



Legislation Text

File #: 67637, Version: 2

Fiscal Note

No City appropriation required.

Title

SUBSTITUTE - Amending Sections 2.05(a)(1), 2.05(b)(1), 2.05(6) and 33.01(11)(a), renumbering 2.24 to 2.055 and repealing 2.05(2), 2.05(3) and 2.25 of the Madison General Ordinances to clarify the process for introduction and referrals.

Body

DRAFTER'S ANALYSIS: This ordinance clarifies the process for introduction and referrals of matters by modifying and creating several ordinance sections. This ordinance requires referrals to include a return date by which the Sub-unit may act, unless it obtains an extension from the Common Council, and provides that referrals may, and when made from the floor, shall include a reason for the referral consistent with the jurisdiction of the Sub-unit. This ordinance requires referrals made from the floor and objections to referrals listed on the consent agenda to be excluded from the consent agenda and acted upon separately. This ordinance restructures MGO 2.05, consolidates and amends the provisions of MGO 2.24 and 2.25 as MGO 2.055, and repeals MGO 2.25.

This substitute makes technical changes to use gender-neutral language and to correct an internal citation.

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

1. Subdivision (a) of Subsection (1) of Section 2.05 entitled "Introduction of Business" of the Madison General Ordinances is amended as follows:

"(a) ~~All ordinances, resolutions or communications shall be in writing with a brief statement of their contents endorsed thereon. Except when introduced from the floor, before an ordinance or resolution is introduced, or a report of an officer or committee is considered, a written copy of the ordinance, resolution, report, or title of same, together with the name of the member presenting the same, and shall be delivered to the Clerk filed in the office of the City Clerk by 12 noon on the Wednesday preceding the meeting at which it is to be introduced. The committee to which any matter is referred shall report thereon in writing within a period of forty-five (45) days unless by favorable motion a different time is set by the body.~~"

2. Subdivision (b) of Subsection (1) of Section 2.05 entitled "Introduction of Business" of the Madison General Ordinances is amended as follows:

"(b) Any business to be referred may be introduced from the floor; and shall be in writing and delivered to the Clerk. ~~and if~~ If no fiscal note is prepared, any business introduced from the floor will be referred to the Finance Director for a fiscal note. Introduction of any matters by title only or without a fiscal note shall require a two-thirds (2/3) majority vote. Any matter introduced from the floor shall be either (i) referred to the next Common Council meeting for action or (ii) automatically referred to the next Common Council meeting and be placed on the agenda as if for introduction, solely for the purpose of additional referrals."

3. Subsection (2) of Section 2.05 entitled "Introduction of Business" of the Madison General

Ordinances is repealed.

4. Subsection (3) of Section 2.05 entitled "Introduction of Business" of the Madison General Ordinances is repealed.

5. Subsection (6) of Section 2.05 entitled "Introduction of Business" of the Madison General Ordinances is amended as follows:

"6. Unless otherwise provided in these ordinances, no ordinance or resolution shall be introduced unless it is sponsored by a member of the Common Council or the Mayor or both. Use of a Common Council member's name as sponsor must be with ~~his or her~~ their knowledge and consent. This provision shall apply not only to ordinances and resolutions, but also to all substitutes and amendments. The provisions of this subsection shall not apply to the following:

- (a) Recommendations of the City Attorney or Risk Manager relating to claims.
- (b) Recommendations and advice of the City Attorney relating to litigation in which the City is or is going to become involved.
- (c) Changes to ordinances and resolutions which may be mandated by state or federal law.
- (d) Recommendations of the Personnel Board relating to the classification of positions.
- (e) Changes to ordinances and resolutions which may be required by the adoption of the annual City Budget.
- (f) Petitions for direct legislation pursuant to the provisions of Wis. Stat. § 9.20.
- (g) Ordinances and resolutions necessary to implement Public Works projects previously approved in the annual City Budget or allowed under ~~sub. (2)~~ Subdivision (j) of this ordinance.
- (h) Zoning map or text amendments allowed under Sec. 28.182 (2), MGO, certified survey maps, or subdivision plats to be sponsored by the Plan Commission or Planning Division.
- (i) Changes to ordinances recommended by the City Attorney which are intended to correct errors, omissions or inconsistencies therein.
- (j) Resolutions recommended by the Board of Public Works which
 - 1. award public works contracts,
 - 2. accept identified public works improvements,
 - 3. approve plans and specifications and authorize the Board of Public Works to advertise and receive bids for identified public works contracts,
 - 4. accept identified improvements by private contracts,
 - 5. accept identified street improvements by private contracts,
 - 6. approve plans and specifications for public improvements for identified subdivisions,
 - 7. authorize construction to be undertaken, and
 - 8. authorize amendments to previously executed contracts."

6. Section 2.24 of the Madison General Ordinances entitled "Ordinances" shall be renumbered as 2.055 entitled "Referral and Consideration of Matters" and amended as follows:

"2.055 REFERRAL AND CONSIDERATION OF MATTERS.

- (1) No ordinance or resolution, except for an honoring resolution, or other proposal or report, shall

be acted upon on the same day on which it was introduced, unless suspension of the rules has been approved, according to Section 2.34 of the Madison General Ordinances, and action on the item has been publicly noticed as required by the open meetings law.

