Boards, Commissions, and Committees Subcommittee Report to the Task Force on Government Structure

March 12, 2019

I. Introduction

The Resolution (RES-17-00714; **Legistar File 47707**) creating the Task Force on Government Structure ("TFOGS") specifically charged the TFOGS with considering the following issues with regard to the City's Boards, Commissions, and Committees ("BCC") Structure:

- The use of resident, Common Council and staff members in the City's BCC System;
- The scope and nature of the powers of the City's BCCs, including how they report to the Common Council and how their recommendations are received;
- The frequency and time of day of both Council and BCC meetings;
- The extent to which state statutes impact the City's BCC structure;
- The efficacy of BCC models and practices of cities similar to Madison;
- The effects of the City's BCC structure on efforts to increase racial equity and social justice;
- Best practices for ensuring municipal decision makers are representative of, connected to and accountable to all members of the community; and
- Other methods for creating multiple avenues for resident participation in government without privileging decision-making based on the time and ability to attend meetings.

The Task Force created the Boards, Commissions, and Committees Subcommittee ("Subcommittee") to help to assist in the consideration of these issues. The Subcommittee consisted of Justice Castañeda (Chair), Eric Upchurch, Maggie Northrop, Alder Rebecca Kemble, and John Rothschild. The Subcommittee met eleven (11) times between October and the writing of this Report. Materials considered by the Subcommittee can be found in **Legistar file 50732**, including agendas, detailed minutes of each meeting, and copies of documents discussed by the Subcommittee.[1] Additionally, Madison resident and former alder Brenda Konkel attended, participated in, and recorded most of the Subcommittee's meetings. The recordings can be viewed on Ms. Konkel's website.[2]

This Report will describe the process used by the Subcommittee to consider the issues listed above, identify the key issues and themes that arose out of the Subcommittees discussions, and identify alternatives meriting further discussion by the full TFOGS. It is not the intent of this

[1] https://madison.legistar.com/LegislationDetail.aspx?ID=3712890&GUID=E0CF56D3-53AF-4C5B-B261-C88E7E0CE1AF&Options=ID|&Search=53672

[2] https://www.youtube.com/user/BrendaKonkel/videos. These recordings were not done by the City and are not part of the Official Record of the proceedings. However, they could be useful to anyone wishing to learn more about the Subcommittee and its work.

Report to recommend that the TFOGS take a specific course of action, but rather, to lift up major issues for further discussion by the Task Force and highlight a range of possible actions that could address those issues.

II. The Subcommittee created a work plan to discuss the issues identified in the Resolution.

The Subcommittee developed a work plan that required it to: 1) discuss the current structure of the City's BCCs, 2) identify the strengths and potential of the current structure, 3) identify the challenges of and potential alternatives to the current structure; and 4) issues related to appointment to and service on BCCs. The Subcommittee discussed each of these items through the lens of equity, representation, accountability, and participation.

III. The City's current BCC structure was intended to serve as a robust forum for resident participation.

The Subcommittee began by discussing Madison's history as a progressive city that values resident input and a robust participatory democracy. It noted that the City's BCC structure was likely conceived to typify these notions. For example, the Subcommittee noted that the current BCC structure contains nearly 100 BCCs which create numerous avenues for resident participation on issues and decisions facing the City. In addition, the BCCs can serve as a way to educate residents about local government and the various ways they may be able to participate in it, thus encouraging future involvement, perhaps even inspiring some to chair a committee or run for elected office. Also, because the current structure requires alders to serve on the BCCs, the Subcommittee noted that the BCCs provide a forum in which residents can have direct and substantive interaction with their alders on issues facing the City.

The Subcommittee further recognized that residents aren't the only ones who potentially benefit from this large structure. As a city that has 20 part-time alders, the large BCC structure provides a tangible way for alders to gain resident perspective and analysis that supplement their own perspective and analysis and assist in Common Council deliberations.

Finally, the Subcommittee noted that the current BCC structure could benefit the structure as a whole by diluting the influence of any one alder or BCC by spreading alders and issues out of over many BCCs.

