

CITY OF MADISON, WISCONSIN

AN ORDINANCE _____

PRESENTED _____

REFERRED CCOC

Amending Section 2.205 of the Madison General Ordinances to make the terms of the President and President Pro Tem of the Common Council coterminous with their terms as alderperson.

DRAFT

Drafted by: Michael May

Date: March 31, 2016

SPONSORS: Alders Ahrens & Clear

DRAFTER'S ANALYSIS: Currently, the President and President Pro Tem of the Common Council are elected annually in April, for a one-year term. This ordinance changes the term of those offices to two years, to run with the terms as Alders. The ordinance would be effective after the next general election for alderpersons.

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

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.

- (1) The Common Council shall at its organizational meeting on the third Tuesday of April of each year following the general election for alderpersons, 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 Committee), MGO.
(2) The Common Council President may, with the consent of the Common Council Organizational Committee, appoint ad hoc subcommittees of the Common Council, to 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.
(3) The terms of the Common Council President and President Pro Tem shall run from their election to the position until the next general election of alderpersons."

Approved as to form:

CITY OF MADISON, WISCONSIN

AN ORDINANCE _____

PRESENTED _____
REFERRED _____

Amending numerous sections and subsections of the Madison General Ordinances to transfer the authority to appoint alderpersons to City Boards, Commissions and Committees from the Mayor to the President of the Common Council, except as limited by other law.

DRAFT

Drafted by: Michael May

Date: April 11, 2016

SPONSORS: Alders Ahrens & Clear

DRAFTER'S ANALYSIS: This ordinance transfers the authority for appointing alderpersons to City committees from the Mayor to the President of the Common Council. It retains the Mayor's authority to appoint citizen members. Both the Council President's and the Mayor's appointments (except in cases of a "designee" appointment) remain subject to the approval of the Common Council.

In several cases, the ordinances provided that some appointments might or might not be alderpersons or citizens. Because the appointing authority for these appointments would be split, this ordinance specifies those appointments as either citizens or alderpersons.

Sec. 33.01(5), MGO, is the general ordinance that governs appointments. If an ordinance does not specify the method of appointment, it is not changed and will be governed by the change to Sec. 33.01(5), MGO.

In several instances, state law or other limitations prevent the proposed change. Specifically,

1. The Board of Health for Madison and Dane County is governed by an Intergovernmental Agreement between the City and the County. The Agreement sets the authority for appointments, and it will need to be amended before any change could be made to Sec. 7.01, MGO.
2. Pursuant to Wis. Stat. § 43.54(1), the Mayor is to make appointments to the Library Board. Therefore, no changes are made to Sec. 8.12(1), MGO.
3. Pursuant to Wis. Stat. § 62.23(1)(d), the Mayor is to make appointments to the Plan Commission. Therefore, no changes are made to Sec. 16.01, MGO.
4. Pursuant to Wis. Stat. § 62.14(1), any change to the appointment process for the Board of Public Works requires a two-thirds (2/3) vote of the Council. Therefore, no changes are proposed to Sec. 33.07, MGO.
5. Due to its inactive status, no changes were made to the ordinance on the Madison Cultural Arts District, Sec. 33.20, MGO.
6. Pursuant to Wis. Stat. § 66.015(1m)(c)3., which establishes the rules for appointment to the Room Tax Commission, no change is made to the appointment process for the Commission under Sec. 33.29, MGO.

This ordinance shall be effective September 1, 2016.

Approved as to form:

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

1. Subdivision (b) entitled "Composition," Subdivision (c) entitled "Appointment and Terms of Common Council Members," and Subdivision (e) entitled "Appointment and Terms of Alternate Members" of Subsection (4) entitled "Transit and Parking Commission" of Section 3.14 entitled "Department of Transportation" of the Madison General Ordinances is amended to read as follows:

- "(b) Composition. The Transit and Parking Commission shall consist of nine (9) voting members to serve without compensation consisting of three (3) members of the Common Council, six (6) citizens and two (2) alternates who ~~may shall be either Common Council members or citizens but at least one (1) of whom shall be a citizen~~. One member shall be an individual with special transportation needs requiring accessible fixed route transit or paratransit. Overlapping membership on the Transit and Parking Commission and the Pedestrian/Bicycle/Motor Vehicle Commission of two (2) members shall be encouraged but shall not be required. The Commission shall elect one (1) of its members as Chair and one (1) as Vice-Chair to serve in the absence of the Chair. The members of the Common Council shall serve ex officio. Two (2) members of the Transit and Parking Commission shall be appointed by the Chair of that Commission to serve on the Long-Range Transportation Planning Committee. All appointees (other than alderpersons) shall serve until their successors are appointed, confirmed and qualified.
- (c) Appointment and Terms of Common Council Members. Common Council members of the Transit and Parking Commission shall be appointed by the ~~Mayor~~ President of the Common Council subject to confirmation by the Common Council. Terms for Common Council members shall coincide with their terms on the Common Council. Appointments for such terms shall be made at the organizational meeting of the Common Council on the third Tuesday in April preceding the end of each Common Council member's term or as soon thereafter as the Mayor makes the appointment. In appointing Common Council members to the Transit and Parking Commission, the Mayor shall consider the need for representation of the various geographic areas of the City.
- (e) Appointment and Terms of Alternate Members. In addition to members of the Transit and Parking Commission described in subdivisions (c) and (d) above, the Mayor shall, on an annual basis, appoint a first alternate and a second alternate member of said Commission subject to approval of the Common Council. The alternates ~~may shall be either Common Council members or citizen members~~. The first alternate member may act with full power and authority when any other member of the Commission is absent or refuses to act. The second alternate member may so act only when the first alternate is absent or refuses to act or when more than one member of the Commission is absent or refuses to act. In addition, alternates may participate in Transit and Parking Commission discussion and serve on subcommittees or as the TPC representative on other City committees at any time."

2. Subparagraph c. entitled "Appointment and Terms" of Subdivision (k) entitled "Subcommittees of the Transit and Parking Commission" of Subsection (4) entitled "Transit and Parking Commission" of Section 3.14 entitled "Department of Transportation" of the Madison General Ordinances is amended to read as follows:

- "c. Appointment and Terms. All citizen subcommittee members other than alderpersons shall be appointed by the Mayor subject to approval by the Common Council and shall have a term of two (2) years from the date of appointment, with the exception of ~~the member of the Common Council~~, the citizen member(s) of the Transit and Parking Commission, the member of the Disability Rights Commission and other liaison bodies whose terms shall be limited to the duration of their membership on the liaison body. The President of the Common Council shall appoint the member of the Council, subject to approval by the Council."

3. Subparagraph a. entitled "Parking Council for People with Disabilities" of Paragraph 2. entitled "Parking Council for People with Disabilities" of Subdivision (k) entitled "Subcommittees of the Transit and Parking Commission" of Subsection (4) entitled "Transit and Parking Commission" of Section 3.14 entitled "Department of Transportation" of the Madison General Ordinances is amended to read as follows:

- "a. Parking Council for People with Disabilities. The Parking Council for People with Disabilities shall consist of seven (7) members and two (2) alternates, all of whom shall be residents of the City and

shall not be Common Council members, four (4) of whom may be members of the Disability Rights Commission, three (3) of whom may be members of the Transit and Parking Commission, and of whom at least four (4) regular members and one (1) alternate member shall be people to whom or on whose behalf the Department of Transportation of the State of Wisconsin has issued a special registration plate under Wis. Stat. §§ 341.14(1) to (l), or a special identification card under Wis. Stat. § 343.51. The members designated as alternates shall only have voting powers when temporarily filling the office of a vacant or absent council member. Members of this council shall be appointed by the Mayor, subject to approval by the Common Council.”

