

DRAFT RESOLUTION 11-3-2020 (FOR MIX OF BINDING AND ADVISORY REFERENDUM QUESTIONS)

TITLE

A Resolution authorizing the placement of advisory and binding referendum questions related to the structure of the City of Madison's Government on the Spring 2021 general election ballot.

BODY

WHEREAS, on September 8, 2017 the City of Madison created the Task Force on Government Structure ("Task Force") (RES-17-00714) to examine and make recommendations related to the structure of the Mayor's Office, Common Council, and the City's Boards, Commissions and Committees; and,

WHEREAS, the Task Force Resolution asked the Task Force to consider whether the City's existing government structure provides residents with adequate representation and meaningful avenues for participation, without privileging individuals with the time, resources, and ability to navigate the City's current government structure; and,

WHEREAS, the Task Force Resolution specifically sought recommendations that could improve the ability of people of color and those living with lower incomes to participate and engage with City government; and,

WHEREAS, the Task Force and its subcommittees met ninety (90) times over an almost two-year period, held meetings throughout the community, collaborated with seven (7) community liaisons from the City's most traditionally under-represented neighborhoods, held two community open houses, and created surveys seeking input from city residents, staff, and current and former government officials; and,

WHEREAS, the Task Force studied the history, structure, and function of the City's Common Council, reviewed options for alternative government structures allowed by state law, and, among other things, investigated how the relationship between the current Common Council and the City's nearly 100 Boards, Commissions, and Committees ("Committee System") impacts resident representation, engagement and participation; and,

WHEREAS, the Task Force concluded that "the City's current government structure is an impediment to full participation and representation and, therefore, that the City's structure is fundamentally unfair to a large portion of the City's population, including, most notably, the City's residents of color and low income"; and,

WHEREAS, in reviewing the current structure of the Common Council, in which members are paid approximately thirteen thousand seven hundred dollars (\$13,700) annually to serve in what has historically been considered a part-time volunteer role, the Task Force found disparate levels of representation among districts based, in part, on how much time the district alder is able to devote to their position while balancing other life demands, like a second job; and,

WHEREAS, the Task Force found that this inhibits a district alder's ability to fully utilize their talents and abilities as a member of the Common Council and, along with other demands of being an alderperson, reduces their availability to fully engage with constituents in a way that encourages meaningful and robust community engagement in city decision-making; and,

WHEREAS, the Task Force Final Report concluded that "as Madison has grown so too has the complexity of the challenges it faces; and that adequately representing constituents facing these challenges requires a full-time Council"; and,

WHEREAS, in specifically reviewing the current structure of the City's Committee System, the Task Force Final Report found that the current Committee System of nearly one-hundred (100) committees lacks geographic and racial diversity; results in a drain on resident, staff, and alder time; lacks consistent

accountability; varies in levels of authority and influence; includes committees that lack a well-defined purpose, have outlived their purpose, or have purposes that overlap; employ logistical processes (meeting times, locations, and rules) that inhibit rather than encourage resident participation for all but the few who have the time, resources, and knowledge to navigate the Committee System; and cannot be adequately staffed or supported given the total number of committee meetings scheduled each year (e.g., 907 meetings in 2017; 966 meetings in 2018; and 917 meetings in 2019); and

WHEREAS, the Task Force Final Report recommends creating a smaller full-time Common Council consisting of ten (10) members making the area median income of a single parent with two children, which is approximately \$67,000 per year; and,

WHEREAS, the Task Force Final Report opines that a full-time Common Council would, among other things, allow individuals to focus their time and energies on the Common Council and, in doing so, possibility open up the position of alder to persons who, for financial reasons, could not previously afford to serve; and

WHEREAS, the Task Force Final Report stated that a full-time Common Council would be better able to fulfill its responsibilities as a Common Council set out in Wis. Stat. § 62.11(5) and comprehensively address the impediments to resident representation, engagement and participation identified in the Task Force Final Report, including reviewing, restructuring, and significantly reducing the size of the Committee System, providing ongoing accountability of the Committee System, and initiating alternative and innovative ways for residents to engage with their government; and,

