

Sec. 2.05, MGO, as it existed in October, 1984.

STANDING RULES FOR THE GOVERN-  
MENT OF THE COMMON COUNCIL

- (11) Routine business separated out by motion for purposes of debate and referred to the end of the agenda.  
No business shall be taken up out of said order, except by either unanimous consent and without debate or by a two-thirds (2/3) vote under suspension of the rules.  
(Am. by Ord. 8156, 11-14-83)

2.05 INTRODUCTION OF BUSINESS.

- (1) All ordinances, resolutions, memorials or other communications shall be in writing with a brief statement of their contents endorsed thereon, together with the name of the member presenting the same, and shall be delivered to the Clerk. Any business to be referred may be introduced by title. The committee to which any matter shall be referred shall report thereon in writing within a period of 45 days unless by favorable motion a different time is set by the body. (Am. by Ord. 8156, 11-14-83).
- (2) Before an ordinance or resolution is introduced a copy of the ordinance or resolution shall be filed in the office of the City Clerk before 4:00 p.m. on the Monday preceding the week of the scheduled meeting of the Council at which the ordinance or resolution is to be introduced; but if the intention of the sponsor or sponsors of the ordinance or resolution or title of same is that it be introduced only for referral, then it may be filed before 4:00 p.m. on the Thursday preceding the meeting at which it is to be introduced. Upon request, the City Clerk shall prepare copies of the ordinance or resolution and furnish such copies to each alderman. (Am. by Ord. 8156, 11-14-83)
- (3) Unless otherwise provided in these ordinances, no ordinance or resolution, having once been defeated, may again be introduced in the same or in substantially similar form, until the expiration of thirty (30) days from the date when such ordinance or resolution was defeated.

2.06 QUESTIONS OF ORDER. The presiding officer shall decide all questions of order, subject to an appeal to the Council.

2.07 PRESIDING OFFICER TO PRESERVE ORDER. It shall be the duty of the presiding officer to preserve decorum; and if any member transgress the rules of the Council, the presiding officer shall, on his or her own or at any member's request, call such offending member to order. The Council, if appealed to, shall decide the matter. The Chief of Police or his or her designee shall serve as sergeant-at-arms and assist the presiding officer in preserving order. (Am. by Ord. 8156, 11-14-83).

Ordinance # 8488 Creating Sec. 2.05(4),  
Adopted 1984.

377 *File in 10/27/84* ✓

City of Madison, Wisconsin

Copy Mailed  
to Aldermen \_\_\_\_\_

**A SUBSTITUTE ORDINANCE**  
creating Section 2.05(4) of the Madison  
General Ordinances to provide that  
ordinances and resolutions presented to the  
Common Council must be sponsored by  
member(s) of the Council or the Mayor or  
both.

Presented September 18, 1984  
Referred CC mtg 10/2/84

Rereferred CCOC

Reported Back 12/04/84

Adopted 12-4-84 POF  
Rules Susp. \_\_\_\_\_ Tabled \_\_\_\_\_  
Public Hrg. \_\_\_\_\_

Mayor Approved \_\_\_\_\_ Date 12-11-84  
*J. Susser*

Published 12-21-84  
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SUBSTITUTE ORDINANCE NO. 8488

FILE NO. 5165-84

Drafted by: Henry A. Gempeler  
City Attorney

Date: November 27, 1984

Fiscal Note: No expenditure necessary

SPONSOR(S): Common Council (Request of  
CCOC)

The Common Council of the City of Madison do ordain as follows:

Subsection (4) of Section 2.05 entitled "Introduction of Business"  
of the Madison General Ordinances is created to read as follows:

"(4) Unless otherwise provided in these ordinances, no ordinance or  
resolution shall be introduced unless it is sponsored by a member of  
the Common Council or the Mayor or both. Use of a Common Council  
member's name as sponsor must be with his or her knowledge and  
consent. This provision shall apply not only to ordinances and  
resolutions, but also to all substitutes and amendments thereto.

The provisions of this ordinance shall not apply to the  
following:

1. Recommendations of the City Attorney relating to accounts and  
claims.
2. Recommendations and advice of the City Attorney relating to  
litigation in which the City is or is going to become involved.
3. Changes to ordinances and resolutions which may be mandated by  
state or federal law.
4. Recommendations of the Personnel Board relating to the  
reclassification of positions.
5. Changes to ordinances and resolutions which may be required by  
the adoption of the annual City Budget.
6. Petitions for direct legislation pursuant to the provisions of  
Section 9.20 Wis. Stats.
7. Ordinances and resolutions necessary to implement Public Works  
projects previously approved in the annual City Budget.
8. Ordinances and resolutions requested by a citizen as may  
otherwise be allowed in these ordinances.
9. Changes to ordinances and resolutions which are intended to  
correct errors, omissions or inconsistencies therein."

*Corrected ad.  
in rev.  
Per H.A.G.  
1-17-85*

Sec. 2.05 as it existed in February, 1985.

Sec. 2.04(4)

STANDING RULES FOR THE GOVERNMENT OF THE COMMON COUNCIL

- (4) Routine business requiring minimum deliberation (unless any such routine business item is separated out, in which case it shall be placed at the end of the agenda).
- (5) Business presented by the Mayor.
- (6) Public hearings to be considered as special orders at 8:00 p.m. (Am. by Ord. 8443, 10-12-84)
- (7) Informational hearings to be considered as special orders immediately following public hearings.
- (8) Reports of departments and divisions, committees, boards and commissions.
- (9) Ordinances and resolutions previously introduced.
- (10) Miscellaneous.
- (11) Routine business separated out by motion for purposes of debate and referred to the end of the agenda.

No business shall be taken up out of said order, except by either unanimous consent and without debate or by a two-thirds (2/3) vote under suspension of the rules.

(Am. by Ord. 8156, 11-14-83)

2.05 INTRODUCTION OF BUSINESS.

- (1) All ordinances, resolutions, memorials or other communications shall be in writing with a brief statement of their contents endorsed thereon, together with the name of the member presenting the same, and shall be delivered to the Clerk. Any business to be referred may be introduced by title. The committee to which any matter shall be referred shall report thereon in writing within a period of 45 days unless by favorable motion a different time is set by the body. (Am. by Ord. 8156, 11-14-83).
- (2) Before an ordinance or resolution is introduced a copy of the ordinance or resolution shall be filed in the office of the City Clerk before 4:00 p.m. on the Monday preceding the week of the scheduled meeting of the Council at which the ordinance or resolution is to be introduced; but if the intention of the sponsor or sponsors of the ordinance or resolution or title of same is that it be introduced only for referral, then it may be filed before 4:00 p.m. on the Thursday preceding the meeting at which it is to be introduced. Upon request, the City Clerk shall prepare copies of the ordinance or resolution and furnish such copies to each alderman. (Am. by Ord. 8156, 11-14-83)
- (3) Unless otherwise provided in these ordinances, no ordinance or resolution, having once been defeated, may again be introduced in the same or in substantially similar form, until the expiration of thirty (30) days from the date when such ordinance or resolution was defeated.

**STANDING RULES FOR THE GOVERN-  
MENT OF THE COMMON COUNCIL**

Sec. 2.05(4)

- (4) Unless otherwise provided in these ordinances, no ordinance or resolution shall be introduced unless it is sponsored by a member of the Common Council or the Mayor or both. Use of a Common Council member's name as sponsor must be with his or her knowledge and consent. This provision shall apply not only to ordinances and resolutions, but also to all substitutes and amendments thereto.

The provisions of this ordinance shall not apply to the following:

1. Recommendations of the City Attorney relating to accounts and claims.
2. Recommendations and advice of the City Attorney relating to litigation in which the City is or is going to become involved.
3. Changes to ordinances and resolutions which may be mandated by state or federal law.
4. Recommendations of the Personnel Board relating to the classification of positions.
5. Changes to ordinances and resolutions which may be required by the adoption of the annual City Budget.
6. Petitions for direct legislation pursuant to the provisions of Section 9.20 Wis. Stats.
7. Ordinances and resolutions necessary to implement Public Works projects previously approved in the annual City Budget.
8. Ordinances and resolutions requested by a citizen as may otherwise be allowed in these ordinances.
9. Changes to ordinances and resolutions which are intended to correct errors, omissions or inconsistencies therein.

(Cr. by Ord. 8488, 12-21-84)

**2.06 QUESTIONS OF ORDER.** The presiding officer shall decide all questions of order, subject to an appeal to the Council.

**2.07 PRESIDING OFFICER TO PRESERVE ORDER.** It shall be the duty of the presiding officer to preserve decorum; and if any member transgress the rules of the Council, the presiding officer shall, on her or his own or at any member's request, call such offending member to order. The Council, if appealed to, shall decide the matter. The Chief of Police or her or his designee shall serve as sergeant-at-arms and assist the presiding officer in preserving order. (Am. by Ord. 8156, 11-14-83).

**2.08 MOTIONS.**

- (1) When a motion is made and seconded, it shall be deemed to be in possession of the Council, and shall be stated by the presiding officer, or being in writing, shall be delivered to the Clerk. (Am. by Ord. 8156, 11-14-83)
- (2) After a motion is stated by the presiding officer, or read by the Clerk, it shall not be withdrawn, except by the consent of the Council.

Ordinance #11,768 Renumbering Sec. 2.05(3) and (4)  
to (4) and (5), Adopted 1997.



Agenda Item No. 5  
Copy Mailed to Alderpersons \_\_\_\_\_

City of Madison, Wisconsin

AN ORDINANCE \_\_\_\_\_  
creating new Section 2.05(3) and renumbering current  
Subsections (3) and (4) to Subsection (4) and (5) of  
Section 2.05 of the Madison General Ordinances to  
provide that mayoral appointments be introduced at  
the Council meeting prior to the meeting they are  
voted on.

Presented November 12, 1996  
Referred CCOC, Mayor  
Rereferred \_\_\_\_\_

Reported Back DEC 17 1996 Vetoed 12-23  
Veto overridden 1-7-97 cc  
Adopted \_\_\_\_\_ POF \_\_\_\_\_  
Rules Susp. \_\_\_\_\_ Tabled \_\_\_\_\_  
Public Hrg. \_\_\_\_\_

Drafted by: Eunice Gibson  
City Attorney  
Date: November 8, 1996  
Fiscal Note: No fiscal impact.

Mayor Signed [Signature]  
Published 1-21-97

APPROVAL OF FISCAL NOTE BY THE  
COMPTROLLER'S OFFICE IS NEEDED

Approved by: [Signature]  
Comptroller's Office

SPONSOR(S): Ald. Borchardt, Bruer, Reif,  
Selling, Kiesow, Smith, Bigelow

ORDINANCE NO. 11,768  
ID NO. 20459

The Common Council of the City of Madison do ordain as follows:

- ✓ 1. New Subsection (3) of Section 2.05 entitled "Introduction of Business" of the Madison General Ordinances is hereby created to read as follows:  
 "(3) Appointments by the Mayor shall be submitted to the Common Council and referred to the next regular Council meeting for action."
- ✓ 2. Current Subsections (3) and (4) of Section 2.05 entitled "Introduction of Business" of the Madison General Ordinances are hereby renumbered to Subsections (4) and (5) of said Section 2.05.

F:\user\user\mord\draft\11240 appointment  
96ECW#

APPROVED AS TO FORM:  
Eunice Gibson  
Eunice Gibson, City Attorney

Sec. 2.05(5) as it existed in March, 1998.

- (4) Unless otherwise provided in these ordinances, no ordinance or resolution, having once been defeated, rejected or placed on file, may again be introduced in the same or in substantially similar form, until the expiration of thirty (30) days from the date when such ordinance or resolution was defeated, rejected or placed on file, except for matters placed on file without prejudice. (Am. by Ord. 12,050, 3-13-98)
- (5) Unless otherwise provided in these ordinances, no ordinance or resolution shall be introduced unless it is sponsored by a member of the Common Council or the Mayor or both. Use of a Common Council member's name as sponsor must be with his or her knowledge and consent. This provision shall apply not only to ordinances and resolutions, but also to all substitutes and amendments thereto.
  - The provisions of this ordinance shall not apply to the following:
    1. Recommendations of the City Attorney relating to accounts and claims.
    2. Recommendations and advice of the City Attorney relating to litigation in which the City is or is going to become involved.
    3. Changes to ordinances and resolutions which may be mandated by state or federal law.
    4. Recommendations of the Personnel Board relating to the classification of positions.
    5. Changes to ordinances and resolutions which may be required by the adoption of the annual City Budget.
    6. Petitions for direct legislation pursuant to the provisions of Section 9.20 Wis. Stats.
    7. Ordinances and resolutions necessary to implement Public Works projects previously approved in the annual City Budget.
    8. Ordinances and resolutions requested by a citizen as may otherwise be allowed in these ordinances.
    9. Changes to ordinances and resolutions which are intended to correct errors, omissions or inconsistencies therein.

