

**CITY OF MADISON, WISCONSIN**

REPORT OF:	CITY ATTORNEY	PRESENTED	<u>April 17, 2007</u>
TITLE:	Proposed Appropriation for Salaries for Alders	REFERRED	_____
AUTHOR:	MICHAEL P. MAY City Attorney	REREFERRED	_____
DATED:	April 4, 2007	REPORTED BACK	_____
		ADOPTED	_____ POF _____
		RULES SUSPENDED	_____
		ID NUMBER	_____

TO THE MAYOR AND COMMON COUNCIL:

RE: Resolution – Amending the 2007 City Operating Budget to appropriate \$2,164 from the Contingent Reserve and authorizing the expenditure of an additional \$2,165 total for hourly salary expense (\$2,020 and benefits (\$154) in the 2007 Council office adopted operating budget in order to fund an increase in Alderperson compensation effective April 17, 2007.  
Legistar File No 06023.

I recommend that this matter be placed on file.

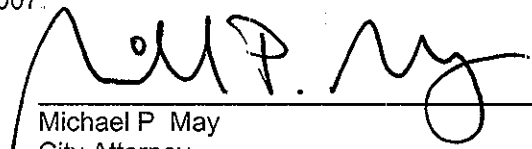
For the reasons set forth in my formal Opinion #07-001, issued today, the substitute ordinance approved by the Common Council on March 20, 2007, is ineffective to raise salaries for alderpersons elected in the 2007 election. The ordinance (unless modified pursuant to the procedures set forth in Opinion #07-001) will apply according to its terms with the 2009 election for alderpersons, and the 2011 election for mayor

Because the related ordinance is not in effect to raise salaries for alders for calendar year 2007, there is no reason to make a budget adjustment or appropriate the funds for the salary increases.

I would further note that, in the opinion of the City Attorney, if salaries of elected officials are to be increased in the future, any appropriation to fund such an increase must either be included in the budget, or made prior to the spring election. While the appropriation for funding the salaries is not subject to the same rule as the actual salary increases set forth in Opinion #07-001, it would present an inherent conflict of interest under the City's Ethics Code, Sec 3.47 (5), Madison General Ordinances, for the alderpersons to vote an appropriation that would go to their salaries, unless such appropriation was made prior to the election.

For all the foregoing reasons, it is my recommendation that this item be placed on file.

Respectfully submitted this 4th day of April, 2007.



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Michael P May  
City Attorney

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