

**CITY OF MADISON, WISCONSIN**

AN ORDINANCE \_\_\_\_\_

PRESENTED September 16, 2008  
REFERRED CCOC

Amending and repealing various sections of the Madison General Ordinances to correct inconsistencies and improper references in the Madison General Ordinances, constituting the 2008 City Attorney Reviser's Ordinance.

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RULES SUSPENSION \_\_\_\_\_  
PUBLIC HEARING \_\_\_\_\_

Drafted by: Michael May

Date: September 2, 2008

SPONSORS: City Attorney pursuant to  
Sec. 2.05(6)(i), MGO.

DRAFTER'S ANALYSIS: This is the annual City Attorney's Reviser's ordinance, correcting certain parts of the Madison General Ordinances (MGO), the City's code of ordinances. The proposed changes are as follows:

1. Sec. 1.01(8), MGO, is amended to formally adopt the rule that authority granted to a public official may be accomplished by the official's designee. This will avoid having to add "or designee" in the MGO's.
2. Sec. 1.01(11)(c), MGO, is corrected to refer to the Common Council office.
3. Sec. 2.05(4), MGO, is amended to clarify that appointments of Common Council members to committees or boards are acted upon without referral.
4. Sec. 3.54(6)(c)3.c., MGO, is amended to be consistent with prior amendments of the Council providing for 90 days notice of the end date of a manager's contract.
5. Sec. 4.09(13), MGO, is amended to include repairs of sidewalks, curbs and gutters, which was inadvertently removed.

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

1. Subsection (8) entitled "Acts by Agents" of Section 1.01 entitled "Construction of Ordinances" of the Madison General Ordinances is amended to read as follows:

"(8) Acts By Agents. When an ordinance requires an act to be done which may by law as well be done by an agent as by the principal such requisition shall be construed to include all such acts when done by an authorized agent. Wherever these ordinances direct or allow a public official to take action, that action may be taken by the official's designee."

2. Subdivision (c) of Subsection (11) entitled "Notice of Vacancies" of Section 1.01 entitled "Civil Service System" of the Madison General Ordinances is amended to read as follows:

"(c) The filing of written notice of vacancies in the Office of the ~~Secretary of the~~ Common Council for posting and distribution pursuant to administrative directive shall fulfill the requirements of forwarding written notice of vacancies to every member of the Common Council as set forth above."

**Approved as to form:**

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

"(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."

4. Subparagraph c. of Paragraph 3. of Subdivision (c) entitled "Implementation" of Subsection (6) entitled "Compensation of Managerial Employees" of Section 3.54 entitled "Compensation Plan" of the Madison General Ordinances is amended to read as follows:

"c. At least ~~60~~90 days prior to the specified renewal date in the contract of a managerial employee, the Human Resources Director shall notify all alders of such renewal date and the expiration date of the managerial employee's contract, and notify the alders that if they wish to provide comments to the Mayor regarding the managerial employee, they should do so promptly."

5. Subsection (13) of Section 4.09 entitled "Special Assessments for the Construction or Reconstruction of Sanitary Sewers, Storm Sewers, and Street Improvements and Special Charges for Current Services" of the Madison General Ordinances is amended to read as follows:

"(13) Special charges for current services rendered may be imposed through the allocation of all or part of the cost to the property served. Such current services may include without limitation because of enumeration, subdivision service costs under Sec. 16.23(9)(e), unpaid public facilities impact fees imposed under Chapter 20, Madison General Ordinances, mall-concourse special maintenance, street sprinkling, oiling and tarring, sealcoating and dust control, repair of sidewalks, curbs or gutters, garbage and refuse disposal, street lighting and/or traffic signal operation and maintenance, financing of lead service replacement for those property owners which meet the criteria of Section 4.082, Madison General Ordinances, and tree care. The amount to be charged may include direct and indirect costs, including the resulting damages, if any, interest on City funds used in anticipation of the collection of the special charges, a reasonable charge for administrative staff services, any architectural, engineering and legal services costs, and any other item of direct or indirect cost reasonably attributed to the work or services rendered. The amount to be charged against all property for the work or services rendered may be apportioned among the individual parcels served. For street sprinkling, oiling and tarring, sealcoating and dust control, and repair of sidewalks, curbs or gutters, unless notice and hearing is waived in writing as provided above, a notice shall be published in the official newspaper that the Common Council will hold a public hearing regarding the establishment of special charges for current services. Such notice shall be published as a Class I notice under Chapter 985 of the Wisconsin Statutes, and a copy of the notice shall be mailed to every interested person whose post office box address is known or can be ascertained with reasonable diligence. The hearing shall commence not less than ten (10) and not more than forty (40) days after such publication and mailing. Such notice shall specify that on a certain date a hearing will be held by the Common Council as to whether the service in question shall be performed at the cost of the property owner, at which hearing anyone interested will be heard. For all other types of special charges, no public hearing is required and notice shall be as provided on the billing of the special charge. Such special charges shall not be payable in installments. If not paid within the period prescribed on the billing, such delinquent special charges shall become a lien as provided in Section 66.0627(4) Wisconsin Statutes as of the date of such delinquency and shall automatically be extended upon the current or next tax roll as a delinquent tax against that property and all proceedings in relation to the collection, return and sale of the property for delinquent real estate taxes shall apply to such special charges."