(Renumbered by Ord. 11,768, 1-21-97)

**2.06 QUESTIONS OF ORDER.** The presiding officer shall decide all questions of order, subject to an appeal to the Council.

**2.07 PRESIDING OFFICER TO PRESERVE ORDER.** It shall be the duty of the presiding officer to preserve decorum; and if any member transgress the rules of the Council, the presiding officer shall, on her or his own or at any member's request, call such offending member to order. The Council, if appealed to, shall decide the matter. The Chief of Police or her or his designee shall serve as sergeant-at-arms and assist the presiding officer in preserving order. (Am. by Ord. 8156, 11-14-83).

**2.08 MOTIONS.**

- (1) When a motion is made and seconded, it shall be deemed to be in possession of the Council, and shall be stated by the presiding officer, or being in writing, shall be delivered to the Clerk. (Am. by Ord. 8156, 11-14-83)
- (2) After a motion is stated by the presiding officer, or read by the Clerk, it shall not be withdrawn, except by the consent of the Council.

Ordinance #13,129 Renumbering  
Sec. 2.05(3) through (5) to (4) through (6),  
Adopted 2002.

CITY OF MADISON, WISCONSIN

AN AMENDED SUBSTITUTE ORDINANCE \_\_\_\_\_

repealing Subsections (7) and (8) and amending Subsection (9) of Section 2.01, amending Sections 2.025, 2.04, 2.05, 2.07, 2.29, 2.34(2), 2.35, 3.27(3) and creating Sections 2.36 and 3.27(4)(f) of the Madison General Ordinances to modify certain rules of procedure for Common Council meetings.

PRESENTED June 18, 2002  
REFERRED CCOC  
REREFERRED \_\_\_\_\_

REPORTED BACK 8/6/02

ADOPTED  POF \_\_\_\_\_  
RULES SUSP. \_\_\_\_\_ TABLED \_\_\_\_\_  
PUBLIC HEARING \_\_\_\_\_

Drafted by: Larry W. O'Brien  
Interim City Attorney

Date: August 13, 2002

Fiscal Note: No appropriation required.

SPONSORS: Aids. MacCubbin, Sloan, Konkel,  
Verveer, Borchardt, Van Rooy

MAYOR SIGNED **AUG 13 2002**  
PUBLISHED

**AUG 28 2002**

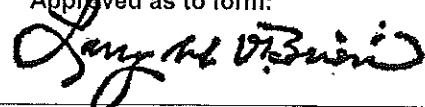
APPROVAL OF FISCAL NOTE IS NEEDED  
BY THE COMPTROLLER'S OFFICE  
Approved By \_\_\_\_\_  
Comptroller's Office

AMENDED SUBST. ORD. NUMBER 13129  
ID NUMBER 31957

ANALYSIS: This proposal carries out the recommendations of the CCOC Subcommittee on Public Input and Access, which require changes to Council rules. The following are the most significant changes:

1. It would repeal Council rules calling for a recess at 10:30 p.m.
2. It would move the language requiring the adoption of a consent calendar from Section 2.01(8) to Section 2.04(3).
3. It would add language to specify that when the Council is automatically adjourned, all unfinished business shall automatically be referred to the next regular meeting of the Common Council.
4. It would change the time of public hearings from 7:00 p.m. to 6:45 p.m.
5. It would permit items for referral to be introduced from the Council floor.
6. It would exclude a number of identified resolutions of the Board of Public Works from the requirement of Sec. 2.01(1) that all resolutions be in writing and delivered to the City Clerk.
7. It requires that all boards, committees and commissions must establish a period for public comment at each meeting, with certain exceptions, and including meetings where a quorum is not obtained.
8. It would exclude items for referral introduced from the floor from the requirement that copies be furnished to the Clerk prior to the Council meeting.
9. It would allow speakers at Council meetings to register at any time before the item on which they register comes up for action.
10. It would increase the time allotted to speakers from 3 minutes to 6 minutes in cases where the speaker requires an interpreter.
11. It makes clear that the City Clerk is responsible for the publication, filing, indexing, and safekeeping of Council proceedings.

Approved as to form:



Larry W. O'Brien, Interim City Attorney

The Common Council of the City of Madison do hereby ordain as follows:

1. Subsection (7) entitled "Recess" of Section 2.01 entitled "Meetings" of the Madison General Ordinances is hereby repealed.

2. Subsection (8) entitled "Consent Calendar" of Section 2.01 entitled "Meetings" of the Madison General Ordinances is hereby repealed.

3. Subsection (9) entitled "Automatic Adjournment" of Section 2.01 entitled "Meetings" of the Madison General Ordinances is hereby amended to read as follows:

"(9) Automatic Adjournment. If the Council remains in session at 11:30 p.m., unless a motion to suspend the rules to continue the meeting is adopted, the meeting shall adjourn automatically. No motion is required. Notwithstanding the foregoing, the presiding officer shall permit a Council member who has the floor to conclude his/her remarks. All agenda items not acted upon before adjournment or any unfinished business shall automatically be referred to the next regular meeting of the Common Council."

4. Section 2.025 entitled "Excused Absence of Members" of the Madison General Ordinances is amended to read as follows:

"2.025 **EXCUSED NOTIFICATION OF ABSENCE OF MEMBERS.** Every alderperson who for whatever reason cannot attend the ~~a~~ regularly scheduled meeting of the Common Council shall file with the City Clerk a ~~written explanation~~ notification of absence stating a reason therefore by 9:00 a.m. the ~~Friday~~ Thursday prior to the meeting in question. All such excused absences shall be entered in the record of the Common Council. In cases where unavoidable circumstances make such advance ~~notice of absence~~ notification impossible, the ~~written statement~~ notification of excused absence shall be filed with the City Clerk within one week of the absence and entered in the record of the Common Council. Any alderperson who because of an emergency cannot file prior ~~written notice~~ notification of absence may be excused by orally notifying at any time prior to or during the meeting an alderperson or the City Clerk who shall so advise the Common Council, ~~provided that a written statement shall thereafter be filed.~~"

5. Section 2.04 entitled "Order of Business" of the Madison General Ordinances is amended to read as follows:

"2.04 **ORDER OF BUSINESS.** At all stated meetings, the following order shall be observed in disposing of business before the Council:

- (1) Opening remarks, presentation of petitions, memorials, remonstrances, communications, notices and excused absences.
- (2) ~~Routine business requiring minimum deliberation (unless any such routine business item is separated out, in which case it shall be placed at the end of the agenda).~~ Public hearings to be considered as special orders at 6:45 p.m., effective January 1, 2003.
- (3) Presentation of Consent Agenda.
- (3) (4) Business presented by the Mayor. Informational hearings to be considered as special orders immediately following public hearings.
- (4) (5) Business presented by the President of the Common Council. Business presented by the Mayor.
- (5) (6) Public hearings to be considered as special orders at 7:00 p.m., effective January 1, 2000. Business presented by the President of the Common Council.
- (6) Informational hearings to be considered as special orders immediately following public hearings
- (7) Reports of departments and divisions, committees, boards and commissions in alphabetical order are in continuous rotation, alphabetically.
- (8) Ordinances and resolutions previously introduced.
- (9) Miscellaneous.

- (10) Introduction of new ordinances and resolutions for referral without debate.
- (11) Presentation of accounts and other claims against the City.
- (12) Late items.
- (13) Routine business requiring minimum deliberation (unless any such routine business item is separated out, in which case it shall be placed at the end of the agenda).
- (13) (14) Routine business separated out by motion for purposes of debate and referred to the end of the agenda.

No business shall be taken up out of said order, except by either unanimous consent and without debate or by a two-thirds (2/3) vote under suspension of the rules. The President of the Council with the consent of the CC Pro Tem is authorized to defer consideration of any item on the agenda for one meeting only and shall notify the items' sponsor(s) in writing of his/her intention to defer the item.

6. Subsection (1) of Section 2.05 entitled "Introduction of Business" of the Madison General Ordinances is amended to read as follows:

"(1) All ordinances, resolutions, memorials or other communications shall be in writing with a brief statement of their contents endorsed thereon, together with the name of the member presenting the same, and shall be delivered to the Clerk. Any business to be referred may be introduced by title and may be introduced from the floor. The committee to which any matter shall be referred shall report thereon in writing within a period of 45 days unless by favorable motion a different time is set by the body. ~~Referrals to the Transportation Commission related to requests for speed control, stop signs, traffic signals, traffic signing and the like shall automatically be referred by the Council for 30 days to allow staff to assign priority to the request, schedule a study and establish an estimated date of completion.~~

7. New Subsection (2) of Section 2.05 entitled "Introduction of Business" of the Madison General Ordinances is created to read as follows:

"(2) The requirements of Subsection (1) above do not apply to resolutions recommended by the Board of Public Works which

- a. award public works contracts,
- b. accept identified public works improvements,
- c. approve plans and specifications and authorize the Board of Public Works to advertise and receive bids for identified public works contracts,
- d. accept identified improvements by private contracts,
- e. accept identified street improvements by private contracts,
- f. approve plans and specifications for public improvements for identified subdivisions,
- g. authorize construction to be undertaken, and
- h. authorize amendments to previously executed contracts."

8. Current Subsection (2) of Section 2.05 entitled "Introduction of Business" of the Madison General Ordinances is renumbered to Subsection (3) and amended to read as follows:

"(2) (3) Except when introduced under Section 2.04(9) of the Madison General Ordinances, Bbefore an ordinance or resolution is introduced a copy of the ordinance or resolution or title of same shall be filed in the office of the City Clerk by 9:00 a.m. on the Thursday preceding the meeting at which it is to be introduced. Upon request, the City Clerk shall prepare copies of the ordinance or resolution and furnish such copies to each alderman alderperson."

9. Current Subsections (3) through (5) of Section 2.05 entitled "Introduction of Business" of the Madison General Ordinances are renumbered to Subsections (4) through (6).

10. Section 2.07 entitled "Presiding Officer to Preserve Order" of the Madison General Ordinances is amended to read as follows:

"2.07 **PRESIDING OFFICER TO PRESERVE ORDER.** It shall be the duty of the presiding officer to preserve decorum; and if any member transgress the rules of the Council, the presiding officer shall, on her or his own or at any member's request, call such offending member to order. The Council, if appealed to, shall decide the matter. The President Pro-tem, or her or his designee, shall serve as sergeant-at-arms and assist the presiding officer in preserving order."

11. Section 2.29 entitled "Citizens Right to Address Common Council" of the Madison General Ordinances is amended to read as follows:

"2.29 **CITIZENS RIGHT TO ADDRESS COMMON COUNCIL.**

Except as hereinafter set forth, any citizen shall have the right to speak on any item of business that is on the agenda for Common Council action if he/she registers to speak on that item before it the item comes up for action ~~or before 8:00 p.m., whichever is earlier.~~ Except for informational and public hearings, speakers shall be limited to a three-minute address unless the Common Council agrees by a two-thirds (2/3) vote to extend the time. Provided, that a speaker who requires an interpreter, either because of his/her limited English proficiency or because of a disability, may speak for six (6) minutes. No citizen shall be permitted to speak on petitions and communications when first introduced before the Common Council and which are scheduled to be referred and reported back at a later meeting."

12. Subsection (2) of Section 2.34 entitled "Suspension of Rules" of the Madison General Ordinances is amended to read as follows:

"(2) When a member moves a suspension of the rules he or she shall be required to state the particular ~~standing rule~~ reason to which his motion is addressed. The presiding officer shall then put the question, "Is there any objection to the suspension of the rules in accordance with the motion?" ~~An objection voiced to suspension of the rules by one member shall require a roll call on the motion for suspension.~~ If no such objection is made, the Clerk shall record a unanimous consent to the suspension of the rules, and the presiding officer shall then proceed to state the principal question."

13. Section 2.35 entitled "Recording of Council Meetings" of the Madison General Ordinances is amended to read as follows:

"2.35 **RECORDING PROCEEDINGS OF COUNCIL MEETINGS.**

- (1) All regular meetings of the Common Council shall be recorded electronically.
- (2) ~~The person, firm or corporation who shall make the recordings shall keep them in its custody and shall be protected and maintained until instructed by the City Clerk to destroy them and may only be destroyed~~ in conformance with the procedures of Section 3.42 entitled "Public Records" of the Madison General Ordinances.
- (3) These recordings shall be considered public records subject to inspection under Section 3.42 of the Madison General Ordinances."