4. Subdivision (c) entitled “Appointment and Terms of Common Council Members” and Subdivision (e) entitled “Appointment and Term of Alternate Members” of Subsection (6) entitled “Pedestrian/Bicycle/Motor Vehicle Commission” of Section 3.14 entitled “Department of Transportation” of the Madison General Ordinances is amended to read as follows:

- “(c) Appointment and Terms of Common Council Members. Common Council members of the Pedestrian/Bicycle/Motor Vehicle Commission shall be appointed by the ~~Mayor~~ President of the Common Council subject to confirmation by the Common Council. Terms for Common Council members shall coincide with their terms on the Common Council. Appointments for such terms shall be made at the organizational meeting of the Common Council on the third Tuesday in April preceding the end of each Common Council member’s term or as soon thereafter as the ~~Mayor~~ President of the Common Council makes the appointment. In appointing Common Council members to the Pedestrian/Bicycle/Motor Vehicle Commission, the ~~Mayor~~ President of the Common Council shall consider the need for representation of the various geographic areas of the city.
- (e) Appointment and Term of Alternate Members. In addition to members of the Pedestrian/Bicycle/Motor Vehicle Commission described in subdivisions (c) and (d) above, the Mayor shall, on an annual basis, appoint a first alternate and a second alternate member of said Commission subject to the approval of the Common Council. The alternates ~~may~~shall be ~~either Common Council members or~~ citizen members. The first alternate member may act with full power and authority when any other member of the Commission is absent or refuses to act. The second alternate member may so act only when the first alternate is absent or refuses to act or when more than one member of the Commission is absent or refuses to act. In addition, alternates may participate in Pedestrian/Bicycle/Motor Vehicle Commission discussion and serve on subcommittees or as the PBMVC representative on other City committees at any time.”

5. Subdivision (c) entitled “Appointment and Terms of Members” of Subsection (7) entitled “Long-Range Transportation Planning Committee” of Section 3.14 entitled “Department of Transportation” of the Madison General Ordinances is amended to read as follows:

- “(c) Appointment and Terms of Members. Each board or commission with membership on the Long-Range Transportation Planning Committee shall recommend its representative(s) to the Committee except that the representatives of the Transit and Parking Commission and the Pedestrian/Bicycle/Motor Vehicle Commission shall include the chair of each or the chair’s designee. Appointments to the Long-Range Transportation Committee shall be for the same duration as the appointee’s term on the parent Commission. From the list of potential Committee members recommended by the parent bodies, the Mayor shall appoint the citizen Committee members, and ~~ensure that the Common Council President shall appoint the three (3) are also~~ members of the Common Council. The members appointed to the Committee by the Mayor and Council President shall be approved by the Common Council. The Common Council members’ terms of service on the Committee shall coincide with their terms on the Common Council. The member of the Dane County Board of Supervisors shall be appointed by the Dane County Executive. That member’s term of service on the Committee shall coincide with her/his term on the Dane County Board of Supervisors. The Mayor shall appoint the citizen member who is a member of another City sub-unit and whose term shall coincide with the term on the other sub-unit. The Mayor may also designate an alternate. The Mayoral Designee Alternate may participate in Committee business as though s/he were a full member, but may vote only in the absence of at least one Committee member. The term of the alternate shall coincide with the two- (2) year terms of the Common Council members.”

6. Subdivision (a) of Subsection (4) and the introductory paragraph of Subsection (4) entitled "Appointment, Confirmation and Term of Commissioners; Vacancies" of Section 3.17 entitled "Community Development Authority" of the Madison General Ordinances are amended to read as follows:

- "(4) Appointment, Confirmation and Term of Commissioners; Vacancies. Except as proscribed below, the Commissioners of the CDA shall be appointed by the Mayor and confirmed by the Common Council, as follows:
- (a) Two (2) of the Commissioners shall be members of the Common Council and shall serve ex officio during their term of office and shall be appointed by the President of the Common Council and confirmed by the Council."

7. Subdivision (c) of Subsection (10) entitled "Ethics Board" of Section 3.35 entitled "Code of Ethics" of the Madison General Ordinances is amended to read as follows:

- "(c) The members of the Ethics Board other than the Common Council President or designee shall be appointed by the Mayor, subject to confirmation by the Common Council. The term of any aldermanic member appointed to the Board shall expire with the expiration of her or his term as alderperson. Terms of office of other members of the Ethics Board shall be 3 years except that when the initial appointments are made, 2 of the members shall be appointed for 1 year, 2 others for 2 years, and the remaining 3 for 3 years.
- The members of the Ethics Board as of the adoption of this ordinance are reappointed and reconfirmed to serve their terms or remaining parts of their terms for which each was most recently appointed."

8. Subsection (4) entitled "Selection of Alderpersons Members of Board" of Section 4.02 entitled "Budget System" of the Madison General Ordinances is amended to read as follows:

- "(4) Selection of Alderpersons Members of Board. The Board of Estimates shall consist of ~~six~~ seven (7) Alders, ~~five six~~ (56) of whom shall be appointed by the ~~Mayor~~ President of the Common Council, subject to confirmation by the Common Council. Once confirmed these members shall hold office for a term of two (2) years or until their successors are confirmed. The ~~sixth~~ seventh member shall be the Common Council President serving ex officio but with power to vote."

9. Subdivision (b) entitled "Composition and Appointment of Members" of Subsection (9) entitled "Committee on Sweatfree Purchases" of Section 4.25 entitled "Procurement of Items of Apparel" of the Madison General Ordinances is amended to read as follows:

- "(b) Composition and Appointment of Members. The Ad Hoc Task Force on Sweatfree Purchases shall consist of five (5) voting members and one (1) alternate member. Membership shall include one (1) alderperson who serves concurrently as an appointed member of the Board of Estimates. The remaining four (4) members and one alternate shall be residents of the City of Madison of legal voting age. At least one (1) of the remaining four members shall be a student representative on the University of Wisconsin-Madison's Labor Licensing Committee. Citizen Appointments shall be made by the Mayor, and the Common Council members shall be appointed by the President of the Common Council all being subject to the approval of the Common Council."

10. Paragraph 1. of Subdivision (d) and the introductory paragraph of Subdivision (d) of Subsection (3) entitled "Surplus Property Disposal Method Determination" of Section 8.075 entitled "Disposal of Surplus City Real Property" of the Madison General Ordinances are amended to read as follows:

- "(d) If subs. (a), (b) and (c) do not apply, the ECDD and DPECD Directors, after consultation with the Alderperson of the aldermanic district within which the surplus property is located, shall determine if it is in the best interests of the City to dispose of the property either by direct sale or through a public bid process. If it is determined that it is in the best interests of the City to dispose of the property by direct sale, the terms and conditions of the sale shall be submitted to the Common Council for approval. If it is determined to be in the best interests of the City to dispose of the property through a public bid process, the Mayor shall create a Criteria and Selection Committee ("Committee") and appoint the members (except as provided otherwise below) who shall perform the duties herein described.

1. Committee Membership. The Committee shall consist of at least five (5) persons, including:
 - a. The Alderperson of the aldermanic district in which the property is located;
 - b. Two (2) additional Alderpersons, appointed by the President of the Common Council and confirmed by the Council;
 - c. A representative of the Mayor (either staff or citizen); and
 - d. A resident of the neighborhood.

The number of Committee members may be increased but shall not exceed seven (7) members. The Real Estate Manager shall be responsible for staff support to the Committee, communications with potential bidders, and the technical details of the public bid proposal process.”

