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PARALEGAL

Ryan M. Riley

MEMORANDUM

TO: Common Council Executive Committee

FROM: City Attorney Michael Haas

DATE: November 22, 2024

RE: Procedures for Removal Hearing

The attached document outlines detailed steps the Council may take if a complaint is received seeking to remove an alder from the Council. The standards and process for removal are established in Wis. Stat. §§ 17.12 and 17.16. The statutes outline some of the basic requirements to ensure due process and the attached document describes a more detailed step-by-step process that the Council can consider. This memorandum does not address the standard for removal of an alder which is a finding of cause, defined as “inefficiency, neglect of duty, official misconduct, or malfeasance in office.” Wis. Stat. 17.001.

The Council has adopted a Code of Conduct which establishes standards of conduct for alders, including anti-discrimination and anti-harassment provisions contained in APM 3-5. The attached draft procedures are a continuation of the effort to clarify options for the Council to regulate and address the behavior of its members. If CCEC believes it would be helpful to codify the attached procedures, we can incorporate them into an ordinance amendment so that the Council does not need to develop hearing procedures if they are necessary in the future.

Please let me know if you have any questions.