14. Section 2.36 entitled "Council Proceedings" of the Madison General Ordinances is created to read as follows:

"2.36 **COUNCIL PROCEEDINGS.** As provided in Section 3.13 of these ordinances, the City Clerk shall be responsible for the publication, filing, indexing and safekeeping of all proceedings of the Common Council. As further provided in Section 3.42(2) of these ordinances, the City Clerk is the legal custodian of the records of the Common Council.

As required by sec. 62.09(8)(c), Wis. Stats, the Clerk shall submit all acts of the Council to the Mayor for his/her approval or disapproval."

15. Subsection (3) entitled "Attendance and Quorum" of Section 3.27 entitled "Qualifications--City Officers, Members of Commissions, and Employees" of the Madison General Ordinances is amended to read as follows:



"(3) Attendance and Quorum.

- (a) If at any board, commission or committee meeting, a quorum is not secured within fifteen (15) minutes of the officially scheduled meeting time, the board, commission or committee shall adjourn without taking any action, except that it may set a date and time for its next meeting.
- ~~(b) Notwithstanding Subdivision (a), above, if members of the public have appeared to address the board, committee or commission, in compliance with applicable rules, pursuant to Sec. 3.27(4)(f), the members shall allow them to speak and shall see that a record is kept of the general substance of their comments.~~
- ~~(b) (e)~~ The chair or staff of each board, commission, and committee shall report to the Mayor each instance in which a member is absent without excuse from three of four consecutive meetings. The Mayor shall take appropriate action to secure the attendance of such members including, in the Mayor's discretion, requesting their resignation."

16. Subdivision (f) of Subsection (4) entitled "Officers, Minutes and Rules of Procedure" of Section 3.27 entitled "Qualifications--City Officers, Members of Commissions, and Employees" of the Madison General Ordinances is created to read as follows:

- "(f) Every board, committee and commission, including committees and subcommittees created under Subsection (4)(c), above, shall establish a period for public comment at each meeting. Members of the public who comply with applicable rules shall be permitted at least three (3) minutes to speak. If the speaker requires an interpreter, either because of his/her limited English proficiency or because of a disability, he/she shall be allowed no less than six (6) minutes.

This subdivision shall not apply to quasi-judicial hearings on contested matters, nor to deliberations concerning such hearings on contested matters nor to closed sessions of the Ethics Board held for the purpose of hearing and deliberating confidential requests for advisory opinions pursuant to Sec. 3.47(11)(b)."

EDITOR'S NOTE:

Sections 2.01(7), (8) and (9) currently read as follows:

- "(7) Recess. If the Council remains in session at 10:30 p.m., the meeting shall recess automatically for a period of fifteen (15 minutes). No motion shall be required. Notwithstanding the foregoing, the presiding officer shall permit a Council member who has the floor to conclude his/her remarks."
- "(8) Consent Calendar. Should it appear at the time of the automatic recess that the Council has not completed action on all items on its agenda, and should it further appear that certain remaining items on the agenda should be acted on, the Council president or president pro tem shall, during the recess, prepare a Consent Calendar containing those certain priority items. When the Council reconvenes, the Council president or president pro tem shall move adoption of the Consent Calendar. All items appearing on the Council agenda and not contained in the Consent Calendar shall automatically be referred to the Council's next regular meeting. "

New Section 3.27(3)(b) is not adopted and is referred to CCOC for consideration.

Ordinance 05-00167 Revising enumerated paragraphs  
to alpha order, Adopted 2005.



# City of Madison

City of Madison  
Madison, WI 53703  
www.cityofmadison.com

## Master

File Number: 01839

File ID: 01839	File Type: Ordinance	Status: Passed
Version: 1	Reference:	Controlling Body: COMMON COUNCIL ORGANIZATIONAL COMMITTEE
File Name: City Attorney's Revisor's Ordinance		File Created Date : 08/22/2005
		Final Action: 10/18/2005

**Title:** Amending, creating and repealing various sections of the Madison General Ordinances to correct inconsistencies and improper references in the Madison General Ordinances, constituting the 2005 City Attorney Revisor's Ordinance.

**Notes:** 3770revisorsord /MPM  
MAYOR APPROVED: 10/24/05

CC Agenda Date: 10/18/2005

Agenda Number:

**Sponsors:** Common Council By Request

Enactment Date: 11/08/2005

**Attachments:** Editor's Notes.doc , Ordinance Revisor Report.doc

Enactment Number: ORD-05-00167

**Author:** Michael May

Hearing Date: 11/08/2005

**Entered by:** Diane Althaus

Published Date:

### History of Legislative File

Version:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	Attorney's Office/Approval Group	08/22/2005	Approved As To Form				
1	Attorney's Office	08/22/2005	Fiscal Note Required / Approval	Comptroller's Office/Approval Group		08/29/2005	
1	Comptroller's Office/Approval Group	08/29/2005	Approved Fiscal Note By The Comptroller's Office	Attorney's Office		08/29/2005	
1	Attorney's Office	08/29/2005	Referred for Introduction				
1	COMMON COUNCIL	09/06/2005	Refer	COMMON COUNCIL ORGANIZATIONAL COMMITTEE		10/11/2005	
1	COMMON COUNCIL ORGANIZATIONAL COMMITTEE	10/11/2005	RECOMMEND TO COUNCIL TO ADOPT - REPORT OF OFFICER		10/18/2005		Pass

**Text of Legislative File 01839**

**Fiscal Note**

No fiscal impact.

**Title**

Amending, creating and repealing various sections of the Madison General Ordinances to correct inconsistencies and improper references in the Madison General Ordinances, constituting the 2005 City Attorney Revisor's Ordinance.

**Body**

DRAFTER'S ANALYSIS: This ordinance is being introduced under the authority granted to the City Attorney by Sections 2.05(6)3. and 9. and 3.15(1) of the Madison General Ordinances, and is intended to correct various inconsistencies and errors within the Madison General Ordinances, to clarify certain current practices, and to repeal certain sections which were invalidated by state law. Please see the Report of the City Attorney for a section-by-section analysis.

\*\*\*\*\*

The Common Council of the City of Madison do hereby ordain as follows:

1. Section 1.12 of the Madison General Ordinances is created to read as follows:

"1.12 SEVERABILITY.

- (1) This section applies to and is considered part of every ordinance and resolution adopted by the Common Council.
- (2) The provisions of any part of this ordinance or resolution are severable. If any provision or subsection or the application thereof to any person or circumstances is held invalid, the other provisions, subsections and applications of such ordinance or resolution to other persons or circumstances shall not be affected thereby. It is declared to be the intent of this section that the same would have been adopted had such invalid provisions, if any, not been included."

2. Current Subdivisions 1. through 9. of Subsection (6) of Section 2.05 entitled "Introduction to Business" of the Madison General Ordinances are renumbered to Subdivisions a. through i.

"(6) Unless otherwise provided in these ordinances, no ordinance or resolution shall be introduced unless it is sponsored by a member of the Common Council or the Mayor or both. Use of a Common Council member's name as sponsor must be with his or her knowledge and consent. This provision shall apply not only to ordinances and resolutions, but also to all substitutes and amendments thereto. The provisions of this ordinance shall not apply to the following: ~~4.-(a)~~ Recommendations of the City Attorney relating to accounts and claims.

- ~~2.-(b)~~ Recommendations and advice of the City Attorney relating to litigation in which the City is or is going to become involved.
- ~~3.-(c)~~ Changes to ordinances and resolutions which may be mandated by state or federal law.
- ~~4.-(d)~~ Recommendations of the Personnel Board relating to the classification of positions.
- ~~5.-(e)~~ Changes to ordinances and resolutions which may be required by the adoption of the annual City Budget.
- ~~6.-(f)~~ Petitions for direct legislation pursuant to the provisions of Section 9.20 Wis. Stats.
- ~~7.-(g)~~ Ordinances and resolutions necessary to implement Public Works projects previously approved in the annual City Budget.
- ~~8.-(h)~~ Ordinances and resolutions requested by a citizen as may otherwise be allowed in these ordinances.
- ~~9.-(i)~~ Changes to ordinances and resolutions which are intended to correct errors, omissions or inconsistencies therein."

3. Subdivision (j) of Subsection (2) entitled "Duties of the Department" of Section 3.11 entitled "Department of Public Works" of the Madison General Ordinances is hereby repealed.

4. Current Subdivisions 1. through 4. of Subsection (2) entitled "Public Nuisance Authority" of Section

3.15 entitled "City Attorney" of the Madison General Ordinances are renumbered to Subdivisions (a) through (d).

"(2) Public Nuisance Authority.

The City Attorney is authorized to commence and prosecute public nuisance actions on behalf of the City under Wis. Stats. Chapter 823, if the following occurs:

4-(a) The City Attorney provides written notice to the Mayor and Common Council of the intent to file a nuisance action. This written notice will include a description of the nuisance, why action is necessary, and a reminder of the fifteen (15) day time limit in this ordinance to request Common Council consideration of a resolution.

2-(b) If the Mayor or any member of the Common Council wishes to have the matter considered by resolution of the Common Council, he or she shall, within fifteen (15) days of receipt of the notice from the City Attorney, provide a written request for such a resolution to the City Attorney.

3-(c) If there is a request for a resolution, the City Attorney shall draft a resolution (sponsored by the person requesting the same) requesting authorization to commence the nuisance action. This resolution is to be considered immediately at the next scheduled Common Council Meeting.

4-(d) If the City Attorney does not receive a request for a resolution within fifteen (15) days of receipt of the City Attorney's notice, the City Attorney does not need to obtain a resolution and is authorized to commence and prosecute the nuisance action as authorized under Wis. Stats. Chapter 823."

5. Title and Introduction to Section 3.19 entitled "Monona Terrace Convention and Community Center Board" of the Madison General Ordinances is amended to read as follows:

**"3.19 MONONA TERRACE CONVENTION AND COMMUNITY AND CONVENTION CENTER BOARD.**

The City and Dane County, by an agreement under Sec. 66.0301, Wis. Stats., have created a Monona Terrace Convention and Community and Convention Center Board (Board). The Board shall have broad authority and latitude to make decisions to operate a successful convention and community center. It shall establish all policies, rules and regulations governing Monona Terrace and oversee its operation, subject to the limitations set forth in the Agreement."

6. Subdivision (11) of Section 3.19 entitled "Monona Terrace Convention and Community Center Board" of the Madison General Ordinances is amended to read as follows:

"(11) Contracting Powers. The Board is empowered to enter into contracts to purchase or provide goods and services consistent with the mission of Monona Terrace, the approved budget and these ordinances. The Chair of the Board and the Director of Monona Terrace are authorized to sign contracts for the benefit of the Monona Terrace ~~Convention and Community~~ and Convention Center. All contracts shall be signed by both the Chair and the Director. In the absence of either the Chair or the Director, contracts may be signed by their duly authorized designee. Contracts shall be approved by the Comptroller and as to form by the City Attorney

(a) The Director of Monona Terrace is hereby empowered to enter into standard form facility rental agreements provided such agreements have been approved in advance by the Comptroller and the City Attorney."

7. Subsection (26) entitled "Health Insurance" of Section 3.38 entitled "Compensation Plan" of the Madison General Ordinances is amended to read as follows:

"(26) Health insurance. Employees registered in domestic partnerships under Section 3.23(40) (11), Madison General Ordinances, will be eligible for family health insurance coverage when such coverage is permitted under the terms of the Wisconsin Public Employers' Group Health Insurance Plan."

8. Section 3.45 entitled "Minimum Wage" of the Madison General Ordinances is hereby repealed.

9. Subdivision (d) of Subsection (6) entitled "Honoraria, Fees and Expenses" of Section 3.47 entitled "Code of Ethics" of the Madison General Ordinances is amended to read as follows:

"(d) Employees may not use time provided under Sec. 3.36(4)(5) for purposes of outside employment."

10. Subdivision (i) of Subsection (9) entitled "Disclosure of Interests" of Section 3.47 entitled "Code of Ethics" of the Madison General Ordinances is amended to read as follows:

"(i) The Clerk shall send Statement of Interests forms to known filers at least 45 days before the filing deadline and a filing reminder to all City department heads and staff of all boards, committees and commissions at least 15 days before the filing deadline.

The Clerk shall notify any person who fails to timely file the required Statement of Interests. The Clerk shall notify the Comptroller of the name of any person who has not filed the Statement within 10 days of the mailing of the Clerk's notice. The Comptroller shall withhold the compensation of any such person until the Statement is filed.

