direct legislation may be ordered in any 6-month period.

Pursuant to the statute, the Council on December 13, 2005, is either to adopt the resolution as presented, or schedule the resolution for presentation as a referendum in the April 2006 election. Unless the Council were to schedule another meeting within the 30-day time limit set forth in sec. 9.20(4), Stats., and pass the resolution at that time, any action other than passage (referral, place on file, etc.) will result in a referendum.

The resolution, if adopted by the Common Council, is very brief and simply provides as follows:

RESOLVED: The United States should bring all military personnel home from Iraq now.

If the Council adopts this resolution tonight, it will stand as a resolution of the Common Council and no further action will be necessary, nor will any referendum be held. The resolution is not subject to Mayoral veto, sec. 9.20(8), Stats.

If the Council fails to enact the resolution tonight, either by defeating the resolution or referring it, then the resolution will go to a referendum of the voters at the Spring General Election. The Council has the option, by three-fourths vote, of ordering a special election for the referendum.

The referendum question would likely be posed in the following language:

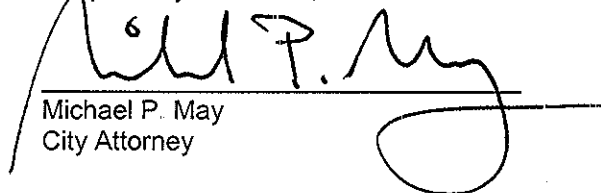
Shall the City of Madison adopt the following resolution:

RESOLVED, the United States should bring all military personnel home from Iraq now.

Yes

No

Respectfully submitted,



Michael P. May
City Attorney

MPM::pah