



Legislation Details (With Text)

**File #:** 001310      **Version:** 1

**Type:** Ordinance      **Status:** Passed

**File created:** 12/15/2000      **In control:** JUDICIARY & LEGISLATION COMMITTEE

**On agenda:**      **Final action:** 2/6/2001

**Effective date:**

**Title:** A substitute ordinance relating to the administrative review appeals board.

**Sponsors:** ALD. PAWLINSKI, ALD. PRATT, Fredrick Gordon

**Indexes:** ADMINISTRATIVE REVIEW APPEALS BOARD

**Attachments:**

| Date       | Ver. | Action By                         | Action                  | Result | Tally |
|------------|------|-----------------------------------|-------------------------|--------|-------|
| 12/15/2000 | 0    | COMMON COUNCIL                    | ASSIGNED TO             |        |       |
| 12/19/2000 |      | JUDICIARY & LEGISLATION COMMITTEE | REFERRED TO             |        |       |
| 1/22/2001  | 1    | JUDICIARY & LEGISLATION COMMITTEE | HEARING NOTICES SENT    |        |       |
| 1/22/2001  | 1    | JUDICIARY & LEGISLATION COMMITTEE | HEARING NOTICES SENT    |        |       |
| 1/22/2001  | 1    | JUDICIARY & LEGISLATION COMMITTEE | HEARING NOTICES SENT    |        |       |
| 1/29/2001  | 1    | JUDICIARY & LEGISLATION COMMITTEE | RECOMMENDED FOR PASSAGE | Pass   | 5:0   |
| 2/6/2001   | 1    | COMMON COUNCIL                    | PASSED                  | Pass   | 16:0  |
| 2/12/2001  | 1    | MAYOR                             | SIGNED                  |        |       |
| 2/22/2001  | 1    | CITY CLERK                        | PUBLISHED               |        |       |

001310  
SUBSTITUTE 1

ALD. PAWLINSKI, PRATT AND GORDON

A substitute ordinance relating to the administrative review appeals board.

320-11-3-a am

320-11-3-b am

Currently the administrative review appeals board is composed of 3 members and one alternate. The 3 members are:

- \* An attorney appointed by the city attorney.
- \* A common council member appointed by the president of the council.
- \* A citizen member appointed by the mayor.
- \* An alternate member appointed by the city attorney.

This ordinance increases the membership to 5 members and an alternate by adding a citizen member appointed by the president of the common council and a citizen member appointed by the mayor. In addition, the alternate member will be appointed by the city attorney, instead of the mayor.

The Mayor and Common Council of the City of Milwaukee do ordain as follows:  
Part 1. Section 320-11-3-a and b of the code is amended to read:

**320-11. Administrative Review Appeals Board.**

3. BOARD CREATED. a. There is created an administrative review appeals board consisting of ~~[[3]]~~ >>5<< members which shall have the duty and responsibility of hearing appeals from initial administrative determinations or decisions of officers, employes, agents, agencies, committees, boards and commissions of the city filed in accordance with s. 68.10, Wis. Stats., and making a final determination thereon. In conducting administrative review hearings and making final decisions the board shall be governed by ss. 68.11 and 68.12, Wis. Stats. The board shall consist of a duly licensed attorney member of the State Bar of Wisconsin having practiced law within the state for not less than 7 years, >>to be appointed by the city attorney,<< one member of the common council, >>to be appointed by the president of the common council,<< and ~~[[one citizen]]~~ >>3 citizens, one to be appointed by the president of the common council and 2 to be appointed by the mayor.<< ~~[[The attorney member shall be designated by the city attorney; the common council member by the president of the common council, and the citizen member by the mayor]].~~ The members of the board shall hold office for a 2-year term. The members of the board shall elect one member of the board to serve as ~~[[chairman]]~~ >>chair<<. The ~~[[mayor may]]~~ >>city attorney shall<< appoint one alternate citizen member who shall act with full power only when another member of the board is absent, refuses or is unable to serve because of interest in the subject matter of the appeal. A member shall serve until his >>or her<< successor has qualified. Members shall receive no compensation for their services as board members unless expressly provided for by ordinance or resolution.

b. ~~[[Commencing in 1997, when terms expire for board members, members shall be appointed for terms expiring the third Tuesday of April 2000. Thereafter, members]]~~ >>Members<< shall be appointed by their appointing authorities for a term of 2 years within 60 days of the commencement of a new common council term, and within 60 days following 2 years of the commencement of a common council term. If a vacancy occurs in a board position, the appointing authority shall make an appointment within 60 days after the vacancy occurs.

Part 2. The new board members and alternate, authorized pursuant to part 1 of this ordinance, shall be appointed by their respective authorities within 60 days of the effective date of this ordinance, February 23, 2001, for a term expiring 2 years from the commencement of the 2000-2004 common council term. Thereafter, these members shall have a term coinciding with the term of the other members pursuant to s. 320-11-3-b.

APPROVED AS TO FORM

\_\_\_\_\_  
Legislative Reference Bureau

Date: \_\_\_\_\_

IT IS OUR OPINION THAT THE ORDINANCE  
IS LEGAL AND ENFORCEABLE

\_\_\_\_\_  
Office of the City Attorney

Date: \_\_\_\_\_

00605-2

lme

1/2/01

Clerical error corrected 4/9/01. mbh