The Clerk shall report to the Common Council the name of any member of any board, committee, commission, subcommittee or ad hoc committee who has not filed the Statement within 10 days of the mailing of the Clerk's notice. The Common Council shall, at the second meeting after receipt of the Clerk's notice, revoke the appointment of any such member who has not filed the required disclosure statement by the time of such Council meeting."

11. Paragraph 1. of Subdivision (h) entitled "Health Insurance and Benefits" of Section 3.52 entitled "Nonrepresented Transit Division Employees" of the Madison General Ordinances is amended to read as follows:

"1. Employees registered in domestic partnerships under Section 3.23(10)(11), Madison General Ordinances, will be eligible for family health insurance coverage when such coverage is permitted under the terms of the Wisconsin Area Health Fund."

12. Subsection (2) entitled "Creation of Community Development Authority; Status as Public Body" of Section 3.69 entitled "Community Development Authority of the City of Madison" of the Madison General Ordinances is amended to read as follows:

"(2) Creation of Community Development Authority; Status as Public Body. Pursuant to Sec. 66.4325-1335 of the Wisconsin Statutes (entitled "Housing and Community Development Authorities"), there is hereby created a housing and community authority, which shall be known as the "Community Development Authority of the City of Madison". The Community Development (the "CDA") is deemed to be a public body and a body corporate and politic, exercising necessary public powers, and having all the powers, duties and functions conferred on housing authorities, redevelopment authorities and housing and community development authorities by applicable law."

13. Subdivision (a) of Subsection (11) entitled "Powers and Duties of CDA" of Section 3.69 entitled "Community Development Authority of the City of Madison" of the Madison General Ordinances is amended to read as follows:

"(a) The CDA shall have all the powers, duties and functions of a housing authority, as set forth in Sec. ~~66.40 to 66.404~~ 66.1201 to 66.1213, inclusive, of the Wisconsin Statutes, and all housing projects initiated by the CDA and approved by the Common Council shall be undertaken and carried out pursuant to such sections."

14. Subdivision (b) of Subsection (11) entitled "Powers and Duties of CDA" of Section 3.69 entitled "Community Development Authority of the City of Madison" of the Madison General Ordinances is amended to read as follows:

"(b) The CDA shall have all the powers, duties and functions of a redevelopment authority as set forth in Sec. ~~66.434-1335~~ of the Wisconsin Statutes, and all projects relating to blight elimination, slum clearance, urban renewal and redevelopment programs initiated by the CDA and approved by the Common Council shall be undertaken and carried out pursuant to Secs. ~~66.43, 66.431, 66.435 or 66.46~~ 66.1331, 66.1335, 66.1337 and 66.1105 of the Wisconsin Statutes, as determined appropriate by the Common Council on a project by project basis."

15. Subdivision (d) of Subsection (11) entitled "Powers and Duties of CDA" of Section 3.69 entitled "Community Development Authority of the City of Madison" of the Madison General Ordinances is amended to read as follows:

"(d) The CDA may, upon the direction of the Common Council, act as agent of the City in performing any or all acts, except the development of the general plan of the City, which may otherwise be performed by the City Plan Commission under secs. ~~66.405 to 66.425, inclusive, 66.43, 66.435 or 66.46~~ 66.1301 to 66.1327, inclusive, 66.1331, 66.1337 or 66.1105 of the Wisconsin Statutes."

16. Subsection (13) entitled "Transfer of MRA Project to CDA" of Section 3.69 entitled "Community Development Authority of the City of Madison" of the Madison General Ordinances is amended to read as follows:

"(13) Transfer of MRA Project to CDA. All existing programs and projects of the MRA, and all debts, demands, liabilities and obligations existing in favor of or against the MRA, and all titles to real and personal property, contracts, rights and remedies of the MRA shall be transferred to and assumed by the CDA upon adoption of this ordinance, and the operation of the MRA shall be terminated. Upon completion of such transfer, all such programs, projects, debts, demands, liabilities, obligations, titles to real and personal property, contracts, rights and remedies of the MRA shall become those of the CDA as though originally initiated, incurred, accrued, executed or acquired by the CDA, and all contracts entered into between the MRA and the Federal Government, or between the MRA and other parties, shall be assumed and discharged by the CDA except for the termination of operations of the MRA. Subject to such approvals or consents by the Federal Government, or by any other parties, as may be required, the MRA and the CDA are hereby authorized to execute any and all documents that may be necessary to effect such transfer. Upon completion of such transfer, any procedures, hearings, actions or approvals taken or initiated by the MRA on pending projects pursuant to Sec. ~~66.434~~ 1333 of the Wisconsin Statutes shall be deemed to have been taken or initiated by the CDA as though the CDA had originally undertaken such procedures, hearings, actions or approvals. Contracts for disposition of real property entered into by the MRA with respect to any project are deemed to be contracts of the CDA without the requirement of amendments thereto."

17. Subsection (17) entitled "Evidence of Authority" of Section 3.69 entitled "Community Development Authority of the City of Madison" of the Madison General Ordinances is amended to read as follows:

"(17) Evidence of Authority. A certified copy of this ordinance shall be filed with the City Clerk and shall be prima facie evidence of the CDA's right to transact business, and such ordinance shall not be subject to challenge because of any technicality. In any suit, action or proceeding commenced against the CDA, a certified copy of such ordinance shall be deemed conclusive evidence that the CDA is established and authorized to transact business and exercise its powers hereunder and pursuant to Sec. ~~66.4325~~ 1335 of the Wisconsin Statutes."

18. Subsection (20) entitled "Construction" of Section 3.69 entitled "Community Development Authority of the City of Madison" of the Madison General Ordinances is amended to read as follows:

"(20) Construction. All powers, duties and functions of a housing and community development authority, as set forth in Sec. ~~66.4325~~ 1335 of the Wisconsin Statutes, are deemed to have been granted to the CDA as though set forth in this ordinance, except as to those powers, duties and functions which are subject to further authorization and direction of the Common Council, as set forth herein. This ordinance and the powers granted hereunder shall be construed liberally to effectuate its purpose."

19. Subsection (1) entitled "Sections 65.02, 65.03, and 65.04 of the Wisconsin Statutes Adopted" of Section 4.02 entitled "Budget System" of the Madison General Ordinances is amended to read as follows: "(1) Sections 65.02, 65.03, and 65.04 of the Wisconsin Statutes Adopted. The provisions of Sections 65.02, 65.03 and 65.04 of the Wisconsin Statutes except subsection (8) of Section 65.04 and subsection (1) of Section 65.03 relating to the budget system are hereby adopted for the City of Madison and shall be in full force and effect as ordinances of said City as if fully set forth herein, except that the Board of Estimates shall consist of the Mayor and six aldermen, to be selected as set forth in Section 4.02~~(3)~~(4) of this ordinance, and except that the Board of Estimates shall make and submit the proposed budget to the Common Council on or before November 15 of each year. The Mayor shall be the chairman of the Board of Estimates."

20. Section 11.10 entitled "Underground Transmission Lines" of the Madison General Ordinances is hereby repealed.

21. Subdivision (b) entitled "Planned Developments" of Subsection (4) entitled "Powers and Duties" of Section 33.20 entitled "Urban Design Commission" of the Madison General Ordinances is amended to read as follows:

"(b) Planned Developments. The Urban Design Commission shall review the design of all proposed developments which are considered planned developments under provisions of the Zoning Ordinance. In exercising this power, the commission shall be bound by the provisions of Sec. 28.07(4), (5) and (6) and Sec. 28.12(40)(11)(k) and shall report its findings to the City Plan Commission and Common Council."

22. Section 35.01 entitled "Definitions" of the Madison General Ordinances is amended by amending therein the following:

"Federal Act shall mean the Federal Water Pollution Control Act of 1972, 33 U.S.C. Section 1251 et. seq., as amended, known as the Clean Water Act or as implemented by Chapter s 447 281 and 283, Wisconsin Statutes, or appropriate sections of the Wisconsin Administrative Code adopted pursuant to Chapter s 447 281 and 283, as well as any applicable guidelines, limitations and standards promulgated by the United States Environmental Protection Agency pursuant to the Federal Act."

23. Subdivision (e) of Subsection (3) entitled "Use of Public Sewers Required" of Section 35.02 entitled "The Public Sewerage System" of the Madison General Ordinances is amended to read as follows:

"(e) When the Common Council, by resolution in accordance with Wisconsin Statutes section 62.16 and/or 66.0911, or by Madison General Ordinances Section 35.02(3), requires the installation of a sanitary sewer lateral and/or connection to the public sewerage system, or when the Director of Public Health, in accordance with Wisconsin Statutes section 444.06 281.45 and Madison General Ordinances Section 7.33, requires the installation of a sanitary sewer lateral and/or reconnection to the public sewerage system, all applicable sewer district charges or assessments, the Madison Metropolitan Sewerage District charges, and the cost of the sanitary sewer lateral shall be entered on the tax roll as a special tax against the lot or parcel of land served and the same shall be collected in all respects like other taxes upon real estate."



Sec. 2.05 as it existed in December, 2005.

**2.05 INTRODUCTION OF BUSINESS.**

- (1) All ordinances, resolutions, memorials or other communications shall be in writing with a brief statement of their contents endorsed thereon, together with the name of the member presenting the same, and shall be delivered to the Clerk. Any business to be referred may be introduced from the floor. Introduction of any matters by title only shall require a two-thirds(2/3) majority vote. The committee to which any matter shall be referred shall report thereon in writing within a period of 45 days unless by favorable motion a different time is set by the body.(Am. by Ord. 10,683, 6-25-93; Ord. 13,129, 8-28-02; ORD-05-00046, 3-16-05).
- (2) The requirements of Subsection (1) above do not apply to resolutions recommended by the Board of Public Works which
- (a) award public works contracts,
  - (b) accept identified public works improvements,
  - (c) approve plans and specifications and authorize the Board of Public Works to advertise and receive bids for identified public works contracts,
  - (d) accept identified improvements by private contracts,
  - (e) accept identified street improvements by private contracts,
  - (f) approve plans and specifications for public improvements for identified subdivisions,
  - (g) authorize construction to be undertaken, and
  - (h) authorize amendments to previously executed contracts.

(Cr. by Ord. 13,129, 8-28-02)

- (3) Except when introduced under Section 2.04(9) of the Madison General Ordinances, before an ordinance or resolution is introduced a copy of the ordinance or resolution or title of same shall be filed in the office of the City Clerk by 9:00 a.m. on the Thursday preceding the meeting at which it is to be introduced. Upon request, the City Clerk shall prepare copies of the ordinance or resolution and furnish such copies to each alderperson. (Am. by Ord. 8671, 9-6-85; Am. and Renumbered by Ord. 13,129, 8-28-02)
- (4) Appointments by the Mayor, except the appointment of members of the Common Council, shall be submitted to the Common Council and referred to the next regular Council meeting for action. (Cr. by Ord. 11,768, 1-21-97; Am. by Ord. 11,791, 3-4-97; Renumbered by Ord. 13,129, 8-28-02)
- (5) Unless otherwise provided in these ordinances, no ordinance or resolution, having once been defeated, rejected or placed on file, may again be introduced in the same or in substantially similar form, until the expiration of thirty (30) days from the date when such ordinance or resolution was defeated, rejected or placed on file, except for matters placed on file without prejudice. (Am. by Ord. 12,050, 3-13-98; Renumbered by Ord. 13,129, 8-28-02)
- (6) Unless otherwise provided in these ordinances, no ordinance or resolution shall be introduced unless it is sponsored by a member of the Common Council or the Mayor or both. Use of a Common Council member's name as sponsor must be with his or her knowledge and consent. This provision shall apply not only to ordinances and resolutions, but also to all substitutes and amendments thereto. The provisions of this ordinance shall not apply to the following:
- (a) Recommendations of the City Attorney relating to accounts and claims.
  - (b) Recommendations and advice of the City Attorney relating to litigation in which the City is or is going to become involved.
  - (c) Changes to ordinances and resolutions which may be mandated by state or federal law.
  - (d) Recommendations of the Personnel Board relating to the classification of positions.
  - (e) Changes to ordinances and resolutions which may be required by the adoption of the annual City Budget.
  - (f) Petitions for direct legislation pursuant to the provisions of Section 9.20 Wis. Stats.
  - (g) Ordinances and resolutions necessary to implement Public Works projects previously approved in the annual City Budget.
  - (h) Ordinances and resolutions requested by a citizen as may otherwise be allowed in these ordinances.
  - (i) Changes to ordinances and resolutions which are intended to correct errors, omissions or inconsistencies therein.

