

AGENDA # _____

CITY OF MADISON, WISCONSIN

A SUBSTITUTE ORDINANCE _____

amending Sections 7.01 and 7.02 to dissolve the Public Health Commission and create a Board of Health for Madison and Dane County and Director and **amending Sections 3.09(2), 3.73(2), 7.07(8)(d), 7.08(14), 7.15(5), 7.44(1)(d), 7.47(10), 7.52(3), 7.53(3), 23.18(3), and 25.22(2), (3)(a), (8) and (9)** to update references to the Public Health Commission, effective upon execution of the Intergovernmental Agreement between the City of Madison and Dane County for Public Health Services and appointment of the Board and Director.

EXHIBIT X

Drafted by: Marci A. Paulsen
Assistant City Attorney

Date: January 25, 2005

Fiscal Note: This ordinance provides in part for the creation of a new joint board of public health, and for a single public health director for a unified public health agency. Funding is available in the 2005 Adopted Operating Budget for the City's share of the new director position. Any recruiting and hiring expenses would be shared by the City and County based upon equalized value. No net additional appropriation or impact upon cost controls is anticipated for 2005. Any funding recommendations related to full unification would be incorporated into future year operating and capital budgets. Any other anticipated costs of unification will be apportioned between the City and the County based on equalized value, subject to approval of the Common Council and County Board.

SPONSORS: Mayor Cieslewicz, Aids. Onken, Olson, and Brandon

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

- 1. Section 7.01 entitled "Public Health Commission" of the Madison General Ordinances is amended to read follows:

PRESENTED December 14, 2004
REFERRED Public Health Commission;
Board of Estimates

REREFERRED _____

REPORTED BACK _____

ADOPTED _____ POF _____

RULES SUSPENDED _____

PUBLIC HEARING _____

MAYOR SIGNED _____

PUBLISHED _____

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

Comptroller's Office

SUBST. ORDINANCE NUMBER _____

ID NUMBER 37316

“7.01 PUBLIC HEALTH COMMISSION.

- (1) Membership.
 - (a) Regular Members. There is created a Public Health Commission which shall be advisory to the Director of the Department of Public Health, the Mayor and Common Council consisting of nine (9) members appointed by the Mayor, subject to confirmation by the Common Council. Members shall be appointed on the basis of their knowledge and interest in public health. At least three (3) of these members shall be persons who are not elected officials or employees of the governing body that establishes the health department. In appointing the members who are not elected officials or employees, a good faith effort shall be made to appoint a registered nurse and a physician. Members shall reflect the diversity of the community. At least one (1) member shall be an Alderperson and all others may be citizen members. The Director of the Department of Public Health or her/his designee shall be an ex officio member of the Commission without vote and shall serve as secretary.
 - (b) Alternate Members. In addition to the above mentioned members, the Mayor shall on an annual basis, appoint two (2) alternate members. The alternates may be either alderpersons or citizen members. The first alternate shall act with full power and authority when any other member of the Commission is absent or refuses to act. The second alternate shall act only when the first alternate is absent or refuses to act or when more than one (1) member of the Commission is absent or refuses to act.
- (2) Terms. The Alderperson member of the Commission shall be appointed in April for a term of two (2) years beginning on the first day of May. The full term of the citizen members shall be for three (3) years beginning on the first day of May of the year of appointment and until the successor is appointed and confirmed. At the organization meeting of the Common Council preceding the end of any of the citizen members' terms, the Mayor shall appoint a successor for full terms and shall submit the appointments to the Common Council for confirmation.
- (3) Duties. The Commission shall have the following duties:
 - (a) Recommend policy to the Director of the Department of Public Health, Mayor and Common Council in the area of public health services.
 - (b) Establish policies in the area of public health services to be followed by the Department of Public Health subject to the approval of the Common Council.
 - (c) Review and make recommendations to the Director of Public Health on the annual public health services budget; such recommendations or a statement that the Commission has no recommended changes shall be filed at the time the budget is filed with the Mayor.
 - (d) Investigate new and innovative methods for delivery of public health services.
 - (e) Stimulate coordinated intercommunity and intracommunity planning for the delivery of public health services.
 - (f) Seek ways to involve citizens in the continuing assessment of public health services needs.
 - (g) Cooperate with other agencies in public health concerns.
 - (h) Seek to improve accessibility of public health services to citizens who have language and other barriers.
 - (i) Establish public health services priorities and criteria for choices between those services which are provided directly by the City and those which are purchased from other agencies subject to the approval of the Common Council.
 - (j) Work to improve coordination and follow-up in connecting City residents with available health services.
 - (k) Make recommendations to the Director of Public Health, Mayor and Common Council for legislation to improve public health services.
 - (l) Establish subcommittees as necessary to provide broad community contact and participation and to collect information, explore problem areas and make recommendations to the Commission on particular health issues.
 - (m) Hold public hearings to collect information about the community's concerns and needs in the area of public health.
 - (n) Make such rules for the conduct of its meetings and business as may be required.
- (4) Meetings. The Commission shall meet at least once each month as a regular meeting and at such other times as the Chair may direct.
- (5) Advice on Selection of Public Health Director. The Commission shall advise the Mayor in the selection of the Public Health Director.