WHEREAS, the Task Force Final Report states that regardless of whether the City transitions to a full-time Common Council, it should increase alderperson terms from 2-years to 4-years in order to put alderpersons on a level playing field with the Mayor, who also serves (4) year terms, and allow alderpersons to settle into their positions and role as constituent representatives before having to run for reelection; and

WHEREAS, changing the number of alderpersons and length of alderperson terms requires amending Madison General Ordinance 3.01, which was enacted as a Charter Ordinance through a binding referendum in the Spring 1987 election; and,

WHEREAS, Wis. Stat. § 66.0101(8) states that a “charter ordinance enacted or approved by a vote of the electors controls over any prior or subsequent act of the legislative body of the city”; and,

WHEREAS, therefore in order to amend Madison General Ordinance 3.01 to reduce the number of alderpersons to ten (10) members and increase alderpersons terms to four (4) years the voters must approve the new Charter Ordinance (Attachment A) by majority vote in a binding referendum; and,

WHEREAS, in order to place the question of the number of alderpersons and length of alderperson terms on the ballot of the Spring 2021 general election, the Common Council must pass a resolution by majority vote of all Council members authorizing that those questions be sent to the electorate and directing city staff to give notice of the referendum question to the election clerk within 70 days of the Spring 2021 general election; and

WHEREAS, if approved, these changes would begin with the 2023 Spring Election; and

WHEREAS, the Common Council heard a general presentation regarding the Task Force recommendations related to the structure of the Common Council on September 15, 2020, discussed the issue more fully at a Committee of the Whole on October 8, 2020, and discussed whether to send these questions to referendum at a meeting of the Common Council on December 1, 2020; and

WHEREAS, in the event that the public votes against the binding referendum question related to the Task Force recommendation to transition to a full-time Common Council, it would be helpful to know if the public supports the possibility of moving to a full-time Common Council comprised of some number other than ten (10); and

WHEREAS, this information could be gleaned from the public by including an advisory referendum question on the Spring 2021 Election ballot related to transitioning to a full-time Common Council; and

NOW THEREFORE BE IT RESOLVED, that the Common Council directs City staff to take the necessary steps to place the following three separate referendum questions on ballot in the Spring 2021 general election:

ADVISORY REFERENDUM QUESTION

1. Madison currently has a part-time Common Council comprised of twenty (20) alderpersons, one from each alderperson district, who are paid approximately thirteen-thousand seven hundred (\$13,700) per year. The City of Madison Task Force on Government Structure recommends that the City transition to a full-time Common Council.

SHOULD the City of Madison transition to a full-time Common Council?

BINDING REFERENDUM QUESTIONS

2. Madison alderpersons are currently elected to two (2) year terms. The Madison Mayor is currently elected to four (4) year terms. The City of Madison Task Force on Government Structure recommends that City of Madison alderpersons serve four (4) year terms, concurrent with the Mayor's term.

Beginning with the 2023 Spring Election, SHALL the City of Madison alderpersons be elected to four (4) year terms, concurrent with the Mayor's term?

3. Madison currently has a part-time Common Council comprised of twenty (20) alderpersons, one from each alderperson district, who are paid approximately thirteen-thousand seven hundred (\$13,700) per year. The City of Madison Task Force on Government Structure recommends that the City transition to a Common Council comprised of ten (10) alderpersons, one from each aldermanic district.

Beginning with the 2023 Spring Election, SHALL the City of Madison Common Council be comprised of ten (10) alderpersons, one from each aldermanic district?

NOW THEREFORE BE IT FURTHER RESOLVED, that the ad hoc Task Force Implementation Workgroup should collaborate with the Mayor's Office and Common Council Executive Committee (CCEC) to develop a plan, as allowed by law, to provide information to the public about the above referendum questions, including regarding the potential fiscal impact of the questions; and

NOW THEREFORE BE IT FINALLY RESOLVED, in the event the above binding referenda questions are approved by the electorate at the Spring 2021 election, the ad hoc Task Force Implementation Workgroup should develop a plan and timeline for transitioning to a full-time Council after the 2023 Spring Election, taking into account the advantage of having it coincide with redistricting associated with the 2020 Census.