(Renum. by Ord. 11,768, 1-21-97; Renum. by Ord. 13,129, 8-28-02, Am. by ORD-05-00167, 11-8-05)

Ordinance 07-00194 Amending those who may introduce ordinances or resolutions without a Common Council member as a sponsor, Adopted 2007.



# City of Madison

City of Madison  
Madison, WI 53703  
www.cityofmadison.com

## Master

File Number: 08071

File ID: 08071	File Type: Ordinance	Status: Passed
Version: 1	Reference:	Controlling Body: COMMON COUNCIL
		File Created Date : 11/12/2007
File Name: Chapter 2		Final Action: 12/04/2007
Title: Amending Chapter 2 of the Madison General ordinances to clarify and modify a number of the Standing Rules of the Common Council.		

Notes: 4227CCOC  
Mayor Approval Date: 12/5/07

CC Agenda Date: 12/04/2007

Agenda Number: 77.

Sponsors: Michael E. Verveer, Tim Bruer, Brenda K. Konkel, Satya V. Rhodes-Conway, Robbie Webber, Judy Compton, Michael Schumacher and Joseph R. Clausius

Enactment Date: 12/20/2007

Attachments: Issues of procedure.pdf ,Withdrawal of motions.pdf ,Motion to Adjourn.pdf ,Mayor Addressing Council.pdf ,Reconsideration-motion.pdf ,Reconsideration-Changing Vote.pdf ,Ordinances&Resolutions-Substitute/Alternate.pdf

Enactment Number: ORD-07-00194

Author: Michael May

Hearing Date:

Entered by: dalhaus@cityofmadison.com

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1	Attorney's Office	11/12/2007	Referred for Introduction				
1	COMMON COUNCIL	11/20/2007	Refer to a future Meeting to Adopt	COMMON COUNCIL	12/04/2007	12/04/2007	
1	COMMON COUNCIL	12/04/2007	Adopt				Pass

### Text of Legislative File 08071

Fiscal Note  
No appropriation required.

Title  
Amending Chapter 2 of the Madison General ordinances to clarify and modify a number of the Standing Rules of the Common Council.

Body

DRAFTER'S ANALYSIS: This ordinance is a revision of Chapter 2 of the Madison General Ordinances, the standing rules for the operation of the Common Council. The revision has been reviewed by a subcommittee of the Common Council Organizational Committee (CCOC), and the CCOC itself. It is being sponsored by the CCOC.

Some of the changes are minor. Other changes make substantive, and in some cases significant, changes in the procedure before the Council. And yet other changes merely codify what is current practice.

In order to assist the Council in considering these matters, I have included a small drafter's analysis after each section of the amended Chapter 2. These provisions will not appear in the Madison General Ordinances when the revisions are made.

In addition, at the request of the CCOC, a number of the City Attorney's "Point of Order" memos and the memo on substitutes and alternates have been included as attachments to this ordinance.

\*\*\*\*\*

The Common Council of the City of Madison do hereby ordain as follows:

Chapter 2 entitled "Standing Rules For The Government of the Common Council" of the Madison General Ordinances is amended to read as follows:

"2.01 MEETINGS.

(1) The stated meeting of the Common Council shall be held in the Council Chambers on the first and third Tuesdays of every month at 6:30 p.m., except in August and December the Common Council will meet only on the first Tuesday; provided, however, that a meeting shall be scheduled for November 14, 2006 for the purpose of adopting the 2007 Capital and Operating Budgets that additional meetings to consider the 2007 Capital and Operating Budgets shall be scheduled for November 15 and 16, 2006, if necessary, each starting at 7:00 p.m.; that the regularly scheduled meeting of February 20, 2007 shall be rescheduled to February 27, 2007; that the regularly scheduled meeting of April 3, 2007 shall be rescheduled to March 27, 2007; and that a meeting shall be scheduled for April 17, 2007 at 12:00 noon for the purpose of swearing-in newly-elected Council members. A special November meeting or meetings will be held for the Capital and Operating Budgets. Following a regular City of Madison election, the newly elected Common Council also shall hold an organizational meeting on the third Tuesday of April. The Council will establish the meeting dates for all meetings by resolution and post the schedule at least annually, and may modify meeting dates for holidays and elections.

(2) (R. by Ord. 6539, 3-8-79)

(3) The Common Council of the City of Madison shall meet no later than the first Council meeting in December to act upon the adoption of the City Budget.

(4) The Common Council shall not meet on the following holidays: New Year's Eve, New Year's Day, Memorial Day, Independence Day, Labor Day, Martin Luther King, Jr. Day, Thanksgiving Day, the Friday after Thanksgiving Day, Christmas Eve, Christmas Day, Rosh Hashanah, Yom Kippur, the first two nights of Passover, and any general or primary election day at which local City of Madison city offices or positions are decided.

(5) Special meetings shall be called by the Mayor by written notice to each member, delivered to the member personally or left at their usual abode, at least six (6) hours before the meeting. (Editor's Note: Only lawful method, See Wis. Stat. § 62.11(2).)

(6) Adjournment. The motion to adjourn shall be made by any member. All agenda items not dealt with before approval of the motion to adjourn regular meetings shall be automatically referred to the next regular meeting of the Common Council.

(7) Informational Informal Meetings. The Council may hold meetings other than those established under Section 2.01(1) or (5). At such informal meetings no legislative business may be transacted. At meetings other than those established under Section 2.01(1) or (5), the Council may receive informational briefings from staff, make site visits, receive public comments, or conduct informal discussion, without the presence of a quorum, as long as it complies at all times with the open meeting ordinance and statutes.

(8) Reserved For Future Use.

(9) Reserved For Future Use."

[Drafter's Analysis to Sec. 2.01:

1. Sec. 2.01(1) is modified to generally state the meeting dates and provide that the Council shall, by resolution, establish and publish the actual dates at least annually.

2. Sec. 2.01(4) is amended to include all current holidays and those religious holidays on which the Council traditionally has not met.

3. Former Sec. 2.015 regarding informational meetings has been modified and included as Sec.

2.01(7).]

"2.015 OTHER MEETINGS. The Council may hold meetings other than those established under Section 2.01. At such other meetings no legislative business may be transacted. At meetings other than those established under Section 2.01 the Council may receive informational briefings from staff, or make site visits, without the presence of a quorum, as long as it complies at all times with the open meeting ordinance and statutes."

[Drafter's Analysis to Sec. 2.015: This section is repealed; its substance has been incorporated into Section 2.01(7).]

"2.02 CALL TO ORDER. The presiding officer shall at the hour appointed call the members to order. In the absence of the presiding officer, any member may call the Council to order, and thereupon the Council shall appoint one of its members to preside at such meeting."

[Drafter's Analysis to Sec. 2.02: No change.]

"2.025 NOTIFICATION OF ABSENCE OF MEMBERS. Every alderperson who for whatever reason cannot attend a regularly scheduled meeting of the Common Council shall file with the City Clerk a notification notify Common Council Office staff of such absence by 9:00 a.m. the Thursday prior to the meeting in question; Common Council Office staff shall then notify the City Clerk of the absence. All such excused absences shall be entered in the record of the Common Council. In cases where unavoidable circumstances make such advance notice of absence impossible, the notification of excused absence shall be filed with the City Clerk within one week of the absence and entered in the record of the Common Council. Any alderperson who because of an emergency cannot file prior notification of absence may be excused by orally notifying, at any time prior to or during the meeting, an alderperson or the City Clerk who shall so advise the Common Council. Any alderperson who will be absent from the City for five (5) or more consecutive days shall notify the Common Council Office staff and the Common Council President of the length of their absence."

[Drafter's Analysis to Sec. 2.025: This section was modified to provide that notification of absence should be made to the Common Council office staff.]

"2.03 PROCEDURE TO FILL VACANCIES ON THE COMMON COUNCIL.

- (1) The Common Council President shall oversee the application process to fill aldermanic vacancies.
- (2) Applications to fill any aldermanic vacancy shall include information on:
  - (a) Name,
  - (b) Address,
  - (c) Home telephone number,
  - (d) Work telephone number,
  - (e) E-mail address,
  - (f) Biographical resume including education, work, neighborhood, and civic experience,
  - (g) A statement on why the applicant wishes to serve.
  - (h) A statement of what the applicant wants to accomplish,
  - (i) If the applicant plans to run for office during the next special or regular election, and,
  - (j) Such other information as the Common Council President in consultation with the Common Council Organizational Committee may request.
- (3) The Common Council Organizational Committee shall review the applications and, following opportunities for personal candidate interviews, shall recommend to the Common Council a candidate selected for confirmation to fill the vacancy. If the Common Council Organizational Committee is unable to agree on a candidate to recommend, it may recommend more than one candidate, or it may reopen the application process to seek additional applicants.
- (4) The Common Council shall appoint and confirm the recommended candidate, or appoint and confirm another candidate from among the applicants.
- (5) The appointed and confirmed candidate shall serve until an alderperson is elected pursuant to Wis. Stat. § 17.23(1) and is qualified."

[Drafter's Analysis to Sec. 2.03: No change.]

"2.04 ORDER OF BUSINESS. At all stated meetings, the following order shall be observed in disposing of business before the Council:

- (1) Opening remarks, presentation of petitions, memorials, remonstrances, communications, notices and

absences.

- (2) Approval or modification of prior Common Council proceedings. Suspension of rules.
- (3) Public hearings to be considered as special orders at 6:45 p.m. Honoring resolutions.
- (4) Early Public Comment. This subsection (4) shall not apply after October 1, 2008.
- (5) Presentation of Consent Agenda. Petitions and communications.
- (6) Informational hearings to be considered as special orders immediately following public hearings. Modification of prior Common Council proceedings (upon request of a Common Council member).
- (7) Business presented by the Mayor. Presentation of consent agenda as special order at 6:45 p.m.
- (8) Business presented by the President of the Common Council. Public hearings as special order at 6:45 p.m.
- (9) Reports of departments and divisions, committees, boards and commissions are in continuous rotation, alphabetically. Informational hearings as special order immediately following public hearings.
- (10) Ordinances and resolutions previously introduced. Business presented by the Mayor, including appointments and confirmations.
- (11) Miscellaneous. Business presented by the President of the Common Council.
- (12) Introduction of new ordinances and resolutions for referral without debate. Reports of officers, departments and divisions, committees, boards and commissions presented in continuous rotation, alphabetically, including re-referrals according to the provisions of 2.05(1).
- (13) Presentation of accounts and other claims against the City. Ordinances and resolutions referred to this meeting and not included in Item 12.
- (14) Late items. Introduction of new ordinances and resolutions for referral without debate.
- (15) Routine business requiring minimum deliberation (unless any such routine business item is separated out, in which case it shall be placed at the end of the agenda.) Presentation of accounts and other claims against the City of Madison.
- (16) Routine business separated out by motion for purposes of debate and referred to the end of the agenda. Late items and addenda.
- (17) Announcements and introduction of items from the floor.
- (18) Any items for closed session.
- (19) Adjournment.

No business shall be taken up out of said order, except by either unanimous consent and without debate or by a two-thirds (2/3) vote. The President of the Council with the consent of the CC Pro Tem is authorized to defer consideration of any item on the agenda for one meeting only and shall notify the item's sponsor(s) in writing of his/her intention to defer the item."

[Drafter's Analysis to Sec. 2.04: The order of business has been substantially modified, primarily to comport more closely with current practice. Outdated references are removed. In addition, the Consent Agenda has been moved earlier in the meeting to provide for the disposal of consent items prior to the public hearings.

It is hoped that this reordering of the business of the Council will make it less likely that Rule 2.04 will require suspension.]

#### "2.05 INTRODUCTION OF BUSINESS.

- (1) (a) All ordinances, resolutions, memorials or other communications shall be in writing with a brief statement of their contents endorsed thereon, together with the name of the member presenting the same, and shall be delivered to the Clerk. The committee to which any matter is referred shall report thereon in writing within a period of forty-five (45) days unless by favorable motion a different time is set by the body.
- (b) Any business to be referred may be introduced from the floor, and if no fiscal note is prepared, will be referred to the comptroller for a fiscal note. Introduction of any matters by title only or without a fiscal note shall require a two-thirds (2/3) majority vote. Any matter introduced from the floor shall be either (i) referred to the next Common Council meeting for action or (ii) automatically referred to the next Common Council and be placed on the agenda as if for introduction, solely for the purpose of additional referrals. The committee to which any matter shall be referred shall report thereon in writing within a period of forty-five (45) days unless by favorable motion a different time is set by the body.
- (2) The requirements of Subsection (1) above do not apply to resolutions recommended by the Board of Public Works which
  - (a) award public works contracts,
  - (b) accept identified public works improvements,
  - (c) approve plans and specifications and authorize the Board of Public Works to advertise( and receive

bids for identified public works contracts,

- (d) accept identified improvements by private contracts,
- (e) accept identified street improvements by private contracts,
- (f) approve plans and specifications for public improvements for identified subdivisions,
- (g) authorize construction to be undertaken, and
- (h) authorize amendments to previously executed contracts.