IV. Though well intended, the City's BCC structure is challenged by inadequate representation, lack of defined purpose and accountability, low levels of resident participation, and inequitable distribution of staffing and resources.

Despite these potential positive characteristics, the Subcommittee discussed how, in practice, the current BCC structure faces serious challenges with respect to core issues of accountability, effectiveness, representation, and resident participation. Thus, the Subcommittee fears that the current BCC structure, though perhaps initially intended to serve as

a robust forum for resident democracy, may, in fact, serve as little more than a veneer of representation and participation.

The Subcommittee noted these key challenges:

a. The high number of BCCs results in a drain on resident, staff, and alder time.

The Subcommittee noted it is very likely there are simply too many BCCs and that, as a result, they create a significant drain on city resources.

The City's current BCC structure includes nearly 100 separate BCCs[3] with approximately 700 membership positions. Of those 700 membership positions, approximately 126 of them must be filled by alders. Additionally, city staff provides support to all of these BCCs. Each BCC has city staff dedicated to administrative matters such as arranging meetings, creating agendas, taking notes, generating minutes, and acting as liaison between the BCC, chair, staff, and alders. Additionally, other city staff often must attend BCC meetings to provide substantive information relative to issues or topics that come before the BCC. Finally, the City must provide the infrastructure for these meetings, which comes at a financial cost.

The Subcommittee noted that all of this (many BCCs requiring much time and resources) is not, in and of itself, a bad thing, unless it fails to produce a quality product that is representative of the entire city. Other indicators suggest the current BCC structure lacks effectiveness and is not representative of the entire city.

b. The current BCC structure appears to lack diversity.

The current BCC structure appears to lack diversity of members with respect to the aldermanic districts in which members live, the number of BCCs on which each alder serves, and race. For example, 38% of members (268/699) come from Aldermanic Districts 4, 6, 11, 13, and 19 while 12.5% of members (88/699) come from Aldermanic Districts 1, 7, 8, 9, and 16. Also, the number of BCCs served by each alder varies depending on the alder. Of the twenty (20) alders, six (6) alders serve on as many as 9-14 BCCs while five (5) alders serve on as few as 2-4 BCCs. Finally, of the current BCC members, 21%% are people of color. Although the Subcommittee does not have data pertaining to the socioeconomic status (SES) levels of BCC members, it also noted the possibility that individuals with lower SES levels are underrepresented on the City's BCCs.

The Subcommittee noted that this suggests the current composition of the City's BCCs lack diversity in a number of ways, potentially making it unrepresentative of the entire City. Thus, while the BCC system is supposed to create a robust forum for resident democracy, the

[3] City staff conducted a survey of cities similar to Madison. Most cities of similar size (~250,000) generally have between 25 and 50 BCCs. Other state capital cities with flagship universities have between 12 and 33 BCCs, except Salt Lake City, which has 77. Other Big ten cities have between 11 and 50 BCCs. Moreover, the nearly 100 BCCs cited in this Report are only those BCCs that are listed in Legistar. Other BCCs, like Subcommittees and some ad hoc committees, are not listed in Legistar. Therefore, the true number of BCCs in the City likely exceeds 100.

opposite may well be true, providing only a forum for those with the time and resources to work within it. As a result, the decisions and recommendations made by the BCCs are likely being informed by just a subset of the city's population.

c. The current BCC structure lacks consistent accountability.

The Subcommittee noted that the current BCC structure does not promote accountability. Some BCCs appear to operate on their own with little or no accountability to another BCC or the Common Council. For example, some BCCs appear to take on issues that are not within their stated purpose or jurisdiction. Moreover, there is no system in place for the City to periodically evaluate whether a BCC remains necessary. Finally, there is no formal system in place to ensure that BCC members and chairs are educated on the purview of their BCC and trained on matters related to BCC work. This lack of accountability results in an unevenness in how BCCs function within the BCC structure.

d. BCCs vary in levels of authority and influence.