11. Subsection (2) entitled “Composition and Appointment of Members” of Section 8.41 entitled “Downtown Coordinating Committee” of the Madison General Ordinances is amended to read as follows:

“(2) Composition and Appointment of Members. The Downtown Coordinating Committee shall consist of nine (9) voting members and two (2) alternate members. Membership shall include two (2) alderpersons. The remaining seven (7) members and two alternates shall be citizens eligible to vote and residing within the City of Madison. At least one (1) of the citizen members shall be a permanent resident of the Downtown area, and one shall be a representative of the downtown business community. Appointments other than alderpersons shall be made by the Mayor, and the alderpersons shall be appointed by the President of the Common Council, all subject to the approval of the Common Council.”

12. Subdivision (d) of Subsection (2) entitled “Composition” of Section 9.12 entitled “Vending Oversight Committee” of the Madison General Ordinances is amended to read as follows:

“(d) Appointments of all members and non-voting technical advisors other than alderpersons shall be made by the Mayor, and the alderpersons shall be appointed by the Common Council President, all subject to approval of the Common Council.”

13. Subsection (2) entitled “Water Utility Board” of Section 13.01 entitled “Water Utility Board” of the Madison General Ordinances is amended to read as follows:

“(2) Water Utility Board. There is hereby created a Water Utility Board of eight (8) members, whose duty shall be the management and operation of the Water Utility. There shall be seven (7) voting members and one (1) non-voting ex-officio member. ~~At least one (1) and not more than two (2)~~ of the voting members shall be members of the Common Council, who shall serve during their two-year terms. The members who are not alderpersons shall be appointed by the Mayor and the alderpersons shall be appointed by the President of the Common Council, all of whom shall be confirmed by the Common Council, and members who are not members of the Common Council shall serve staggered terms of five (5) years, respectively provided that the Mayor may appoint one of the members whose term ends in 2010 to a three (3) year term in order to achieve staggered terms. In case of vacancy, the Common Council may at any regular or special meeting confirm a member for the unexpired term. The Director of Public Health Madison and Dane County under Sec. 7.02, MGO, or his or her designee shall serve as an ex-officio, non-voting member of the Board in order to provide advice and information to the Board on health issues related to the Water Utility. The Director of Public Health Madison and Dane County shall not vote, may not make motions, and shall not be counted as a member in determining quorum or majorities. Upon passage of this ordinance, the existing commissioners of the Board of Water Commissioners shall immediately succeed to positions as members of the Water Utility Board and fill out their terms as if appointed to the remaining length of their terms.”

14. Subdivision (a) of Subsection (2) entitled “Membership and Administration” of Section 28.205 entitled “Zoning Board of Appeals” of the Madison General Ordinances is amended to read as follows:

“(a) The Zoning Board of Appeals has five (5) members who are not alderpersons appointed by the Mayor subject to confirmation by the Common Council.”

15. Subsection (1) entitled "Membership" of Section 29.18 entitled "Board of Building Code, Fire Code, Conveyance Code and Licensing Appeals" of the Madison General Ordinances is amended to read as follows:

"(1) Membership. The Board shall consist of nine (9) members appointed by the Mayor, none of whom may be alderpersons, subject to confirmation by the Common Council. Each member shall be appointed for a term of three years and shall serve until a successor is appointed and confirmed. At least one (1) member shall be licensed as an attorney, one (1) as an architect, one (1) as a real estate broker, and one (1) as a professional engineer, who shall have structural or architectural engineering experience. One (1) member shall be a builder, one (1) member shall have fire prevention experience, and the remaining members may be persons with other interests and experience."

16. Subdivision (a) of Subsection (2) entitled "Composition" of Section 32.03 entitled "Landlord and Tenant Issue Committee" of the Madison General Ordinances is amended to read as follows:

"(a) The Landlord and Tenant Issues Committee shall consist of seven (7) members plus one (1) citizen alternate member. Members who are not alderpersons shall be appointed by the Mayor and subject to approval by the Common Council. At least one, but not more than two (2) members shall be alderpersons and shall be appointed by the President of the Common Council, subject to approval of the Council. The other members shall be citizen members. Members shall serve without compensation. The members shall elect annually from among their citizen members a chairperson and vice-chairperson; however, the initial chairperson shall be selected by the Mayor. In making appointments, the Mayor may consider for appointment a member of the Housing Strategy Committee."

17. Subsection (5) entitled "Appointments" of Section 33.01 entitled "Boards, Commissions, and Committees Procedures" of the Madison General Ordinances is amended to read as follows:

"(5) Appointments. Except as otherwise provided by ordinance, all appointments shall be made as follows:

- (a) Appointments other than alderpersons to Standing Sub-units (except subcommittees) and non-City committees shall be made by the mayor and confirmed by the Common Council.
- (b) Appointments to subcommittees shall be made by the parent Sub-unit or as authorized under Sec. 33.01(4)(d), MGO.
- (c) Appointments to Ad Hoc Sub-units shall be subject to the rules set forth in the resolution or order establishing the Sub-unit. If not otherwise provided, appointments other than alderpersons shall be made by the Mayor and confirmed by the Common Council.
- (d) Appointments of alderpersons shall be made by the President of the Common Council, subject to approval by the Council.
- ~~(de)~~ Vacancies. Vacancies shall be filled in the same manner as other appointments.
- ~~(ef)~~ Action on Appointment. The Common Council may confirm ~~a Mayor~~ an appointment, refer the appointment to another meeting, refer the appointment to the Mayor's office or the President of the Common Council (depending on who made the appointment), or reject an appointment by placing it on file. If an appointment is rejected, the same person may not be nominated for the same position for a period of six (6) months.
- ~~(fg)~~ Alternates. If the Sub-unit is authorized to have Alternate members, the Alternates shall be given numerical appointments (First Alternate, Second Alternate, etc.). When a member or members of the Sub-unit are absent, the Alternates shall act as full members of the Sub-unit in their numerical order, that is, the First Alternate shall first act as a full member; the Second Alternate shall be the next to so act, etc."

18. Subsection (2) entitled "Appointment; Terms" of Section 33.05 entitled "Board of Park Commissioners" of the Madison General Ordinances is amended to read as follows:

"(2) Appointment; Terms. Said Board shall consist of seven (7) members, ~~two (2) alders and five (5)~~ citizen members appointed by the Mayor and two (2) alderpersons appointed by the President of the Common Council, all to be confirmed by the Common Council. The alderperson members shall be appointed in April for the term of two (2) years, beginning on the first day of May. The full term of each

citizen member shall be for five (5) years beginning on the first day of May next succeeding her/his appointment and until her/his successor is appointed and qualified; but when the Board is first constituted, the respective appointments shall be for terms of five (5), four (4), three (3), two (2), and one (1) years, respectively. At the organization meeting of the Common Council on the third Tuesday in April preceding the end of any of the citizen members' terms, the Mayor shall appoint her/his successor for a full term and shall submit the appointment to the Common Council for confirmation."

19. Subparagraph a. entitled "City Members" of Paragraph 1. of Subdivision (b) entitled "Membership; Terms" of Subsection (3) entitled "City-County Homeless Issues Committee" of Section 33.09 entitled "City-County Commissions and Committees" of the Madison General Ordinances is amended to read as follows:

"a. City Members. Two (2) members shall be City of Madison Alders, one (1) member shall be a Madison Police Department officer, one (1) member shall be a representative of a downtown business or community organization, one (1) member shall be a current or former homeless person who has used homeless services, and one (1) member shall be from the Homeless Services Consortium or other persons experienced in homeless services or advocacy. All City members, other than Alders shall be appointed by the Mayor, and Alders shall be appointed by the President of the Common Council, all to be confirmed by the Common Council. Alders shall have a term coextensive with their terms on the Common Council. Other members shall serve staggered three-(3) year terms ending on June 30."

