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City of Racine, Wisconsin
COMMON COUNCIL

AGENDA BRIEFING MEMORANDUM

COMMITTEE: Committee of the Whole **LEGISLATION ITEM #:** 0642-24 (Ord. 0005-24)

AGENDA DATE: August 8, 2024

DEPARTMENT: City Attorney's Office

Prepared By: City Attorney Scott R. Letteney

Reviewed By: N/A

SUBJECT: Ordinance 0005-24 – Membership on Authorities, Boards, and Commissions

EXECUTIVE SUMMARY: The proposed ordinance would create section 2-167 of the City of Racine Code of Ordinances. If approved, it would prohibit employees of the City of Racine from being appointed to or serving on any City authority, board, or commission. Exceptions to this prohibition would exist where certain specific employee positions are required to serve on a particular authority, board, or commission by virtue of holding such position.

BACKGROUND & ANALYSIS: Not including the common council and its committees, the City of Racine has more than 20 governing bodies, i.e., authorities, boards, or commissions. Some of these bodies, such as the board of police and fire commissioners, are required to exist by state law. Some of these bodies, such as the affirmative action and human rights commission, are creations of Racine ordinance or resolution.

Proposed Ordinance 0005-24 would create Racine Ordinances section 2-167. If passed, the proposed ordinance would prohibit employees of the City from serving on any authority, board, or commission unless, by virtue of their position, they are required to serve pursuant to any ordinance or statute. As examples, the following positions are required to serve on an authority, board, or commission:

- The city clerk serves as a member of the board of review, as permitted by Wisconsin Statutes section 70.46 and as required by Racine Ordinances section 2-191.

- 30 • The affirmative action office is *ex officio* one of the 11 members of the affirmative action and
31 human rights commission.
- 32 • The city administrator is an alternate member of the waterworks commission—in the absence
33 of the mayor—by virtue of being the city administrator, pursuant to Racine Ordinances section
34 98-33(1).
- 35 • The wastewater utility general manager shall be a member of the board of standards, pursuant
36 to Racine Ordinances section 98-139.

37 For any employees who may now be serving on any authority, board, or commission, the prohibition
38 would take effect at the end of the employee’s current term on such authority, board, or commission.
39 This is due to the requirement that, in order to be removed from their appointive positions, currently-
40 appointed officials appointed by the mayor and confirmed by the common council are subject to the
41 removal procedures set forth in Wisconsin Statutes section 17.12(c).

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

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45 **BUDGETARY IMPACT:** None

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

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50 **RECOMMENDED ACTION:**

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52 **ATTACHMENT(S):** Proposed Ord. 0005-24