- (6) Sunset Provision. Through an Intergovernmental Agreement, the City of Madison and Dane County are in the process of merging the Madison Department of Public Health and the Dane County Division of Public Health into the Madison and Dane County Health Department. As a result of this merger, the Public Health Commission and the Dane County Board of Health will be dissolved and the Board of Health for Madison and Dane County (BOHMDC) will be created. The BOHMDC will be created upon the authorized appointments of all the members by the Common Council and the Dane County Board of Supervisors.
- (7) Upon confirmation of the members of the BOHMDC, Section 7.01 of the Madison General Ordinances is repealed and replaced by Section 7.01 as set forth herein.
- (8) Effective at the time set forth in Sub. (7), above, there is hereby created a new Section 7.01 of the Madison General Ordinances to read as follows:

7.01 BOARD OF HEALTH FOR MADISON AND DANE COUNTY.

- (1) Creation. The Board of Health for Madison and Dane County is hereby created to serve as the Board of Health for the City of Madison Department of Public Health and the Dane County Division of Public Health and upon full merger, will serve as the Board for the Madison and Dane County Health Department.
- (2) Composition, Terms. The Board of Health for Madison and Dane County shall consist of eight (8) members. Appointees who are not elected officials shall have a demonstrated interest or competence in the field of public health or community health and shall reflect the diversity of the community.
 - (a) The Mayor shall appoint one (1) alder member subject to confirmation by the Common Council.
 - (b) The County Executive shall appoint one (1) supervisor member subject to confirmation by the County Board. The supervisor shall reside outside the City.
 - (c) The Mayor and the County Executive shall jointly appoint six (6) members. A good faith effort shall be made to appoint one (1) licensed physician, one (1) environmental health expert, and one (1) registered nurse. The physician shall be appointed from a list submitted by the Dane County Medical Society. The nurse shall have experience in community health practice. The appointments shall be as follows:
 - 1. Three (3) members shall be City residents and shall be subject to confirmation by the Common Council.
 - 2. Three (3) members shall be County residents who reside outside of the City and shall be subject to confirmation by the County Board.
 - 3. The board members' term shall be as follows:
 - a. The alder and supervisor terms shall be for two (2) years.
 - b. Four (4) board members terms shall be for three (3) years. (Two each from city and county.)
 - c. Two (2) board members terms shall be for four (4) years. (One each from city and county.)
 - d. The board member's term shall be automatically terminated and a vacancy created upon his or her absence from three (3) consecutive meetings.
 - (d) Officers. By majority vote of members present the Board of Health for Madison and Dane County shall elect officers on an annual basis. Elected officials of the City and County may not serve as Board officers. Officers shall include:
 - 1. Chairperson, to preside at meetings;
 - 2. Vice Chairperson, to preside at meetings in the Chairperson's absence.
 - 3. Any other officer(s) the Board so chooses.
 - (e) Rules. The Board may adopt rules for the purposes of exercising its responsibilities for public health under the statutes, the City and County ordinances. The Board of Health for Madison and Dane County shall:
 - 1. Meet at least quarterly.
 - 2. Establish rules for its operation.
 - 3. Adhere to state laws regarding open meetings and public records.
 - 4. Consider five (5) members present as a quorum.
 - 5. Establish bylaws as desired.

