

CITY OF MADISON
CITY ATTORNEY'S OFFICE
Room 401, CCB
266-4511

MEMORANDUM

DATE: April 30, 2019

RE: Legislative File No. 55056 (Plantings in the Terrace Ordinance Updates)

The purpose of this memo is to summarize the legislative history of File No. 55056, an ordinance amending the City's Terrace Planting Ordinance.

This ordinance was introduced on March 19, 2019 and referred to the Board of Public Works as lead, with the Food Policy Board as a secondary referral. Both bodies considered the ordinance on the same night, April 3, 2019. The Board of Public Works recommended approval of the ordinance at that time.

As required by the ordinance, the Food Policy Board was also presented with a draft update to the City's terrace treatment policy, which policy is incorporated by reference into the ordinance. The Food Policy Board considered both the ordinance change and the updated policy at the same time, and recommended approval of the ordinance subject to certain changes to the terrace treatment policy relating to a provision that had been inserted about the removal of plants at the end of the growing season. The legislative record is not clear that the Board's recommendations were focused on the changes to the policy—but that is the only implication one can make from the recommendation made.

Based upon the Food Policy Board's recommendation, the draft terrace treatment policy was updated to remove the language in question and an updated policy, consistent with the Food Policy Board's recommendation, was prepared. This policy is to be considered for approval by the Board of Public Works at its May 8, 2019 meeting (File No. 55445). As a result of the changes to the updated terrace treatment policy, no ordinance changes to File No. 55056 are needed to satisfy the April 3, 2019 recommendations of the Food Policy Board.

Accordingly, the recommendation of the Food Policy Board to "approve the ordinance and policy with changes" has already been accomplished by the changes to the terrace treatment policy update, and the recommendation of the Board of Public Works to approve the ordinance as written can be considered by the Council

/s/ *Doran Viste*

Doran Viste
Assistant City Attorney