

CITY OF MADISON
INTER-DEPARTMENTAL
CORRESPONDENCE

DATE: _____

DRAFT

TO: All Alders
All Agency Heads

FROM: ??

SUBJECT: **Procedures for Alternates and Substitute Ordinances and Resolutions**

This memorandum explains the procedures for preparation and consideration of substitute and alternate ordinances or resolutions. This direction is needed because of some confusion as to how the process is to work, and the need for some clarifications since the City began to use the Legistar process.

Definitions

Sponsor: Alder(s) or Mayor who sponsor legislation. The lead sponsor should always be the first name listed on the legislation. Section 2.05(6) of the Madison General Ordinances defines sponsorship requirements and also outlines the provisions that are exceptions. (MGO Section 2.05(6)(a) through (6)(i)), attached to this memo). Among the common exceptions are Common Council by Request & Common Council by Petition. Under authority given to in sec. The Plan Commission may also sponsor ordinances related to zoning matters, sec. 28.12(10)(b)2., MGO.

Lead Referral: Lead committee/commission/board whose recommendation will be on the floor for Council action unless another version is moved.

Non-Lead Referral: Other committee/commission/board that reviews legislation, proposes changes to legislation and reports their recommendation(s) to the lead referral.

Substitute Ordinance/Resolution: A change proposed by the lead referral that is approved by the lead sponsor prior to consideration on the Council floor. The lead sponsor can propose a substitute, but only prior to the lead referral taking action to create a substitute. Any changes after that would be an alternate or an amendment.

Alternate Ordinance/Resolution: A change proposed by the lead referral or a member of the Council that is not approved by the lead sponsor prior to consideration on the Council floor. A member of the Common Council may also move an alternate on the Council floor for consideration by the body.

Amended Ordinance/Resolution: Any change approved on the Council floor proposed by a member of the Common Council, whether made to the lead referral's recommendation, a substitute, or an alternate.

Proposed Changes from Non-Lead Referral Agencies

- Staff person for the committee requesting the substitute enters the recommended changes in their MINUTES (Action Note field). This information returns with the action to the Lead Referral. *Keep the lead referral staff person informed.*
- The Lead Referral should then consider the recommended changes at its meeting.
- If the Lead Referral approves the changes AND the lead sponsor approves the changes, a **SUBSTITUTE** should be drafted as a result of the Lead Referral's recommendation. The lead sponsor is the first sponsor listed in the legislative file.
- If the Lead Referral approves the changes AND the lead sponsor DOES NOT approve the changes, an **ALTERNATE** should be drafted as a result of the Lead Referral's recommendation. The lead sponsor is the first sponsor listed in the legislative file.
- Any changes proposed by the non-lead referrals should be added as an attachment to the legislative file.

NOTE: Non-Lead Referrals cannot authorize the drafting of a substitute.

Proposed Changes from Lead Referral Agencies

- Staff person for the Lead Referral enters the recommended changes in their MINUTES (Action Note field).
- All changes to the text file of legislation approved by the Lead Referral should be entered by the original drafter/preparer of the legislation (can be found in the Extra Information sheet tab of the legislative file). All language being added to legislation should be underlined and any language being deleted should be ~~stricken~~.
- Before any changes are entered into the text file, the Lead Referral staff person must determine if the new version is going to be a SUBSTITUTE or an ALTERNATE (see bullet 3 & 4 under Proposed Changes from Non-Lead Referral Agencies above). The lead sponsor will be notified with a presumption they approve unless they say otherwise within a specified time or unless they already contacted the staff person.
- The original (or previous) version of the legislation must be added as an attachment in the legislative file (use the Master Generic report and attach the original or previous version as a PDF) by the drafter that is preparing the substitute or alternate.
- After the recommended changes to the text are entered, the fiscal note process must be followed. The drafter/preparer needs to obtain the fiscal approval. (If the legislation is an ordinance, then the attorney's office would need to prepare and approve the changes). The drafter/preparer should direct the comptroller to send the approval back to the lead referral (specify the name of the lead referral in

the action note field. The lead referral is identified in the 'Requester' field of the legislative file.).

- The staff person should take their action in their minutes on the new version that has been created by the drafter.
- The sponsors have many opportunities to remove themselves as sponsors up to the point it is on the Council floor for final approval. Also, they can move to adopt the original legislation or an alternative version of the legislation on the council floor.

NOTE: If there is a change to legislation that is editorial in nature (misspellings, punctuation errors, minor corrections to sentence structures), then a substitute should **NOT** be drafted. The original drafter should just make the correction(s).

Proposed Changes from the Lead Sponsor(s) outside of Committee action

These changes are not as a result of a Committee/Commission/Board Recommendation.

- These changes must occur prior to the lead referral's action. Proposed changes to legislation after the lead referral's action should be presented on the Council floor as an amendment or as an alternate.
- All changes to the text file of legislation proposed by the lead sponsor should be entered by the original drafter/preparer of the legislation (can be found in the Extra Information sheet tab of the legislative file). All language being added to legislation should be underlined and any language being deleted should be ~~stricken~~.
- After the recommended changes to the text file are entered, the fiscal note process must be followed. The drafter/preparer needs to obtain the fiscal approval. (If the legislation is an ordinance, then the attorney's office would need to prepare and approve the changes). The drafter/preparer should direct the comptroller to send the approval back to the lead referral (specify the name of the lead referral in the action note field. The lead referral can be easily identified in the 'Requester' field of the legislative file.).
- The sponsors have many opportunities to remove themselves as sponsors up to the point it is on the Council floor for final approval. Also, they can move to adopt the original legislation or an alternative version of the legislation on the council floor.

Information

- Multiple versions of a file cannot be listed on a Council agenda in Legistar. So the previous versions of legislation should be included as attachments in the corresponding legislative file and the version as recommended by the lead referral will be the version that appears on the Council agenda.

2.05 INTRODUCTION OF BUSINESS.

- (6) Unless otherwise provided in these ordinances, no ordinance or resolution shall be introduced unless it is sponsored by a member of the Common Council or the Mayor or both. Use of a Common Council member's name as sponsor must be with his or her knowledge and consent. This provision shall apply not only to ordinances and resolutions, but also to all substitutes and amendments thereto. The provisions of this ordinance shall not apply to the following:
- (a) Recommendations of the City Attorney relating to accounts and claims.
 - (b) Recommendations and advice of the City Attorney relating to litigation in which the City is or is going to become involved.
 - (c) Changes to ordinances and resolutions which may be mandated by state or federal law.
 - (d) Recommendations of the Personnel Board relating to the classification of positions.
 - (e) Changes to ordinances and resolutions which may be required by the adoption of the annual City Budget.
 - (f) Petitions for direct legislation pursuant to the provisions of Section 9.20 Wis. Stats.
 - (g) Ordinances and resolutions necessary to implement Public Works projects previously approved in the annual City Budget.
 - (h) Ordinances and resolutions requested by a citizen as may otherwise be allowed in these ordinances.
 - (i) Changes to ordinances and resolutions which are intended to correct errors, omissions or inconsistencies therein.