20. Subdivision (a) of Subsection (2) entitled "Membership" of Subsection 33.10 entitled "Committee on Employee Relations" of the Madison General Ordinances is amended to read as follows:

"(a) The Committee shall be composed of nine (9) members. Three (3) members shall be members holding management positions with the City of Madison. Three (3) members shall be citizen members nominated by the employees. Two members (2) shall be alderpersons currently serving on the Board of Estimates, who will be appointed by the President of the Common Council, subject to confirmation by the Council. One member (1) shall be the Human Resources Director who will only vote to break a tie vote among the other members. All members, with the exception of the Human Resources Director and the alderpersons, shall 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. The terms of the alderpersons expire with the expiration of their term as an alderperson. The remaining six (6) members shall serve staggered terms of three (3) years, with the terms of two (2) members expiring annually."

21. Subsection (2) of Section 33.11 entitled "Committee on the Environment" of the Madison General Ordinances is amended to read as follows:

"(2) The Committee 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 appointed by the President of the Common Council, subject to approval of the Council, 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 who shall 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.

The Board of Public Works, the 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 Committee.

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

Appointments to the Committee shall be made with consideration given to the expertise and/or interest necessary for proper performance of the duties assigned to the Committee 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."

22. Subsection (2) entitled "Organization" of Section 33.12 entitled "Committee on Community Gardens" of the Madison General Ordinances is amended to read as follows:

"(2) Organization. The Committee shall be composed of ten members, none of whom shall be alderpersons, 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 committee member must be an appointed member of the Community Development Block Grant Committee; another committee member must be an appointed member of the Parks Commission and a third committee member must be an appointed member of the Plan Commission. Such persons shall remain committee members so long as they are members in good standing of the commissions from which their appointment originates. Each of the foregoing commissions shall each nominate one of their members to the Mayor who may appoint the recommended persons to the Committee, subject to the approval of the Common Council. The terms of all such appointments shall be three years. Initial appointment terms shall be set as follows so as to create staggered terms thereafter: four members shall be appointed for three (3) years, three members for two (2) years, and three members for one year."

23. Subsection (2) entitled "Membership and Meetings" of Section 33.14 entitled "Committee on Aging" of the Madison General Ordinances is amended to read as follows:

"(2) Membership and Meetings. The Committee on Aging shall be composed of eleven (11) individuals to be appointed by the Mayor and two (2) members of the Common Council, to be appointed by the ~~Mayor~~ President of the Common Council, all subject to the approval of the Common Council. A majority of the members shall be over 55 years of age, and other members shall have expertise, experience, or education in aging social services or programs. One member of the Committee shall be a board member of the Madison Senior Center Foundation, Inc. All members will serve without compensation. Members shall be appointed for terms of three (3) years, except that the term of the aldermanic member shall expire upon the expiration of his or her term as alder. The Committee shall meet no fewer than nine (9) times per year."

24. Subdivision (a) entitled "Membership" of Subsection (2) of Section 33.15 entitled "Community Development Block Grant (CDBG) Committee" of the Madison General Ordinances is amended to read as follows:

"(2) (a) Membership. The Committee shall consist of nine (9) members and two (2) alternate members, ~~appointed by the Mayor, subject to the approval of the Common Council.~~ Two (2) members shall be alderpersons, appointed by the President of the Common Council and subject to approval of the Council. The other members shall be citizen members appointed by the Mayor, subject to the approval of the Council. At least three citizen members shall be persons of low or moderate income, as low or moderate income is defined by the CDBG regulations, and at least one citizen member shall be a member of a minority as defined in Sec. 39.02(9)(a)7. of these ordinances. ~~One position may be filled by either an alderperson or a citizen member.~~"

25. Subsection (2) entitled "Membership" of Section 33.16 entitled "Community Services Committee" of the Madison General Ordinances is amended to read as follows:

"(2) Membership. The Committee shall consist of eleven (11) members, except as provided below. ~~Nine (9)~~ Seven (7) members shall be appointed by the Mayor, subject to the confirmation by the Common Council. Members shall be appointed on the basis of their knowledge and interest in human services. ~~At least one, and no more than t~~ Two, such members shall be ~~an~~ Alderpersons, appointed by the President of the Common Council and subject to the approval of the Council. One (1) citizen member shall be selected by the Mayor from and with the advice of the Early Childhood Care and Education Committee. One (1) citizen member shall be selected by the Mayor from a panel of three (3) submitted by the Madison Federation of Labor. One (1) of the citizen members shall be a present or former client or recipient of a private nonprofit program. At least one (1) of the citizen members shall be a member of a minority as defined in Sec. 3.58(8)(a)7. of these ordinances. The Senior Citizens Advisory Committee shall elect one of its members to serve as a member and another to serve as an alternate member of the Community Services Committee subject to confirmation by the Common

Council. The alternate member may act with full power and authority when the other Senior Citizens Advisory Committee member is absent or refuses to act due to a conflict of interest. The remaining members shall be broadly representative of the community. The Supervisor of the Office of Community Services or his/her designee shall be an ex-officio member of the Committee without vote and shall serve as secretary.”

26. Subdivision (c) of Subsection (7) entitled “Early Childhood Care and Education Committee” of Section 33.16 entitled “Community Services Committee” of the Madison General Ordinances is amended to read as follows:

“(c) Members shall be appointed by the Mayor and confirmed by the Common Council to three (3) year terms with the exception of the Alderperson who shall be appointed by the President of the Common Council and confirmed by the Council, whose term shall expire with the expiration of their term as alderperson. All Committee members shall serve without compensation. All terms shall commence on the first (1st) day of October, with the exception of the Alderperson, whose term shall begin on the third Tuesday in April. Appointments shall be for three (3) years. Vacancy appointments shall complete the term of appointment filled. Members’ terms shall automatically be terminated when the member no longer meets the requirements set forth in Section 33.16(7)(b).”

27. Subsection (2) entitled “Composition” of Section 33.17 entitled “Economic Development Committee” of the Madison General Ordinances is amended to read as follows:

“(2) Composition. The Committee shall consist of eleven (11) members: the Mayor or the Mayor’s designee, three (3) Alderpersons, and seven (7) citizens with a wide range of direct experience in business and/or knowledge related to job creation, real estate or workforce development. The Mayor shall appoint the members of the Committee other than the alderpersons, who shall be appointed by the President of the Common Council, all subject to confirmation by the Common Council.

Terms of appointment of the citizen members shall be staggered, for three (3) years, commencing May 1 and expiring April 30. The Alderpersons terms shall coincide with his or her term of office.

If the Mayor serves on the Committee, the Mayor shall act as chairperson. Otherwise, the chairperson will be elected by the Committee.”

28. Subsection (1) entitled “Composition and Terms” of Section 33.19 entitled “Landmarks Commission” of the Madison General Ordinances is amended to read as follows:

“(1) Composition and Terms. A Landmarks Commission is hereby created, consisting of seven (7) members. One (1) shall be a historian; at least one (1) shall be a licensed architect, one (1) shall be a licensed real estate professional; one (1) shall be an Alder; and three (3) shall be citizen members, at least one of whom has expertise in construction. Each member shall have, to the highest extent practicable, a known interest in historic preservation. Of the membership, at least two (2) shall meet the Professional Qualifications Standards established by the United States Secretary of the Interior for History, Archeology, Architectural History, Architecture, or Historic Architecture. The Mayor shall appoint the commissioners except for the Alder, who shall be appointed by the President of the Common Council, all subject to confirmation by the Common Council. The term for each member shall be three (3) years. The terms shall be staggered.”