- (3) Powers and Duties. The Board of Health for Madison and Dane County shall govern the Madison Department of Public Health, the Dane County Division of Public Health and the Madison and Dane County Health Department and shall assure the enforcement of state and local public health laws and regulations. The Board shall adopt rules implementing policies adopted by the Common Council and the County Board.
The Board of Health for Madison and Dane County shall:
- (a) Provide supervision to the Director.
 - (b) Assess public health needs and advocate for the provision of reasonable and necessary public health service.
 - (c) Develop policy and provide leadership that fosters local involvement and commitment that emphasizes public health needs and that advocates for equitable distribution of public health resources and complimentary private activities commensurate with public health needs.
 - (d) Assure that measures are taken to provide an environment in which individuals can be healthy.
 - (e) Determine Program Services priorities and assign the funding levels related to those priorities, subject to approval of the City and County.
 - (f) Use the State's Health Plan, Healthiest Wisconsin 2010, as the focus for the Department.
 - (g) Assure the enforcement of state public health statutes, public health rules and City and County public health ordinances.
 - (h) Otherwise carry out obligations of a Board of Health under Wisconsin law.
 - (i) When entering into contracts, the Board may do so in its own name, for the benefit of the City and the County.
- (4) Delegation of Authority. The Board of Health for Madison and Dane County may delegate responsibility for redesign, planning, implementation, coordination, and evaluation of Program Services to the Director and his or her management team.
- (5) Program Services. The Board of Health for Madison and Dane County shall have the authority to act on behalf of the Madison and Dane County Health Department, the City Department of Public Health and the County Division of Public Health and enter into contracts for the purchase of services to the Madison and Dane County Health Department, the City and the County. The Board of Health for Madison and Dane County may delegate that authority to the Director.
- (6) Legal Counsel. The Board of Health for Madison and Dane County shall have the authority to retain outside counsel, subject to approval of the City and County.
- (7) Limitations of Powers in First Year. After the confirmation of the Board of Health for Madison and Dane County and until amended by a subsequent agreement between the City and the County, contracts in excess of \$50,000 and regulations established by Board of Health for Madison and Dane County shall be brought to the Common Council and the Board of Supervisors for approval. During this time period the Board of Health for Madison and Dane County may approve contracts under \$50,000 to provide public health services. The Board of Health for Madison and Dane County may apply for combined grants or program operations on behalf of the City and the County or for individual grants on behalf of the City and County where appropriate.
- (8) Other Duties. The BOHMDC shall have the duties and obligations set forth in the Intergovernmental Agreement between the City of Madison and Dane County."

2. Section 7.02 entitled "Director of Public Health" of the Madison General Ordinances is amended to read follows:

"7.02 DIRECTOR OF PUBLIC HEALTH.

- (1) Effective March 1, 1989, the position of Director of Public Health as it becomes vacant shall be filled according to Sec. 3.38(6)(f) of these ordinances. The Mayor shall consider the recommendation of the Public Health Commission in the selection of the Director. The incumbent of the position as of the above date may enter into an employment contract as described in such section at his or her option.
- The Director of Public Health shall have the powers and duties as provided in Sec. 251.06, Wis. Stats. He/she shall be a licensed physician with training or experience in public health work or shall be a person other than a licensed physician with training in and experience in public health administration which shall meet the training and experience requirements established by the State Department of Health and Family Services. He/she shall devote his/her entire time to the duties of the office. He/she shall perform duties and exercise powers in accordance with City Ordinances, State

Statutes, and regulations of the State Department of Health and Family Services together with such additional duties as the Public Health Commission, the Mayor or the Common Council may from time to time prescribe.

