



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

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

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Thursday, January 17, 2008

4:00 p.m.

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

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**1. CALL TO ORDER**

The meeting was called to order at 4:04 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  
**Others:** 3 – City Attorney Michael May, George Twigg (assistant to the Mayor), Debbie Fields (staff to the subcommittee)

**3. PUBLIC COMMENT**

None.

**4. APPROVAL OF MINUTES**

Clausius moved approval of the December 19, 2007, minutes, seconded by Konkel. Konkel pointed out an error in the minutes and recommended amending them as follows: "May suggested going stricter, creating a bright line rule stating that no one, other than alders could serve on any City board, committee or commission **for more than 10 years.**" The amended minutes were approved unanimously.

**5. DISCUSSION ITEMS**

a. Future meeting dates.

Rhodes-Conway asked Fields to speak about the availability of staffing. Fields indicated that her supervisor, Lisa Veldran, had informed her that because it sounds like the subcommittee will be convening for longer than initially expected, she won't be able to continue receiving compensatory time for serving as staff. Veldran explained that she budgets for a certain amount of compensatory time annually, and this would be in excess of that, so she needed to adjust Fields's work hours accordingly.

Fields said that because she takes the bus, she's limited in how long she can stay, but if the members wanted to continue meeting at 4:00 p.m., she could stay as late as 5:30 p.m. She also mentioned the other possible solutions Veldran had suggested:

1. Asking the subcommittee if their schedules would permit meeting during the workday (e.g., in the morning or over the noon hour).
2. Taking the staffing duties herself if the members wanted to continue meeting at 4:00 p.m. and going longer than Fields would be able to stay.

Rhodes-Conway said she thinks the subcommittee has established that mornings aren't ideal for any of the members. She said she could do 8:00 a.m. or 8:30 a.m. easily on a regular basis, but added that she knows Schumacher prefers not to meet at 8:00 a.m. Clausius said midday would not work for him at all. Rhodes-Conway asked Fields how 8:00 a.m. is for her. She said it's not a

problem. Konkel said that 8:00 a.m. is better than 8:30 a.m. for her. Clausius agreed. Rhodes-Conway said the options appear to be:

1. Meet at 8:00 a.m., which works for her, Konkel and Clausius, and apologize to Schumacher.
2. Stay with 4:00 p.m. and pledge to be done by 5:30 p.m.
3. Stay with 4:00 p.m. and, if the meeting goes past 5:30 p.m., continue to audiotape the discussion after Fields has to leave.

Konkel said she thinks they should try to alternate between 8:00 a.m. and 4:00 p.m. start times so they don't lose Schumacher.

The members agreed to keep the already-scheduled 4:00 p.m. meeting on Thursday, January 31, 2008, and to end at 5:00 p.m. due to the Neighborhood Indicators presentation. They also agreed to schedule another meeting on Thursday, February 7, 2008, from 8:00 a.m. to 9:30 a.m. They discussed trying to meet on Thursdays, following a schedule of meeting two Thursdays in a row, at either 8:00 a.m. or 4:00 p.m., and then taking a two week break to allow the City Attorney to draft any changes they proposed. Rhodes-Conway asked Fields to survey the members to determine their availability for the next couple of months in the two weeks on/two weeks off/8:00 a.m./4:00 p.m. pattern. Konkel requested that if the third Thursday of any month was one of the proposed meeting dates, that the meeting be held at 8:00 a.m. rather than 4:00 p.m.

- b. Review proposed changes to Madison General Ordinances Sec. 33.01 suggested at the December 19, 2007, meeting.

The members began looking at the changes the City Attorney had made based on the subcommittee's discussion at the December 19 meeting. Konkel mentioned that, in the Definitions section of the chapter, Board or Commission is defined as a Sub-unit of the City. She wondered if it shouldn't be defined as a Sub-unit of the Common Council instead. May answered that Sub-unit means any board, commission or committee and, since boards, committees and commissions are governmental bodies, they are Sub-units of the City, not the Common Council.