29. Subsection (2) entitled “Membership” of Section 33.22 entitled “Public Safety Review Committee” of the Madison General Ordinances is amended to read as follows:

“(2) Membership. The Public Safety Review Committee shall consist of nine (9) members: the Mayor, or his/her designee, three (3) members of the Common Council, five (5) citizen members, and one alternate citizen member who may participate in Board business as though a full member, but may vote only in the absence of one of the citizen members. ~~The aldermanic members and~~ citizen members shall be appointed by the Mayor and the alderpersons shall be appointed by the President of the Common Council, all subject to confirmation by the Common Council. All elected members shall serve by virtue of their office (ex officio).”

30. Subsection (2) of Section 33.23 entitled "Solid Waste Advisory Committee" of the Madison General Ordinances is amended to read as follows:

"(2) The Solid Waste Advisory Committee shall consist of nine (9) voting members. The members other than the alderperson shall be appointed by the Mayor, and the alderperson shall be appointed by the President of the Common Council, all 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 Committee on the Environment, and six (6) 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."

31. Subdivision (a) and the introductory paragraph of Subsection (3) entitled "Commission Composition and Terms" of Section 33.24 entitled "Urban Design Commission" of the Madison General Ordinances is amended to read as follows:

"(3) Commission Composition and Terms. An Urban Design Commission, advisory to the City Plan Commission, and vested with final decision-making authority as described elsewhere in this ordinance, in Chapter 31 (Sign Control Ordinance) and elsewhere in these ordinances, is hereby created, consisting of nine (9) voting members. Of the initial voting members appointed, three shall serve terms of two years each; three shall serve terms of one year each; and three shall serve terms of three years each; provided, however, that notwithstanding the provision of subdivision (j) below, the aldermanic member shall serve a two-year term and such term shall be concurrent with his/her term as a member of the Council. Thereafter, the term for each voting member shall be three years. The voting members other than the alderperson shall be appointed by the Mayor and approved by the Common Council as follows:

(a) One member shall be an alderperson, appointed by the President of the Common Council and approved by the Council."

32. Section 33.31 entitled "Sustainable Madison Committee" of the Madison General Ordinances is amended to read as follows:

"33.31 SUSTAINABLE MADISON COMMITTEE. The Sustainable Madison Committee takes a leadership role in the promotion of sustainability for the City of Madison, the Madison community, and the region. The committee consists of fifteen (15) members plus three alternates: at least one (1) Common Council member, one (1) Board of Public Works member (who may also be a Council member), and thirteen (13) various experts or community representatives with an interest in sustainability (no more than two (2) of whom may also be Council members). Members shall, collectively, represent the following areas of expertise: (1) Air, (2) water, (3) energy, (4) transportation and land use, (5) food, (6) the built environment, (7) finance, economics and workforce, and (8) culture (health, education, arts). The Mayor shall strive to appoint members drawn from the following portions of the community: Neighborhood groups, sustainability activists, business people, educational institutions and the development community. Cross appointments with the Commission on the Environment are permitted but not required. Members and alternates other than the alderperson are appointed by the Mayor, and the alderperson is appointed by the President of the Common Council, all to be approved by the Common Council. Members and alternates shall be appointed for a term of two years, with terms expiring June 30 with the exception of aldermanic members and the Board of Public Works member. The term of aldermanic members shall expire with the expiration of their terms as alders and the term of the Board of Public Works member shall expire with his or her term on Board of Public Works."

33. Subdivision (a) entitled "Composition" of Subsection (3) entitled "Affirmative Action Commission" of the Madison General Ordinances is amended to read as follows:

"(a) Composition. The Mayor, ~~subject to confirmation by the Common Council,~~ shall appoint ~~an ten (10) of the members to the Affirmative Action Commission, none of whom shall be alderpersons, and the President of the Common Council shall appoint one (1) alderperson to the Commission, all subject to approval of the Common Council consisting of eleven (11) members, one of whom shall be an alderperson.~~ One member shall be designated chairperson by the members of the Commission. Members shall be appointed from the entire City, and at no time shall the total of women, persons with disabilities, and ethnic minority members constitute less than a majority. All of the members shall be committed to the extension of equal employment opportunities and shall be representative of the affected and/or under-represented groups of the Madison community. They shall receive no compensation for their services. The Director of the Department of Civil Rights may appoint the Affirmative Action Division Manager to serve as an ex officio nonvoting member of this Commission. The Commission shall make its own rules and regulations for the carrying out of its duties.

34. The introductory paragraph of Subsection (10) entitled "Equal Opportunities Commission and Equal Opportunities Division" of Section 39.03 entitled "Equal Opportunities Ordinance" of the Madison General Ordinances is amended to read as follows:

"(10) Equal Opportunities Commission and Equal Opportunities Division. The Mayor, ~~subject to confirmation by the Common Council,~~ shall appoint ~~an eleven (11) members to the Equal Opportunities Commission, consisting of thirteen (13) members, one of whom shall be designated President by the members of the Commission. At least one, and no more than two, such members shall be an Alderperson, who none of whom shall be alderpersons, and the President of the Common Council shall appoint two (2) alderpersons, all subject to approval of the Common Council. The alderperson shall be a member only as long as she/he shall continue to hold office as Alderperson.~~ Members shall be appointed from among the residents of the entire City, shall be representative of the rich diversity of our community and include as many protected class memberships as is possible and shall be persons committed to the principle of equal opportunities. They shall receive no compensation for their services. There shall also be an Equal Opportunities Division established within the Department of Civil Rights, headed by an Equal Opportunity Division Head as that position is established and set forth in Sec. 39.01(2), MGO."

35. Subsection (2) entitled "Membership" of Section 39.04 entitled "Disability Rights Commission" of the Madison General Ordinances is amended to read as follows:

"(2) Membership. The Commission shall consist of thirteen (13) members. Twelve (12) citizen members ~~and one alderperson~~ shall be appointed by the Mayor ~~and one (1) alderperson shall be appointed by the President of the Common Council,~~ all subject to confirmation by the Common Council. Citizen members shall be residents of the City of Madison and shall be knowledgeable and sensitive to the service needs, rights, and responsibilities of citizens with disabilities. First priority for membership shall be given to people with disabilities, family members, and advocates."

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

EDITOR'S NOTE:

The following is a listing of the sections amended in this ordinance:

Sec. 3.14(4)(b), (c) & (e)	Sec. 9.12(2)(d)
Sec. 3.14(4)(k)1.c.	Sec. 13.01(2)
Sec. 3.14(4)(k)2.	Sec. 28.205(2)(a)
Sec. 3.14(6)(c) & (e)	Sec. 29.18(1)
Sec. 3.14(7)(c)	Sec. 32.03(2)(a)
Sec. 3.17(4) intro paragraph & (a)	Sec. 33.01(5)
Sec. 3.35(10)(c)	Sec. 33.05(2)
Sec. 4.02(4)	Sec. 33.07(2)
Sec. 4.25(9)(b)	Sec. 33.09(3)(b)1.a.
Sec. 8.075(3)(d), 1.	Sec. 33.10(2)(a)
Sec. 8.41(2)	Sec. 33.11(2)

Sec. 33.12(2)
Sec. 33.14(2)
Sec. 33.15(2)(a)
Sec. 33.16(2)
Sec. 33.16(7)(c)
Sec. 33.17(2)
Sec. 33.19(1)

Sec. 33.22(2)
Sec. 33.23(2)
Sec. 33.24(3)(a)
Sec. 33.31
Sec. 39.02(3)(a)
Sec. 39.03(10)
Sec. 39.04(2)

CITY OF MADISON, WISCONSIN

AN ORDINANCE _____

PRESENTED _____
REFERRED _____

Amending Sections 2.205, 3.13(5)(b), 3.17(15), 3.39(5), 4.01(4), 4.01(5)(e) & (f), 4.02, 4.03, 4.25(9)(b), 33.01(3)(c), 33.01(10)(a), 33.10(2)(a) and 39.05(16) of the Madison General Ordinances to rename the Board of Estimates the Finance Committee and to replace the Mayor with the Common Council President as chair thereof.

