

CITY OF MADISON, WISCONSIN

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

PRESENTED \_\_\_\_\_  
REFERRED \_\_\_\_\_

Amending Sections 2.03(2)(j), (3), 2.205, 3.35(12)(a), (b), 9.49(5), 9.49(6)(b)2., 33.13 and 33.51 to rename the Common Council Organizational Committee as the Common Council Executive Committee.

DRAFT

Drafted by: Michael May

Date: March 31, 2016

SPONSOR: Alders Ahrens and Clear

DRAFTER'S ANALYSIS: This ordinance changes the name of the Common Council Organizational Committee to the Common Council Executive Committee. This ordinance shall be effective September 1, 2016.

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

1. Subdivision (j) of Subsection (2) of Section 2.03 entitled "Procedure to Fill Vacancies on the Common Council" of the Madison General Ordinances is amended to read as follows:

"(j) Such other information as the Common Council President in consultation with the Common Council ~~Organizational~~Executive Committee may request."

2. Subsection (3) of Section 2.03 entitled "Procedure to Fill Vacancies on the Common Council" of the Madison General Ordinances is amended to read as follows:

"(3) The Common Council ~~Organizational~~Executive 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~~Executive 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."

3. Section 2.205 entitled "President and President Pro Tem" of the Madison General Ordinances is amended to read as follows:

**"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 President of the Council and another member to act as President Pro Tem of the Common Council, pursuant to the provision of Wis. Stat. § 62.09(8)(e). The President Pro Tem 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~~Executive Committee), MGO.

The Common Council President may, with the consent of the Common Council ~~Organizational~~Executive Committee, appoint ad hoc subcommittees of the Common Council, to

Approved as to form:

consist of 2-3 Council members, to address issues of a temporary nature. The subcommittees shall be subject to the rules for all ad hoc bodies set out in Sec. 33.01, MGO.”

4. Subdivisions (a) and (b) of Subsection (12) entitled “Complaints” of Section 3.35 entitled “Code of Ethics” of the Madison General Ordinances is amended to read as follows:

- “(a) Any resident of the City may complain to the Ethics Board about the activity of any person or entity covered by this section pursuant to rules and procedures of the Ethics Board as approved by the Common Council. If a complaint is brought under this section against any member of the Ethics Board, other than the Common Council President or designee, the Common Council ~~Organizational~~Executive Committee shall hear the complaint, acting as the Ethics Board and following the same rules, procedures and precedents of the Ethics Board. If a complaint is brought under this section against the Common Council President or designee, a panel of 3 persons shall hear the complaint in the manner provided in this subdivision. The Mayor shall select one panel member, the Common Council shall select one panel member and those selected persons shall select the third panel member. Panel members shall serve without compensation. The persons so selected shall not be subject to Common Council confirmation notwithstanding any other ordinance to the contrary.
- (b) The Ethics Board, and the Common Council ~~Organizational~~Executive Committee and the panel described in (12)(a) above when acting as the Ethics Board, may issue subpoenas and administer oaths. Fees associated with the service of subpoenas shall be paid by the person requesting the subpoena.”

5. Subsection (5) entitled “Administrative Review Board” of Section 9.49 entitled “Review of Administrative Determinations” of the Madison General Ordinances is amended to read as follows:

- “(5) Administrative Review Board. The Common Council ~~Organizational~~Executive Committee (CCOEC), as constituted under Sec. 33.13, MGO, shall serve as the Administrative Review Board (ARB) under this ordinance. The CCOEC shall adopt rules of procedure when it acts as the ARB. The Common Council staff shall provide staff support to the ARB.”

6. Paragraph 2. entitled “Hearing” of Subdivision (b) entitled “Appeal from Determination” of Subsection (6) entitled “Procedure for Review” of Section 9.49 entitled “Review Of Administrative Determinations” of the Madison General Ordinances is amended to read as follows:

- “2. Hearing. At the hearing, the appellant and the responsible City official or authority may be represented by counsel, may present evidence, and may call and examine witnesses and cross-examine witnesses of the other party. The Chair of the CCOEC shall act as the chair of the ARB and shall conduct the hearing, administer oaths to witnesses, and may issue subpoenas. The rules of evidence provided in Wis. Stat. § 227.45 for administrative proceedings shall be followed. The Common Council staff shall receive and mark all exhibits, and the staff shall record all of the proceedings on tape. If either of the parties requests a stenographic recording, the staff shall make the necessary arrangements but the expense shall be borne by the requesting party.”