- (2) Director of Public Health - Designee.
 - (a) There is hereby created the position of Director of Public Health - Designee. The purpose of the position is to provide for an orderly transition in the office of Director of Public Health upon the retirement or other predetermined vacancy by the incumbent. The Designee shall be selected prior to such vacancy and shall upon reconfirmation immediately succeed to the position of Director of Public Health upon such vacancy and shall meet all the qualifications for the Director of Public Health position at the time of his appointment. Upon succession to the office of Director of Public Health the Designee position shall remain vacant until a predetermined vacancy in the office of Director of Public Health becomes apparent.
 - (b) The Director of Public Health-Designee shall be appointed by the Mayor, after consultation with the Public Health Commission, subject to the approval of the Common Council. The Designee shall, under the supervision of the Director of Public Health, work with the Director in the performance of prescribed duties and shall prepare for succession to office so that such transition is carried out in a nondisruptive and orderly fashion. The Director of Public Health shall at all times retain the authority and duties of the office. In addition the Designee shall perform such other duties as may be prescribed by the Public Health Commission, Mayor, Common Council or Director of Public Health.
 - (c) The probationary period for the Director of Public Health-Designee shall consist of the entire term as Designee and, in addition, for the first twelve (12) months of service as Director of Public Health. At the time of succession to the office of the Director of Public Health the appointment shall be reconfirmed by the Public Health Commission, Mayor and Common Council. At such time the position of Director of Public Health shall not be reopened for recruitment purposes unless the Designee is not reconfirmed as Director of Public Health.
- (3) Sunset Provision. Through an Intergovernmental Agreement, the City of Madison and Dane County are in the process of merging the Madison Department of Public Health and the Dane County Division of Public Health into the Madison and Dane County Health Department. As a result of this merger, the positions of Director of the City of Madison Public Health Department and of the Dane County Division of Public Health will be dissolved and there will be a Director position created to be the Director of the City of Madison Public Health Department, the Dane County Division of Public Health and for the newly created department, the Madison and Dane County Department of Public Health. The Director position shall be created upon the authorized appointment of the Common Council and the Dane County Board of Supervisors.
- (4) Upon appointment of the new Joint Director as described in Sub. (3), above, Section 7.02 of the Madison General Ordinances is repealed and replaced by Section 7.02 as set forth herein.
- (5) Effective at the time set forth in Sub. (3), above, there is hereby created a new Section 7.02 of the Madison General Ordinances to read as follows:

7.02 DIRECTOR OF PUBLIC HEALTH. The Mayor and the County Executive jointly shall appoint the Local Health Officer whose title shall be Director of the Madison and Dane County Health Department and the City Department of Public Health and the County Division of Public Health, subject to confirmation of the Common Council and the County Board. The Director shall be a resident of Dane County. The Board of Health for Madison and Dane County shall provide supervision of the Director and shall be responsible for any personnel decisions, other than appointment and dismissal, regarding the Director. The Director shall have direct responsibility for the transition to and operation of the Madison and Dane County Health Department. Until otherwise established, the Director shall be on the payroll of and be eligible for benefits of either the City or the County, but not both."

3. Effective upon execution of the Intergovernmental Agreement between the City of Madison and Dane County for Public Health Services Subsection (2) of Section 3.09 entitled "Commission on the Environment" of the Madison General Ordinances is amended to read follows:

- "(2) The Commission shall be composed of nine (9) members to be appointed by the Mayor subject to the approval of the Common Council on the third Tuesday of April for a term commencing on that date.

One (1) member shall be an alderperson whose term shall expire with the expiration of his/her term as alderperson. Five (5) members shall be citizen members whose terms shall be three (3) years.

The Board of Public Works, the ~~Public Health Commission~~ Board of Health for Madison and Dane County and the Water Utility Board will each designate one member of their respective bodies for appointment by the Mayor to this Commission.

The City Engineer shall act as executive secretary to the Commission who shall prepare the agenda and minutes of the meetings and perform such other duties as the Commission shall direct.

Appointments to the Commission shall be made with consideration given to the expertise and/or interest necessary for proper performance of the duties assigned to the Commission members, and with strong consideration given to membership or participation in recognized environmental groups and agencies. All vacancies shall be filled by appointment of the Mayor subject to approval of the Common Council for a term filling out the remainder of the vacated member's term."

4. Effective upon execution of the Intergovernmental Agreement between the City of Madison and Dane County for Public Health Services Subsection (2) of Section 3.73 entitled "Solid Waste Advisory Committee" of the Madison General Ordinances is amended to read follows:

"(2) The Solid Waste Advisory Committee shall consist of nine (9) voting members appointed by the Mayor subject to the approval of the Common Council on the third Tuesday of April for a term of one year each commencing on that date, except that the terms of citizen members and of the alderperson shall be two years with each term ending on the third Tuesday of April of the second year of such term. Appointees shall include one (1) alderperson, one (1) member of the Board of Public Works, one (1) member of the Commission on the Environment, one (1) member of the ~~Public Health Commission~~ Board of Health for Madison and Dane County, and five (5) citizen members. Appointments shall be made with consideration given to expertise in solid waste management, environmental health, public relations, economics or business, hydrogeology, chemistry, environmental engineering and/or other areas related to solid waste issues.

