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

Date: February 28, 2019

MEMORANDUM

TO: CCEC

FROM: Michael P. May, City Attorney
John Strange, Assistant City Attorney

RE: Update on TFOGS

The Task Force on the Structure of City Government (TFOGS) is carrying out most of its work through subcommittees. The two most significant subcommittees are the ones on the Common Council and the one on Boards, Commissions and Committees (BCC). Those two subcommittees are reviewing draft of the reports they will make to TFOGS on March 12. Copies of those draft reports are attached.

Two other subcommittees are working on other topics. The executive Subcommittee is looking at issues related to future meetings and reports, method of appointing department heads and staffing in the Mayor's office. The Communications subcommittee is examining how TFOGS will seek more resident engagement prior to preparing its final report.

We still think the Task Force is on track to finish its report by July 1. TFOGS has a tentative schedule for 2019:

CC: Mayor Soglin
All Alders
TFOGS Members
TFOGS Staff List

Common Council Subcommittee Report to the Task Force on Government Structure

DRAFT - 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 structure of the Madison Common Council ("CC"):

- The powers and duties of the Common Council;
- The powers of Council members to chair meetings of the Common Council, Finance Committee, and other boards, commissions, and committees ("BCCs");
- The attributes of councils with full-time members, part-time members, and those considered to be volunteer councils performing duties for a nominal salary or honorarium;
- The number of Council members and the impact on effective representation of residents in general and people of color and those living with lower incomes in particular, functional of the body, and city government services;
- District vs. at large elections for Council members;
- Remuneration of Council members include a process for a change in pay;
- The size and cost of Council staff;
- 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 Common Council Subcommittee ("Subcommittee") to help to assist in the consideration of these issues. The Subcommittee consisted of John Rothschild (chair), Justice Castañeda, Eric Upchurch, Alder David Ahrens, Ronald Trachtenberg, and Maggie Northrop (alternate). The Subcommittee met nine (9) times between November 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]

[1] https://madison.legistar.com/LegislationDetail.aspx?ID=3712917&GUID=19073190-C3B4-42D1-BAB2-BA9442FDF39D&Options=ID|&Search=53673

[2] https://www.youtube.com/user/BrendaKonkel/videos

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 Subcommittee's discussions, and highlight the positive and negative aspects of alternatives considered by the Subcommittee.

It is not the intent of this Report to recommend that the TFOGS take a specific course of action, but rather, to identify the key considerations of changing any one component of the Common Council structure. The Report also identifies some tangible actions the City could take to improve resident engagement and Common Council decision-making even if it were to make no structural changes to the Common Council.

II. The Subcommittee created a detailed work plan to discuss each issue listed in the Resolution.

The subcommittee used the issues identified in the Resolution to inform the topics and issues it would discuss:

1. Full vs. Part time alders or hybrid
2. Alder Terms (2 v 4 years)
3. Number of Alders/Districts
4. Staggered Terms
5. At-large vs. Geographic Districts or hybrid or numbered districts.
6. Term limits.
7. Redistricting considerations including diversity representation.
8. Compensation levels.
9. Compensation and term of Council President and Vice President.
10. Support staffing levels and training for Council members.
11. Alders serving on BCCs.
12. Appointment of Council Members to BCCs.
13. Appointment of residents to BCCs.
14. Council Members as Chairs of BCCs.
15. Structural and procedural issues relating to equity and meaningful engagement of residents in council decision-making, including time, place and length of Council meetings, budget development, barriers to resident participation and accountability.

The Subcommittee worked through this plan twice. In doing so, it observed that while the Resolution posed these issues separately, they are very much intertwined. For example, the subcommittee noted that switching to a Common Council comprised of full-time alders (Topic Area 1) would require a reduction in the number of districts/alders (Topic Area 3) and, very likely, the provision of additional staff for alders (Topic 10).

Despite this interrelatedness, the Subcommittee believes that any overall recommendations the full Task Force makes should take into account the pros and cons of making changes to each

specific issue or topic area so that the Task Force can be aware of the overall impact of any decision. Thus, for each issue, the Subcommittee compiled a list of pros and cons to making changes in each topic area.

In considering specific alternatives, the Subcommittee noted that the Task Force should also address underlying philosophical issues that relate to the purpose and function of city government. For example, in consider whether to have full-time alders or increase alder pay, the subcommittee and Task Force should consider more basic questions, such as whether we view membership on the Common Council a "government job" or a "volunteer public service."

III. The Subcommittee identified the positive and negative aspects of the various issues raised by the Resolution and, in a few instances, reached consensus regarding which alternative may be best for the City.

a. Full-time vs. part-time alders.

