



Legislation Details (With Text)

File #: 50052 **Version:** 1 **Name:** Common Council consideration of overriding a Mayoral veto clarification

Type: Ordinance **Status:** Passed

File created: 1/5/2018 **In control:** COMMON COUNCIL EXECUTIVE COMMITTEE

On agenda: 2/27/2018 **Final action:** 2/27/2018

Enactment date: 3/10/2018 **Enactment #:** ORD-18-00027

Title: Amending Sections 2.21(2) and 3.03(2) of the Madison General Ordinances to clarify that Common Council consideration of overriding a Mayoral veto must be acted upon at the meeting it is initially presented and shall not be referred.

Sponsors: Mark Clear

Indexes:

Code sections:

Attachments:

| Date | Ver. | Action By | Action | Result |
|-----------|------|------------------------------------|---|--------|
| 2/27/2018 | 1 | COMMON COUNCIL | Adopt | Pass |
| 2/6/2018 | 1 | COMMON COUNCIL EXECUTIVE COMMITTEE | RECOMMEND TO COUNCIL TO ADOPT - REPORT OF OFFICER | Pass |
| 1/16/2018 | 1 | COMMON COUNCIL | Refer | Pass |
| 1/5/2018 | 1 | Attorney's Office/Approval Group | Referred for Introduction | |

Fiscal Note

No fiscal impact.

Title

Amending Sections 2.21(2) and 3.03(2) of the Madison General Ordinances to clarify that Common Council consideration of overriding a Mayoral veto must be acted upon at the meeting it is initially presented and shall not be referred.

Body

DRAFTER'S ANALYSIS: It is not clear whether the Common Council's consideration of overriding a Mayoral veto is subject to referral or reconsideration. See the analysis in the City Attorney's Formal Opinion 2015-001. Following that Opinion, the Council clarified the rules regarding reconsideration of a vote on overriding a veto by adopting Section 2.21(2), MGO, in 2015.

This ordinance provides further clarity with respect to referral of consideration of a veto override, and provides that referral is not allowed. The Council must take initial action at the meeting at which the veto is presented to it pursuant to Sec. 3.03(2), MGO.

The Common Council of the City of Madison do hereby ordain as follows:

1. Subsection (2) of Section 2.21 entitled "Reconsideration of Question" of the Madison General Ordinances is amended to read as follows:

"(2) A vote by the Common Council on overriding a mayoral veto (whether the vote failed or succeeded) is

subject to a motion for reconsideration. Any such motion for reconsideration must be made and acted upon no later than the next regular meeting of the Council or it is out of order. Any such motion for reconsideration may not be referred to any committee or to a subsequent meeting of the Council. The Council's initial consideration of overriding a mayoral veto is not subject to a motion to refer but must be acted upon initially at the meeting at which it is presented."

2. Subsection (2) of Section 3.03 entitled "Mayor" of the Madison General Ordinances is amended to read as follows:

"(2) The Mayor shall have the veto power as to all acts of the Council, except such as to which it is expressly or by necessary implication otherwise provided. All such acts shall be submitted to the Mayor by the Clerk and shall be in force upon the Mayor's approval evidenced by Mayor's signature, or upon the Mayor failing to approve or disapprove within five (5) days, which fact shall be certified thereon by the Clerk. If the Mayor disapproves the Mayor shall file his or her objections with the Clerk, who shall present them to the Council at its next meeting. A two-thirds (2/3) vote of all the members of the Council shall then make the act effective. Rules regarding referral or reconsideration of Council action on a Mayoral veto are set out in Sec. 2.21(2), MGO."