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City of Racine, Wisconsin
COMMON COUNCIL

AGENDA BRIEFING MEMORANDUM

COMMITTEE: Committee of the Whole **LEGISLATION ITEM #:** 0643-24 (Ord. 0004-24)

AGENDA DATE: August 8, 2024

DEPARTMENT: City Attorney's Office

Prepared By: City Attorney Scott R. Letteney

Reviewed By: N/A

SUBJECT: Ordinance 0004-24 – Actions on Communications

EXECUTIVE SUMMARY: The proposed ordinance would amend Chapter 2, Article II, Division 5 of the Racine Code of Ordinances regarding the presentation and processing of communications to the common council. Specifically, the proposed ordinance changes would introduce a procedure where elected officials submitting communications would recommend a standing committee to which such communications would be directed. Thereafter, the communication would appear on a common council agenda for direction to a standing committee by majority vote of the common council.

The proposed ordinance change would also authorize city administrative managers to refer a communication directly to a standing committee, under certain narrow circumstances, subject to approval by the chair of such standing committee.

Finally, the proposed ordinance change would require all communications that are approved, disapproved, or received and filed by a standing committee—rather than just approved—be reported to the next meeting of the common council

BACKGROUND & ANALYSIS: Under procedural ordinances as they currently exist, communications to the common council must be made by an elected official. Upon receipt of a communication, the city clerk, in consultation with the mayor, determines the standing committee to which the communication should be directed and then makes each communication available to the chair of such committee for

30 consideration for inclusion on the committee's agenda. After a communication is on a standing
31 committee agenda and considered by a standing committee, under the currently existing ordinance,
32 only communications approved by a standing committee are reported to the common council, unless
33 otherwise required by law. These procedures would change if the proposed ordinance were enacted.

34 As it currently exists, Racine Ordinances section 2-117, subsections (a) and (b) provide:

35 (a) All communications shall be in writing, with the name of the mayor or of the alderman
36 presenting the same endorsed thereon, and shall be delivered to the clerk.

37 (b) Based upon the guidance provided in section 2-77 and elsewhere within this Code of
38 Ordinances, within 14 days of receipt by the clerk, the clerk, in consultation with the mayor,
39 shall determine the most-appropriate standing committee to which the communication should
40 be directed and shall make each communication available to the chair of such committee. The
41 chair shall, thereafter, determine which communications shall be placed on the committee's
42 agenda and shall so notify the clerk.

43 Under the proposed amendment, Racine Ordinances section 2-117, subsections (a) and (b) would be
44 amended to provide:

45 (a) Except as otherwise provided herein, all communications shall be in writing, with the name
46 of the mayor or of the alder presenting the same endorsed thereon, and shall be delivered to
47 the clerk. The elected official presenting the communication shall recommend a standing
48 committee to which to refer the communication. If the elected official does not include a
49 committee recommendation, the clerk shall recommend a standing committee to which to refer
50 the communication based upon the guidance provided in section 2-77 and elsewhere in this
51 Code of Ordinances.

52 (b) The clerk shall present all communications, which are received by the office of the city clerk
53 no later than 12:00 noon on the Thursday prior to a common council meeting, to the next
54 meeting of the common council for the common council's consideration and referral to a
55 standing committee. The mayor or any alder may request the common council refer a
56 communication to any standing committee. The common council may refer communications to
57 any standing committee by the majority vote of all alders present. The chair of the committee
58 to which a communication has been referred shall, thereafter, determine which
59 communications shall be placed on the committee's agenda and shall so notify the clerk.

60 Under this proposed change, all communications would first appear on a common council agenda for
61 referral to a standing committee. Such referral shall be made by a majority of the common council
62 members present. The chair of a standing committee to which the communication has been referred
63 may determine which communications shall be placed on the committee's agenda. Note: The currently-
64 existing procedures for communications that have not appeared on a standing committee agenda after
65 more than 90 days have passed from the date a communication was made available to a standing
66 committee chair, would remain in place.

67 Under the proposed amendment, Racine Ordinances section 2-117, subsection (f), would be created,
68 allowing administrative managers to refer communications directly to a standing committee under very
69 narrow circumstances, specifically for time-sensitive matters and for administrative matters.

70 “Administrative matter” is defined as a “matter that relates to the management or operation of the
71 administrative manager’s department.” “Time-sensitive matter” is defined as “a matter that requires
72 consideration within a short period of time to avoid loss of an opportunity for the city.” The
73 administrative manager must notify the chair of the standing committee to which the matter is directly
74 referred, who may decline to place such communication on the committee agenda. The communication
75 would be presented to the common council at its next meeting for referral to a standing committee.

76 Finally, the proposed ordinance would amend Racine Ordinances section 2-128. Under the existing
77 procedure only communications and ordinances approved by a standing committee are reported to the
78 common council, unless otherwise required by law. Under the proposed modification, communications
79 and ordinances approved, disapproved, or received and filed by a standing committee would be
80 reported to the next meeting of the common council. Communications and ordinances that are deferred
81 by a standing committee or referred to another committee of the common council would not be
82 reported to the common council.

83 This proposed ordinance would require the affirmative vote of more than half of the members of the
84 common council for passage.

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86 **BUDGETARY IMPACT:** None

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88 **OPTIONS/ALTERNATIVES:** Decline to pass the proposed ordinance or modify the proposed and pass the
89 ordinance as modified.

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91 **RECOMMENDED ACTION:**

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93 **ATTACHMENT(S):** Proposed Ord. 0004-24