The subcommittee noted that moving to full-time alders would also likely mean moving to a smaller council that is paid a full-time salary. With that in mind, the Subcommittee noted that a full-time council could have some positive effects, including:

- Having alders who are able to dedicate all of their professional time to the work of the city instead of possibility balancing two jobs and any other responsibilities they may have;
- Making the position of alder more attractive to candidates who may have otherwise been unable to participate on a part-time council with part-time pay;
- Having alders who would likely have larger districts and therefore be less likely to be influenced by a vocal minority of people in their districts; and
- Having alders who may be better positioned to consider the best interest of the entire city and not necessarily just their individual districts.

The subcommittee also noted possible negative effects of moving to a full-time council, including:

- Professionalizing the position of alder, resulting in bigger campaigns, more money, and more influence from moneyed interests;
- Creating alders who may be less connected to their constituents and more removed from local or district issues;
- Discouraging individuals from running for alder for fear of leaving a current job and then losing re-election two years later; and
- Risk losing the varied backgrounds and job experiences often found on a larger part-time Common Council.

In addition to these possible positive and negative effects, the Subcommittee noted it was unsure whether moving to a full-time Council would have a tangible impact on

representation or participation by communities of color and low income communities, and whether, specifically, it would result in Common Council that is more or less representative of the City than the current Council.

Ultimately, the Subcommittee did not reach consensus on whether the TFOGS should recommend moving to a full-time Common Council.

b. 2-year vs. 4-year terms.

The Subcommittee noted that the current 2-year term requires more frequent campaigns and, thus, more direct alder-constituent contact. However, the more frequent campaigns also end up requiring new alders to run for reelection just as they are becoming familiar with the position and, potentially, has the effect of driving up overall campaign costs (for both the alder and the city) by requiring more frequent elections.

The latter concerns about the 2-year term, however, were not enough to create a consensus on the Subcommittee to recommend a switch to 4-year terms. The Subcommittee noted that 4-year terms may also have some negative effects, including professionalizing campaigns and potentially discouraging candidates who may not know whether they will be living in a district for longer than two years.

The Subcommittee noted that if other circumstances surrounding the structure of the Common Council were to change, such as moving to a full-time Common Council, this issue should be revisited.

c. Number of alders/districts.

The Subcommittee noted that whether to reduce the number of alders and districts was highly intertwined with the issue of whether to have full- or part-time alders. For example, if the TFOGS recommends moving to full-time alders, then it would likely, for financial reasons, need to reduce the number of alders and districts. Thus, many of the positive and negative effects noted for full-time alders would apply to a potential reduction of alders and districts as well. Additionally, the Subcommittee noted that reducing the number of alders and districts would, on paper, make Madison's residents per council member closer to other cities and, therefore, potentially reduce the influence of the vocal minority whose voices tend to drive the narrative in smaller districts.

The Subcommittee revisiting this discussion in a later meeting. After much discussion, the consensus of the subcommittee was that reducing the size of the council would not necessarily result in better representation. Moreover, they explored the philosophical underpinnings of the job of alder and indicated support for the resident-alder "volunteer" focused on service rather than professional politics. The Council also discussed the possibility of increasing the size of the Council and the possibility of keeping the size of the Council the same (20 alders) but having two alders per district and reducing the number of districts to 10. Ultimately, the Subcommittee did not reach consensus that changing the size of the Council

was the best way to address issues like representation. [Note somewhere in here that the subc noted the high % of survey respondents who opposed reducing the size of the Council.]

d. Staggered alder terms.

The Subcommittee reached consensus that the TFOGS should recommend against moving to staggered terms. It saw no real advantages to moving to staggered terms, even if the City were to increase Common the Common Council to 4-year terms, make it full-time, or change the characterize of district representation (i.e., at-large versus geographic).

e. At-large vs. Geographic Districts.

The Subcommittee noted that having geography in and of itself as a basis for district delineation can be an inherent problem that promotes parochialism and strengthens the impact a neighborhood association and the vocal minority can have on a particular alder. Thus, the Subcommittee noted that moving from geographic to at-large districts could have the positive effect of requiring alders to consider issues in relation to what is good for the entire city, not just their district or the individuals who are able to participate in the discussion. The Subcommittee noted that, though unknown for sure, moving to at-large districts may increase representation with more people of color being elected.

These potential positive effects of at-large districts could, the Subcommittee noted, come at the cost of forgoing some of the positive effects of geographic districts, including 1) promoting a greater awareness of district specific issues, 2) giving residents a direct connection to their geographic alder and making resident engagement easier, 3) making it easier for alders to directly interface with particular neighborhood groups or associations. Moreover, the Subcommittee noted that while moving to at-large districts could increase representation, it could also have the opposite effect, citing Janesville as an example of a city with at-large districts with all members hailing from the wealthy side of town.