Konkel pointed out that in the definition for Board or Commission, it says "...given some independent power," but it doesn't say by whom. May said that power would be granted by the State or the City, adding that when he looks at the current Boards and Commissions in the City of Madison, he's not sure those bodies all meet that definition right now. Rhodes-Conway said she didn't want to get in the position of having to rename several bodies. May said his thought is that it would be easier to say, "Board or Commission means a Sub-unit of the City that **generally** is given some independent power to make determinations on behalf of the City of Madison." Konkel observed that that takes away the distinction between a Board/Commission and a Committee, and the whole point was to make a distinction. May said he thinks the only Boards affected are going to be the Board of Estimates, Personnel Board (possibly) and Public Safety Review Board, adding that the names of some can be changed. Rhodes-Conway wanted to postpone that discussion until after May has a chance to look at the full list of Boards and Commissions and determine which ones actually have independent power. May agreed, adding that it may be easier to say, "...means a Sub-unit of the City, **other than the Board of Estimates**, that is given..." and then change the names of the others. Konkel stated that she was thinking the same thing.

Konkel asked about the part in brackets and the question mark at the end of 33.01(3)(f). May said there are some subcommittees, created by the Council, which are not made up of members of another committee. Rhodes-Conway said we ought to be calling those task forces, and that subcommittees ought always to be comprised of members of the parent committee. Except, May said, there is some authority for two committees to have joint subcommittees. But, Rhodes-Conway said, all the members still have to be members of the two parents. May asked if that part should be stricken, and Rhodes-Conway said it should. She further suggested that "Task Force" should be separately defined. May pointed out that Task Force is defined in the definition for Committee.

Konkel asked if, in 33.01(4), orders of the Mayor and of the President of the Common Council should be required to be written. May said he thinks if it's oral, it's not an order. Konkel said she doesn't think she's ever seen a written order of the Council President creating, for example, a work group. May asked if it were, maybe, emailed. Konkel said she thinks the order probably exists in the minutes of the Common Council Organizational Committee. Rhodes-Conway said it wouldn't be difficult to write it down, and she and Konkel agreed it would be good to go through the exercise of stating the purpose of the work group.

Clausius brought up term limits as described in 33.01(5)(f), and he asked if there had been much discussion amongst the members at the December 19 meeting. He wondered if the 10-year limit hadn't been an informal rule-of-thumb for many years already, and he questioned whether the subcommittee wanted to allow some flexibility. He used his 14-year tenure on the Affirmative Action Commission and the quorum problems with that body as an example of why some flexibility might be valuable. Rhodes-Conway asked if the Council could have flexibility by suspending that rule. May said it's not a rule of the Common Council, it's an ordinance. Konkel suggested it could be built into the ordinance. May said he thinks it's a policy choice – either you keep it and make it firm, or you don't have term limits at all – and he said he doesn't have strong feelings one way or the other. Rhodes-Conway asked Twigg if the Mayor's Office has an opinion on it. Twigg said he likes the idea of having some kind of "escape hatch," like a two-thirds vote, in the event of some unforeseeable or special circumstance. The members asked May to add "...except by two-thirds vote of the Council." He asked if they wanted to require a two-thirds vote only once, at the end of the 10 years. Konkel said, no, it should come up again at every renewal after 10 years.

Twigg said the Mayor's Office has some issues with 33.01(5)(d) and (e), and more so with (e). Regarding (e), he wondered when there has been a circumstance where this has come up and been a real issue, and he stated that it appears to build in an incentive to reject an appointment. He went on to say that if this were in response to the Mayor repeatedly putting forth candidates who were unqualified or inappropriate, that might be different, but said this doesn't appear to be the case. Rhodes-Conway summarized the discussion from the previous meeting on this topic, saying that Schumacher brought it up. He said that in the world of boards and committees, those bodies often get to say they want a particular person to be appointed, that it's not solely the prerogative of the executive. He really wanted to find a way for the Common Council to have a role in offering people up for appointments. Rhodes-Conway said that in some ways, this was the compromise the subcommittee came up with: Requiring 90 days, two alders to sponsor, and a two-thirds vote to approve. She explained that that would create a position where the Common Council substantially says, "We are in agreement on this person." And she said she agrees in some ways, adding that she doesn't see the Common Council, particularly with (e), in a situation where this has come up.

Konkel added there was second issue, too. She wondered what would happen if someone's name appears for appointment and the Common Council wants to change the name, and she asked May to clarify how that would work. She asked if the Council would have to reject the name, send it back to the Mayor's Office and wait for that office to put forward another name. May said that is correct. Rhodes-Conway agreed that had been part of the discussion – that the Council can't just substitute a name into the appointment list when they're voting on it – and said that was why they had put in the part about needing two alders to introduce a name.

