

**CITY OF MADISON
OFFICE OF THE CITY ATTORNEY
Room 401, CCB
266-4511**

Date: March 10, 2026

TO: Equal Opportunities Commission (EOC)

FROM: Adriana Peguero, Assistant City Attorney

RE: Questions regarding Leadership Committees of other City Boards, Commissions and Committees (BCC's) and Election Procedures of other BCC's

During recent meetings of the EOC, Commissioners and staff have discussed making changes to the Rules of the EOC regarding potentially eliminating the Equal Opportunities Commission Executive Committee and changing the way the EOC holds its elections. These changes are prompted by wanting to make the EOC more efficient and make elections more transparent.

The EOC asked the Office of the City Attorney to provide answers to the following questions:

- Do other BCC's have Executive Committees? If so, what functions do they serve?
- How do other BCC's conduct elections?

Executive Committees

From a review of our Madison General Ordinances, it appears there are only a few other BCC's that have Executive Committees: the Common Council, the Police Civilian Oversight Board and the Disability Rights Commission. The relevant provisions of the MGO's establishing the Executive Committees and their duties are as follows:

MGO 33.13 – Common Council Executive Committee

- (1) Committee Composition. There is hereby created a Common Council Executive Committee (CCEC) which shall consist of seven (7) members of the Common Council who shall serve for terms of one year, provided, however, that in the event the Common Council President serves less than a full year, the new Council President may appoint a new CCEC. The President of the Common Council shall serve as Chair. As soon as practicable after the annual organizational meeting of the Common Council, held on the third Tuesday of April of each year, the President shall appoint five (5) other members of the Council to serve on the Executive Committee. The appointments shall be submitted to the Council for confirmation. The Vice President of the Council shall serve as the seventh member of the Committee, and the immediate

past President shall, if they are a member of the Common Council, serve as an alternate member of the Committee.

(4) Duties of the Committee

a) Review and Recommendation of City Policy. The Common Council Executive Committee shall have the authority to:

1. Receive referrals of ordinances, resolutions and reports from the Common Council that are not referred to other committees, hold public hearings thereon, and make reports and recommendations on matters so referred. Notwithstanding this subsection, ordinances or resolutions relating to the structure and function of the Common Council and of other City committees should routinely be referred to the Committee.
2. Determine by motion of the Committee to discuss topics that may form the basis of future legislation to be introduced to the Council.
3. Determine by motion of the Committee to discuss topics of broad concern to the City that may not be considered in any other committee or that cross the authorities of several committees.

(b) Review of Legislation. The Committee shall:

1. Participate in the development of a City of Madison state legislative agenda and make recommendations to the Council and the Mayor as to agenda priorities. The legislative agenda would identify the City's legislative goals for the session, some of which may be submitted for introduction to the Legislature.
2. Study proposed legislation affecting the City and make recommendations to the Council and the Mayor for positions to be taken by the City on selected legislation. In those instances where prompt action is required and time and circumstances do not permit adoption of a position on specific legislation, the Mayor is authorized to act in a manner consistent with the City's legislative agenda.
3. Design strategies and make recommendations to the Council to directly involve the Council members in communicating Council positions to the Dane County State Legislative delegation on specific issues or legislation.
4. Receive reports from the City's Legislative Analyst regarding the status of the City's legislative agenda and other legislation.
5. Make periodic reports to the Council pertaining to legislative matters.

6. Conduct studies and make recommendations to the Council and the Mayor relative to state or federal legislative issues which may have an impact on City government.
7. Examine federal legislation or issues which might have significant direct impact on City government.
8. Review proposed legislative agenda from Special Committees.

MGO 39.04(6) - Disability Rights Commission Executive Committee

Executive Committee. Each year the Commission shall meet as soon after May 1 as possible to elect a Chair and Vice-Chair and such other officers as the Commission may determine. The Commission Chair shall appoint a Commission member as Chair of any other committees. The Executive Committee shall consist of all Commission officers, committee Chairs and other commission members as appointed by the Chair. The Executive Committee shall have responsibilities as assigned by the Commission.

MGO 5.20(6) – Police Civilian Oversight Board Executive Subcommittee

Executive Subcommittee. The Board shall create a five-member Executive Subcommittee, consisting of the Board Chair, the Board Vice Chair, and three (3) additional members selected by the Board. Members shall serve two-year terms on the Executive Subcommittee. Members may serve on the Executive Subcommittee for a maximum of two (2) Executive Subcommittee terms. The Chair of the Board shall serve as Chair of the Executive Subcommittee and the Vice Chair of the Board shall serve as Vice Chair of the Executive Subcommittee. The Executive Subcommittee shall meet at least monthly in order to provide feedback and direction to the Monitor in between Board meetings. At all times, the Executive Subcommittee shall keep the Board informed of the Monitor's work.

The Rules of the EOC outline the creation and duties of the EOC Executive Committee:

Rule 1.11 - The Equal Opportunities Commission (EOC) at its first regular meeting of each year shall elect a President, Vice President and a Secretary. A nominating committee will be appointed, which will identify and present a proposed slate of officers. These duly elected officers plus two EOC members elected at large shall constitute the Executive Committee to conduct Commission business between regular meetings.

For the past several years, it seems as though the only function of the EOC Executive Committee has been to set the agenda for the full EOC meeting. Per the rules, they are also responsible for taking action between Commission meetings as needed, but I don't believe there has been a need for this historically.

Per MGO 33.01(7)(c), the Chair is authorized to set the agenda for meetings, with the assistance

of City staff, if the EOC desires to change the Rules to eliminate the Executive Committee.

- (c) The chair shall set the agenda for meetings, with the assistance of city staff as needed. By majority vote, the Sub-unit may direct that an item appear on the agenda of a future meeting, provided the Subject matter is under the jurisdiction of the Sub-unit. Every Sub-unit shall include an agenda item to accommodate requests to identify future agenda matters. Discussion regarding said matters shall be limited to the question of whether the item shall be included on a future agenda and shall not include discussion related to the substance of the proposed agenda item.

Given that the vast majority of other BCC's operate without an Executive Committee and that the primary function of the EOC Executive Committee has been to set the agenda for the full EOC meeting, the EOC Executive Committee could likely be eliminated with minimal disruption to the functioning of the EOC.

In the alternative, the EOC could decide to keep the EOC Executive Committee but meet only on an as-needed basis. The downside of keeping the EOC Executive Committee is the additional labor of appointing members to this body, keeping records of who is on the body and additional caution is necessary when communicating between members of this smaller body to ensure there are no open meetings violations.

Elections of Officers of the EOC and other BCC's

Rules of the EOC on Elections

Rule 1.11 Commission Officers

The Equal Opportunities Commission (EOC) at its first regular meeting of each year shall elect a President, Vice President and a Secretary. A nominating committee will be appointed, which will identify and present a proposed slate of officers. These duly elected officers plus two EOC members elected at large shall constitute the Executive Committee to conduct Commission business between regular meetings.

The language referencing a "proposed slate of officers" has caused some Commissioners to be concerned about the transparency of how this slate is chosen and presented. The Madison General Ordinances are largely silent on how elections are to be conducted. After discussion with City staff who advise other BCC's, I have found that most BCC's simply take nominations and vote at the same meeting, in line with the minimal rules outlined in MGO 33.01(7) regarding timing of elections and secret ballots. I have drafted some proposed language to simplify elections, provide greater transparency and streamline EOC election procedures with that of other BCC's.

