



City of Madison
Meeting Agenda - Approved
Common Council Organizational Committee
Subcommittee on Committee Creation and
Committee Rules

City of Madison
Madison, WI 53703
www.cityofmadison.com

Tuesday, November 18, 2008

4:00 p.m.

Room 103A, City-County Building
210 Martin Luther King, Jr. Blvd.

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- 1. CALL TO ORDER**
- 2. ROLL CALL**
- 3. PUBLIC COMMENT**
- 4. APPROVAL OF MINUTES**
 - a. Draft minutes of the August 7, 2008, meeting.
- 5. PUBLIC AND CITY STAFF TESTIMONY**
 - a. Testimony on proposed changes as described in the subcommittee's draft final report.
- 6. REGULAR BUSINESS**
 - a. Review and approve draft final report and attachments.
- 7. FUTURE MEETING DATES (IF NEEDED)**
- 8. FUTURE AGENDA ITEMS (IF NEEDED)**
- 9. ADJOURNMENT**



City of Madison
Meeting Minutes - Draft
Common Council Organizational Committee
Subcommittee on Committee Creation and
Committee Rules

City of Madison
Madison, WI 53703
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Thursday, August 7, 2008

4:00 p.m.

Room 417, City-County Building
210 Martin Luther King, Jr. Blvd.

1. CALL TO ORDER

The meeting was called to order at 4:05 p.m. A quorum was noted, and the meeting was properly noticed.

2. ROLL CALL

Present: 3 – Ald. Satya Rhodes-Conway (chair), Ald. Brenda Konkel, Ald. Joe Clausius.

Absent: 1 – Ald. Michael Schumacher (notified).

Others: 6 – Mike May (City Attorney), Joel Plant (Assistant to the Mayor), Rachel Strauch-Nelson (Assistant to the Mayor), Carole Schaeffer (Smart Growth Greater Madison), Brad Murphy (Planning Unit Director), Debbie Fields (staff to the subcommittee).

3. PUBLIC COMMENT

Per the subcommittee's request, the City Attorney prepared two options for revising Sec. 3.30(2) regarding residency and committee appointments. One option would expand the majority vote requirement to Madison business owners; the other would expand the majority vote to those who own property within the City of Madison. Schaeffer said her organization supports the option expanding the majority vote to Madison business owners. Rhodes-Conway said the subcommittee would talk about it during the review of the draft final report.

4. APPROVAL OF MINUTES

Clausius moved approval of the July 3, 2008, and the July 9, 2008, minutes, seconded by Konkel. The motion passed unanimously.

5. DISCUSSION ITEMS

- a. Appointments to committees with seats that have been vacant 90 days or longer. Rhodes-Conway read the proposed language. Plant said the Mayor is not interested in the proposal for a number of reasons, the largest of which is the impact on his executive authority to make appointments. He said his office has worked with Information Technology (IT) to develop a query that gives a snapshot of vacancies based on length of time vacant. Currently, out of approximately 900 Sub-unit seats, there are 18 seats that have been vacant at least 90 days. Of those 18 vacancies, one name was introduced at the August 5, 2008, Common Council meeting; at least two names will be introduced at the first meeting in September; two are alternates; and two are appointed by bodies other than the Mayor's Office.

Plant said the vacancies do not exist for lack on trying on the part of the Mayor's Office. He said staff meets at least monthly to discuss vacancies, and they and the Mayor make phone calls at least once a month to solicit volunteers to serve. He said sometimes people say "no," and sometimes there are specific restrictions on a seat that makes it difficult to fill. For example, there is currently a vacancy for an alternate on the Parking Council for People with Disabilities that requires the appointee to be a person who is disabled, has special parking plates and is a regular transit user.

Plant said the Mayor's Office does solicit information from staff assigned to Sub-units and asks alders for suggestions, adding that the Mayor is interested in formalizing that process by affirmatively sending an email to staff and alders requesting their input when longer-term vacancies exist.

Rhodes-Conway said she knows the Mayor's Office receives unsolicited applications. She asked Plant to talk about the relationship between those applications "sitting in the files" and vacancies. Specifically, she wondered if there are vacancies for which there are applications in the files. Plant said that at every committee appointment meeting in the Mayor's Office, they go through the list of committee vacancies and the list of people who've expressed an interest in serving on those committees. Sometimes there aren't any applicants interested in the committees with vacancies.

Konkel said she knows a lot of people who have applied for a committee but are offered an appointment to a different committee, which often results in them not staying on the committee for very long. Plant asked if she has any specific examples of this. He said the first question they ask a person is, "Do you want to serve on _____ body?" and many times, the answer is no. Konkel offered the example of Dr. Carl Silverman. She said he applied to be on the Health Board and was appointed to the Community Development Block Grant Commission instead.

Rhodes-Conway brought the subcommittee back around to the question at hand: Is it the will of the body to make a change to the language they've proposed? Konkel said no, because she thinks it's an important check and balance. She added that she thinks the Mayor's Office can get vacancies filled in 90 days, and this proposal will keep the pressure on to make sure that gets done.

Plant said the Mayor understands the impetus to fill these seats. He noted that, currently, the roughly 10 seats that have been vacant 90 days or more that the Mayor has the authority to appoint (that aren't alternates) represent a vacancy rate of less than 2%. He added that there will always be some vacancies and some difficulty in making appointments. He said the checks and balances are already in place, because the Mayor's appointments require Common Council approval. He reiterated that the Mayor is very sincerely interested in getting all vacancies filled as quickly as possible, that he would like to get names of viable candidates as quickly as possible, and that the Mayor's Office is actively pursuing candidates for every open seat.

Clausius said he would like the Council as a whole to see a report detailing the 10 appointments Plant mentioned so they can get a better idea of the appointments that are problematic. He said he agrees with Rhodes-Conway and Konkel that they should take a stand on it.

Rhodes-Conway said it appears to be the will of the body to leave the proposal in for the time being. She requested that when the subcommittee's final report goes to the Common Council Organizational Committee (CCOC), staff have one of the "snapshot" reports that Plant mentioned available so the CCOC can see what kind of information it really provides. She also said it would be useful to see a memo from the Mayor's Office detailing the ways in which the office wishes to go forward in terms of soliciting input for appointments.

- b. Continue discussion of staff committees.

Development Assistance Team

Murphy said it's his understanding that the subcommittee is interested in making the Development Assistance Team (DAT) subject to some type of open meetings requirements. He distributed a memo he'd written addressing that proposal, and he highlighted some of his concerns:

- Continued effectiveness of the team if it becomes subject to open meetings requirements.
- Increased workload.
 - Recordkeeping associated with public meeting requirements (e.g., who will be custodian of the materials?)
 - Likelihood of additional inquiries (e.g., public, media).

Murphy said a wide variety of projects go to DAT: conditional uses, permitted uses, subdivision plats, etc. DAT allows applicants get advice from multiple agencies at the same time, including Planning, Engineering, Fire, Parks and Streets. He didn't want to do anything that would decrease the effectiveness of the team or discourage applicants from going to the team.

Rhodes-Conway reminded the body that they have identified three categories of staff committees:

- Those which should be in ordinance and should comply with all the rules of Chapter 33.
- Those which should be in ordinance, should be publicly noticed and should comply with some but not all of the rules in Chapter 33.
- Those which should be in ordinance and should be publicly noticed but should not be subject to any of the other Chapter 33 requirements.

She asked May to review the requirements of "public notice." He said the bare minimum would be to notice that the body is going to meet at a certain time and place and to have an agenda. She asked about the minimum requirements for an agenda. May said it should give such notice that the public is reasonably likely to know what's going to be taken up at the meeting. In the case of the DAT, he said such notice would be to list the project(s) scheduled for discussion. He added that he hasn't checked into whether it's enough to notice a meeting and put up an agenda, but then do nothing further (e.g., minutes).

Konkel asked if the projects discussed at DAT are pre- or post-application. Murphy said 90% or more are pre-application. She asked if alders get invited. He replied not usually, adding that he couldn't say not ever. Konkel said her biggest concern is that alders don't know what's going on. Murphy said Planning staff meets frequently with alders and developers, reiterating that the DAT is there to provide technical advice to developers so their projects can meet ordinance requirements.

Rhodes-Conway said the subcommittee's primary concern is that alders don't know when something from their district is coming before the DAT, and this proposal would be one way for them to find out. Murphy said they could add alders to the list of people who are notified about the DAT meetings. He said Planning's primary concern is that the DAT is allowed to continue functioning in the way it has been. Rhodes-Conway asked him if he thinks noticing the meetings and posting agendas would have a chilling effect, and he replied that is a concern.

Rhodes-Conway presented two options to the subcommittee:

- 1) Leave proposed language as it is, making the DAT subject to publicly noticing their meetings and posting agendas.
- 2) Strike the proposed language and ask staff to begin a practice of inviting alders to the DAT when a project in their district is being discussed.

Konkel favored option 2, but asked that alders be notified of all projects coming to the DAT, not just the ones from their districts. Clausius agreed. Rhodes-Conway said the recommendation about the DAT would be removed from the final report.

Neighborhood Resource Teams

Plant said he's heard concerns from some Neighborhood Resource Team (NRT) leaders about a "chilling effect" on information that's shared by staff members. He said NRTs are not policymakers, they're frontline staff from a variety of agencies. They are concerned that if they are required to publicly notice their meetings, people will be less likely to fully participate, especially where confidential issues are concerned. Plant noted that new issues are frequently identified for the first time at NRT meetings, pointing out that this could be procedurally problematic because they wouldn't be on the agenda and, therefore, couldn't be discussed.

Rhodes-Conway said that NRTs are not made up solely of City staff, that members of the public are invited. She wondered who is making the decision about what non-City staff is invited and where the line is drawn, particularly since confidential information is being shared and discussed. She said she has mixed feelings about whether or not to require NRTs to notice their meetings, and Konkell agreed with that.

Plant reiterated his procedural concern about agendas. Rhodes-Conway said it isn't the intent of the subcommittee to create a situation where the NRTs have to develop elaborate agendas. Rather, the intent is to let people know the meeting is going on so if they do have a compelling interest, they can be there. She said the subcommittee is struggling with how to do that under existing Open Meetings law.

Rhodes-Conway asked the members if they want to recommend requiring the NRTs to publicly notice their meetings. Clausius said no. Rhodes-Conway said she tends to agree, citing potential issues with noticing. It was agreed to remove the recommendation about NRTs from the final report.

Privilege in Streets Committee

May said there are a couple of vague references to the Privilege in Streets Committee but no details about its duties. He discovered that they've sort of disappeared over the last couple of years; it's not really even a committee anymore. When there's a privilege in streets issue, staff fires a few emails back and forth and a decision is made. May said when his office runs across things like this in the ordinances, their practice has been to change it to the name of an employee or officer who's in charge of it. Rhodes-Conway asked who Privilege in Streets should be changed to. May said he'd guess it should be the City Engineer.

Konkell asked what Privilege in Streets does, and May replied that it deals with street encroachments. She wanted to know if the items they review go to the Common Council for final action. May said they do, as an item in the Report of the Board of Public Works.

Rhodes-Conway asked if it's the will of the committee to remove the recommendation about Privilege in Streets from the final report and to ask the City Attorney to replace all references in the MGO from Privilege in Streets to (presumably) City Engineer. There was no disagreement.

Paratransit Operations (Metro)

The subcommittee reviewed the email from Chuck Kamp, Metro Transit Manager, regarding the duties of the Paratransit Operations staff committee. It was determined that the committee does not hear appeals about denial of paratransit services, and the members decided to remove the recommendation about that staff committee from the final report.