The Street Superintendent (Streets and Sanitation Superintendent) shall serve the Solid Waste Advisory Committee as its nonvoting Executive Secretary. All matters to be considered by the Committee shall be submitted to the Executive Secretary who shall prepare the notice, agenda and minutes of all Committee meetings and perform such other duties as the Committee shall direct."

5. Effective upon execution of the Intergovernmental Agreement between the City of Madison and Dane County for Public Health Services Subdivision (d) entitled "Suspension/Revocation" of Subsection (8) entitled "Food and Drink Permit" of Section 7.07 entitled "Regulations Regarding Foods Handled By Public Places" of the Madison General Ordinances is amended to read follows:

"(d) Suspension/Revocation. In addition to any other penalty provided by these ordinances, any permit may be suspended or revoked, by the Subcommittee of the ~~Public Health Commission~~ Board of Health for Madison and Dane County formed for such purpose or by the ~~Public Health Commission~~ Board of Health for Madison and Dane County as set forth below, upon serious or repeated violations of this ordinance. The permit shall not be suspended or revoked until the permit holder has had notice and an opportunity for a hearing. If the Director of Public Health is requesting suspension of a permit, the matter shall be heard before a subcommittee of the ~~Health Commission~~ Board of Health for Madison and Dane County consisting of three (3) members appointed by the Chair. If the Director of Public Health seeks revocation of the permit, the hearing shall be before the ~~Public Health Commission~~ Board of Health for Madison and Dane County, provided that the ~~Public Health Commission~~ Board of Health for Madison and Dane County shall nevertheless have the authority to either suspend or revoke such permit. The licensee shall be notified in writing of the charges against her or him at least ten (10) days prior to the hearing. At the hearing the licensee and the Director of Public Health shall have the opportunity to cross-examine witnesses, may call witnesses in her or his own behalf or may be represented by counsel. Within ten (10) days of the hearing, the administrative hearing body shall issue a written decision stating the reasons therefor. If ordered, suspension shall be for a period not to exceed six (6) months; revocation shall be for a period of one (1) year."

6. Effective upon execution of the Intergovernmental Agreement between the City of Madison and Dane County for Public Health Services Subsection (14) entitled "Appeal" of Section 7.08 entitled "Regulations Governing Eating And Drinking Establishments" of the Madison General Ordinances is amended to read follows:

"(14) Appeal.

- (a) Pursuant to sec. 196.06(3) HFS, Wis. Admin. Code, any operator aggrieved by an order of the Director of Public Health may request a hearing to appeal the order. A request for a hearing shall be submitted to the Public Health Commission Board of Health for Madison and Dane County within fifteen (15) days after issuance of the order; otherwise, the right to request a hearing shall be deemed waived.
- (b) The matter shall be heard before a subcommittee of the Public Health Commission Board of Health for Madison and Dane County consisting of three (3) members appointed by the Chair. All parties shall be notified of the date, time and location of the hearing to be set no more than thirty (30) days nor less than ten (10) days after the request has been received by the Public Health Commission Board of Health for Madison and Dane County. At the hearing the operator and the Director of Public Health may be represented by counsel, shall have the opportunity to present evidence, and shall be able to call and cross-examine witnesses. Within ten (10) days of the hearing, the subcommittee shall issue a written decision stating the reason therefor.
- (c) The decision of the subcommittee shall be a final determination and shall be subject to review in Circuit Court of Dane County as may be provided by law. Any party aggrieved by the decision may seek review thereof within thirty (30) days after the date of the final determination."

7. Effective upon execution of the Intergovernmental Agreement between the City of Madison and Dane County for Public Health Services Subsection (5) entitled "Appeal" of Section 7.15 entitled "Regulation Of Tattooing And Body-Piercing" of the Madison General Ordinances is amended to read follows:

- "(5) Appeal. Any person aggrieved by an order of the department issued pursuant to Chapter HFS 173, Wis. Admin. Code or this section, may appeal such order in accordance with the provisions of Sec. 66.0417, Wis. Stats. to a subcommittee of the Public Health Commission Board of Health for Madison and Dane County. The subcommittee, consisting of at least three (3) members, may affirm, set aside, or modify the order by majority vote. That decision shall be final and may be appealed to the Circuit Court of Dane County."