Twigg said he would argue additionally that this isn't really needed because, if there were a case where the Council saw fit to reject an appointee, the Mayor's Office isn't going to throw up that same person again or somebody else the Council is going to reject. May reiterated his position that appointments are normally the prerogative of the executive, and then the legislative body can say aye or nay. He said he thinks Schumacher's comments come from the world of private business and non-profits, where boards often appoint their successors, adding that is a very common practice, particularly in the non-profit world. He said he thinks a better thing would be to require the Mayor, if an appointment is rejected, to seek the input of the Council as to who would

be a good appointment, rather than having the Council as a body decide who the appointment is going to be.

Rhodes-Conway said she doesn't feel very strongly about the rejected appointments at all, but she allowed that Schumacher does feel strongly and said she almost feels the discussion should be referred until he can be present to argue in its favor. On the subject of vacancies, however, she said she's been on multiple committees that failed to make quorum because they can't get people appointed, and she described that as an incredibly frustrating experience. She said she's not sure 33.01(5)(d) is the solution, but she does believe some kind of "prod" is needed in order to get vacancies filled. She gave an example of an ad hoc committee she served on where, for months, there were at least 2 seats open, which, coupled with other members who missed multiple meetings, created quorum problems. She suggested that maybe that ad hoc's staff should have had more prerogative in going to the Mayor's Office and saying, "We need this." And, if they didn't have anyone, maybe the Mayor's Office should go to the committee and ask the membership for its recommendation. She stressed that something needs to be in place so committees don't languish in a constant failure to make quorum.

May stated that he is not as troubled by (d) for the reasons Rhodes-Conway just articulated. He said if there's a vacancy that goes for more than 90 days, the Mayor should be talking to that committee to get some names. The only reason May could see that the Mayor wouldn't want to do that is if the committee thought someone would be good, but the Mayor doesn't want to appoint that person. He thinks if the Mayor can't find someone else in 90 days, the committee should be able to say it has someone it wants who is willing to serve. On the topic of rejected appointments, however, May thinks the Council would be getting into a political process.

Clausius suggested scratching both (d) and (e) and have something drafted to address the scenario that Rhodes-Conway outlined. He said he doesn't like the part about rejecting appointments at all. Konkel suggested referring (e) until a time when Schumacher can be present. Clausius said that was fine with him. Rhodes-Conway summarized the subcommittee's decisions:

1. Keep 33.01(5)(d).
2. Flag 33.01(5)(e), and call it out specifically on the next agenda as a discussion item.

Clausius said he concurs with Rhodes-Conway that it is frustrating to sit on a committee with quorum problems due to seats that remain vacant for extended periods. He asked her if 33.01(5)(d), as currently worded, addresses her concerns. She said it, and Clausius indicated that he was satisfied with it, too, then.

Konkel asked about 33.01(5)(a), specifically about the part in brackets. May recalled that 2.05(4) says something about appointments by the Mayor, other than aldermanic appointments, are to be introduced at one meeting and referred to the next. He pointed out that it does not say anything about what happens with the aldermanic appointments, and that the subcommittee had wanted to fix that by adding into 2.05(4) that aldermanic appointments can be acted upon at the meeting where they are introduced.

Twigg said he would like to talk to Pam Williamson, staff in the Mayor's Office, and invite her to the next couple of meetings. He said sometimes there are legitimate reasons why it takes more than 90 days to fill a vacancy, even though that is not ideal. For example, he said some committee seats are set aside for a specified person – a business representative, a person from some other governmental or private agency, etc. – and that could possibly make it more time-consuming to find a candidate. The members had no objection to Williamson attending future meetings.

Konkel said she thinks 33.01(6)(a) should read, "...following election of Alders, unless otherwise designated." She pointed out that sometimes Statutes may prescribe something else, and she wondered if they had to keep adding in that stipulation. Rhodes-Conway said she thinks that the

covering clause, 33.01(2), takes care of that. May agreed. Clausius asked if 33.01(6)(a) precludes a body from electing officers every year if it wishes to. May and Rhodes-Conway replied that it does not, that this section is to instruct bodies which haven't been holding regular elections.

Konkel said she thinks the following part of 33.01(6)(b) can now be taken out because it is no longer necessary: "Alderspersons who currently chair City Sub-units 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." Clausius agreed, saying he thinks there are no alders serving as chairs any longer, adding that he thinks he was the last one.

c. Continue with work plan, starting with item #1(d): Set-up of each body.

Rhodes-Conway mentioned that it was 4:50 p.m., and she had to leave soon for the 5:00 p.m. meeting of the Long Range Transportation Planning Commission. She said her absence would not cause a loss of quorum and told the members they could continue without her if they wished. She identified the next topic of discussion as the set-up of committees, commissions, boards, authorities, work groups and task forces. She said the subcommittee has addressed the terms of officers in 33.01(6)(a) already. Konkel said she's not sure what terms and seats means. May said he assumes term means term of appointment. Rhodes-Conway agreed, and asked the members if they wanted to establish a standard term of appointment. Konkel suggested specifying two years unless otherwise designated. Rhodes-Conway asked Konkel if she had any sense of what the terms are now. Konkel said most are either two or three years, although some do have five-year terms.

Twigg asked if there is a problem the subcommittee is trying to solve. Rhodes-Conway replied that the overarching goal of the subcommittee is to attempt to standardize the baseline rules for all committees, so expectations would be clear and to simplify some elements of committee member training.

Clausius said it seems to him that the committees, commissions and boards with five-year terms are substantial bodies with a big learning curve. He questioned why the City has to have two- and three-year terms on other bodies, why all terms couldn't be either two- or three-year. Konkel said she thinks some terms are by statute. May said it might also be to stagger the time of appointments. Konkel said appointment dates occur throughout the year. Rhodes-Conway said she certainly wouldn't go below two-year terms, explaining that you want people to get on and know what they're doing and then be there for a little while. She also said she doesn't feel strongly that the subcommittee needs to standardize terms. May said he thinks it might be worthwhile, as the members start going through each committee, to look at the terms. Clausius agreed, adding there may be reasons for the terms as they exist. Konkel said she likes the idea of three-year terms because then appointments don't have to be made so often, but she added that she's torn because she knows it can be harder to get three-year commitments from people. She said she's in favor of consistency in terms of appointment, though, unless there's a rule somewhere that would preclude standardization. Rhodes-Conway asked May to write language that would make appointments be for a standard three-year term, saying that the subcommittee will keep that in mind as they go through the individual committees so they can do a check on how many things they would be throwing into chaos.

May asked about appointments of alders. Rhodes-Conway said those are separate. Konkel said she thinks it says two years somewhere. Twigg said it's because alder appointments are always made when a new Council is seated. Rhodes-Conway said the alder appointments are covered more in Chapter 2, but that it should be checked to make sure. May said alder appointments should be two years.

Konkel said that when she read the report of the Committee on Committees, it appeared people were upset about alternates, but she couldn't recall why that was an issue. She also recalled there had been discussion about how alternates become full members, but pointed out that some

alternates never become full members, they're stuck being alternates forever. This created some frustration, because the alternates spent much time, energy and effort and only got to vote if someone didn't show up. She wondered if there shouldn't be some sort of automatic "rite of ascension" into the next vacant seat. Rhodes-Conway thought an alternate could be transitioned into an open seat as long as there were no restrictions on the seat. She agreed that this a good issue to be raised and made a couple of suggestions:

1. Putting in language that would say that when there is a vacancy, any alternate shall be considered for that.
2. Handling this as more of a training issue, not an ordinance issue, perhaps through Administrative Procedure Memorandum (APM).

Twigg said he thinks we don't want to be locked in, for example in a case where the City is trying to increase diversity on a committee. Rhodes-Conway suggested flagging this as an issue as well.

Rhodes-Conway identified operating rules as the next issue for the subcommittee. She said in her mind, the most productive way to approach this issue is to define the baseline rules the members want in the ordinances, beyond saying, "You shall operate by Roberts Rules." She asked the will of the body: To start talking about 33.01(7) without her or to adjourn and take it up at the next meeting. The members decided to stop at this point. Rhodes-Conway asked them to begin thinking about what baseline operating rules they should specify. She specifically asked them to think about 33.01(7), Attendance, Quorum and Voting, and 33.01(8), Minutes and Rules of Procedures. May added that he would like to the members to also think about whether any of the items in Chapter 33 should be moved to Chapter 2.

## 6. FUTURE MEETING DATES

The next two meetings are scheduled for:

- Thursday, January 31, 2008  
4:00 p.m. – 5:00 p.m.  
City-County Building, Room 417  
210 Martin Luther King, Jr. Blvd.
- Thursday, February 7, 2008  
8:00 a.m. – 9:30 a.m.  
City-County Building, Room 417  
210 Martin Luther King, Jr. Blvd.

## 6. ADJOURNMENT

Konkel moved, seconded by Clausius, to adjourn. The motion passed by acclamation, and the meeting was adjourned at 5:00 p.m.