



**City of Racine, Wisconsin
Common Council**

AGENDA BRIEFING MEMORANDUM

COMMITTEE: Common Council/Committee of the Whole LEGISLATION ITEM #: Ord. 0009-24

AGENDA DATE: October 28 through November 14, 2024

DEPARTMENT: City Attorney's Office

Prepared By: Robin Zbikowski, Assistant City Attorney

Prepared By: Scott R. Letteney, City Attorney

SUBJECT: Communication sponsored by Mayor Mason requesting the dissolution of the Health and Sanitation Appeal Board and creation of the process and procedure to appeal the health officer's administrative determinations to the Due Process Board.

EXECUTIVE SUMMARY:

All part numbers to this piece of legislation, except part numbers 13 and 16, propose to eliminate the existence of and any reference to the Health and Sanitation Appeal Board. Part numbers 13 and 16 propose to create a new process and procedure by which a person may appeal to the Due Process Board any appealable determination made by the health officer in furtherance of his/her due process rights.

BACKGROUND & ANALYSIS:

Nearly five years ago, the Common Council elected to create by ordinance the Due Process Board, which is designed and trained to hear appealable, administrative determinations, including those made by the health officer, among many others. The purpose and jurisdiction of the Due Process Board renders that of the Health and Sanitation Appeal Board duplicative and obsolete.

Therefore, all part numbers to this piece of legislation, except part numbers 13 and 16, propose to eliminate the existence of and any reference to the Health and Sanitation Appeal Board. The remaining parts—part numbers 13 and 16—propose to create the process and procedure to appeal the health officer's determinations to the Due Process Board, and, in turn, expand the scope of the Due Process Board to hear such appeals.

31 When the health officer issues any notice of violation, that notice must also advise the recipient of
32 his/her right to appeal. It is imperative that such notice cites to only one section of the code that governs
33 the pathway to appeal and that the proper board is ready to respond.

34
35 **BUDGETARY IMPACT:** None.

36
37 **OPTIONS/ALTERNATIVES:**

38 To approve, whereby allowing the proposed amendments that eliminate the Health and Sanitation Appeal
39 Board and route appeals of the health officer's determinations to the Due Process Board.

40 To deny, whereby disallowing the proposed amendments that eliminate the Health and Sanitation Appeal
41 Board and route appeals of the health officer's determinations to the Due Process Board.

42
43 **RECOMMENDED ACTION:** To approve.

44
45 **ATTACHMENT(S):** None.