



Legislation Details (With Text)

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File created: 8/17/2010 **In control:** COMMON COUNCIL ORGANIZATIONAL COMMITTEE (ended 4/2017)
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Title: Creating Sec. 9.49(7) of the Madison General Ordinances to establish procedure for judicial review of decisions of the Administrative Review Board.
Sponsors: David J. Cieslewicz, Mark Clear
Indexes:
Code sections:
Attachments:

Date	Ver.	Action By	Action	Result
10/19/2010	1	COMMON COUNCIL	Adopt	Pass
10/5/2010	1	COMMON COUNCIL ORGANIZATIONAL COMMITTEE (ended 4/2017)	RECOMMEND TO COUNCIL TO ADOPT - REPORT OF OFFICER	Pass
9/7/2010	1	COMMON COUNCIL	Referred	
8/17/2010	1	Attorney's Office/Approval Group	Referred for Introduction	

Fiscal Note

No appropriation is required.

Title

Creating Sec. 9.49(7) of the Madison General Ordinances to establish procedure for judicial review of decisions of the Administrative Review Board.

Body

[DRAFTER'S ANALYSIS: Under Wisconsin law, municipalities must either follow Wis. Stat. ch. 68 to provide a method for review of administrative decisions, or opt out of chapter 68 and establish their own rules. Madison has chosen to opt out of chapter 68 and establish its own Administrative Review Board (ARB) in Sec. 9.49, MGO. The ordinance, however, does not establish procedures for judicial review of decisions of the ARB, simply stating they are subject to judicial review.

This ordinance establishes specific procedures, modeled on Wis. Stat. § 68.13, for judicial review of decisions of the ARB. If approved, the City Attorney will recommend adopting these provisions by reference for review of other decisions of the City, whenever state law does not set the rules for judicial review.

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

Subsection (7) entitled "Judicial Review" of Section 9.49 entitled "Review of Administrative Determinations" of the Madison General Ordinances is created to read as follows:

"(7) Judicial Review.

- (a) Any party to a proceeding resulting in a final determination hereunder may seek review thereof by certiorari within 30 days of receipt of the final determination. The court may affirm or reverse the final determination, or remand to the decision maker for further proceedings consistent with the court's decision.
- (b) If review is sought of a final determination, the record of the proceedings shall be transcribed at

the expense of the person seeking review. A transcript shall be supplied to anyone requesting the same at the requester's expense. If the person seeking review establishes impecuniousness to the satisfaction of the reviewing court, the court may order the proceedings transcribed at the expense of the municipality and the person seeking review shall be furnished a free copy of the transcript. By stipulation, the court may order a synopsis of the proceedings in lieu of a transcript. The court may otherwise limit the requirement of a transcript."