



Legislation Text

File #: 60965, Version: 1

Fiscal Note

No fiscal impact.

Title

Creating new subsection 3.30(4) of the Madison General Ordinances to adopt an alternate method of removal of Alderpersons from City Boards, Commissions or Committees.

Body

DRAFTER'S ANALYSIS: Madison considers appointees to committees to be city "officers" for purposes of taking an oath (Wis. Stat. § 62.09(1) and (4)) and for removal from office under Wis. Stat. § 17.12. The latter statute was amended in 2018 to allow the Mayor to remove officers appointed by the Mayor without action of the Common Council. The same rule would apply to persons appointed by the Common Council President.

Utilizing an option set out in Wis. Stat. § 17.12(3m), this ordinance requires action by both the Mayor and the Council, or by the Council President and the Council, to remove any Alderpersons appointed to City board, commissions or committees by the Mayor or President and confirmed by the Council. The ordinance also adopts a requirement that the Council must find inefficiency, neglect of duty, official misconduct, or malfeasance in order to remove such alder.

This subsection is not being adopted as a Charter ordinance.

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

Subsection (4) entitled "Removal of Members of City Boards, Commissions or Committees" of Section 30 entitled "Qualifications - City Officers, Members of Commissions, and Employees" of Subchapter 3B entitled "Qualification of Officials and Employees" of Chapter 3 entitled "Officials, Boards, Employees and Public Records" of the Madison General Ordinances is created to read as follows:

"(4) Removal of Members of City Boards, Commissions or Committees.

(a) For purposes of this subsection, the obligation to file oaths, and where otherwise clear from the context, all members of city boards, commissions or committees are city officers. Oaths otherwise filed shall be sufficient for service on a board, commission or committee.

(b) Except as provided in subparagraph (c) or as limited by contract or other law, city officers may be removed pursuant to the provisions of Wis. Stat. § 17.12.

(c) Pursuant to Wis. Stat. § 17.12(3m), any city alderperson appointed to serve on a city board, commission or committee, and where such appointment was originally confirmed by the Common Council, may not be removed during the term of their appointment by the appointing authority alone, but may be removed by action of the appointing authority and concurrence of the Common Council. Removal shall only be made for inefficiency, neglect of duty, official misconduct, or malfeasance in office, and upon hearing of the Common Council or a committee thereof, and only upon a three-fourths (3/4) vote of the entire Council."

(d) This sub. (4) is not a Charter Ordinance.