



# City of Madison

City of Madison  
Madison, WI 53703  
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## Master

**File Number: 29554**

**File ID:** 29554

**File Type:** Resolution

**Status:** Items Referred

**Version:** 1

**Reference:**

**Controlling Body:** Mayor's Office

**File Created Date :** 03/22/2013

**File Name:** Support of Balanced Municipal Representation on the Madison Metropolitan Sewerage District

**Final Action:**

**Title:** Resolution In Support of Balanced Municipal Representation on the Madison Metropolitan Sewerage District

### Notes:

**CC Agenda Date:** 07/16/2013

**Sponsors:** Paul R. Soglin, Lauren Cnare, Paul E. Skidmore, David Ahrens and Joseph R. Clausius

**Effective Date:**

**Attachments:** MMSD population estimate.pdf

**Enactment Number:**

**Author:** Mayor Paul Soglin

**Hearing Date:**

**Entered by:** lolmsted@cityofmadison.com

**Published Date:**

### History of Legislative File

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	Mayor's Office	03/22/2013	Referred for Introduction				
	<b>Action Text:</b>	This Resolution was Referred for Introduction					
	<b>Notes:</b>	Board of Public Works, Committee On The Environment, Water Utility Board					
1	COMMON COUNCIL	04/16/2013	Refer	BOARD OF PUBLIC WORKS		06/05/2013	Pass
	<b>Action Text:</b>	A motion was made by Schmidt, seconded by Resnick, to Refer to the BOARD OF PUBLIC WORKS. The motion passed by voice vote/other.					
	<b>Notes:</b>	Additional referrals to: Committee on the Environment, Water Utility Board, Common Council Organizational Committee					
1	BOARD OF PUBLIC WORKS	04/16/2013	Refer	COMMITTEE ON THE ENVIRONMENT		05/20/2013	
	<b>Action Text:</b>	This Resolution was Refer to the COMMITTEE ON THE ENVIRONMENT					
	<b>Notes:</b>						
1	BOARD OF PUBLIC WORKS	04/16/2013	Refer	WATER UTILITY BOARD			
	<b>Action Text:</b>	This Resolution was Refer to the WATER UTILITY BOARD					
	<b>Notes:</b>						
1	BOARD OF PUBLIC WORKS	04/16/2013	Refer	COMMON COUNCIL ORGANIZATIONAL COMMITTEE			
	<b>Action Text:</b>	This Resolution was Refer to the COMMON COUNCIL ORGANIZATIONAL COMMITTEE					

**Notes:**

1	WATER UTILITY BOARD	04/23/2013	Return to Lead with the Recommendation for Approval	BOARD OF PUBLIC WORKS	06/05/2013	Pass
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**Action Text:** Nick Zavos from the Mayor's office addressed the board.

A motion was made by Nelson, seconded by Mayer, to Return to Lead with the Recommendation for Approval to the BOARD OF PUBLIC WORKS. The motion passed by voice vote.

**Notes:**

1	COMMON COUNCIL ORGANIZATIONAL COMMITTEE	05/07/2013	Return to Lead with the Following Recommendation(s)	BOARD OF PUBLIC WORKS	06/05/2013	Fail
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**Action Text:** Ald. Shiva Bidar-Sielaff moved to take Leg. File #29544 out of order on the agenda, seconded by Ald. Scott Resnick. Motion was approved.

Dane County Supv. Jenni Dye spoke in opposition to the resolution. Supv. Dye stated that making changes to the Madison Metropolitan Sewerage District makeup now could open the door for the State Legislature to make changes negatively impacting the phosphorus rules currently in place.

Dane County Board Chair, Supv. John Hendrick spoke in opposition to the resolution. Supv. Hendrick stated that the commission has historically been made up of a majority of city of Madison appointments (60-80% Madison Residents currently and this proposal would reduce that number to 66%). He also noted that this proposal would change the chair to be a non-Madisonian (where the chair has been historically the city of Madison representative). Milwaukee should not be considered as a model; members are paid 8x as much as Madison commissioners, they levy property taxes. Supv. Hendrick believed that this model looked good to the mayors but should not look good to legislative bodies.

Ald. Shiva Bidar-Sielaff asked if Supv. Hendrick could respond to the criticisms that the meetings were not open. Supv. Hendrick stated that they were open meetings and are publicly noticed. He had not heard of anyone having issues with attending a meeting or accessing information about the MMSD.

Nick Zavos responded that he was skeptical about the statement that the State Legislature would impact the phosphorus rules that this legislature could have already made changes if they had wanted. He also noted that the MMSD also has the ability to levy property taxes now. The mayor still had an issue with the appointments: the city pays the bills and county makes the appointments and the mayor believes that the city should have more of a role in making those appointments.

Ald. Chris Schmidt asked why this was on the radar now for the mayor. Mr. Zavos stated that the mayor was concerned about the phosphorus rule recommendations imposing a heavier burden on city taxpayers (e.g. the \$1-2M water treatment plant).

Ald. Bidar-Sielaff asked what the results were of any conversation(s) between the Mayor and Dane County Executive. Mr. Zavos stated that the mayor had contacted the Dane County Executive twice about submitting Larry Nelson as an appointment to the MMSD (first time did not hear back and second time received a letter).