DRAFT

Drafted by: Michael May

Date: April 11, 2016

SPONSOR: Alders Ahrens and Clear

DRAFTER'S ANALYSIS: This ordinance changes the name and composition of the Board of Estimates. The Board is renamed the "Finance Committee." The Mayor is removed from the Board, which will now consist of 6 alderpersons. The President of the Council will chair the Finance Committee.

This ordinance must be considered with other companion ordinances proposing structural changes, such as the proposal (Legistar No. _____) to transfer the power of appointment of alderpersons from the Mayor to the Common Council President. Thus, this ordinance deals only with the name change and does not address the appointment authority, which is dealt in the companion ordinance.

This ordinance shall be effective September 1, 2016.

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

1. 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~~ Finance Committee), and 33.13 (Common Council Organizational Committee), MGO.

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

Approved as to form:

2. Subdivision (b) entitled "Mayor and Common Council Control" of Subsection (5) entitled "Employee and Labor Relations Unit" of Section 3.13 entitled "Human Resources Department" of the Madison General Ordinances is amended to read as follows:

"(b) Mayor and Common Council Control. The ~~Board of Estimates Finance Committee~~ shall confer with the Mayor and the Human Resources Director, or designee, regarding initial bargaining proposals to be presented to each duly recognized bargaining unit. All labor contracts and agreements negotiated under the terms of this section shall be subject to the approval of the Mayor and Common Council. No labor contract or agreement shall be binding upon the City nor shall any of the terms of such agreements be implemented until such time as the agreement is approved and executed by the Mayor and City Clerk in the manner prescribed by law.

1. The Human Resources Director, or designee, shall report periodically on labor relations activities to the Mayor and the ~~Board of Estimates Finance Committee~~.
2. The Human Resources Director, or designee, shall complete such reports as the Mayor and Common Council shall require and attend such conferences or meetings as designated for purposes of ensuring sufficient communications with the Mayor, ~~Board of Estimates Finance Committee~~ and Common Council on labor relations matters."

3. Subsection (15) entitled "Annual Budget" of Section 3.17 entitled "Community Development Authority" of the Madison General Ordinances is amended to read as follows:

"(15) Annual Budget. An annual budget shall be established by the CDA, which budget shall be subject to approval of the ~~Board of Estimates Finance Committee~~ and the Common Council."

4. Subsection (5) of Section 3.39 entitled "Overtime Control" of the Madison General Ordinances is amended to read as follows:

"(5) Department or division heads shall not make any overtime assignment exceeding the budget of their department or division. The Human Resources Director shall submit a Quarterly Overtime Report through the Finance Director who shall present it to the Mayor and the ~~Board of Estimates Finance Committee~~."

5. Subsection (4) entitled "Accountability" of Section 4.01 entitled "Finance Director" of the Madison General Ordinances is amended to read as follows:

"(4) Accountability. The Finance Director shall report to the ~~Board of Estimates Finance Committee~~ and the Common Council on the financial status and policies of the City and to the Mayor on day-to-day operations and administrative matters."

6. Subdivisions (e) and (f) of Subsection (5) entitled "Duties of the Finance Director" of Section 4.01 entitled "Finance Director" of the Madison General Ordinances are amended to read as follows:

"(e) The Finance Director shall direct all accounting, statistical, auditing, and other activities relating to the management of the City's fiscal affairs; shall contribute to City of Madison fiscal planning and control goals by providing financial statements, analytical reports, cost studies, performance standards, budgetary controls, and related management information to ascertain, help maintain, and continually improve the City's financial position; and shall meet monthly with the ~~Board of Estimates Finance Committee~~ to report on and discuss the financial affairs of the City.

(f) The Finance Director shall develop and recommend a budget program that includes both long-range capital budgeting and the annual operating and capital budgets under the direction of the Mayor, ~~Board of Estimates Finance Committee~~, and Common Council."

7. Section 4.02 entitled "Budget System" of the Madison General Ordinances is amended to read as follows:

"(1) Sections 65.02, 65.03, and 65.04 of the Wisconsin Statutes Adopted. The provisions of Wis. Stat. §§ 65.02, 65.03 and 65.04 except subsection (8) of Section 65.04 and subsection (1) of Section 65.03 relating to the budget system are hereby adopted for the City of Madison and shall be in full force and effect as ordinances of said City as if fully set forth herein, except that the Board of Estimates shall be

replaced by a committee of the Common Council called the Finance Committee, and shall consist of the Mayor Common Council President and six alders, to be selected as set forth in Section 4.02(4) of this ordinance, and except that the ~~Board of Estimates~~ Finance Committee shall make and submit the proposed budget to the Common Council on or before November 15 of each year. The ~~Mayor shall be the chair of the Board of Estimates~~ Finance Committee shall elect its chair, to serve for two (2) years."

- (2) Procedure. It shall be the duty of each department to file annually with the Finance Director, on the date he or she shall specify and on forms provided by the Finance Director, an estimate in detail of the departmental needs for the ensuing fiscal year, including a statement of any permanent improvement to be made and an estimate of expenditures therefor, and including such information as the Finance Director may direct. The Finance Director shall review each departmental estimate and submit it and his or her recommendations thereon to the Mayor. Upon receipt of the departmental estimates with the recommendations of the Finance Director, the Mayor shall review said estimates and recommendations and submit a proposed budget to the ~~Board of Estimates~~ Finance Committee for its consideration.
- (3) Audit.
- (a) The ~~Board of Estimates~~ Finance Committee shall provide a major audit program to the Common Council by the second meeting of the Common Council in February of each calendar year. The Common Council may direct additional audits of any organizational unit of City government to determine whether financial transactions have been made in a legal and proper way, to review program and performance accomplishments of the organizational unit or to determine whether the organizational unit carried out policies directed or approved by the Common Council. The Common Council shall designate which audits, if any, of any organizational unit are to be undertaken each year by the Internal Audit Section of the Finance Director's office. Each organizational unit shall be audited on a random basis subject to budgetary constraints. The following audits are exempt from the requirement of prior Common Council approval:
1. Financial audits performed with a pledge of confidentiality on a random basis.
 2. Auditor investigations of defalcations, impropriety that may lead to discipline or criminal charges.
 3. Audits that in the opinion of the Finance Director would be jeopardized by general prior knowledge of the audit.
- (b) The Finance Director or her/his designee and the staff of the Internal Audit Section shall have full access to any books, records, notes, memoranda or other documents maintained by any organizational unit relating to its expenditures, revenues, structure, operations, instructions to employees, and any rule, policy or regulation relating to its operation whether oral or written and to all of the employees, appointees, volunteers, subcontractors, subgrantees and any person directly associated with the conduct or operation of the organization unit during regular business hours or at other times as may be mutually agreed. The organizational unit's business-related documents of any kind may be reviewed during business hours with or without advance notice to the head of the organizational unit. Failure of any of the above-listed persons associated with the organizational unit to cooperate fully with audit personnel or members of the ~~Board of Estimates~~ Finance Committee shall be ground for discipline or removal from office or service or service in the organizational unit, withdrawal of funding, termination of contract or other appropriate penalty.
- (c) The Finance Director shall control and be responsible for the methodology and conduct of the audit. The Finance Director may initiate other audits of organizational units in which the City has a direct or indirect pecuniary interest as the Finance Director may deem necessary to protect the City's interests. The Internal Audit Section shall prepare a draft report of the results of the audit for review by the ~~Board of Estimates~~ Finance Committee and the audited organizational unit which review shall be limited to the correction of factual errors. The organizational unit may file a response to the report which response shall be a part of the final audit report. The Finance Director shall prepare resolutions for presentation to the Common Council accepting the final audit report and directing the implementation of the recommendations made by the Internal Audit Section.
- (d) The Deputy Finance Director or her/his designee shall also provide staff services to the ~~Board of Estimates~~ Finance Committee to an extent not inconsistent with duties assigned the Finance Director under Paragraph 3. hereof.

