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Memorandum

To: Common Council
From: Brian Running
Re: Readings of Ordinances

As many of you will remember, a few years ago we repealed the old Common Council Rule that required that ordinances receive three “readings” after their passage before they became effective. This rule was repealed for three of main reasons: (1) readings of the ordinances after they’re passed serves no purpose; (2), the rule was waived most of the time anyway; and (3) the number of “readings” was frequently not tracked, sometimes all three “readings” were not done, and the effective date of ordinances was uncertain as a result. The “reading” was a fiction, anyway, because there was no actual reading, there was nothing more than a reference in the agenda. The readings were just a technical formality with no real-world effect.

There has been some interest in reviving the readings, but to get them right this time. The main improvement would be to require readings of proposed ordinances before they’re passed, so there’s a real opportunity to consider proposed legislation and make changes to it before final action is taken. Council member Rodriguez initiated this proposal, and member Perry joins as a sponsor.

The proposed new “reading” rule would be a notice to the Council that a legislation proposal is underway, so that Council members are always aware of proposals and can inquire into them if they choose to.

The new rule could replace current Rule 7 entirely. Rule 7 requires that drafts of ordinances be provided to the Council at least three days before their presentation at a Council meeting. Here’s the proposal:

7. **Readings of Ordinances.** All proposed legislation shall receive no less than three “readings” before final passage by the Council. The readings shall consist of the following:
 - a. The first reading shall consist of a notice in a Common Council agenda of the proposed creation, amendment, or repeal of a Municipal Code provision, published before the Ordinance & License Committee takes the proposal up for consideration. The notice shall contain a concise description of the proposed legislation and the date of the Committee meeting at which it will be

considered. A draft of the proposed ordinance shall be prepared after the Committee considers the proposal and renders its recommendation to the Council, which shall be attached to the Common Council agenda when the proposal goes before the Council for the second reading.

- b. The second reading shall consist of the full Common Council's consideration of the proposed ordinance at a regular Common Council meeting, after the Ordinance & License Committee has made its recommendation to the Council. The Council may not take final action on the proposal at this meeting, and final action may take place no sooner than the next regular meeting of the Common Council, unless this Rule is suspended as provided elsewhere in these Rules. A draft of the ordinance, containing all amendments made by the Council at the second reading, shall be prepared and attached to the Common Council agenda when the ordinance comes up for its third reading.
- c. The third reading shall consist of the full Common Council's consideration of the proposed ordinance as amended during the second reading. Further amendment and final action on the proposed ordinance may be done at this meeting, or any subsequent meeting, of the Common Council.
- d. Readings and final action upon ordinances may not be placed on a consent agenda.

The general scheme is first to alert Council members that a proposal is going to O&L, so that Council members have a chance to attend the O&L meeting and learn about the proposal if they wish. This function is presently being served by the O&L agenda. Then, the matter comes to Council and is deliberated and amended if desired, but there's a waiting period until the next Council meeting before final action can be taken, so all Council members can fully digest the proposal, get constituent input, do some research, and reach a final conclusion on how they will treat the proposal. Finally, then, the ordinance comes up for final consideration and action. At this third reading, further amendments can be made, the ordinance can be sent back to committee; etc. – but this is the first meeting at which final passage can take place.

This scheme slows down the legislative process a little bit, and provides ample notice, so no Council member can feel as though legislation was sneaked through without enough deliberation. And, it gives a real opportunity to make amendments before the ordinance goes into effect, as opposed to the old system of readings. It also takes less time than the old process – the old process had a proposal go to O&L, then up to Council, and then after passage, there had to be three readings at three subsequent Council meetings – potentially a total of five meetings over a span of as much as 9 or 10 weeks. This proposed Rule would shorten the process to roughly 3 to 5 weeks in most cases.