(3) Except when introduced under Section 2.04(9) of the Madison General Ordinances from the floor, before an ordinance or resolution is introduced, or a report of an officer or committee is considered, a copy of the ordinance, or resolution, or report, or title of same shall be filed in the office of the City Clerk by 9:00 a.m. on the Thursday 12 noon on the Wednesday preceding the meeting at which it is to be introduced. Upon request, the City Clerk shall prepare copies of the ordinance or resolution and furnish such copies to each alderperson.

(4) Appointments of citizens, other than Common Council members, to boards, committees, or commissions by the Mayor, except the appointment of members of the Common Council, shall be submitted to the Common Council and referred to the next regular Council meeting for action.

When appointing a citizen, the following shall be noted:

(a) Any persons who are not City of Madison residents and the reasons for such appointment, pursuant to Sec. 3.30(2), Madison General Ordinances (MGO).

(b) Other committees the individual serves on.

(c) Initial date of the appointment.

(5) Unless otherwise provided in these ordinances, no ordinance or resolution, having once been defeated, rejected or placed on file, may again be introduced in the same or in substantially similar form, until the expiration of thirty sixty (360) days from the date when such ordinance or resolution was defeated, rejected or placed on file, except for matters placed on file without prejudice.

(6) Unless otherwise provided in these ordinances, no ordinance or resolution shall be introduced unless it is sponsored by a member of the Common Council or the Mayor or both. Use of a Common Council member's name as sponsor must be with his or her knowledge and consent. This provision shall apply not only to ordinances and resolutions, but also to all substitutes and amendments thereto. The provisions of this ordinance subsection shall not apply to the following:

(a) Recommendations of the City Attorney or Risk Manager relating to accounts and claims.

(b) Recommendations and advice of the City Attorney relating to litigation in which the City is or is going to become involved.

(c) Changes to ordinances and resolutions which may be mandated by state or federal law.

(d) Recommendations of the Personnel Board relating to the classification of positions.

(e) Changes to ordinances and resolutions which may be required by the adoption of the annual City Budget.

(f) Petitions for direct legislation pursuant to the provisions of Wis. Stat. § 9.20.

(g) Ordinances and resolutions necessary to implement Public Works projects previously approved in the annual City Budget or allowed under sub. (2) of this ordinance.

(h) Ordinances and resolutions requested by a citizen as may otherwise be allowed in these ordinances. Zoning map or text amendments allowed under Sec. 28.12(10)(b), MGO, to be sponsored by the Plan Commission or Planning Division.

(i) Changes to ordinances and resolutions recommended by the City Attorney which are intended to correct errors, omissions or inconsistencies therein.

(7) For any matters not sponsored by a member of the Common Council, the sponsoring officer or body shall be indicated by name.

(8) Citizen petitions or communications may be introduced in the same manner as ordinances or resolutions, or may be presented to the Clerk for inclusion on the agenda."

[Drafter's Analysis to Sec. 2.05: Several important changes are made in this revision. Sec. 2.05(1)(b) provides that any items introduced from the floor and not containing a fiscal note will be referred to the Comptroller for a fiscal note. It also provides that items introduced from the floor and not referred to the next Common Council meeting for action will be placed on the agenda as if for introduction, solely for the purpose of additional referrals. This will allow Council members to make additional referrals on matters introduced from the floor, at the next meeting. The existing 45-day restriction for committee action was relocated, but not changed in substance.

Sec. 2.05(3) is modified to reflect current practice since the introduction of Legistar.

Sec. 2.05(4) requires additional information from the Mayor with respect to citizen appointments.

Sec. 2.05(5) changes the time to reintroduce a defeated matter from 30 to 60 days.



Sec. 2.05(6) is modified to more accurately reflect those who may introduce ordinances or resolutions without a Common Council member as a sponsor. New Section 2.05(7) indicates that the sponsoring office or body should be indicated by name, rather than the current use of "Common Council by Request" or "Common Council by Petition."

Sec. 2.05(8) provides guidance on the sponsorship of citizen petitions or communications, and allows the Clerk to place the same on the agenda if the petition or communications was presented to the Clerk's office.]

"2.06 QUESTIONS OF ORDER. The presiding officer shall decide all questions of order, subject to an appeal to the Council. The City Attorney may advise the presiding officer or the Council on questions of order."

[Drafter's Analysis to Sec. 2.06: Clarified to reflect current practice. See related City Attorney's "Point of Order" memo on raising issues of procedure.]

"2.07 PRESIDING OFFICER TO PRESERVE ORDER. It shall be the duty of the presiding officer to preserve decorum; and if any member transgress the rules of the Council, the presiding officer shall, on her or his own or at any member's request, call such offending member to order. The Council, if appealed to, shall decide the matter. The President Pro-tem or her or his designee shall serve as sergeant-at-arms and assist the presiding officer in preserving order."

[Drafter's Analysis to Sec. 2.07: No change.]

"2.08 MOTIONS.

(1) When a motion is made and seconded, it shall be deemed to be in possession of the Council, and shall be stated by the presiding officer, or being in writing, shall be delivered to the Clerk.

(2) After a motion is stated by the presiding officer, or read by the Clerk, it shall not be withdrawn, except by the consent of the Council.

(3) On any motion subject to debate, any alder may propose an amendment to the motion as a friendly amendment. If the alder who made the motion and the alder who seconded the motion to be amended accept the amendment to the motion as a friendly amendment, the amendment shall then be considered as part of the original motion. Amendments may be considered friendly and accepted into the pending motion without objection from the Council. If not so accepted, the amendment shall proceed as an amendment subject to debate and vote."

[Drafter's Analysis to Sec. 2.08: Modified to reflect current practice on friendly amendments and in accordance with Robert's Rules of Order. See the related City Attorney's "Point of Order" memo on withdrawal of motions.]

"2.09 WITHOUT PREJUDICE. "Without prejudice" means that no rights or privileges of the party concerned are to be considered waived or lost; action taken with no decision on the merits and no effect on one's ability to re-petition or refile."

[Drafter's Analysis to Sec. 2.09: No change.]

"2.10 MOTION TO ADJOURN ALWAYS IN ORDER. A motion to adjourn shall always be in order, unless the Council is engaged in voting, and shall be decided without debate, pursuant to Robert's Rules of Order."

[Drafter's Analysis to Sec. 2.10: Modified to make specific reference to Robert's Rules of Order. As noted in the related "Point of Order" memorandum from the City Attorney, Robert's Rules designates a Motion to Adjourn as not debatable. However, Robert's Rules states in §21, page 230 (10th Ed) that members of the assembly may "inform the assembly of business requiring attention before adjournment;" or may "make important announcements;" following a motion to adjourn. The committee considered modifying this rule, but felt that educating members about these exceptions to the "non-debatable" status of a motion to adjourn would satisfy any concerns.]

"2.11 PREVIOUS QUESTION. The Council by a two-thirds (2/3) vote may terminate debate on any question before the Council. Termination of debate, however, shall not preclude the right of any alderman to ask for information from City staff."

[Drafter's Analysis to Sec. 2.11: No change.]

"2.12 DIVISION OF QUESTION.

- (1) Any member may call for a division of the question (separation) when the same will admit thereof question is one that may be divided.
- (2) When a question has been divided, no member shall speak more than twice nor for more than ten (10) minutes on any motion with reference to any single item as to which separate consideration has been granted, unless the Council by a two-thirds vote of the members present shall grant an extension of said time."

[Drafter's Analysis to Sec. 2.12: Clarification.]

"2.13 DEBATE.

- (1) When a member is about to speak to a question or make a motion, s/he shall address the presiding officer, and the presiding officer shall pronounce the name of the member entitled to the floor; and the member shall confine himself or herself to the question under consideration.
- (2) No member shall speak more than twice on any question or motion nor more than ten (10) minutes at any one time, without leave of two-thirds (2/3) of the members present."

[Drafter's Analysis to Sec. 2.13: Clarification.]

"2.14 FORM OF QUESTION. The call for the vote shall be stated substantially as follows:

- (a) If a voice vote: "All those in favor of . . . signify by saying 'aye', those opposed, 'no'".
- (b) If a roll-call vote: "All those in favor of . . . signify by saying 'aye', those opposed, 'no' and the Clerk will call the roll."

[Drafter's Analysis to Sec. 2.14: No change.]

"2.15 RESERVED FOR FUTURE USE PRESENCE REQUIRED AT MEETINGS; ELECTRONIC COMMUNICATIONS.

- (1) No member shall be allowed to vote by proxy, nor shall meetings be conducted telephonically or electronically unless a special or emergency meeting is held.
- (2) No member of the Council shall communicate electronically with another member of the Council during a meeting on any matter on the meeting agenda, unless the electronic communication is saved and available under the Public Records Law and unless such communication in no way violates the Open Meetings Law."

[Drafter's Analysis to Sec. 2.15: This is a new provision. It explicitly states the rule that a member may not vote by proxy and states that a meeting shall not be conducted telephonically or electronically unless it is a special or emergency meeting. It further provides that Council members are not to communicate electronically during a meeting on any item on the agenda unless the communication is saved as a Public Record and does not violate the Open Meetings Law.]

"2.16 AYE AND NOROLL CALL VOTE.

- (1) The ayes and noes shall be taken and recorded upon any question or motion before the Council, upon the call of any two members. While the Clerk is calling the ayes and noes, the members shall vote from seat, and it shall not be in order for any member to explain his vote during the calling of the ayes and noes.
- (2) Any member present who, when a matter is put to a roll call vote, passes, fails to vote or refuses to vote shall be recorded as voting "No" for the sole purpose of determining the Mayor's entitlement to vote. This rule shall not apply where a member abstains from voting by reason of a conflict of interest.
- (3) Any unexcused absence at the time a roll call vote is taken shall be recorded as "not present."

[Drafter's Analysis to Sec. 2.16: Clarification.]

"2.17 ROLL CALLS TO BE IN CONTINUOUS ROTATION. On roll call votes at Council meetings, the Clerk shall progress one (1) name on the Council roster beginning each meeting when beginning each roll call vote."

[Drafter's Analysis to Sec. 2.17: No change.]

"2.18 MAJORITY VOTE OF ALL MEMBERS REQUIRED. All laws, ordinances, rules, resolutions and motions shall be passed by an affirmative vote of a majority of all the members of the Common Council unless an extraordinary vote is required by law. When an extraordinary vote is required, the respective extraordinary majority shall be of all the members of the Common Council. This rule is subject to the exceptions set out in Secs. 2.13(2), 2.185, 9.21(4)(g), 28.12(10)(g), MGO."

[Drafter's Analysis to Sec. 2.18: This provision is clarified to reference those provisions of the general

ordinances where the "Rule of 11" does not apply.]

"2.185 CALL OF THE HOUSE.

(1) Any member may request by motion a call of the house in the presence or absence of a quorum and thereby require unexcused absent members to be sent for. Such a motion is in order at any time, except when the Council is engaged in voting. The motion shall be decided by a roll call vote and passed by an affirmative vote of a majority of all members present.

(2) While the Common Council is under call, and if a quorum is present, business may be transacted as if there were no call, except that no further action may be taken on the specific question under consideration when the call was ordered.

(3) When the attendance of absent members is secured, each of said members shall have the opportunity to explain her or his absence; however, such explanation will not be mandatory. In addition, no fees or penalties will be assessed against any such member."

[Drafter's Analysis to Sec. 2.185: Clarify to be in accord with Robert's Rules.]

"2.19 RESOLUTIONS OR ORDINANCES APPROPRIATING FUNDS.

No appropriation shall be made or voted from any City fund for any purpose except upon an affirmative vote of three-fourths (3/4) of all members of the Common Council provided, however, that adoption of the annual budget shall be a simple majority vote item."

[Drafter's Analysis to Sec. 2.19: No change.]

"2.20 MAYOR TO BE PRESIDING OFFICER; MAYOR ADDRESSING THE COUNCIL.

(1) The Mayor shall be the presiding officer. In the absence of the Mayor, the pPresident of the Council or the pPresident pPro tTem (in order) shall preside at meetings of the Council. In the absence of the Mayor, the President of the Council, and the President Pro Tem, the Council shall designate an Alder to take the chair. An Alder acting as chair may vote on any matter before the Council.