8. Effective upon execution of the Intergovernmental Agreement between the City of Madison and Dane County for Public Health Services Subdivision (d) of Subsection (1) entitled "Public Swimming Pool Licenses" of Section 7.44 entitled "Minimum Standards For Public Swimming Pools" of the Madison General Ordinances is amended to read follows:

- "(d) In addition to any other remedies provided by Sec. 7.44 of the Madison General Ordinances, Comm 90 and/or HFS Section 172, any license issued pursuant to this subsection may be suspended for up to thirty (30) days or revoked by the Director of Public Health for noncompliance with the provisions of Sec. 7.44 of the Madison General Ordinances, Comm 90 and/or HFS Section 172. Upon denial of a license or revocation or suspension of the license of any operator of a public swimming pool the operator may appeal the determination of the Director of Public Health to the Public Health Commission Board of Health for Madison and Dane County within ten (10) days of the determination by filing a notice of appeal with the City Clerk who shall then promptly notify the members of the Commission of the appeal who shall promptly convene for consideration of the appeal. By majority vote, the Commission may reverse or modify the determination of the Director of Public Health. Any further appeal shall be to the Circuit Courts of Dane County."

9. Effective upon execution of the Intergovernmental Agreement between the City of Madison and Dane County for Public Health Services Subsection (10) entitled "Appeal" of Section 7.47 entitled "Regulations Of Discharge Of Nonstorm Water" of the Madison General Ordinances is amended to read follows:

"(10) Appeal.

- (a) Any applicant or permit holder aggrieved by an order of the Director of Public Health may request a hearing to appeal the order. A request for a hearing shall be submitted to the ~~Public Health Commission~~ Board of Health for Madison and Dane County within fifteen (15) days after issuance of the order; otherwise, the right to request a hearing shall be deemed waived.
- (b) The matter shall be heard before a subcommittee of the ~~Public Health Commission~~ Board of Health for Madison and Dane County consisting of three (3) members appointed by the Chair. All parties shall be notified of the date, time and location of the hearing to be set no more than thirty (30) days nor less than ten (10) days after the request has been received by the ~~Public Health Commission~~ Board of Health for Madison and Dane County. At the hearing the applicant or permit holder and the Director of Public Health may be represented by counsel, shall have the opportunity to present evidence, and shall be able to call and cross-examine witnesses. Within ten (10) days of the hearing, the subcommittee shall issue a written decision stating the reason therefor. The decision shall be mailed to the addresses provided by the parties.
- (c) The decision of the subcommittee shall be a final determination and shall be subject to review in Circuit Court of Dane County as may be provided by law. Any party aggrieved by the decision may seek review thereof within thirty (30) days after the date of the final determination."

10. Effective upon execution of the Intergovernmental Agreement between the City of Madison and Dane County for Public Health Services Subsection (3) entitled "Appeal Procedure" of Section 7.52 entitled "Regulations Of Discharge Of Nonstorm Water" of the Madison General Ordinances is amended to read follows:

- "(3) Appeal Procedure. Any operator aggrieved by an order of the City of Madison Health Department under Ch. HFS 175 of the Wisconsin Administrative Code may appeal in accordance with the provisions of Sec. 66.0417, Wis. Stats., to a subcommittee of the ~~Public Health Commission~~ Board of Health for Madison and Dane County consisting of at least three (3) members. After the hearing, the subcommittee may affirm, set aside, or modify the order by majority vote. Any further appeal shall be to the Circuit Court of Dane County."

11. Effective upon execution of the Intergovernmental Agreement between the City of Madison and Dane County for Public Health Services Subsection (3) entitled "Appeal Procedure" of Section 7.53 entitled "Campgrounds" of the Madison General Ordinances is amended to read follows:

- "(3) Appeal Procedure. Any operator aggrieved by an order of the City of Madison Health Department written pursuant to Ch. HFS 178 of the Wisconsin Administrative Code may appeal such order in accordance with the provisions of Sec. 66.0417, Wis. Stats., to a subcommittee of the ~~Public Health Commission~~ Board of Health for Madison and Dane County consisting of at least three (3) members. After the hearing, the subcommittee may affirm, set aside, or modify the order by majority vote. Any further appeal shall be to the Circuit Court of Dane County."