Technical Advisory Committee (Water)

May said he had talked to Joe Grande, Water Quality Manager, about the Technical Advisory Committee (TAC). Grande said that Water Utility staff takes issues to the TAC,

a panel of experts, and then staff report back to the Water Utility Board. May said Grande's concern about noticing the TAC's meetings was that members might not feel they could speak as freely if the public were present, and staff might end up getting less information. Konkel said that happens all the time – things aren't said in a meeting and are related to staff later. Rhodes-Conway said the argument would be that we've asked these experts to give us their best advice, and it shouldn't be their responsibility to give us one set of advice in a public meeting and then to come back separately with another set of advice.

May said he hadn't explored this at length with Grande, but Grande didn't feel they were "dealing with the public." Except, Rhodes-Conway observed, the TAC does formally convene and the names of the members are published. And, May added, they prepare reports that go to the Water Board. Rhodes-Conway asked if Grande would be comfortable having the Water Board at the TAC meetings. May said he hadn't asked Grande that.

Clausius asked if the TAC is strictly advisory or if they actually vote on issues. May said they're advisory only, reporting to the Water Board, adding that the TAC reports are publicly noticed on the Water Board's agendas. Konkel said her concern would be if they're advising about potential policy. Clausius said he thinks more information is needed. May agreed.

Rhodes-Conway asked the members if they want to leave the recommendation about the TAC in the final report and ask for input at Common Council Organizational Committee (CCOC) or take it out and ask for input at CCOC. May said he'd told Grande that he would recommend leaving out the recommendation. Konkel said she'd rather leave it in as a placeholder. Rhodes-Conway and Clausius agreed with Konkel.

- c. Training of City staff, members and chairs of City Sub-units, and alders. Rhodes-Conway summarized the specific committee support staff training issues the subcommittee has identified thus far:
- How to effectively work in Legistar, including how to deal with non-Legistar bodies.
 - How to take minutes, including standards on the level of detail needed.
 - How to get things entered into Legistar in a timely fashion.
 - How to operate by Robert's Rules.
 - How to follow Open Meetings Law.
 - How to comply with public record requirements.
 - Guidance on working with the chairs of committees.
 - Guidance on working with the alders on the committees, including sponsorship issues.

Rhodes-Conway proposed the following recommendation: City committee support staff is required to train in the areas listed above every three years, with optional yearly "refresher courses" for those who so desire. The members were all in agreement with this recommendation.

Rhodes-Conway asked the subcommittee if they think training for members and chairs of Sub-units should be separate or if everybody should get the same thing. May said that right now, everybody gets the same training, adding that a portion of the Robert's Rules training does cover how to run a meeting. Konkel said she thinks it makes sense for the chairs and staff to train together. Rhodes-Conway suggested inviting chairs to the staff training.

Rhodes-Conway summarized the specific committee member training issues the subcommittee has identified thus far:

- Understanding the role of alders who are on a committee.
- Understanding the ex-officio role of alders.
- Understanding the rules of procedure.
 - Affirming operating rules on a regular basis.
 - Notifying new members of the operating rules.
 - Registration.
 - Public testimony.
 - When and how members ought to abstain.
 - Chairs must restate the motion before a vote is taken.
- Sponsorship of legislation.
- How to get something onto an agenda.
- Role in the budget.
- The way things move through the City process.
- General role and responsibilities of members.
- Ethics.
- Robert's Rules.
- Open Meetings law.
- Public records.
- Separate training for members of quasi-judicial Sub-units.

Rhodes-Conway asked the members if they were comfortable with listing these training items in the final report, with the recommendation that they be added to the existing committee member training. She also asked the members if they want to require that committee members attend training. May pointed out that committee member training currently runs about two or three hours, noting that these additional items would likely add another hour. Konkell said she thinks August isn't the best time to hold committee member training. She asked to add a recommendation that the Mayor's Office consider a different time of year.

Rhodes-Conway proposed the following recommendations for the final report:

- Add the list of training issues to committee member training.
- Ask the Mayor's Office to consider offering training more than once a year, and having at least one of those times not be in August.
- Consider breaking up the training into multiple sessions.
- Keep track of committee members who have attended training and place greater emphasis on encouraging those who have not attended training to do so.

d. Review of draft final report.

Konkell said she thinks the report looks very good, but that she had not gone back and compared it to her notes to see if anything is missing. Clausius agreed that it looked good. Rhodes-Conway said she had done some comparison with her notes and made the following comments:

- On page 1, add Debbie Fields, Council staff, to the section acknowledging and thanking City Attorney Mike May.
- On page 2, no more information about Joel Plant's role is needed.
- On page 3, add that Brad Murphy, Planning Unit Director, attended the August 7, 2008, meeting.
- On page 3, revise the notation about Carole Schaeffer, Smart Growth Greater Madison, to reflect that she attended the July 3, 2008, and the August 7, 2008, meetings.
- On page 4, make changes to the section about staff committees as discussed at this meeting.
- On page 6, add the training recommendations discussed at this meeting.
- On page 6, regarding the Action Plan for Implementation:

- Start with the two proposed ordinance changes, including the City Attorney's Report.
- Add a request to the Mayor's Office to issue Administrative Procedure Memoranda regarding the training recommendations.
- Ask staff from the Mayor's Office, the Common Council Office, the City Clerk's Office and the Office of the City Attorney to incorporate the template and have it be part of the training for committee support staff.
- A memo from the Mayor's Office regarding recruitments, to include language about getting more input from alders.
- The memo regarding new committee names should go to the Mayor, Common Council, the members of the affected committees, and the City staff who use Legistar.

Rhodes-Conway pointed out that the subcommittee had not yet made a decision about the proposal to revise Sec. 3.30(2) regarding residency and committee appointments. Konkell said she is strongly in favor of retaining the higher threshold for non-city residents. Hearing no dissent, Rhodes-Conway said the subcommittee would not recommend changing the current requirement of a two-thirds vote.

e. Next steps/implementation.

Rhodes-Conway said if it's the will of the committee, the body can meet one more time to look at the second ordinance change and a final draft of the final report. The members agreed to have one more meeting in September as follows:

- In a larger room.
- Review the last draft of the final report, drafts of the two ordinance changes and drafts of all the appropriate attachments, such as the template.
- Disseminate all these materials far and wide to all of the affected committees.
- Take a final vote on everything.

6. **ADJOURNMENT**

Konkel moved adjournment, seconded by Clausius. The motion passed unanimously, and the meeting adjourned at 5:55 p.m.

November 12, 2008

TO: Ald. Tim Bruer, Common Council President
Members of the Common Council Organizational Committee

FR: Ald. Satya Rhodes-Conway, Chair, Common Council Organizational Committee
Subcommittee on Committee Creation and Committee Rules
Members of the Common Council Organizational Committee Subcommittee on
Committee Creation and Committee Rules

RE: **2nd DRAFT Final Report and Recommendations of the Common Council
Organizational Committee Subcommittee on Committee Creation and Committee
Rules**

Background

On November 6, 2007, the Common Council Organizational Committee (CCOC) formed a subcommittee to review City committee, commission and board rules and how committees, commissions and boards (hereinafter referred to as "Sub-units") are created. The CCOC appointed Ald. Satya Rhodes-Conway as chair, Ald. Brenda Konkell and Ald. Joe Clausius as members, and Ald. Michael Schumacher as alternate. (On January 22, 2007, Common Council President Mike Verveer elevated Ald. Michael Schumacher to full membership on the subcommittee.) The subcommittee met 14 times between December 2007 and November 2008.

The subcommittee would like to acknowledge and thank City Attorney Michael May and Debbie Fields, Common Council staff, for their invaluable support, advice and hard work during this process.

Mission and Emphasis of Study

In accordance with the subcommittee's mission to "review City committee, commission and board rules and how committees, commissions and boards are created," the subcommittee developed a work plan with emphasis placed on standardizing and codifying the methods by which Sub-units are created and the rules by which they operate. Specific areas of study included:

- The different types of Sub-units and the differences between them.
- Methods of creating Sub-units.

- Naming of Sub-units, including re-naming existing bodies as necessary.
- Consolidating and/or eliminating certain existing Sub-units.
- Locating all standing Sub-units in Madison General Ordinances (MGO) Chapter 33.
- The appointment process, including filling vacancies.
- Operating rules, both baseline and special.
- Software and Website issues, including public access to online information.
- Training of Sub-unit members, officers, staff and alders.
- Developing an action plan for implementing the subcommittee's recommendations.

Data Collection, Resources and Invited Staff/Others

The subcommittee reviewed a variety of resources, solicited input from several staff and heard testimony from the public.

The following documents were reviewed:

- Chapter 33 of the MGO: Boards, Commissions and Committees.
- November 2001 Final Report of the CCOC Subcommittee on Public Input and Access.
- December 2001 Final Report of the Subcommittee on Committees.
- Commissions FAQ: What is the difference between a committee and a commission or a board?
- Lists of all standing committees, commissions and boards; all non-City committees with Mayoral appointments; and all ad hoc committees, subcommittees, task forces and work groups.
- Ordinances, resolutions, budget documents, reports, intergovernmental agreements, policies and other documents creating current City Sub-units.
- An email survey was conducted to determine how many staff committees are operating and what their functions are. Department/divisions heads responded to the survey, and the subcommittee reviewed the results.
- Administrative Procedure Memorandum 3-1, explaining the criteria a Sub-unit must meet in order to be a Legistar committee.
- Legislative File ID # 08992, a proposed ordinance which would codify the Minority Affairs Committee and Women's Issues Committee in the MGO. (Note: the Common Council adopted the ordinance on April 22, 2008.)
- Reports describing how committee, commission and board appointments are made in San Diego, California, and Las Vegas, Nevada.
- A memo from Brad Murphy regarding his comments on making the Development Assistance Team subject to public meeting requirements.
- The City Attorney's Report regarding the subcommittee's proposed changes to Chapter 33 of the MGO.

Input was solicited from the following staff:

- Mike May (City Attorney) – The City Attorney attended all of the subcommittee's meetings. He provided invaluable support, sharing his perspective on the City's current practices and policies, offering suggestions and alternatives, drafting all proposed changes to the Madison General Ordinances (MGO), advising the subcommittee about legal considerations and conducting background research.
- George Twigg (Assistant to the Mayor) – Mr. Twigg attended six of the subcommittee's meetings. He acted as a liaison between the subcommittee and the Mayor's Office, informing the subcommittee of the Mayor's views on proposed changes and providing information about the appointment process.

- Joel Plant (Assistant to the Mayor) – Mr. Twigg left his position with the City on July 11, 2008. Mr. Plant assumed his role as liaison between the subcommittee and the Mayor's Office, attending the August 7, 2008, and November 18, 2008, meetings.
- Ariel Ford (Department of Civil Rights), Christie Hill (Minority Affairs Committee and Women's Issues Committee), Nancy McCulley (Women's Issues Committee), Glen Clark (Minority Affairs Committee), Dana Warren (Minority Affairs Committee) - Ms. Ford, Ms. Hill, Ms. McCulley, Mr. Clark and Ms. Warren attended the subcommittee's March 27, 2008, meeting. They filled in the subcommittee on the background surrounding the Minority Affairs Committee (MAC) and the Women's Issues Committee (WIC) request to become formal City Sub-units subject to some, but not all, of the rules laid out in MGO Chapter 33.
- Pam Williamson (Mayor's Office) – Ms. Williamson attended the February 28, 2008, and June 5, 2008, meetings of the subcommittee. As the staffperson in the Mayor's Office responsible for maintaining the majority of the online information about Sub-units, she was very helpful in furthering the subcommittee's understanding of software and Website issues. She also provided information about the training that citizen and staff members of Sub-units undergo and about the process for filling vacancies on Sub-units.
- Jule Stroick (Planning Unit) – Ms. Stroick provided historical background and staff perspective on the issue of neighborhood steering committees and how vacancies on those bodies are filled. (Ms. Stroick was unable to attend the subcommittee's July 3, 2008, meeting, so she made her comments via email.)
- Dave Faust and Sarah Edgerton (Information Technology) and Maribeth Witzel-Behl (City Clerk) – Mr. Faust, Ms. Edgerton and Ms. Witzel-Behl attended the subcommittee's June 5, 2008, meeting. They explained what Legistar can and can't do and gave an update on Website changes that are currently in the works. They listened to the subcommittee's concerns about giving the public user-friendly access to meaningful information about Sub-units, and they proposed ideas for enhancing that access using current technology.
- Brad Murphy (Planning Unit) – Mr. Murphy attended the subcommittee's August 7, 2008, meeting. He spoke to the subcommittee's proposal to add the Development Assistance Team (DAT) to the MGO and to subject that body to public meeting requirements. He distributed a memo providing background on the creation of the DAT, information about the work of the team and details about his concerns if DAT meetings were required to be public meetings.

The following members of the public testified:

- Carole Schaeffer (Smart Growth Madison) – Ms. Schaeffer attended the July 3, 2008, and the August 7, 2008, subcommittee meetings. She was speaking to a proposed change in MGO Sec. 3.30(2), which requires a two-thirds vote to confirm the appointment of a non-resident to a City of Madison Sub-unit. She explained that many of her organization's members would like this change, and she cited precedents for non-residents receiving such considerations from the City.

Recommendations

Recommended changes to the Madison General Ordinances.

(A brief summary follows. Specific language can be found in the enclosed draft ordinances.)

- All City boards, commissions and committees will be listed in the index.
- Replace all references to “board, commission and committee” with “Sub-unit.”
- The rules adopted apply unless changed elsewhere in the ordinances, or as may be required by state law.
- Add definitions of “ad hoc,” “Authority or District,” “Board or Commission,” “Committee,” “standing,” “Subcommittee” and “Sub-unit.”
- Add language to standardize the creation and dissolution of Sub-units and subcommittees.
- Add language to standardize the appointment process and to provide for the following:
 - Allowing two alders to introduce a resolution appointing a person to a vacancy that has existed for more than 90 days.
 - If an appointment is rejected, the same person may not be nominated for the same position for a period of six months.
 - Alternates’ seats on Sub-units will be numbered.
- Add language to standardize terms of appointments and to provide for the following:
 - Ten-year term limit, except for alders, unless authorized by a two-thirds vote of the Common Council.
- Add language directing Sub-units to choose their Chair, Vice-chair and other officers every two years.
- Add language to the subsection concerning attendance to provide for the following:
 - Require the Chair to report to the Mayor and the Common Council Office when a member is absent without excuse from three of four consecutive meetings. (Currently, the ordinance requires the Chair to report only to the Mayor.)
 - Classify a meeting not held due to lack of quorum as a missed meeting for any member not in attendance.
 - Allow the Mayor, at his or her discretion, to request that the Council remove such members from the Sub-unit.
- Add language to the subsection concerning minutes and rules of procedure as follows:
 - Specifying a five-day time limit for filing approved minutes with the City Clerk.
 - Sub-units shall review and make any changes in their rules of procedure every two years, which shall be filed with the City Clerk.
 - The Chair of a Sub-unit shall not vote unless it would affect the outcome of the matter and shall not participate in making motions or in discussion.
 - Allow Council member participation in closed session meetings unless his or her exclusion is necessary for the purpose of the closed session.
- Add language in the subsection concerning public comment as follows:
 - Public comment is allowed on any matter on the agenda or matters not on the agenda.
 - Sub-units may allow public comment on agenda items at the time the item is taken up.
 - Members of the public wishing to speak shall register to do so on registration forms established by the City.
- Add a section concerning staff committees.
 - Staff committees that should be in ordinance and should comply with all of the rules in Chapter 33: Board of Assessors, Street Use Staff Team.

- Staff committees that should be in ordinance, whose meetings should be publicly noticed, and who should comply with some, but not all, of the rules in Chapter 33: Minority Affairs Committee, Women's Issues Committee.
- Staff committees whose meetings should be publicly noticed but that should not be subject to any of the other Chapter 33 requirements: Rhythm & Booms Committee, Elver Fireworks Committee, Technical Advisory Committee (Water).
- All references to the Privilege in Streets Committee shall be changed to read "Risk Manager."
- All references to the Mayor's Public Works Improvement Committee shall be changed to read "City Engineer."
- All references to the Street Encroachment Committee shall be stricken.
- All references to the Training Committee shall be changed to read "Human Resources Director."

Software and Website recommendations.

- Rename/relabel existing Web pages to make it more obvious what information can be found there.
- Put language on the main "Committees" page directing people to other pages (e.g., Weekly Meeting Schedule, Notice of Additional Public Meetings Calendar, etc.).

Recommendations for specific Sub-units.

- Eliminate
 - Cable TV Advisory Council
- Standing and should be in the MGO
 - City-County Liaison Committee
 - Education, Board of – Common Council Liaison Committee
 - Erlanger, Jeffrey Clay, Civility in Public Discourse Award Committee
 - Ho-Chunk Nation – City of Madison Joint Planning Committee
 - Madison Election Advisory Committee
- Has some independent authority and should be renamed "Commission"
 - Humanitarian Award Committee, Dr. Martin Luther King, Jr.
 - Street Use Staff Team
- Does not have independent authority and should be renamed "Committee"
 - City Employees' Merit Awards Commission
 - Community Development Block Grant Commission
 - Disabilities, Commission on People with
 - Early Childhood Care and Education Board
 - Economic Development Commission
 - Environment, Commission on the
 - Joint City-County Section 8 Advisory Commission
 - Long Range Transportation Planning Commission
 - Madison Arts Commission
 - Pedestrian/Bicycle/Motor Vehicle Commission
 - Public Safety Review Board
 - Tree Board

- Move from ad hoc to standing status. (Already in the MGO.)
 - Contracted Services Oversight Subcommittee
 - Disabled Parking Enforcement Assistance Council
 - EOC Employment Subcommittee
 - Street Use Staff Team
 - Weed Commissioners
 - o Remove from online “Committees” page.

- Move from ad hoc to standing status, and put in the MGO.
 - Ad Hoc Committee on Park Names/Memorials (subcommittee of Board of Park Commissioners)
 - CDA Housing Operations Subcommittee
 - Facilities, Programs and Fees Committee (subcommittee of Board of Park Commissioners)
 - Golf Committee (subcommittee of Board of Park Commissioners)
 - Habitat Stewardship Committee (subcommittee of Board of Park Commissioners)
 - Inclusionary Zoning Advisory Oversight Committee
 - o Should be a subcommittee of the Plan Commission
 - Long Range Planning Committee (subcommittee of Board of Park Commissioners)
 - Monona Terrace Event Booking Assistance Advisory Committee
 - Pest Management Advisory Committee
 - Safe Food Advisory Subcommittee
 - Sustainable Design and Energy Committee
 - Tree Board (subcommittee of the Board of Park Commissioners; also to be renamed “Committee”)
 - Warner Park Community Recreation Center Advisory Committee (subcommittee of Board of Park Commissioners)

Training

Committee Support Staff

- Committee support staff will be required to train every three years, with optional yearly “refresher courses” for those who so desire.
- The following areas should be covered in committee support staff training:
 - How to work effectively in Legistar, including how to deal with non-Legistar bodies (e.g., posting of agendas/attachments, minutes, etc.).
 - How to take minutes effectively, including standards on the level of detail needed.
 - How to get things entered into Legistar in a timely manner, including a five-day time limit for filing approved minutes with the City Clerk.
 - How to operate by Robert’s Rules of Order.
 - How to follow Open Meetings law.
 - How to comply with public record requirements.
 - Guidance on working with the chairs of Sub-units.
 - Guidance on working with the alders on the committees, including sponsorship issues.
 - Instruction in use of the template when creating a new Sub-unit or subcommittee.

Committee Members, Including Committee Chairs

- The following areas should be covered in committee member training:
 - Understanding the role of alders who sit on a Sub-unit.
 - Understanding the ex-officio role of alders.
 - Understanding the rules of procedure:
 - o Sub-units shall affirmatively review and make any changes in their rules of procedure every two years, which shall be filed with the City Clerk.
 - o Notifying new members of operating rules.
 - o Registration.
 - o Public testimony.
 - o When and how members ought to abstain.
 - o The Chair must restate the motion before a vote is taken.
 - o The Chair shall not vote unless it would affect the outcome of the matter and shall not participate in making motions or in discussion.
 - Sponsorship of legislation.
 - How to get something onto an agenda.
 - Their role in the budget.
 - Understanding the way things move through the City process.
 - General role and responsibilities of members.
 - Ethics.
 - Robert's Rules of Order.
 - Open Meetings law.
 - Public records.

Committee Chairs

- Committee chairs shall also be invited to attend committee support staff training.

Other Training Recommendations

- Hold separate training session(s) for members of quasi-judicial Sub-units.
- Ask the Mayor's Office to consider offering training opportunities more than once a year and having at least of those opportunities be at a time other than August.
- Consider breaking up the hours-long training into multiple, shorter sessions.
- Keep track of committee members who have attended training and place greater emphasis on encouraging those who have not attended training to do so.

Other/miscellaneous

- Template: The subcommittee developed a template (enclosed) to guide City staff when creating new Sub-units and subcommittees.

Public and City Staff Testimony

City staff and City committee members were invited to attend the November 18, 2008, meeting and provide their feedback on the subcommittee's proposals. The following testimony was heard:

(Note: This section to be completed after the November 18 meeting.)

Action Plan for Implementation

The following actions should be taken to implement the subcommittee's recommendations:

- Adopt both sets of proposed changes to MGO Chapter 33.
- An Administrative Procedure Memorandum (APM) is issued by the Mayor's Office regarding the training recommendations.
- The subcommittee issues a memo requesting staff from the Mayor's Office, the Common Council Office, the City Clerk's Office and the Office of the City Attorney to begin using the template when creating new Sub-units and subcommittees.
- The Mayor's Office issues a memo regarding committee member recruitment, including language about soliciting more input from alders.
- The subcommittee issues a memo regarding committee name changes. The memo will go to the Mayor, Common Council, members of the affected committees and the City staff who use Legistar.
- The subcommittee issues a memo to Information Technology detailing its software and Website recommendations.

enc: Proposed changes to Madison General Ordinances
Report of the City Attorney
Template to guide the creation of Sub-units

CITY OF MADISON, WISCONSIN

AN ORDINANCE _____

PRESENTED _____
REFERRED CCOC _____

Amending Section 33.01 of the Madison General Ordinances to make various changes related to Boards, Commissions and Committees to standardize operations and rules.

RULES SUSPENSION _____
PUBLIC HEARING _____



Drafted by: Michael P. May

Date: July 21, 2008

SPONSORS: Alders Clausius, Konkel, Rhodes-Conway and Schumacher

DRAFTER'S ANALYSIS: This ordinance makes a number of changes to the operations and rules for City Boards, Commissions and Committees. A section by section analysis is included in the Report of the City Attorney on the ordinance. A companion ordinance to adopt some of the necessary changes called for by this ordinance is being introduced at the same time. Some of the significant changes include:

1. The rules adopted apply unless changed elsewhere in the ordinances, or as may be required by state law.
2. Standing committees are to be created by ordinance and reflected in the Code of Ordinances. Ad Hoc committees are to be created by resolution or order, are to have the words "Ad Hoc" in their title, and are to have a specified termination date.
3. The term "Sub-unit" is adopted as a word that encompasses any Board, Commission, Committee or Subcommittee.
4. The term Board or Commission is to be applied to those entities that have some authority independent of the Common Council. All others are Committees. The use of terms like "Task Force" or "Workgroup" is discouraged but not eliminated.
5. The appointment and approval of appointment process is stated and standardized. Terms of appointment are generally to be three (3) years, which should reduce the need to fill appointments. A term limit of ten (10) years is adopted, unless waived by a two-thirds (2/3) vote of the Council.
6. Officers of Sub-units are designated, and the general rule that the Chair does not vote is adopted.
7. Rules on Council member participation in Sub-unit meetings, reporting of absences, and public comment periods are clarified.

The Common Council of the City of Madison do hereby ordain as follows:

1. Section 33.01 entitled "Boards, Commissions, and Committees Procedures" of the Madison General Ordinances is amended to read as follows:

"33.01 BOARDS, COMMISSIONS, AND COMMITTEES PROCEDURES.

Approved as to form:

Michael P. May, City Attorney

- (1) Purpose and Intent. The purpose of Chapter 33 is to compile in one location the ordinances establishing and regulating City boards, commissions, and committees. In some cases, however, it has been deemed advantageous to maintain these regulations with the ordinance related to the subject matter of the board, commission, or committee. Furthermore, those boards, commissions, and committees that are created by resolution of the Common Council are not included in the Madison General Ordinances. Please refer to the MGO Index for a listing of City boards, commissions and committees.
- (2) Applicability. Except as set forth elsewhere in these ordinances, in state law, or in the document establishing a given board, commission or committee, this section shall apply to all such bodies, regardless of how established or whether termed a board, commission, committee, work group, task force, or similar name or whether standing or ad hoc.
- (3) Definitions. As used in this section:
 - (a) "Ad hoc" means a Sub-unit that is to have temporary existence to meet a specific purpose or project and does not have ongoing annual requirements. The action creating the Ad hoc Sub-unit should reference the time or action which, when accomplished, means the Ad hoc Sub-unit expires.
 - (b) "Authority or District" means an entity that is a separate political body from the City of Madison.
 - (c) "Board or Commission" means a Sub-unit of the City, except for the Board of Estimates that is given some independent power to make determinations on behalf of the City of Madison.
 - (d) "Committee" means any Sub-unit other than a Board or Commission, and generally is limited to making recommendations or reports to the Mayor or Common Council or some other body, unless explicitly empowered otherwise. Any Sub-unit called task force, work group or similar name is a Committee.
 - (e) "Standing" means a Sub-unit that is intended to have permanent existence, or until such time as the entity creating the Sub-unit terminates its authority.
 - (f) "Subcommittee" means a Sub-unit made up of members of the parent Sub-unit or as authorized in Sec. 33.01(4)(d), MGO.
 - (g) "Sub-unit" means any Board, Commission, Committee or Subcommittee.
- (4) Creation and Dissolution.
 - (a) Sub-units may be created and dissolved by ordinance, resolution, order of the Mayor, order of the President of Common Council, or, in the case of Subcommittees, by action of the parent Sub-unit.
 - (b) Standing Sub-units shall be created and dissolved by ordinance. To the extent some standing Sub-units exist as of the date of passage of this ordinance without authorization by ordinance, the City Attorney shall draft and introduce ordinances to reflect such standing Sub-units.
 - (c) Ad hoc Sub-units may be created and dissolved by written order or resolution.
 - (d) Any board, committee or commission may create and dissolve subcommittees and may appoint any of its members to serve on such subcommittees. No board, committee or commission may appoint to any of its subcommittees any person who is not a member of the board, committee or commission unless the person has been nominated by the board, committee or commission and approved by the Common Council. If the board, committee or commission includes subcommittees created or authorized by the Common Council, the members of such subcommittees may serve as members of other subcommittees created by the parent body.

Notwithstanding Subdivision (d) above, any number of boards, committees and commissions may form joint committees or subcommittees consisting of members of the various boards, committees or commissions which have approved such action.
- (5) Appointments. Except as otherwise provided by ordinance, all appointments shall be made as follows:
 - (a) Appointments to Standing Sub-units (except Subcommittees) and non-City committees shall be made by the mayor and confirmed by the Common Council.
 - (b) Appointments to Subcommittees shall be made by the parent Sub-unit or as authorized under Sec. 33.01(4)(d), MGO.
 - (c) Appointments to Ad Hoc Sub-units shall be subject to the rules set forth in the resolution or order establishing the Sub-unit. If not otherwise provided, appointments shall be made by the Mayor and confirmed by the Common Council.

- (d) Vacancies. Vacancies shall be filled in the same manner as other appointments, provided, however, that if a vacancy subject to Mayoral appointment exists for a period of more than ninety (90) days, any two (2) Alders may introduce a resolution appointing a person to the vacancy, and the resolution shall be referred to the next Common Council meeting. If the resolution is approved by a two-thirds (2/3) majority vote of the Common Council, the appointment shall be confirmed. The Mayor may submit an appointment to the Council in the interim, which shall be considered before the Council resolution on the same appointment.
- (e) Action on Appointment. The Common Council may confirm a Mayoral appointment, refer the appointment to another meeting, refer the appointment to the Mayor's office or reject an appointment by placing it on file. If an appointment is rejected, the same person may not be nominated for the same position for a period of six (6) months.
- (f) Alternates. If the Sub-unit is authorized to have Alternate members, the Alternates shall be given numerical appointments (First Alternate, Second Alternate, etc.). When a member or members of the Sub-unit are absent, the Alternates shall act as full members of the Sub-unit in their numerical order, that is, the First Alternate shall first act as a full member; the Second Alternate shall be the next to so act, etc.
- (6) Terms of Appointment.
- (a) All appointments to Sub-units shall be for a term of three (3) years, except for Alders, which shall be concurrent with the respective Aldermanic term. No Mayoral appointment shall commence after the Mayoral term of office.
- (b) Term Limits. No person, other than Alders, shall serve on any Sub-unit for a period in excess of ten (10) years, unless authorized by a two-thirds (2/3) majority vote of the Common Council.
- (c) Any ordinance amendment or resolution affecting the terms of or the qualifications of members of boards, commissions or committees shall, unless otherwise explicitly provided therein, have prospective application only and shall not have any affect upon the remainder of any terms of office nor upon the appointment of any member of a Sub-unit in existence on the date said ordinance amendment or resolution becomes effective.
- (d) Notwithstanding any fixed term of office, the terms of board, commission and committee members shall run until their successors are appointed and confirmed or for a period of ninety (90) days after the end of the fixed term, whichever is less. This ordinance shall apply to every person holding such office on January 1, 2003 and thereafter.
- (2)(7) Officers; Chairperson Restriction.
- (a) Sub-units shall, except as otherwise provided, choose their Chair, Vice-chair and any other officers. Elections for officers shall be conducted at least every two (2) years, following election of Alders. Officers shall be chosen by secret ballot if requested by any member of the Sub-unit.
- (b) After December 31, 2003 or after the expiration of any current appointment, no alderperson shall be the chairperson, co-chairperson, or vice-chairperson of any City committee, commission, board, subcommittee, ad hoc committee, ad hoc commission or ad hoc board. Sub-unit authorized to have more than two citizen members appointed by the Mayor and confirmed by the Common Council. Alderpersons who currently chair City committees, commissions, boards, subcommittees, ad hoc committees, ad hoc commissions or ad hoc boards with more than two citizen appointments may not be re-appointed to or re-elected to said position after the effective date of this ordinance. In the event the citizen chair and vice-chair are absent from a meeting, an alder, upon consensus of the members present, may assume the chair. However, in no event shall an alder serve as chair of any such committee, commission or board Sub-unit for more than two (2) consecutive meetings.
- (3)(8) Attendance, Quorum and Voting.
- (a) If at any Bboard, Ccommission or Ccommittee meeting, a quorum is not secured within fifteen (15) minutes of the officially scheduled meeting time, the board, commission or committee Sub-unit shall adjourn without taking any action, except that it may set a date and time for its next meeting.
- (b) The chair of each Bboard, Ccommission, and Ccommittee shall report to the Mayor and Common Council Office each instance in which a member is absent without excuse from three of four consecutive meetings. For purposes of this reporting only, a called meeting that is not held due to lack of a quorum shall count toward a missed meeting by any

member not present. The Mayor shall take appropriate action to secure the attendance of such members including, in the Mayor's discretion, requesting their resignation or requesting that the Council remove the person from the Sub-unit.

- (c) In the absence of any statute or ordinance that establishes the quorum for any ~~board, commission or committee~~Sub-unit, the quorum of any such body is the number that constitutes a majority of the authorized voting membership of the ~~board, commission or committee~~Sub-unit. Vacant positions shall be counted in determining the quorum of such a body.
- (d) In the absence of any statute or ordinance to the contrary, motions before any ~~board, commission or committee~~Sub-unit shall be passed by an affirmative vote of not less than a majority of the ~~board, commission or committee~~Sub-unit in attendance so long as such majority vote exceeds a majority of the quorum of ~~board, commission or committee~~Sub-unit.

(4)(9) Officers, Minutes, and Rules of Procedures.

- (a) Every ~~board, commission or committee~~Sub-unit, whether created by ordinance or by resolution, shall select officers and shall keep minutes of its proceedings. After the minutes have been approved by the ~~B~~board, ~~C~~ommittee or ~~C~~ommission, a copy shall be filed with the City Clerk within five(5) days.
- (b) Boards, committees, and commissions may adopt rules of procedure. Such rules may not conflict with ordinances or resolutions of the Common Council. In case the ~~board, committee or commission~~Sub-unit does not adopt rules of procedure, it shall be governed by Robert's Rules of Order, insofar as Robert's Rules of Order does not conflict with ordinances or resolutions of the Common Council. Unless modified by its own rules of procedure or otherwise required by ordinance or statute, ~~boards, committees and commissions~~Sub-units shall follow the procedure set forth in sec. 2.21, MGO, on motions for reconsideration. Sub-units shall review and make any changes in rules of procedure every two (2) years, which shall be filed with the City Clerk.
- (c) Unless authorized by the rules adopted under subdivision (b) above, the chair of a Sub-unit shall not vote unless the chair's vote would affect the outcome of the matter before the Sub-unit and shall not participate in making motions or discussion thereon. Any board, committee or commission may create committees or subcommittees and may appoint any of its members to serve on such committees or subcommittees. No board, committee or commission may appoint to any of its committees or subcommittees any person who is not a member of the board, committee or commission unless the person has been nominated by the board, committee or commission and approved by the Common Council. If the board, committee or commission includes committees or subcommittees created or authorized by the Common Council, the members of such committees or subcommittees may serve as members of other committees or subcommittees created by the parent body.
- (d) Notwithstanding Subdivision (c) above, any number of boards, committees and commissions may form joint committees or subcommittees consisting of members of the various boards, committees or commissions which have approved such action.
- (e)(d) Council Participation. Every ~~board, committee and commission~~Sub-unit, whether created by ordinance or by resolution, or order shall permit any member of the Common Council to take part in its deliberations and to speak on any agenda item. This includes closed sessions of Sub-units except as provided herein or if the individual member's exclusion is necessary for the purpose of the closed session. Nevertheless, Council members who are not members of the ~~board, committee or commission~~ Sub-unit shall not vote, shall not be counted in determining whether or not there is a quorum, and may not make or second any motion. This subdivision does not apply to quasi-judicial hearings on contested matters, nor to deliberations concerning such hearings on contested matters nor to closed sessions of the Ethics Board held for the purpose of hearing and deliberating confidential requests for advisory opinions pursuant to Sec. 3.35(11)(b).
- (f) 4. Any ordinance amendment or resolution affecting the terms of or the qualifications of members of boards, commissions or committees shall, unless otherwise explicitly provided therein, have prospective application only and shall not have any affect upon the remainder of any terms of office nor upon the

appointment of any member of a board, commission, or committee in existence on the date said ordinance amendment or resolution becomes effective.

2. Notwithstanding any fixed term of office, the terms of board, commission and committee members shall run until their successors are appointed and confirmed or for a period of ninety (90) days after the end of the fixed term. This ordinance shall apply to every person holding such office on January 1, 2003 and thereafter.

(g)(e) Public Comment. Every ~~board, committee and commission~~Sub-unit, including ~~committees and~~ subcommittees created under Subsection (4)(ed), above, shall establish a period for public comment at or near the beginning of each meeting. The public comment section of the meeting allows comments on any matter on the agenda or matters not on the agenda, provided, however, that the board, committee, or commissionSub-unit shall not take action on a matter raised in the public comment portion of the meeting unless that matter is otherwise on the agenda. The Sub-unit may allow public comment on any agenda item at the time that item is taken up. Members of the public who comply with applicable rules, including registering to speak prior to the Sub-unit beginning discussion on any agenda item, on registration forms established by the City, shall be permitted at least three (3) minutes to speak. If the speaker requires an interpreter, either because of his/her limited English proficiency or because of a disability, he/she shall be allowed no less than six (6) minutes.

This subdivision shall not apply to quasi-judicial hearings on contested matters, nor to deliberations concerning such hearings on contested matters nor to closed sessions of the Ethics Board held for the purpose of hearing and deliberating confidential requests for advisory opinions pursuant to Sec. 3.35(11)(b).

(h)(10) Meetings Not to Be Held. ~~Boards, committees, and commissions~~

(a) Budget Meetings. Sub-units shall not schedule meetings on the same nights that the Board of Estimates or the Common Council is considering the annual Operating and Capital budgets.

(i)(b) No Meetings Election Day. ~~No committee, board or commission created by the Madison General Ordinances~~Sub-unit shall meet on any general or primary election day at which local city offices or positions are decided.

(5)(11) Reports.

(a) Every ~~board, committee, or commission~~Sub-unit, whether created by ordinance or resolution, shall act on items the Council refers to it, where the votes are contested, by roll call vote. Its report to the Council shall include a list of members who voted and the vote of each. In case any report of a board, committee, or commission shall fail to contain the list of members and votes, the City Clerk shall reject the report and shall return it to the board, committee or commission. Any ~~board, committee, or commission~~Sub-unit, which fails to act upon any matter referred to it by the Common Council, within the deadline for such action as may be set by the Common Council, shall have been deemed to have waived the opportunity to report to the Common Council on the matter referred. The Common Council may then take up the referred item notwithstanding the board, committee or commissions failure to file a report.

(b) In January and June of each year, the City Clerk shall notify the chair of each ~~board, committee and commission~~Standing Sub-unit of the requirements contained in Subsection ~~3.30(5)(a)~~3.01(8)(b) and shall send to the department or division head responsible for providing staff services to the ~~board, committee or commission~~Sub-unit a copy of the notification.

(c) ~~During the first six calendar months following the effective date of this Subsection, the Clerk may accept reports which do not contain the required roll call votes but shall, in writing, notify the submitter of the incomplete report of the requirement contained in Subdivision (a) hereof.~~

2. The City Attorney is directed to make corresponding changes to other City ordinances to reflect these changes related to Boards, Commissions and Committees."

CITY OF MADISON, WISCONSIN

AN ORDINANCE _____

PRESENTED _____
REFERRED CCOC

Amending names of Committees, Codifying
Creation of Committees, Deleting Obsolete
Committees and Renumbering Sections of
Chapters 3 and 33 in accordance with the
Report of the CCOC Subcommittee on
Committee Creation and Committee Rules.

RULES SUSPENSION _____
PUBLIC HEARING _____

DRAFT

Drafted by: Michael May

Date: September 18, 2008

SPONSORS: Aids. Clausius, Konkell, Rhodes-
Conway and Schumacher

DRAFTER’S ANALYSIS: This ordinance makes a number of changes as recommended by the Report of the
CCOC Subcommittee on Committee Creation and Committee Rules. It is a companion to Legislative File #
_____.

In general, this ordinance:

1. Eliminates obsolete committees and, where necessary, assigns the obligations to a city official.
2. Codifies in the MGO a number of committees and subcommittees that are standing committees, in accordance with the Report and companion ordinance.
3. Modifies the ordinance on Staff Committees to allow for three types of committees, those that are full committees, quasi-committees and information only committees, with different obligations on each.
4. Renames a number of teams, board or commissions to be committees in accordance with the Report and the companion ordinance which requires that only those bodies with some independent authority from the Council should be called "board" or "commission."

The Common Council of the City of Madison do hereby ordain as follows:

1. Subsection (18) entitled “Severability” of Section 3.17 of the Madison General Ordinances is hereby repealed and recreated to read as follows:

“(18) CDA Housing Operations Subcommittee. The CDA Housing Operations Subcommittee shall consist of five (5) members appointed by the Chair of the Community Development Authority Board. Three (3) members shall be members of the Community Development Authority Board and two (2) members shall be residents of CDA housing who may not be members of the CDA Board. This subcommittee shall review policy and programs specifically related to housing operations.”

2. Subsection (4) entitled “Duties of Training Officer” of Section 3.37 entitled “Post Entry Training Program” of the Madison General Ordinances is amended to read as follows:

“(7) Duties of Training Officer. The Training Officer shall, with the advice of the ~~Training Committee~~ Human Resources Director: (1) develop and conduct on-the-job training program; (2) provide for on-the-job and

Approved as to form:

off-the-job training programs for eligible employees; (3) prepare and submit to the Human Resources Director, an annual report and such other reports of training needs, activities, and accomplishments as to keep the City and Common Council apprised of the training programs; (4) prepare and submit to the Human Resources Director an annual budget for training programs; and (5) prepare a training manual for implementing training programs embodying rules, regulations, and procedures to be submitted through the ~~Training Committee~~Human Resources Director to the Common Council for approval.”

3. Subdivision (a) of Subsection (11) entitled “Expenses” of Section 3.37 entitled “Post Entry Training Program” of the Madison General Ordinances is amended to read as follows:

“(a) Reasonable traveling, sustenance, and other expenses for training purposes may be incurred and paid by the City for participation by eligible employees in any training program recommended by the ~~Training Committee~~Human Resources Director and approved by the employee’s department head.”

4. Subdivision (a) entitled “Pest Management Advisory Committee” of Subsection (1) entitled “Creation” of Section 7.01 entitled “Board of Health for Madison and Dane County” of the Madison General Ordinances is created to read as follows:

“(a) Pest Management Advisory Committee. The Pest Management Advisory Committee is a subcommittee of the Board of Health for Madison and Dane County. It consists of six experts who review annual pesticide use reports, assess compliance with the policy and recommend changes in pest management as needed. The experts are recommended by the Public Health Department and appointed by the Mayor’s office. Each member is confirmed by the Common Council and will serve a seven-year term. This committee will be staffed by the Public Health Department.”

5. Subsection (10) entitled “Safe Food Advisory Subcommittee” of Section 7.01 entitled “Board of Health for Madison and Dane County” of the Madison General Ordinances is created to read as follows:

“(10) Safe Food Advisory Subcommittee. The Safe Food Advisory Subcommittee is a subcommittee of the Board of Health for Madison and Dane County. It shall consist of fifteen (15) food operators identified by the Health Department as having demonstrated a willingness to join with the Department in improving public health within the food industry. The members will be appointed by the mayor and confirmed by the Common Council and shall meet quarterly.”

6. Paragraph 2. of Subdivision (b) of Subsection (3) entitled “Surplus Property Disposal Method Determination” of Section 8.075 entitled “Disposal of Surplus City Real Property” of the Madison General Ordinances is amended to read as follows:

“2. If two (2) or more City departments, CDA or Utilities express interest in the property, the requests shall be reviewed by the ~~Mayor’s Public Works Improvement Committee~~City Engineer. Its recommendations shall be forwarded to the Common Council for a decision. The surplus property shall then be conveyed/transferred to the appropriate City department, CDA or Utility, subject to any restrictions or conditions authorized by resolution adopted by the Common Council.”

7. Subparagraph c. of Paragraph 2. entitled “Miscellaneous Restrictions on Sidewalk Cafes” of Subdivision (j) entitled “Miscellaneous Restrictions on Merchant Vendors and Sidewalk Cafes” of Subsection (6) entitled “Regulations and Procedures for Vending on the State Street Mall/Capitol Concourse” of Section 9.13 entitled “License For Selling on Public Streets” of the Madison General Ordinances is amended to read as follows:

“c. Except in the case of sidewalk cafes having permanent facilities approved as a conditional use by the Plan Commission ~~and the Street Encroachment Committee~~, all tables, chairs, and all other materials and equipment must be removed from the site from close of business until normal opening of business each day. Nothing herein shall in any way be deemed to limit the right of the ~~Street Encroachment Committee or the Plan Commission~~ to review any matters within the ~~Street Encroachment Committee’s or Plan Commission’s~~ jurisdiction.”

8. Subdivision (m) entitled "Liability Insurance" of Subsection (6) entitled "Regulations and Procedures for Vending on the State Street Mall/Capitol Concourse" of Section 9.13 entitled "License For Selling on Public Streets" of the Madison General Ordinances is amended to read as follows:

"(m) Liability Insurance. To hold a valid license, the vendor must have in force adequate liability insurance and must agree to indemnify, defend, and hold the City, its employees and agents harmless against all claims, liability, loss, damage, or expense incurred by the City as the result of any injury to or death of any person or damage to property caused by or resulting from the activities for which the license is granted. As evidence of liability insurance, the applicant shall furnish a Certificate of Insurance, on a form acceptable to the City, evidencing the existence of commercial general liability insurance (including contractual liability insurance) naming the City of Madison, its employees and agents as additional insureds, with minimum limits of one million dollars (\$1,000,000.00) in the aggregate. The Certificate of Insurance shall provide thirty (30) days written notice to the City upon cancellation, or nonrenewal or material change in the policy.

To hold a valid sidewalk cafe license or merchant vendor license, the vendor must have in full force adequate liability insurance. Adequate liability insurance is insurance the terms and conditions of which shall at minimum comply with those terms and conditions specified in paragraph 1 of this subdivision (m) and may include any additional terms and conditions required by the ~~Privilege in Streets Committee~~ City Risk Manager or agreement of the parties."

9. Subsection (5) entitled "Subcommittees" of Section 33.05 entitled "Board of Park Commissioners" of the Madison General Ordinances is created to read as follows:

"(5) Subcommittees. The following subcommittees of the Board of Park Commissioners assist in receiving citizen input and making recommendations to the Park Commission. Members shall be appointed by the President of the Board of Park Commissioners and each subcommittee shall contain at least one member from the Park Commission.

- (a) Golf Subcommittee. Advises the Commission regarding policies, rate structure, rules and regulations, capital improvements, user complaints, operations and the selection of golf pros. The Golf Committee is composed of seven (7) persons: one Park Commissioner, the Superintendent of Parks (ex-officio), Golf Supervisor, President or designee representing Odana Golf Association, Yahara Golf Association, Madison Area Retiree Association, Women's Municipal Golf Association, and two at-large members. All members shall be City of Madison residents. The President of the Board of Park Commissioners shall appoint the at-large members.
- (b) Warner Park Community Recreation Center Advisory Subcommittee. Advises the Board of Park Commissioners regarding operations, policies and procedures, fees and user concerns, and makes program and budget recommendations. The committee consists of nine (9) persons including five citizen representatives from the Northside and at large, the Northside Planning Council, youth, North/Eastside Senior Coalition, MSCR Advisory Board, Park Commission and an Alder. This committee meets bi-monthly and all members shall be City of Madison residents.
- (c) Facilities, Programs and Fees Subcommittee. Reviews policies and operation standards, makes program recommendations and recommendations on new user fees and charges. The Subcommittee consists of seven (7) members and meets as needed, once or twice a year.
- (d) Habitat Stewardship Subcommittee. Reviews public tree concerns, advises and makes recommendations concerning the Conservation Parks. The Subcommittee consists of five (5) members and meets monthly.
- (e) Madison Tree Committee. See Sec. 10.101(1), MGO.
- (f) Long-Range Planning Subcommittee. Advises the Board of Park Commissioners, reviews the procedures and policies of the Parks Division and solicits input regarding the Parks Division from alders, groups and citizens. The Subcommittee consists of five (5) members and meets quarterly.
- (g) Park Names Subcommittee. Researches and advises regarding the naming of public parks. The Subcommittee consists four (4) members: one Park Commission member, two citizen members and the Superintendent of Parks or his/her designee."

10. Subdivision (a) entitled "Alternates" of Subsection (1) entitled "Monona Terrace Board; Composition, Terms" of Section 33.21 entitled "Monona Terrace Community and Convention Center Board" of the Madison General Ordinances is amended to read as follows:

"(a) Alternates. The mayor and county executive may each appoint one alternate member, for three-year terms ending on May 1. The alternate appointed by the mayor shall be entitled to vote at Board meetings only when one or more of the other mayoral appointees is absent and the alternate appointed by the county executive shall be entitled to vote at Board meetings only when one or more of the other county executive appointees is absent. Alternates may serve as the Board representative on the Monona Terrace Event Booking Assistance ~~Executive~~ Advisory Committee and on Board committees and shall have full voting rights while thus serving. An alternate may serve as an officer of a committee but may not serve as an officer of the Board. Alternates shall be entitled to attend all Board meetings and participate in all Board discussions but shall not be included when determining whether a quorum of the Board exists unless eligible to vote at the meeting. An alternate shall continue to serve until her or his successor is appointed and confirmed."

11. Subsection (19) entitled "Monona Terrace Event Booking Assistance Advisory Committee" of Section 33.21 entitled "Monona Terrace Community And Convention Center Board" of the Madison General Ordinances is created to read as follows:

"(19) Monona Terrace Booking Event Assistance Advisory Committee. The Monona Terrace Booking Event Assistance Advisory Committee shall consist of five members appointed by the Mayor and approved by the Common Council and meets on an as-needed basis. Terms are open-ended unless a person leaves the position that allows the appointment. The Monona Terrace Booking Event Assistance Advisory Committee considers funding requests from the Greater Madison Convention and Visitors Bureau for event assistance funding for conventions and conferences. The Committee rules on funding requests by following the Fund Policies and Guidelines approved by the Common Council."

12. Section 33.25 entitled "Report of Vacancies" of the Madison General Ordinances is hereby renumbered as Section 33.50 of the Madison General Ordinances.

13. Section 33.26 entitled "Obsolete Committees and Commissions" of the Madison General Ordinances is hereby renumbered as Section 33.51 of the Madison General Ordinances.

14. New Section 33.25 entitled "Ho-Chunk Nation-City of Madison Joint Planning Committee" of the Madison General Ordinances is created to read as follows:

"33.25 HO-CHUNK NATION-CITY OF MADISON JOINT PLANNING COMMITTEE. The Ho-Chunk Nation-City of Madison Joint Planning Committee shall consist of six members: three appointed by the Nation and two appointed by the Mayor subject to the approval of the Common Council, and the director of the City Department of Planning and Community and Economic Development, or his or her designee. Four members, two each representing the Nation and the City, shall be required to constitute a quorum. The Committee shall meet as necessary or at least biannually. The Committee shall be charged with the responsibility of creating and periodically updating a development plan for the Nation's Fee and Trust Land real properties located within the Development Area and the City boundaries."

15. New Section 33.26 entitled "City-County Liaison Committee" of the Madison General Ordinances is created to read as follows:

"33.26 CITY-COUNTY LIAISON COMMITTEE. The City-County Liaison Committee establishes and maintains liaison between the Common Council and the County Board for the purpose of conferring on matters of mutual interest and to provide a means for advising both governing bodies on matters where there may be an apparent conflict or difference in interest between the city and the county. The committee shall consist of eight (8) members: three Common Council members, three members of the Dane County Board of Supervisors, a mayoral staff member and a county executive staff member."

16. Section 33.27 entitled "Staff Committees" of the Madison General Ordinances is amended to read as follows:

“33.27 STAFF COMMITTEES.

- (1) Full Committees.
 - (a) Street Use Staff Commission. See Sec. 10.056(3), MGO.
 - (b) Board of Assessors. Sec. Sec. 33.03, MGO.
- (2) Quasi-Committees.
 - ~~(1)~~(a) General. On rare occasions, the City may establish formal committees of City staff. When such a committee is established, the following rules that apply to other committees will not apply to staff committees: term limits on members, attendance reports, filing of statements of interests, allowing Common Council members to participate in meetings, and the referral of legislative items to the staff committee. If input of a staff committee is denied, the matter should be referred to the department or division head related to the staff committee. Formal staff committees are subject to open meeting law requirements, quorum, terms for members, limits on meeting dates, public comment and the filing of minutes.
 - ~~(2)~~(b) Minority Affairs Committee. There is hereby established a Minority Affairs Committee (MAC) composed of employees of the City of Madison and charged with addressing issues of concern to racial and ethnic minorities employed by the City. Members of the MAC shall be appointed by the Mayor upon recommendation of the Director of the Department of Civil Rights, and are not subject to Common Council approval. The MAC may adopt such other rules or bylaws to govern its operation, including establishing the number of members of the Committee, not inconsistent with these ordinances.
 - ~~(3)~~(c) Women’s Issues Committee. There is hereby established a Women’s Issues Committee (WIC) composed of employees of the City of Madison and charged with addressing issues of concern to women employed by the City. Members of the WIC shall be appointed by the Mayor upon recommendation of the Director of the Department of Civil Rights, and are not subject to Common Council approval. The WIC may adopt such other rules or bylaws to govern its operation, including establishing the number of members of the Committee, not inconsistent with these ordinances.
- (3) Informational Committees.
 - (a) When an informational-only committee is established, their meetings shall be noticed per open meetings law. No quorum or minutes will be required nor are there committees subject to other rules of committees.
 - (b) Rhythm and Booms. Meets regularly and is staffed by employees from Parks, Metro, Police, Street, Traffic Engineering, City Attorney, Fire, Health, Comptroller, and Health.
 - (c) Elver Fireworks Committee.
 - (d) Technical Advisory Committee. A subcommittee of the Water Utility that discusses drinking water quality issues, issue alerts and performs water quality testing. This subcommittee consists of eight (8) members including four experts and three managers and one engineer from the Water Utility. They meet three or four times a year.”

17. New Section 33.28 entitled “Board of Education/Common Council Liaison Committee” of the Madison General Ordinances is created to read as follows:

“33.28 BOARD OF EDUCATION/Common Council Liaison Committee. The Board of Education/Common Council Liaison Committee serves as a formal channel of communication regarding issues of mutual concern and meets on an as-needed basis. The Committee consists of six (6) members: Mayor or designee, two Common Council members, School Superintendent or representative and two Board of Education members.”

18. New Section 33.29 entitled “Madison Election Advisory Committee” of the Madison General Ordinances is created to read as follows:

“33.29 MADISON ELECTION ADVISORY COMMITTEE. The non-partisan Madison Election Advisory Committee shall evaluate current procedures for elections and make recommendations for improvements in voting procedures. The committee shall consist of five (5) citizen members appointed

to staggered two-year terms, the City Clerk and County Clerk who shall serve as ex-officio non-voting members.”

19. New Section 33.30 entitled “Jeffrey Clay Erlanger Civility in Public Discourse Award” of the Madison General Ordinances is created to read as follows:

“33.30 JEFFREY CLAY ERLANGER CIVILITY IN PUBLIC DISCOURSE AWARD. The Jeffrey Clay Erlanger Civility in Public Discourse Award will recognize individuals or organizations who share Jeff Erlanger's dedication to and compassion for public policy development, politeness, civility, individual and human rights, and who conduct their daily life consistent with these values. The committee to select the award recipient will be appointed by the Mayor and be composed of five (5) individuals, including two (2) citizen members (citizen members to serve a two-year term with said term expiring two years from date of appointment).”

20. New Section 33.31 entitled “Sustainable Design and Energy Committee” of the Madison General Ordinances is created to read as follows:

“33.31 SUSTAINABLE DESIGN AND ENERGY COMMITTEE. The Sustainable Design and Energy Committee takes a leadership role in the promotion of sustainable energy by promoting both energy efficiency and renewable energy for the City of Madison facilities and the community. The committee consists of fifteen (15) members serving two-year terms: two Common Council members, a Board of Public Works member, and nine various expert members and three at-large members. Members are appointed by the Mayor and approved by the Common Council.”

21. Subdivision (n) entitled “Equal Opportunities Commission Employment Subcommittee” of Subsection (8) entitled “Employment Practices” of Section 39.03 entitled “Equal Opportunities Commission” of the Madison General Ordinances is created to read as follows:

“(n) Equal Opportunities Commission Employment Subcommittee. The EOC Employment Committee shall consist of 15 maximum voting members. Additional persons may participate as non-voting members. Membership of the Employment Committee is open to a City of Madison company, business or non-profit designee and to individual representatives.”

22. Section 39.06 entitled “Reverend Doctor Martin Luther King, Jr. Humanitarian Award” of the Madison General Ordinances is amended to read as follows:

“39.06 REVEREND DOCTOR MARTIN LUTHER KING, JR. HUMANITARIAN AWARD.

- (1) There is created the Reverend Doctor Martin Luther King, Jr. Humanitarian Award or Awards to be presented annually to the person or persons who have made outstanding and significant contributions in the spirit of sisterhood, brotherhood, and harmony toward making our City an ideal place in which to live. The award or awards shall be presented at the annual celebration of the birth of Dr. King.
- (2) The Mayor shall appoint a ~~Committee~~Commission, which shall consist of the Mayor or her/his designee as an ex officio nonvoting member; the City's Affirmative Action Division Head; the Equal Opportunities Division Head; and one delegate from each of the following commissions/committees: the Madison Equal Opportunities Commission, the Affirmative Action Commission, the Community Block Grant Development ~~Commission~~Committee, the Community Services ~~Commission~~Committee and the ~~Commission~~Committee on People with Disabilities. This ~~Committee~~Commission shall annually seek candidates and select the recipient or recipients of this award.
- (3) The Mayor shall convene the ~~Committee~~Commission on or before August 15 of each year. The ~~Committee~~Commission shall select a chairperson and may establish rules and procedures.”

23. The title of the “City Employees' Merit Award Commission” is renamed to the “City Employees' Merit Award Committee” and all references in the MGO's shall be modified to reflect this new name.

24. The title of the “Commission on the Environment” is renamed to the “Committee on the Environment” and all references in the MGO's shall be modified to reflect this new name.

25. The title of the "Commission on People with Disabilities" is renamed to the "Committee on People with Disabilities" and all references in the MGO's shall be modified to reflect this new name.

26. The title of the "Community Development Block Grant Commission" is renamed to the "Community Development Block Grant Committee" and all references in the MGO's shall be modified to reflect this new name.

27. The title of the "Community Services Commission" is renamed to the "Community Services Committee" and all references in the MGO's shall be modified to reflect this new name.

28. The title of the "Early Childhood Care and Education Board" is renamed to the "Early Childhood Care and Education Committee" and all references in the MGO's shall be modified to reflect this new name.

29. The title of the "Economic Development Commission" is renamed to the "Economic Development Committee" and all references in the MGO's shall be modified to reflect this new name.

30. The title of the "Joint City-County Section 8 Advisory Commission" is renamed to the "Joint City-County Section 8 Advisory Committee" and all references in the MGO's shall be modified to reflect this new name.

31. The title of the "Long-Range Transportation Planning Commission" is renamed to the "Long-Range Transportation Planning Committee" and all references in the MGO's shall be modified to reflect this new name.

32. The title of the "Madison Arts Commission" is renamed to the "Madison Arts Committee" and all references in the MGO's shall be modified to reflect this new name.

33. The title of the "Madison Tree Board" is renamed to the "Madison Tree Committee" and all references in the MGO's shall be modified to reflect this new name.

34. The title of the "Pedestrian/Bicycle/Motor Vehicle Commission" is renamed to the "Pedestrian/Bicycle/Motor Vehicle Committee" and all references in the MGO's shall be modified to reflect this new name.

35. The title of the "Public Safety Review Board" is renamed to the "Public Safety Review Committee" and all references in the MGO's shall be modified to reflect this new name.

36. The title of the "Street Use Staff Team" is renamed to the "Street Use Staff Commission" and all references in the MGO's shall be modified to reflect this new name.

37. The City Attorney may replace all references to "board, commission and committee" with "Sub-unit" in the Madison General Ordinances.

EDITOR'S NOTE:

1. Current 3.17(18) reads as follows:

"(18) Severability. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions of this ordinance."

2. Current Secs. 33.25 and 33.26 read as follows:

"33.25 REPORT OF VACANCIES.

(1) The Mayor shall report to the Common Council on the first of each January, April, July and October as to each vacant or expired seat for each board, committee or commission seat for

which the Mayor has the power of appointment under City ordinance or resolution. The report shall be in the following format:

- (a) Name of board, committee or commission;
 - (b) Restrictions, if any, on the vacant or expired seat;
 - (c) Date of such vacancy or term expiration;
 - (d) Seat holdover, if any; and
 - (e) Whether the vacancy requires the appointment of an Alderperson.
- (2) The report filed by the Mayor, as required in Subsection (1) above, shall also include, for each alderperson, a list of the boards, committees and commissions of which that alderperson is a member, as of the date of the report. This list shall include only boards, committees and commissions which have been created by the Common Council and whose members must be appointed by the Mayor and approved by the Common Council.

33.26 OBSOLETE COMMITTEES AND COMMISSIONS.

If any board, committee or commission of the City has not met during a calendar year, the board, committee or commission may be abolished by an order of the Mayor issued after April 1 of the year succeeding the year in which the board, committee or commission did not meet. The Mayor may not abolish any such board, committee or commission if the Common Council acts prior to April 1 to retain the board, committee or commission, or if the board, committee or commission is required by statute or contract. On or before February 15 each year, the Mayor shall submit a report to the Common Council, to be referred to the Common Council Organizational Committee, designating those boards, committees, or commissions to be eliminated pursuant to this section.”

CITY OF MADISON, WISCONSIN

REPORT OF: CITY ATTORNEY

TITLE: Changes to Sec. 33.01, MGO, to make various changes related to Boards, Commissions and Committees to standardize operations and rules.

**AUTHOR: Michael P. May
City Attorney**

DATED: September ____ 2008

PRESENTED _____
REFERRED _____

REREFERRED _____

REPORTED BACK _____

ADOPTED _____ POF _____

RULES SUSPENDED _____

ID NUMBER _____

TO THE MAYOR AND COMMON COUNCIL:

This report contains a more extensive analysis of the changes being proposed in operations of City boards, commissions, and committees. The report will take the form of restating each section of the ordinance, followed by a brief explanation.

“33.01 BOARDS, COMMISSIONS, AND COMMITTEES PROCEDURES.

- (1) Purpose and Intent. The purpose of Chapter 33 is to compile in one location the ordinances establishing and regulating City boards, commissions, and committees. In some cases, however, it has been deemed advantageous to maintain these regulations with the ordinance related to the subject matter of the board, commission, or committee. Furthermore, those boards, commissions, and committees that are created by resolution of the Common Council are not included in the Madison General Ordinances. Please refer to the MGO Index for a listing of standing City boards, commissions and committees.

ANALYSIS (1):

No change, other than referral to the index for a listing of boards, commissions, and committees.

- (2) Applicability. Except as set forth elsewhere in these ordinances, in state law, or in the document establishing a given board, commission or committee, this section shall apply to all such bodies, regardless of how established or whether termed a board, commission, committee, work group, task force, or similar name or whether standing or ad hoc.

ANALYSIS (2):

This subsection explicitly states that the rules established in Sec. 33.01 apply to all boards, committees, or commissions unless stated otherwise. There are some bodies which have rules required by state law or for which these rules were modified in the ordinance establishing that committee.

- (3) Definitions. As used in this section:
 - (a) “Ad hoc” means a Sub-unit that is to have temporary existence to meet a specific purpose or project and does not have ongoing annual requirements. The action creating the Ad hoc Sub-unit should reference the time or action which, when accomplished, means the Ad hoc Sub-unit expires.
 - (b) “Authority or District” means an entity that is a separate political body from the City of Madison.

- (c) “Board or Commission” means a Sub-unit of the City, except for the Board of Estimates that is given some independent power to make determinations on behalf of the City of Madison.
- (d) “Committee” means any Sub-unit other than a board or commission, and generally is limited to making recommendations or reports to the Mayor or Common Council or some other body, unless explicitly empowered otherwise. Any Sub-unit called task force, work group or similar name is a Committee.
- (e) “Standing” means a Sub-unit that is intended to have permanent existence, or until such time as the entity creating the Sub-unit terminates its authority.
- (f) “Subcommittee” means a Sub-unit made up of members of the parent Sub-unit or as authorized in Sec. 33.01(4)(d), MGO.
- (g) “Sub-unit” means any board, commission, committee or subcommittee.

ANALYSIS (3):

This subsection establishes definitions. There was no similar section in the prior ordinance. Among the important changes is the use of the term “sub-unit” to generically refer to boards, commissions, committees, or subcommittees. This section also establishes that, as a general rule, a body that is given the name “board” or “commission” must have some independent authority to act on behalf of the City. Otherwise, the sub-unit shall be named “committee”.

- (4) Creation and Dissolution.
 - (a) Sub-units may be created and dissolved by ordinance, resolution, order of the Mayor, order of the President of Common Council, or, in the case of subcommittees, by action of the parent Sub-unit.
 - (b) Standing Sub-units shall be created and dissolved by ordinance. To the extent some standing Sub-units exist as of the date of passage of this ordinance without authorization by ordinance, the City Attorney shall draft and introduce ordinances to reflect such standing Sub-units.
 - (c) Ad hoc Sub-units may be created and dissolved by written order or resolution.
 - (d) Any board, committee or commission may create and dissolve subcommittees and may appoint any of its members to serve on such subcommittees. No board, committee or commission may appoint to any of its subcommittees any person who is not a member of the board, committee or commission unless the person has been nominated by the board, committee or commission and approved by the Common Council. If the board, committee or commission includes subcommittees created or authorized by the Common Council, the members of such subcommittees may serve as members of other subcommittees created by the parent body.
 - (e) Notwithstanding Subdivision (d) above, any number of boards, committees and commissions may form joint committees or subcommittees consisting of members of the various boards, committees or commissions which have approved such action.

ANALYSIS (4):

This subsection governs the creation and dissolution of committees. Subdivisions (a), (b), and (c) are new. It establishes that standing sub-units are to be created and dissolved by ordinance. In this manner, such standing sub-units should be reflected in the MGO. Ad hoc sub-units are not to be created by ordinance, but by resolution or order. Subsection (d) and (e) of this subsection are reenactments of former Secs. 33.01(4)(c) and (d).

- (5) Appointments. Except as otherwise provided by ordinance, all appointments shall be made as follows:
 - (a) Appointments to Standing Sub-units (except subcommittees) and non-City committees shall be made by the mayor and confirmed by the Common Council.
 - (b) Appointments to subcommittees shall be made by the parent Sub-unit or as authorized under Sec. 33.01(4)(d), MGO.
 - (c) Appointments to Ad Hoc Sub-units shall be subject to the rules set forth in the resolution or order establishing the Sub-unit. If not otherwise provided, appointments shall be made by the Mayor and confirmed by the Common Council.

- (d) Vacancies. Vacancies shall be filled in the same manner as other appointments, provided, however, that if a vacancy subject to Mayoral appointment exists for a period of more than ninety (90) days, any two (2) Alders may introduce a resolution appointing a person to the vacancy, and the resolution shall be referred to the next Common Council meeting. If the resolution is approved by a two-thirds (2/3) majority vote of the Common Council, the appointment shall be confirmed. The Mayor may submit an appointment to the Council in the interim, which shall be considered before the Council resolution on the same appointment.
- (e) Action on Appointment. The Common Council may confirm a Mayoral appointment, refer the appointment to another meeting, refer the appointment to the Mayor's office or reject an appointment by placing it on file. If an appointment is rejected, the same person may not be nominated for the same position for a period of six (6) months.
- (f) Alternates. If the Sub-unit is authorized to have Alternate members, the Alternates shall be given numerical appointments (First Alternate, Second Alternate, etc.). When a member or members of the Sub-unit are absent, the Alternates shall act as full members of the Sub-unit in their numerical order, that is, the First Alternate shall first act as a full member; the Second Alternate shall be the next to so act, etc.

ANALYSIS (5):

This subsection is new and governs appointments to sub-units. Generally, appointments are made by the Mayor and confirmed by the Council. Subdivision (d) establishes a new rule that would allow the Common Council, by resolution, to fill vacancies on sub-units that extended more than 90 days. Subsection (e) establishes new rules on how the Council is to act on appointments. Subsection (f) establishes new rules with respect to the numbering of alternate members of any sub-unit.

- (6) Terms of Appointment.
 - (a) All appointments to Sub-units shall be for a term of three (3) years, except for Alders, which shall be concurrent with the respective Aldermanic term. No Mayoral appointment shall commence after the Mayoral term of office.
 - (b) Term Limits. No person, other than Alders, shall serve on any Sub-unit for a period in excess of ten (10) years, unless authorized by a two-thirds (2/3) majority vote of the Common Council.
 - (c) Any ordinance amendment or resolution affecting the terms of or the qualifications of members of boards, commissions or committees shall, unless otherwise explicitly provided therein, have prospective application only and shall not have any effect upon the remainder of any terms of office nor upon the appointment of any member of a Sub-unit in existence on the date said ordinance amendment or resolution becomes effective.
 - (d) Notwithstanding any fixed term of office, the terms of board, commission and committee members shall run until their successors are appointed and confirmed or for a period of ninety (90) days after the end of the fixed term, whichever is less. This ordinance shall apply to every person holding such office on January 1, 2003 and thereafter.

ANALYSIS (6):

This subsection sets up a new rule that appointments to sub-units shall be for three (3) years. This rule should result in less administrative work in filling of positions on sub-units. Subdivision (b) establishes a general term limit of ten years on any sub-unit. Subdivisions (c) and (d) are reenactments of former Section 33.01(4)(f).

- ~~(7)~~ Officers; Chairperson Restriction.
 - (a) Sub-units shall, except as otherwise provided, choose their Chair, Vice-chair and any other officers. Elections for officers shall be conducted at least every two (2) years, following election of Alders. Officers shall be chosen by secret ballot if requested by any member of the Sub-unit.
 - (b) After December 31, 2003 or after the expiration of any current appointment, ~~n~~No alderperson shall be the chairperson, co-chairperson, or vice-chairperson of any City committee, commission, board, subcommittee, ad hoc committee, ad hoc commission or ad hoc board. Sub-unit authorized to have more than two citizen members appointed by

the Mayor and confirmed by the Common Council. ~~Alderpersons who currently chair City committees, commissions, boards, subcommittees, ad hoc committees, ad hoc commissions or ad hoc boards with more than two citizen appointments may not be re-appointed to or re-elected to said position after the effective date of this ordinance.~~ In the event the citizen chair and vice-chair are absent from a meeting, an alder, upon consensus of the members present, may assume the chair. However, in no event shall an alder serve as chair of any such ~~committee, commission or board~~Sub-unit for more than two (2) consecutive meetings.

ANALYSIS (7):

This subsection requires sub-units to have a Chair and Vice-Chair and that those positions shall be filled by election at least once every two years. It also reenacts former Section 33.01(2) MGO.

(3)(8) Attendance, Quorum and Voting.

- (a) If at any board, commission or committee meeting, a quorum is not secured within fifteen (15) minutes of the officially scheduled meeting time, the ~~board, commission or committee~~Sub-unit shall adjourn without taking any action, except that it may set a date and time for its next meeting.
- (b) The chair of each board, commission, and committee shall report to the Mayor and Common Council Office each instance in which a member is absent without excuse from three of four consecutive meetings. For purposes of this reporting only, a called meeting that is not held due to lack of a quorum shall count toward a missed meeting by any member not present. The Mayor shall take appropriate action to secure the attendance of such members including, in the Mayor's discretion, requesting their resignation or requesting that the Council remove the person from the Sub-unit.
- (c) In the absence of any statute or ordinance that establishes the quorum for any ~~board, commission or committee~~Sub-unit, the quorum of any such body is the number that constitutes a majority of the authorized voting membership of the ~~board, commission or committee~~Sub-unit. Vacant positions shall be counted in determining the quorum of such a body.
- (d) In the absence of any statute or ordinance to the contrary, motions before any ~~board, commission or committee~~Sub-unit shall be passed by an affirmative vote of not less than a majority of the ~~board, commission or committee~~Sub-unit in attendance so long as such majority vote exceeds a majority of the quorum of ~~board, commission or committee~~Sub-unit.

ANALYSIS (8):

This subsection is primarily a reenactment of Section 33.01(3). It requires that Chairs report absent members to the Mayor and Common Council Office. It also states that if a meeting cannot be held due to lack of a quorum, any person who fails to come to the meeting where there is no quorum shall be considered to have been absent from a meeting.

(4)(9) Officers, Minutes, and Rules of Procedures.

- (a) Every ~~board, commission or committee~~Sub-unit, whether created by ordinance or by resolution, shall select officers and shall keep minutes of its proceedings. After the minutes have been approved by the board, committee or commission, a copy shall be filed with the City Clerk within five(5) days.
- (b) Boards, committees, and commissions may adopt rules of procedure. Such rules may not conflict with ordinances or resolutions of the Common Council. In case the ~~board, committee or commission~~Sub-unit does not adopt rules of procedure, it shall be governed by Robert's Rules of Order, insofar as Robert's Rules of Order does not conflict with ordinances or resolutions of the Common Council. Unless modified by its own rules of procedure or otherwise required by ordinance or statute, ~~boards, committees and commissions~~Sub-units shall follow the procedure set forth in sec. 2.21, MGO, on motions for reconsideration. Sub-units shall review and make any changes in rules of procedure every two (2) years, which shall be filed with the City Clerk.

- (c) Unless authorized by the rules adopted under subdivision (b) above, the chair of a Sub-unit shall not vote unless the chair's vote would affect the outcome of the matter before the Sub-unit and shall not participate in making motions or discussion thereon. Any board, committee or commission may create committees or subcommittees and may appoint any of its members to serve on such committees or subcommittees. No board, committee or commission may appoint to any of its committees or subcommittees any person who is not a member of the board, committee or commission unless the person has been nominated by the board, committee or commission and approved by the Common Council. If the board, committee or commission includes committees or subcommittees created or authorized by the Common Council, the members of such committees or subcommittees may serve as members of other committees or subcommittees created by the parent body.
- (d) ~~Notwithstanding Subdivision (c) above, any number of boards, committees and commissions may form joint committees or subcommittees consisting of members of the various boards, committees or commissions which have approved such action.~~
- (e)(d) Council Participation. Every board, committee and commission Sub-unit, whether created by ordinance ~~or by~~ resolution, or order shall permit any member of the Common Council to take part in its deliberations and to speak on any agenda item. This includes closed sessions of Sub-units except as provided herein or if the individual member's exclusion is necessary for the purpose of the closed session. Nevertheless, Council members who are not members of the board, committee or commission Sub-unit shall not vote, shall not be counted in determining whether or not there is a quorum, and may not make or second any motion. This subdivision does not apply to quasi-judicial hearings on contested matters, nor to deliberations concerning such hearings on contested matters nor to closed sessions of the Ethics Board held for the purpose of hearing and deliberating confidential requests for advisory opinions pursuant to Sec. 3.35(11)(b).
- (f) 1. ~~Any ordinance amendment or resolution affecting the terms of or the qualifications of members of boards, commissions or committees shall, unless otherwise explicitly provided therein, have prospective application only and shall not have any affect upon the remainder of any terms of office nor upon the appointment of any member of a board, commission, or committee in existence on the date said ordinance amendment or resolution becomes effective.~~
2. ~~Notwithstanding any fixed term of office, the terms of board, commission and committee members shall run until their successors are appointed and confirmed or for a period of ninety (90) days after the end of the fixed term. This ordinance shall apply to every person holding such office on January 1, 2003 and thereafter.~~
- (g)(e) Public Comment. Every board, committee and commission Sub-unit, including ~~committees and subcommittees created under Subsection (4)(ed), above,~~ shall establish a period for public comment at or near the beginning of each meeting. The public comment section of the meeting allows comments on any matter on the agenda or matters not on the agenda, provided, however, that the board, committee, or commission Sub-unit shall not take action on a matter raised in the public comment portion of the meeting unless that matter is otherwise on the agenda. The Sub-unit may allow public comment on any agenda item at the time that item is taken up. Members of the public who comply with applicable rules, including registering to speak prior to the Sub-unit beginning discussion on any agenda item, on registration forms established by the City, shall be permitted at least three (3) minutes to speak. If the speaker requires an interpreter, either because of his/her limited English proficiency or because of a disability, he/she shall be allowed no less than six (6) minutes.

This subdivision shall not apply to quasi-judicial hearings on contested matters, nor to deliberations concerning such hearings on contested matters nor to closed sessions of the Ethics Board held for the purpose of hearing and deliberating confidential requests for advisory opinions pursuant to Sec. 3.35(11)(b).

ANALYSIS (9):

This is primarily a reenactment of former Section 33.01(4). It adopts a new requirement that any sub-unit which has rules shall review those rules at least every two years. It also adopts the commonly recognized rule from Roberts Rules of Order that a Chair shall not vote unless the Chair's vote would affect the outcome of the matter, but allows sub-units to change this by rule. It also makes minor changes in the provisions related to Council members participation in committees and public comment at committee meetings.

- ~~(h)~~(10) Meetings Not to Be Held. ~~Boards, committees, and commissions~~
- (a) Budget Meetings. Sub-units shall not schedule meetings on the same nights that the Board of Estimates or the Common Council is considering the annual Operating and Capital budgets.
 - ~~(i)~~(b) No Meetings Election Day. ~~No committee, board or commission created by the Madison General Ordinances~~ Sub-unit shall meet on any general or primary election day at which local city offices or positions are decided.

ANALYSIS (10):

This is essentially a reenactment with minor changes to former Section 33.01(4)(h).

- ~~(5)~~(11) Reports.
- (a) Every ~~board, committee, or commission~~ Sub-unit, whether created by ordinance ~~or~~ resolution, or order shall act on items the Council refers to it, where the votes are contested, by roll call vote. Its report to the Council shall include a list of members who voted and the vote of each. In case any report of a board, committee, or commission shall fail to contain the list of members and votes, the City Clerk shall reject the report and shall return it to the board, committee or commission. Any ~~board, committee, or commission~~ Sub-unit, which fails to act upon any matter referred to it by the Common Council, within the deadline for such action as may be set by the Common Council, shall have been deemed to have waived the opportunity to report to the Common Council on the matter referred. The Common Council may then take up the referred item notwithstanding the board, committee or commissions failure to file a report.
 - (b) In January and June of each year, the City Clerk shall notify the chair of each ~~board, committee and commission~~ Standing Sub-unit of the requirements contained in Subsection ~~3.30(5)(a)~~ 33.01(8)(b) and shall send to the department or division head responsible for providing staff services to the ~~board, committee or commission~~ Sub-unit a copy of the notification.
 - ~~(c)~~ During the first six calendar months following the effective date of this Subsection, the Clerk may accept reports which do not contain the required roll call votes but shall, in writing, notify the submitter of the incomplete report of the requirement contained in Subdivision (a) hereof.

2. The City Attorney is directed to make corresponding changes to other City ordinances to reflect these changes related to boards, commissions and committees.”

ANALYSIS (11):

This subsection is a reenactment of former Section 33.01(5), with minor modifications.

**TEMPLATE FOR CREATION OF A CITY COMMITTEE
DRAFT 040108**

Name of Committee	
Purpose or Charge to Committee	
Standing (ordinance) or Ad Hoc (resolution or written order)	
Number of voting members (recommend to be odd number)	
Alternates and priority of voting	
Assigned positions for members (Alders, stakeholder representatives)	
Term of non-Alder appointment if not 3 years	
Identify City agency to staff committee (confirm staff availability)	
Fiscal Impact	
For ad hoc committees, identify date or even upon which committee will expire	
Any special exceptions to standard rules (e.g., does the Chair vote?)	