(2) In instances in which the Mayor wishes to address the Common Council on a substantive matter and not merely in his or her role as Chair of the Council, the following procedures shall apply:

(a) If the Mayor wishes to address the Council briefly, for purposes of information or clarification on a matter before the Council, the Mayor may do so from the Chair, provided there is not an objection from an Alder to such address. The Mayor should preface such information or clarification by informing the Council that he or she wishes to provide such information and proceeding, unless there is an objection to the Mayor speaking from the Chair. If there is such an objection, the Mayor shall follow the procedure set out below.

(b) In the event the Mayor wishes to address the Council in an attempt to influence the vote on a matter before it, the Mayor shall relinquish the Chair until such time as the Mayor has concluded addressing the Council. The Mayor may then return to the Chair. Having once relinquished and resumed the Chair on any matter, the Mayor may not again address the Council on that matter.

(c) When the Mayor relinquishes the Chair, the Chair shall be assumed by the President of the Council or in the absence of the President, the President Pro Tem. In the absence of both the President and President Pro Tem, the Mayor shall designate an Alder to take the Chair.

(d) If an Alder assumes the Chair, the Alder may vote on the matter before the Council. Relinquishment of the Chair by the Mayor does not change the Mayor's right to vote.

(e) The procedure set forth in this subsection applies to any Alder who is in the role of Chair of the Common Council."

[Drafter's Analysis to Sec. 2.20: Clarify to match current practice. See related City Attorney "Point of Order" memo on the Mayor addressing the Council.]

"2.205 PRESIDENT AND PRESIDENT PRO TEM.

The Common Council shall at its organizational meeting on the third Tuesday of April of each year, elect one member of the Council to act as pPresident of the Council and another member to act as pPresident pPro tTem of the Common Council, pursuant to the provision of Wis. Stat. § 62.09(8)(e). The pPresident pPro tTem of the Common Council shall act during the absence, inability or disability of the president. Among other duties of the Council President and the President Pro Tem, are those set forth in Secs. 2.04 (Order of Business), 3.35(10)(b) (Ethics Board), 4.02(4) (Board of Estimates), and 33.13 (Common Council Organizational Committee), MGO."

[Drafter's Analysis to Sec. 2.205: Clarified to set out at least some of the obligations of the President and President Pro Tem of the Council.]

"2.21 RECONSIDERATION OF QUESTION. It shall be in order for any member who voted in the affirmative on any question which was adopted, or for any member who voted in the negative when the number of affirmative votes was insufficient for adoption to move a reconsideration of such vote, at the same or next succeeding regular meeting of the Council. It shall be in order for any member who was, due to an excused absence, not present at the time the question was considered to move reconsideration of such vote at the next succeeding regular meeting of the Council. A motion to reconsider having been lost shall not be again in order. A motion to reconsider shall not be in order when the same result can be obtained by another motion."

[Drafter's Analysis to Sec. 2.21: No change. See related City Attorney "Point of Order" memos on reconsideration.]

"2.22 MEMBERS MAY FILE PROTESTS AGAINST COUNCIL ACTION. Any member in the minority on any vote shall have the right to have the reasons for his or her dissent from or protest against, any action of the Common Council entered on the minutes/proceedings. Such reasons may be either stated orally after the result of the vote is announced or filed in writing with the Clerk and entered in the record of the Common Council."

[Drafter's Analysis to Sec. 2.22: Clarification change.]

"2.23 CLAIMS AGAINST THE CITY. The City Attorney is authorized to settle accounts, claims, demands, and suits against the City up to and including the sum of ten twenty-five thousand dollars (\$1025,000) per account, claim, demand or suit. No account, claim, demand, or suit against the City requiring payment in excess of ten twenty-five thousand dollars (\$1025,000) shall be allowed until the same has been considered and reported upon by the City Attorney and approved by the Common Council. The City Attorney shall annually provide to the Board of Estimates an accounting of such accounts, claims, demands and suits paid pursuant to this ordinance."

[Drafter's Analysis to Sec. 2.23: This provision dates back to a time when nearly all claims against the City were handled through the City Attorney's Office. Since the creation of WMMIC, nearly all claims are handled through the Risk Manager and WMMIC, with input from the City Attorney's Office. While the claims are presented to the Council by the Risk Manager, claims may be settled by WMMIC without further action by the Council. That practice has not changed.

This provision relates to claims or demands that would be outside of coverage by WMMIC or other insurance. It allows the City Attorney to settle claims up to \$25,000. Any claim above that should be presented to the Common Council for approval.]

"2.24 ORDINANCES.

(1) No ordinance shall be acted upon on the same day on which it was introduced, unless suspension of the rules has been approved, according to Sec. 2.34, MGO, and action on the item has been publicly noticed as required by the open meetings law.

(2) When the committee to which an ordinance has been referred shall reports such ordinance to the Council at a subsequent meeting, the ordinance shall stand for final action in accordance with the report of the committee. If the ordinance is modified by the committee, it will stand as a substitute if the sponsor of the ordinance so agrees; notwithstanding that if the sponsor does not so agree, such the committee reports shall stand as an amended or substituted alternate ordinance, provided that such amendment alternate or substitution substitute is germane to the ordinance originally referred to such committee.

(3) No ordinance shall relate to more than one subject, which shall be clearly expressed in its title, and no ordinance, or section thereof, shall be amended or repealed unless the new ordinance contains the title of the ordinance or section amended or repealed, and when practicable all ordinances shall be introduced as amendments to existing ordinances or sections thereof.

(4) Any matter referred to more than one board, committee or commission shall have a lead referral. Non-lead referral bodies shall make recommendations that the lead referral will consider. The recommendation of the lead referral usually will be presented to the Common Council as the recommended action, either in the form originally introduced or as a substitute or alternate."

[Drafter's Analysis to Sec. 2.24: This provision is modified to reflect the current practice in Legistar with respect to substitute and alternate ordinances. See the related memorandum of the City Attorney, included as an attachment hereto.]

"2.25 RESOLUTIONS. Unless immediate consideration be moved, all resolutions shall be referred by

motion to the Common Council or any other appropriate body; provided, that any resolution providing for the appropriation of money shall designate the particular fund from which the appropriation is to be made and shall not be granted immediate consideration unless the votes of the number of members required for the affirmation of such resolution shall be cast in favor of immediate consideration and action on the item has been publicly noticed as required by the open meetings law. Upon a motion for immediate consideration, the presiding officer shall put the question "Is there any objection to an immediate consideration of the resolution?" An objection voiced by one member shall require a roll call upon the motion for immediate consideration. If no objection is voiced the Clerk shall record a unanimous consent to the motion for immediate consideration and the presiding officer shall proceed to state the principal question.

(1) No resolution, except for an honoring resolution, shall be acted upon on the same day on which it was introduced, unless suspension of the rules has been approved, according to Sec. 2.34, MGO, and action on the item has been publicly noticed as required by the open meetings law.

(2) When the committee to which a resolution has been referred reports such resolution to the Council at a subsequent meeting, the resolution shall stand for final action in accordance with the report of the committee. If the resolution is modified by the committee, it will stand as a substitute if the sponsor of the resolution so agrees; if the sponsor does not so agree, the committee report shall stand as an alternate resolution, provided that such alternate or substitute is germane to the resolution originally referred to such committee.

(3) Any matter referred to more than one board, committee or commission shall have a lead referral. Non-lead referral bodies shall make recommendations that the lead referral will consider. The recommendation of the lead referral usually will be presented to the Common Council as the recommended action, either in the form originally introduced or as a substitute or alternate."

[Drafter's Analysis to Sec. 2.25: Modify to reflect current practice and the changes required since the use of Legistar with respect to resolutions. See the related memorandum of the City Attorney, included as an attachment hereto.]

"2.26 MOTION TO RESCIND. A motion to rescind an action of the Common Council will be considered only if notice of intent to make said motion had been given at the preceding regular Council meeting. The notice of said motion shall be in writing and shall be accompanied by a copy of the appropriate legislation effectuating such rescission. A motion to rescind without such notice will be considered only in an emergency situation as determined by the presiding officer and will only be adopted by a two-thirds (2/3) vote. A motion to rescind will not be considered after publication of the legislation sought to be rescinded. A motion to rescind without notice will be considered only in an emergency situation as determined by the presiding officer and will only be adopted by a two-thirds (2/3) vote.

A motion to rescind will not be considered after publication of the legislation sought to be rescinded."  
[Drafter's Analysis to Sec. 2.26: Provisions combined into one paragraph.]

"2.27 RESERVED FOR FUTURE USE. REPORTS AND RESOLUTIONS TO BE FILED WITH CLERK. All reports and resolutions shall be filed with the Clerk and entered on the minutes. Reports filed with the Clerk after 12:00 noon on the Friday before the regular meeting of the Common Council shall not be acted upon at that meeting, but shall be referred to the Council's next regular meeting."  
[Drafter's Analysis to Sec. 2.27: Deleted as repetitive of prior provisions.]

"2.28 RESERVED FOR FUTURE USE. APPOINTMENT OF SPECIAL COMMITTEES. All special committees shall be appointed by the Mayor and confirmed by the Common Council, unless otherwise directed by the Council."  
[Drafter's Analysis to Sec. 2.28: Deleted as repetitive of other provisions.]

"2.29 CITIZENS RIGHT TO ADDRESS COMMON COUNCIL.

(1) Except as hereinafter set forth, any citizen shall have the right to speak on any item of business that is on the agenda for Common Council action if he/she registers to speak on that item before the item comes up for action.

(2) Except for informational and public hearings, speakers shall be limited to a three-minute address unless the Common Council agrees by a two-thirds (2/3) vote to extend the time.

(3) Provided, that aA speaker who requires an interpreter, either because of his/her limited English proficiency or because of a disability, may speak for six (6) minutes. No citizen shall be permitted to speak on petitions and communications when first introduced before the Common Council and which are

scheduled to be referred and reported back at a later meeting.

(4) No person shall submit a registration or appearance form for any meeting unless that person actually attends some portion of the meeting at which the registration or appearance is submitted, or personally delivers the form at the place of the meeting within thirty (30) minutes of the scheduled starting time of the meeting. This limitation does not apply to any person who is eligible to register with the City Clerk for automatic absentee balloting under Wis. Stat. § 6.86(2)(a)."

[Drafter's Analysis to Sec. 2.29: Clarify by breaking into subdivisions and to reflect current practice.]

**"2.30 PUBLIC HEARINGS.**

(1) In conducting a public hearing, the Common Council shall allow all interested parties an opportunity to speak on the subject matter of the hearing before submitting questions to any of the speakers.

(2) Each speaker is limited to five (5) minutes, unless the Common Council agrees by a 2/3 vote to extend the time, provided, that a speaker who requires an interpreter, either because of his/her limited English proficiency or because of a disability, may speak for ten (10) minutes.

(3) At the beginning of the public hearing, the presiding officer shall request all subsequent speakers to remain in the Council Chambers until the conclusion of the public hearing so that they may be available for questioning by the Council members."

[Drafter's Analysis to Sec. 2.30: Clarify by breaking into separate subdivisions.]

**"2.31 NO PERSONS ALLOWED ON COUNCIL FLOOR EXCEPT MEMBERS OF COUNCIL.**

No persons except members and officers of the Council or City Staff shall be allowed to come to the Council floor during the session of the Council without the permission of the presiding officer. The Council may designate certain seats in the rear of the Council Chambers for media."

[Drafter's Analysis to Sec. 2.31: Modify to reflect current practice.]

**"2.32 ROBERTS RULES OF ORDER TO GOVERN COUNCIL.** In the absence of a standing rule the Council shall be governed by Roberts Rules of Order."

[Drafter's Analysis to Sec. 2.32: No change.]

**"2.33 TRANSACTION OF BUSINESS AT SPECIAL MEETINGS.** At special meetings of the Council, no business shall be transacted but that for which the meeting shall have been called. No business may be introduced from the floor at a special meeting."

[Drafter's Analysis to Sec. 2.33: Modify to eliminate the ability to introduce items from the floor at a special meeting of the Council.]

**"2.34 SUSPENSION OF RULES.**

(1) The assent of two-thirds (2/3) of all members of the Council shall be required to suspend, alter, or modify any of the rules in this Chapter for a given meeting. These rules also may be amended by ordinance.

(2) When a member moves a suspension of the rules he shall be required to state the reason to which his motion is addressed. The presiding officer shall then put the question, "Is there any objection to the suspension of the rules in accordance with the motion?" If no such objection is made, the Clerk shall record a unanimous consent to the suspension of the rules, and the presiding officer shall then proceed to state the principal question."

[Drafter's Analysis to Sec. 2.34: Modified for clarification.]

