



## Legislation Details (With Text)

**File #:** 52859      **Version:** 1      **Name:** Common Council vacancy - procedure for notices  
**Type:** Ordinance      **Status:** Passed  
**File created:** 8/16/2018      **In control:** Attorney's Office/Approval Group  
**On agenda:** 10/16/2018      **Final action:** 10/16/2018  
**Enactment date:** 10/24/2018      **Enactment #:** ORD-18-00105  
**Title:** Creating Section 2.03(6) of the Madison General Ordinances to specify a procedure for notices when a vacancy exists on the Common Council.  
**Sponsors:** Samba Baldeh  
**Indexes:**  
**Code sections:**  
**Attachments:**

Date	Ver.	Action By	Action	Result
10/16/2018	1	COMMON COUNCIL	Adopt	Pass
10/2/2018	1	COMMON COUNCIL EXECUTIVE COMMITTEE	RECOMMEND TO COUNCIL TO ADOPT - REPORT OF OFFICER	Pass
9/4/2018	1	COMMON COUNCIL	Refer	Pass
8/16/2018	1	Attorney's Office/Approval Group	Referred for Introduction	

### Fiscal Note

No fiscal impact.

### Title

Creating Section 2.03(6) of the Madison General Ordinances to specify a procedure for notices when a vacancy exists on the Common Council.

### Body

DRAFTER'S ANALYSIS: This ordinance fills a gap when there is a vacancy on the Common Council. A number of ordinances require notice to the alderperson of the district. This ordinance provides that, when there is a vacancy on the Council, such notices should be sent to the Common Council President and the Common Council Chief of Staff. To the extent the ordinances provide the alderperson of the district to waive a notice or take other action, the Council President may do the same during a vacancy. Finally, this amendment provides that failure to give such notice during a vacancy does not invalidate any subsequent action by the City.

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

Subsection (6) entitled "Effect of Vacancies on Notices to the Alderperson of the District" of Section 2.03 entitled "Procedure to Fill Vacancies on the Common Council" of the Madison General Ordinances is created to read as follows:

**"(6) Effect of Vacancies on Notices to the Alderperson of the District.**

- (a) Many sections of the Madison General Ordinances require notice to the alderperson of the district before certain other actions may be taken. Some of these sections allow the alderperson to waive the notice. Whenever there is a vacancy on the Common Council, such

notices shall be given to the President of the Common Council and the Common Council Chief of Staff. The President may exercise any rights given to the alderperson of the district regarding such notices. Failure to give notice shall not invalidate any subsequent action by the Council or other body of the City.

- (b) This subsection covers all sections of the ordinances that require notice to an alderperson. Among the sections of the Madison General Ordinances with notices as referenced in this subsection are: 8.33(5) (edible landscaping), 9.13(1)(b) (vend near schools), 25.10(6) (nuisance party), 28.066(12) (minor alterations), 28.074(4) (appeal of UDC), 28.076(4) (appeal of UDC), 28.087(7) (minor alterations), 28.097(1) (minor alterations), 28.098(6) (minor alterations), 28.151(a) (market garden), 28.181(5) (zoning changes), 28.183(5)(b) (conditional use), 28.184(6)(b) (variance extension), 28.185(9)(b) and (11) (demolition extension), 31.112(5) (replacement advertising sign), 33.24(4)(e) (Urban Design Districts), 38.05(3)(c) and (h) (alcohol licensing), 41.15(4)(a) (Landmarks appeal) and 41.20(1) (Landmarks appeal)."