- (2) Each referral shall include the date of the Sub-unit's meeting at which the matter shall be considered and the date by which the Sub-unit shall make its report to the Common Council. All referrals made from the floor shall also include the reason the item is referred to the Sub-unit, including the portion of the item for which the Common Council requests the Sub-unit's report and recommendation, which shall be consistent with the jurisdiction of the Sub-unit. Referrals made by the sponsor with the introduction of a matter which is not made from the floor may include a notation of such reason for the referral.
- (3) Any objection to a referral included on the consent agenda shall be excluded from the consent agenda and acted upon separately. Referrals made from the floor shall be excluded from the consent agenda and acted upon separately.
- (4) The Sub-unit to which any matter is referred shall report thereon within the time set by the Common Council. If the Sub-unit requires additional time to consider the matter, the Sub-unit shall recommend to the Common Council re-referral of the item to the Sub-unit. Notwithstanding this provision, the Common Council may act on any matter prior to receiving a report requested of a Sub-unit by a referral.
- (25) When the committee to which an ordinance or resolution has been referred reports such ordinance or resolution to the Council at a subsequent meeting, the ordinance or resolution shall stand for final action in accordance with the report of the committee. If the ordinance or resolution is modified by the committee, it will stand as a substitute if the sponsor of the ordinance or resolution so agrees; if the sponsor does not so agree, the committee report shall stand as an alternate ordinance, provided that such alternate or substitute is germane to the ordinance or resolution originally referred to such committee.
- (36) No ordinance shall relate to more than one subject, which shall be clearly expressed in its title, and no ordinance, or section thereof, shall be amended or repealed unless the new ordinance contains the title of the ordinance or section amended or repealed, and when practicable all ordinances shall be introduced as amendments to existing ordinances or sections thereof.
- (47) Any matter referred to more than one board, committee or commission shall have a lead referral. Non-lead referral bodies shall make recommendations that the lead referral will consider. The If the recommendation of the lead referral obtains a sponsor, it shall usually will be presented to the Common Council as the recommended action, either in the form originally introduced or as a substitute or alternate."

7. Section 2.25 of the Madison General Ordinances entitled "Resolutions" is repealed.

8. Subdivision (a) of Subsection (11) entitled "Reports" of Section 33.01 entitled "Boards, Commissions, and Committee Procedures" of the Madison General Ordinances is amended as follows:

- "(a) Every Sub-unit, whether created by ordinance, resolution, or order shall act on items the Council refers to it, where the votes are contested, by roll call vote. Its report to the Council shall include a list of members who voted and the vote of each. In case any report of a board, committee, or commission shall fail to contain the list of members and votes, the City Clerk shall reject the report and shall return it to the board, committee or commission. Except as provided in Sec. 2.055(34), aAny Sub-unit, which fails to act upon any matter referred to it by the Common Council, within the deadline for such action as ~~may be~~ set by the Common Council, shall have been deemed to have waived the opportunity to report to the Common Council on the matter referred. The Common Council may then take up the referred item notwithstanding the board, committee or commissions failure to file a report."

Editor's Note:

Section 2.05(2) of the Madison General Ordinances currently reads as follows:

- “(2) The requirements of Subsection (1) above do not apply to resolutions recommended by the Board of Public Works which
- (a) award public works contracts,
 - (b) accept identified public works improvements,
 - (c) approve plans and specifications and authorize the Board of Public Works to advertise and receive bids for identified public works contracts,
 - (d) accept identified improvements by private contracts,
 - (e) accept identified street improvements by private contracts,
 - (f) approve plans and specifications for public improvements for identified subdivisions,
 - (g) authorize construction to be undertaken, and
 - (h) authorize amendments to previously executed contracts.”

Section 2.05(3) of the Madison General Ordinances currently reads as follows:

- “(3) Except when introduced from the floor, before an ordinance or resolution is introduced, or a report of an officer or committee is considered, a copy of the ordinance, resolution, or report, or title of same shall be filed in the office of the City Clerk by 12 noon on the Wednesday preceding the meeting at which it is to be introduced. Upon request, the City Clerk shall prepare copies of the ordinance or resolution and furnish such copies to each alderperson.”

Section 2.25 of the Madison General Ordinances currently reads as follows:

“2.25 - RESOLUTIONS.

- (1) No resolution, except for an honoring resolution, shall be acted upon on the same day on which it was introduced, unless suspension of the rules has been approved, according to Sec. 2.34, MGO, and action on the item has been publicly noticed as required by the open meetings law.
- (2) When the committee to which a resolution has been referred reports such resolution to the Council at a subsequent meeting, the resolution shall stand for final action in accordance with the report of the committee. If the resolution is modified by the committee, it will stand as a substitute if the sponsor of the resolution so agrees; if the sponsor does not so agree, the committee report shall stand as an alternate resolution, provided that such alternate or substitute is germane to the resolution originally referred to such committee.
- (3) Any matter referred to more than one board, committee or commission shall have a lead referral. Non-lead referral bodies shall make recommendations that the lead referral will consider. The recommendation of the lead referral usually will be presented to the Common Council as the recommended action, either in the form originally introduced or as a substitute or alternate.”