**"2.35 PROCEEDINGS OF COUNCIL MEETINGS.**

(1) All regular meetings of the Common Council shall be recorded electronically.

(2) The recordings shall be protected and maintained and may only be destroyed in conformance with the procedures of Section 3.70 entitled "Public Records" of the Madison General Ordinances.

(3) These recordings shall be considered public records subject to inspection under Section 3.70 of the Madison General Ordinances."

[Drafter's Analysis to Sec. 2.35: No change.]

**"2.36 COUNCIL PROCEEDINGS.** As provided in Section 3.13 05 of these ordinances, the City Clerk shall be responsible for the publication, filing, indexing and safekeeping of all proceedings of the Common Council. As further provided in Sec. 3.70(2), MGO, the City Clerk is the legal custodian of the records of

of a lot on which the owner is to build an owner-occupied single family home or duplex, requesting a variance or other zoning change for improvements to the single family home or duplex or lot; or  
d. By any person or his, her or its representative challenging a tax assessment before the Board of Review.

(j) The exemptions in Sub.(i)1. are not available to any of the following individuals:

1. Any individual holding himself or herself out to the public as engaged in the business of representing others for the purpose of lobbying.
2. Any individual employed by a trade association or organization, any organization that has a membership of or is acting on behalf of two or more business entities, or any organization that has as a purpose advocacy on issues of public policy.
3. Any individual employed by a business owner if one of his or her primary job duties is lobbying, provided, however, that it shall be conclusively established that lobbying is not one of an individual's primary job duties if he or she does not make lobbying communications on more than five (5) days within a reporting period.

(k) Provided that the City gives notice of the registration and reporting requirements under this Sec.2.40 to the person seeking City assistance or approval, the exemptions in Sub. (i)1. and 2. are not available with respect to any lobbying activities or expenditures incurred:

1. In seeking direct cash assistance from the City in the form of a loan, grant, TIF funding, or similar assistance (not including for this purpose the provision of goods or services directly to the City or a City agency) in an amount greater than ten thousand dollars (\$10,000) in a calendar year; or
2. In seeking approval of any development or redevelopment as defined in MGO § 20.04(8) located within the City of Madison that is reasonably expected to include over 40,000 gross square feet in a non-residential building or buildings or ten (10) dwelling units.

(l) Design professionals providing the services within the definition of their profession, but only when preparing submittals requested for City approvals, when responding to questions of City staff or at public meetings, or when presenting information only to City staff or at a public meeting.

(4) Prohibited Practices.

(a) No lobbyist may:

1. Instigate legislative or administrative action for the purpose of obtaining employment in support or opposition to the action.
2. Furnish to any City of Madison official or employee or candidate for City of Madison elective office, or to the official's or candidate's personal campaign committee:

- a. Lodging.
- b. Transportation.
- c. Food, meals, beverages, money or any other thing of pecuniary value, except that a lobbyist may make a campaign contribution to a candidate for City elective office, or to the candidate's personal campaign committee.

3. Contract to receive or receive compensation dependent in any manner upon the success or failure of any legislative or administrative action.

(b) No principal may engage in the practices prohibited under paragraph (a)2. This subsection does not apply to the furnishing of transportation, lodging, food, meals, beverages or any other thing of pecuniary value which is also made available to the general public.

(c) This subsection does not apply to food, meals, beverages or entertainment provided by the Mayor when acting in an official capacity.

(d) This subsection does not apply to the furnishing of anything of pecuniary value by an individual who is a lobbyist or principal to a relative of the individual or an individual who resides in the same household as the individual, nor to the receipt of anything of pecuniary value by that relative or individual residing in the same household as the individual.

(e) Paragraph (a)2. does not apply to the furnishing of anything of pecuniary value by a lobbyist or principal to an employee of that lobbyist or principal who is a City official if the thing of pecuniary value is not in excess of that customarily provided by the employer to similarly situated employees and if the City official receives no compensation for her or his services other than reimbursement for actual and necessary expenses incurred in the performance of her or his duties, nor to the receipt of anything of pecuniary value by that City official under those circumstances.

(f) Paragraph (a)2. does not apply to the furnishing of educational or informational material by a lobbyist or principal to a City official or employee, or acceptance thereof by a City official or employee.

(g) Paragraph (a)2. does not apply to the furnishing or receipt of a reimbursement or payment for actual and reasonable expenses permitted under Sec. 3.35(6) of these ordinances.

(5) Corrupt Means to Influence Legislation; Disclosure of Interest. No person having a pecuniary or other interest, or acting as the agent of any person in procuring or attempting to procure the passage or defeat of any measure before the Council, may attempt in any manner to influence any member of the Council for or against the measure, without first making known to the member the real and true interest she or he has in the measure, either personally or as such agent. No person may give, or agree to give, or offer to give anything of value to any person, for the service of such person or of any other person in procuring the passage or defeat of any measure before the Common Council upon the contingency or condition of the passage or defeat of the measure. No person may receive, or agree to receive anything of value for such service, upon such contingency or condition.

(6) Registration.

(a) Every lobbyist shall, within five (5) working days after the first lobbying communication made by the lobbyist, file with the City Clerk a registration statement specifying the lobbyist's name, business address, the general areas of legislative and administrative action which the lobbyist is attempting to influence, the names of any City agencies in which the lobbyist seeks to influence administrative action, and information sufficient to identify the principal who has hired the lobbyist and the nature and interest of the principal. The statement shall



Sec. 2.05 as it currently exists.

authorized to defer consideration of any item on the agenda for one meeting only and shall notify the item's sponsor(s) in writing of his/her intention to defer the item.

(Sec. 2.04 Am. by Ord. 10,558, 12-30-92; Ord. 12,503, 11-19-99; Ord. 12,985, 12-24-01; Ord. 13,129, 8-28-02; ORD-05-00015, 2-15-05; Sec. 2.04(5)-(16) Renumbered by ORD-07-00128, 10-5-07; Am. by ORD-07-00194, 12-20-07)

## 2.05 INTRODUCTION OF BUSINESS.

(1) (a) All ordinances, resolutions or communications shall be in writing with a brief statement of their contents endorsed thereon, together with the name of the member presenting the same, and shall be delivered to the Clerk. The committee to which any matter is referred shall report thereon in writing within a period of forty-five (45) days unless by favorable motion a different time is set by the body.

(b) Any business to be referred may be introduced from the floor, and if no fiscal note is prepared, will be referred to the comptroller for a fiscal note. Introduction of any matters by title only or without a fiscal note shall require a two-thirds (2/3) majority vote. Any matter introduced from the floor shall be either (i) referred to the next Common Council meeting for action or (ii) automatically referred to the next Common Council and be placed on the agenda as if for introduction, solely for the purpose of additional referrals.

(Am. by Ord. 10,683, 6-25-93; Ord.13,129, 8-28-02; ORD-05-00046, 3-16-05; ORD-07-00194, 12-20-07)

(2) The requirements of Subsection (1) above do not apply to resolutions recommended by the Board of Public Works which

- (a) award public works contracts,
- (b) accept identified public works improvements,
- (c) approve plans and specifications and authorize the Board of Public Works to advertise and receive bids for identified public works contracts,
- (d) accept identified improvements by private contracts,
- (e) accept identified street improvements by private contracts,
- (f) approve plans and specifications for public improvements for identified subdivisions,
- (g) authorize construction to be undertaken, and
- (h) authorize amendments to previously executed contracts.

(Cr. by Ord. 13,129, 8-28-02)

(3) Except when introduced from the floor, before an ordinance or resolution is introduced, or a report of an officer or committee is considered, a copy of the ordinance, resolution, or report, or title of same shall be filed in the office of the City Clerk by 12 noon on the Wednesday preceding the meeting at which it is to be introduced. Upon request, the City Clerk shall prepare copies of the ordinance or resolution and furnish such copies to each alderperson. (Am. by Ord. 8671, 9-6-85; Am. and Renumbered by Ord. 13,129, 8-28-02; ORD-07-00194, 12-20-07)

(4) Appointments of citizens, other than Common Council members, to boards, committees, or commissions by the Mayor, shall be submitted to the Common Council and referred to the next regular Council meeting for action. Appointments of Common Council members shall be acted upon at the meeting the appointments are introduced.

When appointing a citizen, the following shall be noted:

- (a) Any persons who are not City of Madison residents and the reasons for such appointment, pursuant to Sec. 3.30(2), Madison General Ordinances (MGO).
- (b) Other committees the individual serves on.
- (c) Initial date of the appointment.

(Cr. by Ord. 11,768, 1-21-97; Am. by Ord. 11,791, 3-4-97; Renumbered by Ord. 13,129, 8-28-02; Am. by ORD-07-00194, 12-20-07; ORD-09-00004, 1-24-09)

(5) Unless otherwise provided in these ordinances, no ordinance or resolution, having once been defeated, rejected or placed on file, may again be introduced in the same or in substantially similar form, until the expiration of sixty (60) days from the date when such ordinance or resolution was defeated, rejected or placed on file, except for matters placed on file without

prejudice. (Am. by Ord. 12,050, 3-13-98; Renumbered by Ord. 13,129, 8-28-02; Am. by ORD-07-00194, 12-20-07)

- (6) Unless otherwise provided in these ordinances, no ordinance or resolution shall be introduced unless it is sponsored by a member of the Common Council or the Mayor or both. Use of a Common Council member's name as sponsor must be with his or her knowledge and consent. This provision shall apply not only to ordinances and resolutions, but also to all substitutes and amendments. The provisions of this subsection shall not apply to the following:
- (a) Recommendations of the City Attorney or Risk Manager relating to claims.
  - (b) Recommendations and advice of the City Attorney relating to litigation in which the City is or is going to become involved.
  - (c) Changes to ordinances and resolutions which may be mandated by state or federal law.
  - (d) Recommendations of the Personnel Board relating to the classification of positions.
  - (e) Changes to ordinances and resolutions which may be required by the adoption of the annual City Budget.
  - (f) Petitions for direct legislation pursuant to the provisions of Wis. Stat. § 9.20.
  - (g) Ordinances and resolutions necessary to implement Public Works projects previously approved in the annual City Budget or allowed under sub. (2) of this ordinance.
  - (h) Zoning map or text amendments allowed under Sec. 28.12(10)(b), MGO, to be sponsored by the Plan Commission or Planning Division.
  - (i) Changes to ordinances recommended by the City Attorney which are intended to correct errors, omissions or inconsistencies therein.

(Renum. by Ord. 11,768, 1-21-97; Renum. by Ord. 13,129, 8-28-02, Am. by ORD-05-00167, 11-8-05; Am. by ORD-07-00194, 12-20-07)

(7) For any matters not sponsored by a member of the Common Council, the sponsoring officer or body shall be indicated by name. (Cr. by ORD-07-00194, 12-20-07)

(8) Citizen petitions or communications may be introduced in the same manner as ordinances or resolutions, or may be presented to the Clerk for inclusion on the agenda. (Cr. by ORD-07-00194, 12-20-07)

**2.06 QUESTIONS OF ORDER.** The presiding officer shall decide all questions of order, subject to an appeal to the Council. The City Attorney may advise the presiding officer or the Council on questions of order. (Am. by ORD-07-00194, 12-20-07)

**2.07 PRESIDING OFFICER TO PRESERVE ORDER.** It shall be the duty of the presiding officer to preserve decorum; and if any member transgress the rules of the Council, the presiding officer shall, on her or his own or at any member's request, call such offending member to order. The Council, if appealed to, shall decide the matter. The President Pro-tem or her or his designee shall serve as sergeant-at-arms and assist the presiding officer in preserving order. (Am. by Ord. 8156, 11-14-83; Ord. 13,129, 8-28-02).

**2.08 MOTIONS.**

- (1) When a motion is made and seconded, it shall be deemed to be in possession of the Council, and shall be stated by the presiding officer, or being in writing, shall be delivered to the Clerk. (Am. by Ord. 8156, 11-14-83)
- (2) After a motion is stated by the presiding officer, or read by the Clerk, it shall not be withdrawn, except by the consent of the Council.
- (3) On any motion subject to debate, any alder may propose an amendment to the motion as a friendly amendment. Amendments may be considered friendly and accepted into the pending motion without objection from the Council. If not so accepted, the amendment shall proceed as an amendment subject to debate and vote. (Cr. by Ord. 13,727, 11-9-04; Am. by ORD-07-00194, 12-20-07)

**2.09 WITHOUT PREJUDICE.** "Without prejudice" means that no rights or privileges of the party concerned are to be considered waived or lost; action taken with no decision on the merits and no effect on one's ability to re-petition or refile. (Cr. by Ord. 12,050, 3-13-98)