

May, Michael

From: May, Michael
Sent: Wednesday, January 10, 2007 9:49 AM
To: Murphy, Brad; Konkel, Brenda; Noonan, Katherine
Cc: Peters, Tammy; Pena, Janice; Althaus, Diane; AT ATTY
Subject: Substitute Ordinances

Brenda and Brad:

Let me preface this by saying we are still examining this issue, and want to work out a clear set of rules to guide both the Plan Commission and other city boards, committees and commissions. But this reflects my current analysis.

The issue arose originally out of concerns raised by Brenda about substitute ordinances going to the Council after changes by committees or commissions without always being reviewed by the sponsors. The ordinances are clear that, with certain exceptions, any ordinance has to be sponsored by an Alder or the Mayor. Sec. 2.05(6), MGO. In the past, our office tended to let these go forward on the assumption that the sponsors were OK with a substitute, or would express their concern at the Council meeting. Brenda's concern caused us to look at this again. The technical operation of Legistar, and which of the versions of an ordinance that are in Legistar always get copied for inclusion in the paper packets, also raised the problem of sponsorship of substitutes.

The Plan Commission itself can propose ordinances. Sec. 28.12(10)(b)2., MGO. (The ordinance uses the word "propose", but in the context of the operation of the Plan Commission, I consider this to be equivalent to "sponsor").

In the case of minor textual amendments that do not appear to make significant substantive changes, we may well let them go forward as a substitute without the need to check with sponsors. But if it is significant, we read the ordinances as requiring one of the following:

1. Obtain approval from one or more sponsors for the substitute.
2. Have the Plan Commission propose the change as an alternate to the original proposal. The sponsorship line on the alternate would not have an alder's name, but "Plan Commission."
3. Have the proposal included in the report of the Plan Commission and be taken up on the Council floor.

Under any of these situations, the changes would be before the Council. It mostly depends whether they are in the form of a substitute, alternate or a report.

None of this affects the conditions placed on approvals by the PC, which will continue to be in the reports which are usually adopted with the ordinance change by the Council.

I hope this helps clarify the situation. As I noted above, we are still looking at this, and will want to work with the Clerk's office to be sure any final solution works and is consistent with the ordinances. If the process becomes cumbersome, perhaps some clarification in the ordinances on the use of substitutes will be required.