7. Section 33.13 entitled “Common Council Organizational Committee” of the Madison General Ordinances is amended to read as follows:

**“33.13 COMMON COUNCIL ~~ORGANIZATIONAL~~EXECUTIVE COMMITTEE.**

- (1) Committee Composition. There is hereby created a Common Council ~~Organizational~~Executive Committee (CCEC) which shall consist of seven (7) members of the Common Council who shall serve for terms of one year. The President of the Common Council shall serve as Chair. At the annual organizational meeting of the Common Council, held on the third Tuesday of April of each year, the President shall appoint five (5) other members of the Council to serve on the ~~Organizational~~Executive Committee. The President Pro Tem of the Council shall serve as the seventh member of the Committee, and the immediate past President shall, if s/he is a member of the Common Council, serve as an alternate member of the Committee. If the immediate past President is not a member of the Common Council, or has been elected to serve another term as President or a term as President Pro Tem, the President of the Common Council shall appoint an alternate member.

The alternate member may act with full power and authority when any other member is absent or refuses to act. The alternate member may participate in Committee discussion and serve on subcommittees at any time. The President may appoint any Council members to serve on a subcommittee.

- (2) Office of the Common Council. There is hereby created the Office of the Common Council which shall be managed and directed by the Common Council President with the advice and support of the City's Human Resources Director. Common Council staff shall be appointed by the Common Council after nomination by the Common Council ~~Organizational~~Executive Committee, shall serve under civil service, shall prepare and review the Council office budget, and shall perform those duties assigned by members of the Common Council.
- (3) Common Council Rules and Procedures. The Common Council ~~Organizational~~Executive Committee shall be responsible for recommending rules and procedures to be followed by all standing committees of the Common Council and at Council meetings. The Committee shall also establish rules and guidelines for use of the Council office facilities. Such rules and procedures shall be approved by the Common Council.
- (4) Duties of the Committee.
  - (a) Review and Recommendation of City Policy. The Common Council ~~Organizational~~Executive Committee may receive referrals of ordinances, resolutions and reports from the Common Council, may hold public hearings, and may make reports and recommendations on matters so referred.
  - (b) Review of Legislation. The Committee shall:
    1. Participate in the development of a City of Madison state legislative agenda and make recommendations to the Council and the Mayor as to agenda priorities. The legislative agenda would identify the City's legislative goals for the session, some of which may be submitted for introduction to the Legislature.
    2. Study proposed legislation affecting the City and make recommendations to the Council and the Mayor for positions to be taken by the City on selected legislation. In those instances where prompt action is required and time and circumstances do not permit adoption of a position on specific legislation, the Mayor is authorized to act in a manner consistent with the City's legislative agenda.
    3. Design strategies and make recommendations to the Council to directly involve the Council members in communicating Council positions to the Dane County State Legislative delegation on specific issues or legislation.
    4. Receive reports from the City's Legislative Analyst regarding the status of the City's legislative agenda and other legislation.
    5. Make periodic reports to the Council pertaining to legislative matters.
    6. Conduct studies and make recommendations to the Council and the Mayor relative to state or federal legislative issues which may have an impact on City government.
    7. Examine federal legislation or issues which might have significant direct impact on City government.
    8. Review proposed legislative agenda from Special Committees.
  - (c) The Common Council ~~Organizational~~Executive Committee shall serve as the Administrative Review Board under Sec. 9.49, MGO.
  - (d) Other Duties. The Common Council may assign other duties to the Common Council ~~Organizational~~Executive Committee."

8. Section 33.51 entitled "Obsolete Committees and Commissions" of the Madison General Ordinances is amended to read as follows:

**"33.51 OBSOLETE COMMITTEES AND COMMISSIONS.**

If any board, committee or commission of the City has not met during a calendar year, the board, committee or commission may be abolished by an order of the Mayor issued after April 1 of the year succeeding the year in which the board, committee or commission did not meet. The Mayor may not abolish any such board, committee or commission if the Common Council acts prior to April 1 to retain the board, committee or commission, or if the board, committee or commission is required by statute or contract. On or before February 15 each year, the Mayor shall submit a report to the

Common Council, to be referred to the Common Council ~~Organizational~~ Executive Committee, designating those boards, committees, or commissions to be eliminated pursuant to this section.”

9. This ordinance shall be effective September 1, 2016.