- (e) The ~~Board of Estimates Finance Committee~~ shall monitor the chronological progress of the audits directed by the Common Council, ensure the cooperation of the involved organizational unit in the conduct of the audit, review the draft audit report with the Internal Audit Section and involved organizational unit to ensure that the report is factually correct, establish with the involved organizational unit a timetable for compliance with and implementation of the recommendations for corrections of identified problem areas or improvement of operations in the unit as approved by the Common Council, monitor the activity of the unit for continued compliance and implementation and report the same or failure thereof to the unit's appointing authority. The Committee may review the audit conclusions with the Internal Audit Section but shall not change nor direct the changing of any such conclusions. The Committee may review the recommendations of the Internal Audit Section for correction of identified problem areas or improvement of operation in the organizational unit and may submit a separate section of its recommendations to the Common Council, in the event of disagreement with those of the Internal Audit Section, in its final report of the results of the audit made to the Common Council. The Committee shall be supplied with all final audit reports conducted pursuant to this section.
- (f) For purposes of this section, and unless the context requires otherwise, "Organizational Unit" shall mean any department, division, unit or subentity or agency thereof of City government, including but not limited to each board, commission, committee, ad hoc committee, examining board, public or quasi-public entity organized or authorized by the Common Council or which is funded in whole or in part by action of the Common Council, including the subgrantees or subcontractors thereof, the custodian or entity authorized to expend funds provided by the Common Council, all external facilities operations in which the City has a direct or indirect pecuniary interest.
- (4) Selection of Alderpersons Members of Board. The ~~Board of Estimates Finance Committee~~ shall consist of six (6) Alders, five (5) of whom shall be appointed by the Mayor, subject to confirmation by the Common Council. Once confirmed these members shall hold office for a term of two (2) years or until their successors are confirmed. The sixth member shall be the Common Council President serving ex officio but with power to vote.
- (5) Intradepartmental Transfers. The expenditures within the departments for each of the various departmental activities and the objects for which such expenditures shall be made shall not exceed the amount or the sum specified or determined in such annual operating budget; provided that the Finance Director is hereby authorized to approve intradepartmental transfer of any unencumbered balance. If such a transfer is between divisions of a department it must be approved by the Mayor as well.
- (6) Capital Budget and Capital Improvement Program.
- (a) Capital Improvement Review Process. The Mayor or her/his designee shall consult with those members of staff the Mayor deems necessary, including the Finance Director, the Director of Public Works and the Director of Planning and Community and Economic Development and the Mayor or her/his designee shall annually review each departmental capital improvement estimate.
- (b) It shall be the duty of each department to file annually with the Finance Director by the date he/she shall specify and on forms provided by the Finance Director an estimate of its necessary capital improvements for the following six fiscal years and estimates of the costs thereof which the Finance Director shall present to the Mayor or her/his designee.
- (c) Capital Budget. Upon receipt of the departmental estimates of capital improvement, the Mayor shall review said capital improvement estimates and submit a proposed Capital Budget for the ensuing fiscal year to the ~~Board of Estimates Finance Committee~~ for their consideration. The ~~Board Committee~~ shall consider these items and make a proposed Capital Budget.
1. The Capital Budget shall be a part of the Budget and shall be summarized in the Budget Summary and the same statutory and ordinance requirements as to publications, notice and hearing shall apply to the Capital Budget as are required for the general annual budget.
 2. The Capital Budget shall be considered part of the Capital Improvement Program, and adoption of the Capital Budget will constitute an appropriation of the items therein stated except those requiring the borrowing of money. The Capital Improvement Program adopted in previous years shall not be binding.

3. The Capital Budget shall contain proposed expenditures for land purchases and improvements in excess of three thousand dollars (\$3,000); all projects requiring the borrowing of money including, but not limited to construction or reconstruction of public utilities, streets, sidewalks, storm and sanitary drainage facilities; new construction and construction of buildings in excess of five thousand dollars (\$5,000); major alterations to buildings and facilities which are not routine repairs and which substantially enhance the value of a structure or change its use; the original equipment or motor vehicle purchases exceeding twenty thousand dollars (\$20,000) in cost and having a life expectancy of ten (10) years or more; such other capital outlays as the Mayor and Common Council shall designate.
- (d) Capital Improvement Program. It is the intent of this section that the Common Council shall, each year, adopt a statement of proposed expenditures for capital improvements for the following six fiscal years. This statement shall be adopted by resolution and be known as the Capital Improvement Program.
1. Upon receipt of the departmental estimates for the five years following the ensuing budget year, the Mayor shall review said capital improvement estimates and recommendations and submit a proposed Capital Improvement Program to the ~~Board of Estimates~~ Finance Committee for their consideration.
 2. The ~~Board of Estimates~~ Finance Committee shall review all information regarding expenditures and anticipated revenue, and shall submit to the Common Council, with the budget, a proposed Capital Improvement Program.
- (e) Referendum Procedure for Capital Projects.
1. Legislative Purpose. The legislative purpose of this ordinance is to provide to the people a means through referendum by which they may express their views and support of or opposition to major capital projects proposed to be undertaken by the City. The opportunity to directly influence the policy of the City through binding referendum with respect to the undertaking of major capital projects is found to be in the best interests of the City and its people.
 2. The following terms whenever used or referred to in this subsection shall for the purposes of this subsection be construed as follows:
 - a. Project shall mean and is to be identified as any line item designated by a separate fund number in the Capital Budget.
 - b. Estimated budget cost shall mean and is to be determined by the total funds to be expended on the project including future expenditures set forth in the seven-year projection for that project as it appears in the Capital Improvement Program.
 - c. Referendum shall mean election proceedings pursuant to the Statutes which govern special elections in general, and consistent with elections held pursuant to Wis. Stat. § 67.05(5).
 - d. Petition shall mean a petition the preparation and form of which is consistent with the provisions of Wis. Stat. § 8.15.
 3. Petition for Referendum. The Capital Budget and the individual projects therein shall be deemed approved upon its adoption by the Common Council unless within thirty (30) days of the recording of the adopted budget with the City Clerk there shall be filed in the office of the City Clerk a petition requesting the submission of the question of the approval of an individual project, the estimated budgeted cost of which exceeds 1.5 million dollars (\$1,500,000), to the electors. The petition shall be signed by electors numbering at least ten percent (10%) of the vote cast for governor in the City at the last general election, shall identify the project by the fund number and shall refer to only one project. If such petition is filed a binding referendum shall be held at the spring primary election on the question of the approval of the project; if there is no spring primary the referendum shall be held at the general spring election or at any special election called by the Common Council for this purpose.
 4. Amendment to the Capital Budget. An amendment to the Capital Budget during the fiscal year which creates a new project meeting the requirements of this ordinance will be subject to the petition and referendum process if within thirty (30) days after the recording of the amendment in the office of

the City Clerk a petition is filed which meets the requirements set forth above. If such petition is filed a referendum election will be held at the next succeeding election provided that such election takes place not less than six (6) weeks from the date of the filing of the petition with the City Clerk. The Council may call a special election for the purpose of conducting the referendum.