The Subcommittee noted that the level of authority of BCCs varies widely. Some BCCs are required by state statute and have final authority on certain decisions. Other BCCs are creatures of city ordinance or resolution. These BCCs have varying levels of authority ranging from final authority subject to appeal to the Common Council to strictly advisory recommendations to the Common Council. While the Subcommittee recognizes the need for BCCs to have varying levels of authority, it does not believe that these levels necessarily indicate the level of influence the BCCs have on City decision making. In other words, some BCCs with only advisory authority may have varying levels of influence on the Common Council. This disparity in authority may also have an impact on a resident's desire to serve on a BCC if they believe their time will be wasted because the BCC on which they serve has little to no authority or influence.

e. Some BCCs lack a well-defined purpose, have appeared to outlive their stated purpose, or have a purpose that overlaps the purpose of other BCCs or city staff.

The Subcommittee noted that some BCCs lack a well-defined purpose in the ordinance or resolution creating them. These BCCs are more likely to venture into areas or considerations that are outside of their topic area. Moreover, these BCCs tend to become more akin to discussion groups with, perhaps, agendas that contain few, if any, action items. As a result, the work of these BCCs may or may not end up having any discernable effect on City government yet remain a significant draw down of resident, staff, and alder time.

The Subcommittee also noted that some BCCs may have outlived the stated purpose. As a result, there may be some BCCs that could be eliminated with little or no impact on city decision-making, thus making the overall BCC structure more streamlined and easier to support.

Finally, the Subcommittee noted that numerous BCCs appear to have a purpose that either overlaps with other BCCs or are topics or issues that are or could be handled by staff or Non-

Governmental Organizations (NGOs). Again, the Subcommittee noted that eliminating or combining some of these BCCs could further serve the purpose of streamlining the BCC structure.

The Subcommittee thinks it is beyond the capability of the Subcommittee to identify individual BCCs that should be recreated with a more defined purpose, eliminated because no longer necessary, or combined because of redundancy, the TFOGS may be able to do so or to at least recommend that the Common Council consider reducing the size of the BCC structure, in part, by looking at these three recurring factors among current BCCs. The Subcommittee noted that one of the alternative organizational structures discussed in Section VI.a. of this Report and developed by the Office of the City Attorney does attempt to eliminate and/or combine certain BCCs using this method.

f. The high number of BCCs with varying and sometimes overlapping purposes can result in multiple referrals that slow down City processes and frustrate residents.

The Subcommittee noted that it is not the role of government to be "efficient." At the same time, the Subcommittee noted that the current BCC structure can result in a single action item being referred to multiple BCCs with overlapping jurisdiction. At times this not only slows down City processes but makes processes unclear and decisions elusive.

g. The logistical processes (meeting times, locations, rules, and infrastructure) used by the current BCC structure may not facilitate member or resident participation.

The Subcommittee noted that as public bodies the City's BCCs are subject to state open meetings and public records rules and Robert's Rules of Order. With these rules as a foundation, the City's BCC system encourages (and in many ways requires) an individual's physical presence in order to participate in a meeting, either as a member of the BCC or an interested resident. Moreover, the BCC meetings are often held at night in a downtown location where parking is limited. Meetings tend to run long and the public is generally restricted, by rule, from speaking longer than three (3) or five (5) minutes.

The Subcommittee also noted that the City's legislative information system (Legistar) is difficult to use, thus inhibiting the public's ability to learn about meetings, find agendas, review minutes, or look at documents related to decision making.

Finally, the Subcommittee believes that the City lacks the technology and resources to record or livestream all BCC meetings or to facilitate any remote participation by BCC members or the general public.

The Subcommittee noted that these logistical processes and infrastructure challenges inherent in BCC meetings make the current structure uninviting and, therefore, difficult for all residents to access. In one meeting, the Subcommittee noted the reluctance of people to serve on BCCs either because it is a "waste of time" or that they had a more valuable use for their time, such as working or caring for their children. The Subcommittee suspected this may be particularly true for those with a lower socioeconomic status (SES).

h. Staffing, training, and resources provided within the current BCC structure tends to be inadequate and uneven.

The Subcommittee noted that the level of support for BCCs in the current structure varies widely. Some BCCs are supported by highly trained and knowledgeable staff, some are not. Some BCCs are run by highly trained and experienced chairs, some are not. Some BCCs are comprised of members who have been trained on or otherwise understand the purview of the BCC on which they serve, some are not. Some BCCs are afforded and or demand more city resources, some struggle to get staff input or resources.

The Subcommittee noted that this is not necessarily the fault of the BCC or individuals involved, but is likely a symptom of trying to support such a large BCC structure. Nevertheless, it tends to have the result of producing mixed results depending on which BCC is involved.

i. The appointment process within the current structure could contribute to the lack of diversity and high vacancy rate on BCCs.

In addition to the possible lack of diversity of members noted above, the Subcommittee also noted the high vacancy rate. Of the almost 700 BCC positions, there are currently approximately 200 vacancies.

Under the current structure, the Mayor appoints all members (alder and resident) to BCCs subject to confirmation by the Common Council. This system affords power to the chief executive to determine the policy direction of the BCCs. Yet, it also rests all of the responsibility for supporting the BCC members in one office. The Subcommittee noted that other cities split the appointment powers up between the executive and legislative branches and that, while some of Madison's BCCs serve dual executive and legislative functions, dividing up appointment powers could impact the City's ability to fill the BCCs with more diverse candidates.

In discussing this issue the Subcommittee noted the pros and cons of allocating some appointment power away from the mayor's office. Pros included having more hands on deck to address vacancies and find more diverse applicants. Cons included shifting the power of the Mayor, the city's chief executive elected city-wide, to a Council that is elected by geographic district. The Subcommittee noted that similar issues were addressed and discussed in Sections IV. i. and VI. c. and in Sections IV.i. and IV.d. of the Report. Additionally, further discussion of appointment powers and potential issues involving the separation of powers doctrine is contained in the Common Council Subcommittee Report.

j. **Alder service on BCCs and as chairs of BCCs**

The Subcommittee noted several times in this Report that service on BCCs is one of the major duties that consumes alder time. The Subcommittee also noted how some individual alders serve on significantly more BCCs than other alders. These issues could be addressed by reducing the

overall number of BCCs in the structure, reducing the obligation of alders to serve on current BCCs, and/or limiting the number of BCCs on which one alder could serve.

Additionally, the Subcommittee discussed whether alders should be allowed to serve as chairs of BCCs, something that is currently prohibited by City ordinance. The Subcommittee saw no reason to change this rule.

V. The Subcommittee identified potential actions that could address some of the issues listed above.

After discussing the above challenges to the City's current BCC system, the Subcommittee identified some actions that could address them:

- Reorganize the BCC structure to increase accountability and require annual review of BCCs relevance and usefulness.
- Combine BCCs that work on the same or similar subject areas.
- Eliminate BCCs that have outlived their usefulness.
- Eliminate BCCs that perform work that would better be performed by staff or a non-government organization.
- Provide better clarity of purpose for BCCs either through ordinance amendments or otherwise.
- Provide better training for chairs, members, and staff on the role of each BCC and the rules and procedures for running an effective meeting and achieving a meaningful result.
- Change the time, place, rules, and procedures of BCC meetings to create a greater likelihood of achieving diversity in participation and representation.
- Explore alternative forums of resident participation that may or may not take the form of a traditional BCC, including greater use of technology.
- Consider creating an Office of Resident Engagement and Neighborhood Support that would be responsible for, among other things, staffing, training, minutes/reporting for BCC meetings and for engaging residents on key issues coming before the City's BCCs.
- Employ a greater use of ad-hoc committees, with clearly defined mission, authorities, oversight, staffing and reporting requirements. Dissolve the ad-hoc committee once it completed its task.
- Increase representation and participation by conducting impact analysis for city decisions to determine which residents will be most highly impacted by a decision and put processes in place to reach out to those residents.
- Consider alternatives to the current BCC member appointment process such as splitting up appointment responsibilities between the Mayor and Common Council.

VI. The Subcommittee further developed some of these potential actions.

The Subcommittee further developed some of the potential action items it identified above for the TFOGS consideration.

a. Reorganize current BCC structure around "lead committees," require alders to only serve on those committees, and have all other resident committees organized to report to one lead committee.

Throughout its discussions, the Subcommittee consider alternative ways to organize the current BCC system that may alleviate the time required by alders to serve on committees and to increase the usefulness and accountability of all BCCs.

Possible alternatives centered on the idea of designating lead committees and resident committees. Alders would serve on lead committees which would oversee the resident committees grouped beneath it. The resident committees would be grouped, generally by topic area, under each lead committee and would be required to report to the lead committees.

Each year, all committees would be responsible for conducting a self-evaluation to consider its continued relevance and usefulness. These ideas are represented in both Option A developed by John Rothschild and B developed by the Office of the City Attorney, attached. Further, Option B considers the possibility of eliminating or combining some existing BCCs that have perhaps outlived their usefulness or have jurisdictions overlapping other BCCs. The Subcommittee noted that these are just two examples of possible structures that could be considered. Other possibilities were also suggested, including organizing the BCCs around the key components identified in the Comprehensive Plan and by Department/Topic area. The Subcommittee encourages the Task Force to discuss and consider various alternatives and concepts.

b. Consider the creation of an Office of Resident Engagement and Neighborhood Support (ORENS).

The Subcommittee noted that some of its concerns related to diversity, representation, staffing, resident engagement, and logistics could be addressed by a new office of staff dedicated to resident engagement and neighborhood support. The mission of this department would be to work toward better representation on BCCs and the Common Council of people of color and those living with low income.

The Subcommittee discussed that such an office could be responsible for the conducting the administrative functions associated with BCCs (agendas, minutes, etc.), assist with membership staffing of BCCs, the degree of resident engagement, representation, as well as many other functions.

The Subcommittee reviewed a draft proposal, which is attached to this report. As noted on the proposal, the Subcommittee recognizes that existing city staff could not be moved into this

new department without considering replacing that staff in their former department or reconsidering the duties of the impacted departments.

c. Consider options for changing appointment powers.

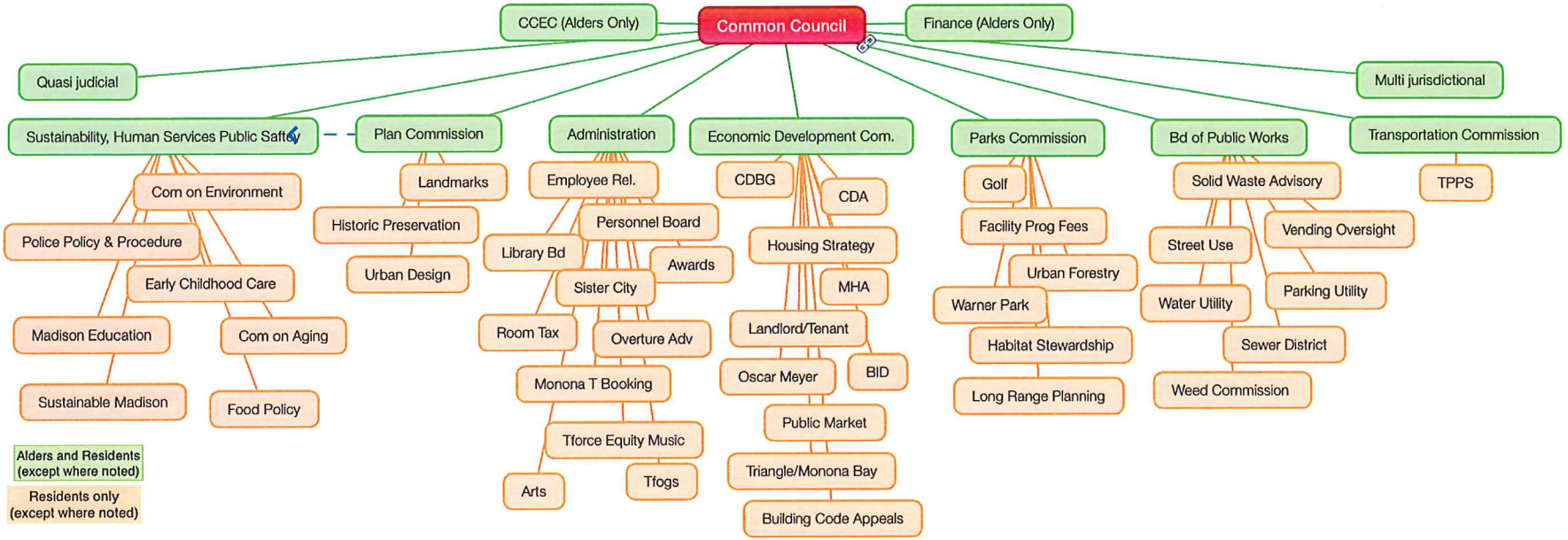
The Subcommittee identified three options for how to handle appointments to BCCs other than how they are currently handled. First, the mayor appoints all resident members and the CCEC appoints all alder members. Second, the CCEC appoints all members to policy-related BCCs and the mayor appoints all members to administration-related BCCs. And third, either the mayor or CCEC appoints all members but ordinance changes are made to allow the non-appointing entity have some identified right of refusal of appointees.