12. Effective upon execution of the Intergovernmental Agreement between the City of Madison and Dane County for Public Health Services Subsection (3) entitled "Hearing" of Section 23.18 entitled "Campgrounds" of the Madison General Ordinances is amended to read follows:

- "(3) Hearing. Any person named in an abatement order, initiated under Subsection (2), may appeal such order to the ~~Public Health Commission~~ Board of Health for Madison and Dane County Subcommittee by filing a notice of appeal with the Director of Public Health within ten (10) days of the date of service of the abatement order. The notice of appeal must state the grounds for the appeal. The Health Commission Subcommittee shall schedule a hearing to be held within ten (10) days of receipt of the

appeal, unless the requester agrees to a later date. The Subcommittee shall make reasonable efforts to notify the appellant, the officer initiating the order and any other interested party of the hearing and the opportunity to present evidence and testimony. The hearing shall be informal in nature. After this hearing, the Subcommittee will determine whether to affirm, conditionally affirm or reject the abatement order. Within ten (10) days after the hearing, the Subcommittee shall issue its decision in writing and serve a copy of the decision by first class mail upon the appellant and any other party requesting a copy.”

13. Effective upon execution of the Intergovernmental Agreement between the City of Madison and Dane County for Public Health Services Subsection (2) entitled “Definitions” of Section 25.22 entitled “Dangerous Animals Regulated” of the Madison General Ordinances is amended to read follows:

“Subcommittee shall mean a subcommittee of the ~~Public Health Commission~~ Board of Health for Madison and Dane County consisting of three (3) members appointed by the ~~Public Health Commission~~ Board of Health for Madison and Dane County Chairperson.”

14. Effective upon execution of the Intergovernmental Agreement between the City of Madison and Dane County for Public Health Services Subdivision (a) of Subsection (3) entitled “Impoundment--Biting or Attacking Animal” of Section 25.22 entitled “Dangerous Animals Regulated” of the Madison General Ordinances is amended to read follows:

“(a) The Department shall have the power to summarily and immediately impound an animal whenever the Department has reasonable grounds pursuant to Subsection (4) that the animal is a dangerous animal, pending the results of an investigation by the Department. Any law enforcement officer or duly authorized Department employee may enter and inspect private property to enforce the provisions of this section. The owner of the animal shall be liable to the City for the costs and expenses of impounding and keeping said animal, unless the Department fails to declare the animal dangerous or the Department determination is ultimately overturned by the ~~Public Health Commission~~ Board of Health for Madison and Dane County Subcommittee or a reviewing court.”

15. Effective upon execution of the Intergovernmental Agreement between the City of Madison and Dane County for Public Health Services Subsection (8) entitled “Subcommittee Review of Determination” of Section 25.22 entitled “Dangerous Animals Regulated” of the Madison General Ordinances is amended to read follows:

“(8) Subcommittee Review of Determination. The owner or any person aggrieved by a Department determination declaring any animal to be a dangerous animal may appeal such determination to the ~~Public Health Commission~~ Board of Health for Madison and Dane County Subcommittee by filing a notice of appeal stating the grounds therefor with the Director of Public Health within seven (7) days of the date of mailing of the Department Determination under subsection (5) above. The ~~Health Commission~~ Board of Health for Madison and Dane County Subcommittee shall schedule a hearing on whether to affirm, conditionally affirm or reject the Department determination within thirty-two (32) days, but not sooner than five (5) days, and shall make reasonable efforts to notify the owner, bite or attack victims and their representatives, if any, departmental witnesses and other interested parties of such hearing and the opportunity to present evidence and testimony to the Subcommittee. The Subcommittee shall, within a reasonable period of time after the hearing, issue its decision in writing and serve a copy of the same by first class mail upon the owner and all parties requesting the same.”

16. Effective upon execution of the Intergovernmental Agreement between the City of Madison and Dane County for Public Health Services Subsection (9) entitled “Appeals to Circuit Court” of Section 25.22 entitled “Dangerous Animals Regulated” of the Madison General Ordinances is amended to read follows:

“(9) Appeals to Circuit Court. Any person aggrieved by a determination of the ~~Public Health Commission~~ Board of Health for Madison and Dane County Subcommittee under subsection (8) above may appeal

such action on a dangerous animal determination to Circuit Court by writ of certiorari within twenty (20) days of notification of such final action by mailing of the decision under subsection (8).”