5. Limited Right to Referendum. The right to a referendum on a project is limited to the first year that funds are to be expended on that project. The failure to petition for a referendum in that year precludes a referendum in subsequent years even though the project appears and funds are to be expended pursuant to subsequent years Capital Budgets. Any modification, addition, amendment or alteration to a project or increase in cost of a project does not give rise to the right to a referendum hereunder even though said modification, addition, amendment or alteration or increase in cost results in an estimated budgeted cost in excess of 1.5 million dollars (\$1,500,000). Only one referendum will be held for any eligible project hereunder and neither a change nor its appearance in subsequent years Capital Budgets shall give rise to the right to a second referendum on any eligible project.
6. Rejected Project. The results of any referendum shall be binding with respect to that project for the fiscal year in which the referendum election is held. A rejected project may be renewed in any future Capital Budget where it will if eligible hereunder be subject to the petition and referendum process as a new project.
7. Ordinance not Applicable to Following Projects. This ordinance and the right to petition for a referendum on any capital project hereunder shall not be applicable to the following programs and/or projects found in the budget:
 - a. Street maintenance program.
 - b. Assessable streets.
 - c. Sidewalks program.
 - d. Street reconstruction.
 - e. Sanitary sewers.
 - f. Storm sewers.
 - g. Assessable tree program.
 - h. Neighborhood parks.
 - i. Street lighting.
 - j. Heavy equipment.
8. Report on Issues Related to a Referendum Question. At least two (2) weeks prior to the day of a referendum election, the Finance Director shall produce an objective report on the issues related to the referendum question. Such report shall include arguments both for and against the project submitted to referendum election and be made available to all registered voters.
9. Severability. In the event that any section of this ordinance shall be declared or judged by a court of competent jurisdiction to be invalid or unconstitutional such adjudication shall in no manner affect the other sections of this ordinance which shall be in full force and effect as if the said section or said sections were not originally a part thereof.
10. Effective Date. This subdivision and the right to a referendum hereunder shall take effect with and be applicable to the 1980 Capital Budget and the projects therein.”

8. Section 4.03 entitled “Contingent Fund” of the Madison General Ordinances is amended to read as follows:

“4.03 CONTINGENT FUND. The ~~Board of Estimates~~ Finance Committee and the Common Council shall annually provide for a contingent fund of not less than one hundred thousand dollars (\$100,000). No appropriation shall be made from said fund except upon an affirmative vote of three-fourths (3/4) of all the members of the Common Council.”

9. Subdivision (b) entitled “Composition and Appointment of Members” of Subsection (9) entitled “Committee on Sweatfree Purchases” of Section 4.25 entitled “Procurement of Items of Apparel” of the Madison General Ordinances is amended to read as follows:

“(b) Composition and Appointment of Members. The Ad Hoc Task Force on Sweatfree Purchases shall consist of five (5) voting members and one (1) alternate member. Membership shall include one (1) alderperson who serves concurrently as an appointed member of the ~~Board of Estimates~~ Finance Committee. The remaining four (4) members and one alternate shall be residents of the City of Madison of legal voting age. At least one (1) of the remaining four members shall be a student representative on the University of Wisconsin-Madison's Labor Licensing Committee. Appointments shall be made by the Mayor, subject to the approval of the Common Council.”

10. Subdivision (c) of Subsection (3) entitled “Definitions” of Section 33.01 entitled “Boards, Commission, and Committees Procedures” of the Madison General Ordinances is amended to read as follows:

“(c) “Board or Commission” means a Sub-unit of the City, ~~except for the Board of Estimates~~ that is given some independent power to make determinations on behalf of the City of Madison.

11. Subdivision (a) entitled “Budget Meetings: of Subsection (10) entitled “Meetings Not to be Held” of Section 33.01 entitled “Boards, Commission, and Committees Procedures” of the Madison General Ordinances is amended to read as follows:

“(a) Budget Meetings. Sub-units shall not schedule meetings on the same nights that the ~~Board of Estimates~~ Finance Committee or the Common Council is considering the annual Operating and Capital budgets.”

12. Subdivision (a) of Subsection (2) entitled “Membership” of Section 33.10 entitled “Committee on Employee Relations” of the Madison General Ordinances is amended to read as follows:

“(a) The Committee shall be composed of nine (9) members. Three (3) members shall be members holding management positions with the City of Madison. Three (3) members shall be citizen members nominated by the employees. Two members (2) shall be alderpersons currently serving on the ~~Board of Estimates~~ Finance Committee. One member (1) shall be the Human Resources Director who will only vote to break a tie vote among the other members. All members, with the exception of the Human Resources Director, shall 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. The terms of the alderpersons expire with the expiration of their term as an alderperson. The remaining six (6) members shall serve staggered terms of three (3) years, with the terms of two (2) members expiring annually.”

13. Subsection (16) entitled “Enforcement Procedure for City Facilities” of Section 39.05 entitled “Nondiscrimination Based on Disability in City Facilities and City-Assisted Programs and Activities” of the Madison General Ordinances is amended to read as follows:

“(16) Enforcement Procedure for City Facilities. If a Department head, after receiving a written determination that a City facility for which she/he is responsible is not in compliance with this ordinance, fails to meet the deadline for compliance and remedy, fails to enter into a voluntary compliance agreement, or fails to comply with such an agreement, the Director of the Department of Civil Rights or her/his designee shall notify the Disability Rights Commission, and the Mayor. The Disability Rights Commission shall submit to the ~~Board of Estimates~~ Finance Committee a written report on the noncompliance, and such report shall contain a recommendation for action. The Mayor shall convene a special meeting of the ~~Board of Estimates~~ Finance Committee to consider the issue, and shall publish a notice at least twenty-one (21) days prior to the meeting. At the meeting, the ~~Board-Finance Committee~~ shall hear the Department head, other City officials and employees, and members of the public. The meeting may be adjourned and reconvened as the ~~Board-Finance Committee~~ may deem appropriate.

The meeting shall be considered legislative and not quasi-judicial and shall be conducted in open session. The ~~Board of Estimates~~ Finance Committee shall recommend a resolution of the issue to the Common Council for its approval.”

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

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.

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.

CITY OF MADISON, WISCONSIN

AN ORDINANCE _____

PRESENTED
REFERRED

CCOC

Amending Section 2.205 of the Madison General Ordinances to change the name of President Pro Tem of the Common Council to Vice President of the Common Council.

DRAFT

Drafted by: Michael May

Date: April 11, 2016

SPONSOR: Alders Ahrens & Clear

DRAFTER'S ANALYSIS: This ordinance changes the name of the President Pro Tem of the Council to Vice President of the Council. This is not an office required or described by state law, so the City may change the name of the office.

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

1. 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 Vice President ~~Pro Tem~~ of the Common Council, pursuant to the provision of Wis. Stat. § 62.09(8)(e). The Vice 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 Committee), MGO.

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

2. The City Attorney is directed to make corresponding changes to other City ordinances to reflect the change of name of "President Pro Tem" to "Vice President."

Approved as to form: