

# THE LEGISLATIVE PROCESS IN MADISON

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# Legislative Process: What We Will Cover Today

- 1. Overview of Legislative Process
- 2. Substitutes and Alternates
- 3. Committees and Sec. 33.01, MGO
- 4. Legistar Issues (Lisa Veldran)
- 5. Your Questions or Issues

# Legislative Process Overview

- Resolutions v. Ordinances
- Drafting, Fiscal Notes and Sponsorship
- Introduction
- Committee Referral Process
- Substitutes, Alternates and Amendments
- Public Hearings
- Approval and Effective Date

# Resolutions v. Ordinances

- Resolutions generally deal with an individual matter, such as approval of a contract, setting internal City policy, or approval of an expenditure. Any person may draft a resolution. They only are reviewed by the City Attorney upon request.

# Resolutions v. Ordinances, cont.

- Ordinances generally deal with rules that affect the general public. The zoning and building codes, permits, traffic and other offenses that may involve a forfeiture are examples.
- Only the City Attorney may draft an ordinance.
- Codified in the Madison General Ordinances (MGO).

# Drafting, Fiscal Notes and Sponsorship

- Resolutions may be drafted by anyone.
- Contract approvals must include legal name of other party, authorize named City officials to sign, include purpose and amount of contract.
- See Contract Training on CA website.
- Committees must include name, purpose, membership, appointment and end date.
- Standing committees to be by ordinance.

# Drafting, Fiscal Notes and Sponsorship, cont.

- City Attorney to draft ordinances.
- All ordinances and resolutions must have a sponsor. Mayor or alderperson except as provided in Sec. 2.05(6), MGO. BPW, Plan and CA.
- After drafting, must go to Finance Department for a fiscal note. Plan enough time for that.
- Find a sponsor before drafting.

# Introduction of Legislation

- General rule is that ordinance or resolution must be introduced at one Council meeting and then considered at a later meeting.
- Council may suspend this rule by a 2/3 vote and act at the same meeting as introduced.
- Must be to Clerk by Wednesday before a Tuesday meeting.
- Introduction from the floor.

# Committee Referral Process

- Nearly all items are referred to a Board, Commission or Committee of the City.
- If multiple referrals, the first Committee listed is the “lead referral.” Others are “secondary referrals.”
- Process works best if secondary referrals act before lead referral. They may make suggested changes in the proposal.

# Committee Referral Process, cont.

- Council may act without referral, and, with a few exceptions (Plan Commission), need not wait for a committee to act.
- Sec. 2.05(1)(a), MGO, tells committees to act within 45 days of referral.
- Action of the lead referral is normally the proposed action on the Council floor. Lead referral examines other suggestions.

# Substitutes, Alternates and Amendments

- Will examine in detail in next segment
- Basic rule: Any change in the legislative proposal after introduction must be made by a person with authority to sponsor legislation. Will be given a different name depending on who sponsors the change and when it occurs.

# Public Hearings

- Members of the public are allowed to speak to any item on the Council agenda that is up for consideration.
- Members of the public may speak at Committee meetings on agenda items or anything else. Committees may not act on a new item if not on the agenda, but may ask questions.

# Public Hearings, cont.

- Three-minute limit on regular Council agenda items.
- Five-minute limit on “Public Hearing” items.
- By statute, some things (zoning change, special assessments, new liquor license) must be preceded by a public hearing, which is why they appear that way on agenda.

# Approval and Effective Date

- All matters must get the vote of 11 Council members, regardless of number voting.
- Some matters require  $\frac{2}{3}$  (14 votes) or  $\frac{3}{4}$  (15 votes).
- Mayor may only vote in the case of a 10-10 tie.
- Mayor's right to veto; a  $\frac{2}{3}$  vote to override the veto.

# Approval and Effective Date, cont.

- After meeting, Clerk prepares “proceedings” of the meeting.
- Mayor signs proceedings. This usually is a day or two after the meeting.
- Legislation goes into effect one day after the proceedings and summaries of legislation are published in the official newspaper. Usually within a week or so of the meeting.

# Substitutes, Alternates and Amendments

- See the City Attorney memo of May 15, 2009.
- An attempt to bring some order to what was a sometimes haphazard process.
- If the lead sponsor desires changes in the ordinance or resolution prior to the time it reaches the Council floor, a Substitute is created. Multiple Substitutes create numbered Substitutes, e.g., Second Substitute Resolution.

# Substitutes, Alternates and Amendments, cont.

- If an Alderperson or the Mayor want changes prior to the time the proposal reaches the Council floor, and the lead sponsor does not support those changes, then an Alternate is created. Multiple alternates may also be numbered.
- Committee staff should check with the lead sponsor (and other sponsors, as a courtesy) to see if they support suggested changes.

# Substitutes, Alternates and Amendments, cont.

- Substitute or Alternate ordinance proposals must be drafted by the City Attorney.
- Committees may also make recommendations that show up in the legislative history, and even without a Substitute or Alternate, these may be considered on the Council floor.
- Any change to a proposal made on the Council floor results in an Amendment to the proposal.

# Substitutes, Alternates and Amendments, cont.

- Thus, we may end up with an Amended Second Substitute Ordinance, or Amended Third Alternate Resolution, etc.
- Prior versions of the proposal should be kept in Legistar as an attachment.
- Substitutes or Alternates must have a Fiscal Note.

# Substitutes, Alternates and Amendments, cont.

- The preferred legislation on the Council's agenda normally will be the version recommended by the Lead Committee. Other versions will be an attachment to the preferred proposal.
- Do not confuse our use of "Substitute" in the Legislative Process with a special type of amendment which may be offered on the Council floor under Robert's Rules and called a substitute amendment.

# Committees and Sec. 33.01, MGO

- See the current form of Sec. 33.01, MGO.
- The result of a long process to bring order to Boards, Committees and Commissions. Most of these Sub-units are now in Chapter 33.
- Ad hoc committees are created by resolution or written order of the Mayor or Common Council President.
- See the template for Committee creation.

# Committees and Sec. 33.01, MGO, cont.

- Standing or permanent Committees are to be codified in the MGO.
- Committees must have a name, duties and powers, membership and appointment process.
- Ad hoc committees must have an ending date or event.

# Committees and Sec. 33.01, MGO, cont.

- Committees make recommendations to the Council.
- Boards or Commissions have some power to act without further approval of the Council.
- Sub-committees made up of members of the Committee may be created by the Committee.
- Role of Alternates defined in Sec. 33.01.

# Committees and Sec. 33.01, MGO, cont.

- Common Council may not amend appointments without the Mayor's consent.
- Normal terms are 3 years; 2 years for Alderpersons to coincide with term.
- 12 year term limit unless 2/3 of Council says otherwise.
- 15 minute rule.
- Majority vote of quorum and attendees.

# Committees and Sec. 33.01, MGO, cont.

- Rules of Procedure and role of the Chair.
- Council participation.
- Dates not to meet.

# Legistar Issues

- Discussion of Legistar Issues with Lisa Veldran.

# Your Questions or Issues

- Any other related questions or issues?

# Thank You!

- Call us if you have other questions!
- Michael P. May, City Attorney, 266-4511
  - Patricia Lauten , Deputy City Attorney
  - Roger Allen, Assistant City Attorney
  - Diane Althaus, Ordinance Specialist
- Lisa Veldran, Common Council Administrative Assistant, 266-4074