

# AGENDA # \_\_\_\_\_

## CITY OF MADISON, WISCONSIN

REPORT OF:	<b>OFFICE OF CITY ATTORNEY</b>	PRESENTED	<u>September 6, 2005</u>
		REFERRED	_____
TITLE:	<b>2005 CITY ATTORNEY REVISOR'S ORDINANCE</b>	REREFERRED	_____
			_____
AUTHOR:	<b>Michael P. May City Attorney</b>	REPORTED BACK	_____
			_____
DATED:	<b>August 22, 2005</b>	ADOPTED	_____ POF _____
		RULES SUSPENDED	_____
		ID NUMBER	<u>01839</u>

### TO THE MAYOR AND COMMON COUNCIL:

The Madison ordinances, Secs. 2.05(6)3. and 9., and 3.15(1), MGO, give the City Attorney the authority to make technical changes in the City Ordinances. In carrying out that authority, and in furtherance of recommendations of the Economic Development Commission with respect to outdated ordinances, the Office of City Attorney (OCA) has instituted a procedure whereby we log any outdated or inconsistent ordinances which we encounter during our other ordinance drafting. It is my intention to annually present a clean-up ordinance called the City Attorney Revisor's Ordinance. This ordinance is the first example of it.

The following is a section by section analysis of the reason for the change.

- Sec. 1. This creates one Severability clause in the initial chapter of the MGO to cover all ordinances. It will eliminate the need to include a Severability clause in ordinances or resolutions as they are adopted.
- Sec. 2. This section simply corrects a numbering error.
- Sec. 3. This section deletes duties of the Department of Public Works related to the Madison Municipal Airport, which no longer exists.
- Sec. 4. This section corrects a numbering error.
- Sections 5-6. These sections are to correct the name of the Monona Terrace Community and Convention Center.
- Sec. 7. This section corrects a mistake in reference to another section of the ordinances.
- Sec. 8. This repeals the minimum wage ordinance in the Madison General Ordinances, which has no legal authority following the passage of 2005 Wisconsin Act 12. While the City Attorney recognizes that there may be some hortatory purpose in maintaining a publicly stated City position on an issue, those positions should not be stated through retention of ordinances that are invalid. This leads to confusion.
- Sec. 9. This section corrects an erroneous reference.
- Sec. 10. This amends a section of the Ethics Code to reflect current practice. The Council in fact does not and, as I understand it, never has revoked the appointments of committee members who failed to meet the economic disclosure filing deadline, if they make such a disclosure filing by the time of the Council's consideration of revocation of appointment.

- Sec. 11. This corrects an improper reference to the ordinances.
- Secs. 12 - 18. These sections correct improper references in the ordinances related to the CDA, due to a renumbering of state statutes.
- Sec. 19. This section corrects an improper reference in the ordinance.
- Sec. 20. Repeals the ordinance requiring the undergrounding of transmission lines, which ordinance was declared illegal by the Public Service Commission of Wisconsin in 63 WI PSC 271, Docket 3270-EV-6 (1978).
- Sec. 21. This corrects an improper reference in the ordinances.
- Sec. 22 - 23. These sections correct improper references to state statutes in the ordinances, which arose when the chapters on the DNR's authority were revised.

Respectfully submitted,

/s/  
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Michael P. May  
City Attorney

MPM:KCN:pah