d. Creating a technology plan that will improve resident engagement.

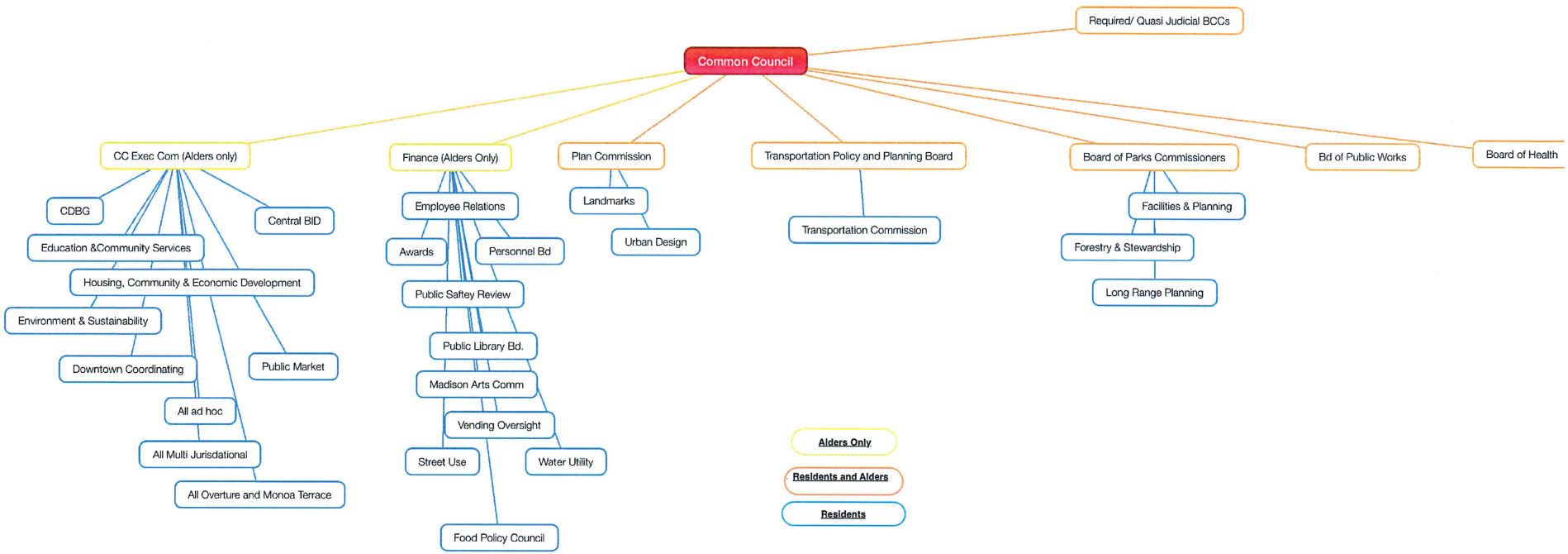
The Subcommittee believes a key component to increasing representation and resident engagement is to create a robust technology plan that will create new avenues for resident engagement. These include but would not be limited to 1) remote participation of BCC members and the public in BCC meetings, 2) notification or alerts of issues coming before BCCs, 3) platforms on which to submit feedback to certain items under consideration, and 4) a ticketing system that would allow residents to follow items of interest and see how they are resolved.