Joshua Wescott, Chief of Staff to Dane County Executive, spoke in opposition to the resolution. Mr. Wescott stated that the MMSD is an effectively managed and efficiently run operation both fiscally and in terms of innovation. Rates are 35% lower than counterparts around the United States. MMSD is the architect of the Adaptive Management Program that was derived directly from the Federal government requirements to address phosphorus in Dane County waterways. The State DNR, 21 - 22 communities, Clean Lakes Alliance, environmental groups, as well as the city, have signed onto the Memorandum of Understanding. The mayor's concerns regarding rates are merited but the Executive felt that the city of Madison is well-represented on the MMSD Commission.

A motion was made by Ald. Scott Resnick to approve (for discussion purposes), seconded by Ald. Shiva Bidar-Sielaff.

Ald. Resnick had concerns with the appointments and the length of service some of the members have on the commission. Ald. Bidar-Sielaff noted that the Dane County Executive is new and has had only one chance to make an appointment to this commission. From her perspective this was not the biggest issue the city and the county should be working on to address. Ald. David Ahrens stated that it was time for a change and supported the resolution. Ald. Matt Phair believed that this was a solution looking for a problem and did not support the resolution. Ald. Mark Clear stated that this had the potential of politicizing a body that was focused on technical issues.

Return to Lead with the Following Recommendation(s) to the BOARD OF PUBLIC WORKS. The motion FAILED by the following vote:

**Notes:** Noes: Schmidt, Resnick, Rummel, Weier, Phair, Bidar-Sielaff; Ayes: Ahrens; Absent: Skidmore - 6:1:1

Ayes: 1 David Ahrens

Noes: 5 Chris Schmidt; Scott J. Resnick; Marsha A. Rummel; Anita Weier; Matthew J. Phair and Shiva Bidar-Sielaff

Excused: 1 Paul E. Skidmore

1	COMMITTEE ON THE ENVIRONMENT	05/20/2013	Return to Lead with the Recommendation for Approval	BOARD OF PUBLIC WORKS	06/05/2013	Pass
	<b>Action Text:</b>	A motion was made by Lasky, seconded by Gadow, to Return to Lead with the Recommendation for Approval to the BOARD OF PUBLIC WORKS,. The motion passed by the following vote:				
	<b>Notes:</b>	Ayes: 4 Steven M. Fix; Patricia A. Lasky; Timothy D. Baker and Patricia J. Gadow Noes: 2 Sue Ellingson and Jennifer L. Giegerich Abstentions: 1 James P. Bennett Excused: 1 Mike DePue				
1	BOARD OF PUBLIC WORKS	06/05/2013	RECOMMEND TO COUNCIL TO ADOPT - REPORT OF OFFICER			Pass
	<b>Action Text:</b>	A motion was made by Fix, seconded by Branson, to RECOMMEND TO COUNCIL TO ADOPT - REPORT OF OFFICER. The motion passed by the following vote:				
	<b>Notes:</b>	A motion was made by Fix, seconded by Branson, to RECOMMEND TO COUNCIL TO ADOPT - REPORT OF OFFICER. The motion passed by the following vote: Excused: 1 No: 1 Aye: 4 Non-Voting: 1 Ayes: 4 David Ahrens; David J. Branson; Steven M. Fix and Jaclyn D. Lawton Noes: 2 Hans J. Hinke and Claudia Haack Benedict Excused: 1 Paul E. Skidmore Non Voting: 1 Leah Samson-Samuel				
1	COMMON COUNCIL	07/16/2013	Re-refer	Mayor's Office		Pass
	<b>Action Text:</b>	A motion was made by Schmidt, seconded by Resnick, to Re-refer to the Mayor's Office. The motion passed by voice vote/other.				
	<b>Notes:</b>					

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**Text of Legislative File 29554**

**Fiscal Note**

No appropriation is required.

**Title**

Resolution In Support of Balanced Municipal Representation on the Madison Metropolitan Sewerage District

**Body**

WHEREAS, the creation and governance of metropolitan sewer districts is governed by State Statutes, which provide for two systems - one for districts that contain first class cities (Milwaukee) and one for all other districts;

WHEREAS, the Madison Metropolitan Sewer District (MMSD) is governed by a five member commission appointed by the Dane County Board of Supervisors and the Dane County Executive's Office; and

WHEREAS, MMSD serves less than 75% of the county's population, and sewerage services are not a county service; and

WHEREAS, MMSD the City of Madison and many other communities, is currently facing new costs associated with phosphorous mitigation; and

WHEREAS, local units of government that comprise MMSD have no direct say in how the district is operated; and

WHEREAS, Madison's commitment to environmental protection, and sustainability make it an invaluable voice on the MMSD commission; and

WHEREAS, when public dollars are being spent, it should ideally be elected officials making the spending decisions; and

WHEREAS, the City of Madison Mayor's Office began a discussion with the other communities in the district about changing the method of appointments to the MMSD commission to a model similar to Milwaukee's - where the user communities that comprise the district would appoint the commissioners, and a majority would be elected officials; and

WHEREAS, after discussion with some of the other communities in the district, the Mayor's office has proposed the following changes:

- \* Increase to a nine member board with five appointments by the City of Madison Mayor, three by cities and villages in the district, and one by the towns in the district.
- \* Three of Madison's and two of cities and villages appointments must be elected officials.
- \* Chair of Commission chosen from a city, village or town other than the City of Madison.
- \* Any changes to the way in which fees are allocated, and to the guidelines for annexation must be adopted by a 2/3 vote of the commission;

NOW, THEREFORE, BE IT RESOLVED, that the City of Madison Mayor and Common Council support the effort to pursue a statutory change to the way that MMSD commissioners are appointed in order to provide balanced municipal representation on the sewerage commission.