This Report was approved by the TFOGS BCC Subcommittee on March 8, 2019.

Proposed BCC Org Chart



City Attorney Proposed Alternative Committee Structure



Office of Resident Engagement and Neighborhood Support

DRAFT PROPOSAL (Changes after 2-5 BCC Sub meeting)

{DISCLAIMER: The subcommittee recognized that staff from existing departments could not be moved into a new department without considering replacing the staff that move or reconsidering the duties expected of the department from which they moved}

A recurring theme arising from the work of the Task Force on the Structure of City Government has been the need for better representation on Common Council and on City of Madison boards, commissions and committees from people of color and those living with low incomes. TFOGS has identified many barriers to participation, including:

- times and places of city meetings
- requirements for in-person participation
- lack of child care and adequate transportation
- uneven quality of training and support for members
- uneven level of staff support and resources amongst boards, commissions and committees
- unclear purpose of some boards, commissions and committees
- unclear expectations of board, commission and committee members
- difficulty in understanding and using Legistar
- general lack of civic education/knowledge about city government
- heavy workload of Alders
- historical housing patterns and current landlord practices that result in high mobility of people earning low incomes, many of whom are people of color and women raising their children without a partner

Additionally, in considering the current work-load of Alders, TFOGS subcommittees have noted that the time and work commitments for membership on boards, commissions and committees are significant, leading to questions about compensation levels and whether or not the position should be considered a full time job. TFOGS subcommittees also heard that city staff are overburdened with the work of supporting boards, commissions and committees and public engagement, pulling them away from other work commitments.

This proposal seeks to address these concerns through the establishment of an Office of Resident Engagement and Neighborhood Support (ORENS). The ORENS would be jointly supervised by the Mayor and the Common Council Executive Committee, since both offices have strong, practical interests in constituent engagement and community direction for city initiatives. This new structure of shared responsibility would be an innovation in city government that strongly

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promotes cooperation between the Mayor and the Council while maintaining the integrity, distinctive character and powers of each branch of government.

The Office would be an independent office of the City, to be headed by one director who would be a CG-21 employee chosen by the process for Department and Division Heads.

While the City of Madison purports to place a high value on resident participation, racial equity and social justice in government, there is much room for improvement in how these values are actualized. The ORENS would combine many already-existing staff positions into one office that is singularly focused on creating racial equity and social justice through training, support, facilitation and outreach to enable residents to engage at various levels of policy development and project implementation while removing barriers to participation.

ORENS functions would include:

- Recruitment of and communication with potential board, commission and committee members
- Orientation, training and support of board, commission and committee chairs and members
- Administrative support for boards, commissions and committees
- Training of staff, Alders, and board, commission and committee members in Legistar
- City-wide and District-specific communications on behalf of Council, Mayor and other city departments with no communication staff, including coordinating responses by the City-wide public information officer
- Organization and facilitation of neighborhood and community meetings
- Outreach and education about city initiatives in collaboration with other city agencies
- Organizational support for community-led initiatives
- Engage and advocate for new ways for residents to participate in decision making and give prompt and direct feedback on issues that people have expressed interest in
- Facilitate annual evaluation of boards, commissions and committees
- Provide Language access services

Already-existing staff positions that might be brought under the umbrella of ORENS include:

- Constituent Service staff – Common Council office
- Neighborhood Resource Officer – Mayor's office
- Administrative Coordinator in charge of boards, commissions and committees – Mayor's office
- Racial Equity and Social Justice Coordinator – Department of Civil Rights

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- Neighborhood Planner (x2?) – Planning
- Community Building & Engagement staff (x2?) – Community Development
- Organizational Development staff (x2?) – Human Resources
- City-wide Public Information Officer – proposed new position
- Other administrative support staff (3-4) – TBD
- IT staff ?
- Language access staff
- City Channel?

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