The Subcommittee also discussed the possibility of moving to a hybrid system of both at-large and geographic districts. This would make it possible to combine some of the positive aspects of both. However, the Subcommittee noted that many cities using a hybrid system have a City-Manager form of government where the mayor is the only at-large member of the Common Council. The Subcommittee noted that were their more than one at-large member, this could result in an unequal power dynamic where the at-large members have (or at least claim) more influence than geographic members. It may also create a slate of potential contenders to the mayor because at-large alders are elected city-wide.

When the Subcommittee revisited this issue, some members grew more comfortable with the idea of moving to at-large districts, citing the long history of Madison having an under-representative Common Council (compared to the history of the Madison School Board), thus questioning whether there could be any real downside to trying an alternative form.

Ultimately, the Subcommittee did not reach consensus whether the City should explore a different form of alder representation.

f. Term limits.

The Subcommittee noted that term limits may result in fresh candidates and new ideas. Moving to term limits may also result in more competitive elections and, perhaps, less influence from outside groups. At the same time, the Subcommittee noted that imposing term limits would deprive the Council of experienced leaders, infringe on the democratic process, increase the influence outside professionals or staff may have on short-time alders, and impact the ability of alders to follow through on long term projects or funding.

The Subcommittee also noted that the part-time council tends to term limit itself, with most alders likely to spend 6-8 years or less on the Common Council. Thus, while term limits may be a good idea if the City moves to a full-time Council by discouraging "career" politicians, it likely is not necessary for the current part-time structure. Accordingly, the Subcommittee reached consensus that it is not in the best interest of the City to impose term limits unless, perhaps, the City moves to full-time alders.

g. Redistricting considerations and diversity representation after the Census.

The Subcommittee does not believe the TFOGS is in a position to make any recommendation on this issue. It noted the limitations of the federal census in identifying all residents, the complex nature of Madison's historical housing patterns, and how these two combine to make "districting" a difficult marker for representation. The Subcommittee suggests that an expert be consulted after the 2020 census to consider this issue in a way that takes into account these two challenges.

h. Compensation levels for Common Council Members.

One of the core issues facing the Common Council is the amount of time required for service, which raises, among other issues, whether alders are being properly compensated for their time. The time alders spend on city business depends on the alder, with some working 10-20 hours per week and others upwards of 30-50 hours per week. Their time is spent attending BCC and Common Council meetings and completing the general work of an alder (addressing constituent concerns, pursuing policy objectives, and communicating with City staff). Thus, the Subcommittee considered whether increasing the compensation level for alders would 1) properly compensate alders for time spent on city business, 2) attract more candidates to run for alder, or 3) make it more feasible for low-income individuals to serve on the Common Council.

The Subcommittee agreed that they generally view the position of alder as being one of service, not profession -- thus affirming the traditional Madison view of the Council -- suggesting that pay should not be the primary feature of the position Also, some subcommittee members questioned whether, as a matter of principle, alders should be paid

more than the living wage set by the City unless and until the City raises the living wage. Other members noted, however, noted that the current salary (roughly $13,000 per year) may discourage certain people, including those of low income, from running for alder because of the significant time commitment and lack of compensation or other resources (childcare, parking, etc.) to make the job more feasible. Thus, the Subcommittee noted a quandary: pay alders too little and you risk discouraging participation and making the job of alder more difficult given the significant time requirements; pay alders too much and you risk professionalizing the position and using money for alder compensation that could be used for resident services. Brenda Konkel pointed out that, in addition, some low-income residents may actually be dissuaded from becoming an alder if the salary was too high that it risk other benefits, although, under state law, elected officials may decline all or part of their salary.

The Subcommittee did not reach consensus on whether the salary should be raised, but suggested the TFOGS should obtain rough estimates of what certain increases may cost. Further, and as detailed below, the Subcommittee noted that the TFOGS could recommend initiatives other than a bump in salary (such as free parking, child care, etc.) that may help alleviate some of the stresses of being alder.

i. Term of Council president and vice-president.

The current 1-year term of the Council president and vice-president results in frequent turnover of the positions. As a result, the Subcommittee noted that by the time the Council president becomes comfortable in the role of Council President their term is almost over. Increasing the term to two (2) years would alleviate this potential problem. However, increasing the term to 2 years (the length of a Common Council term) would mean that some members only serve under one President. Moreover, it would reduce by half the number of members who are allowed to cycle through the position and become familiar with the role.

During the time period that the Subcommittee met, an ordinance was introduced and referred to the TFOGS that would increase the Council President's term to two years. The TFOGS noted that the Subcommittee had not reached consensus on the issue and the full TFOGS had not yet addressed it and, therefore, chose to recommend to place the ordinance on file without prejudice.

j. Support staff for Common Council Members.

The Subcommittee deferred this issue to the BCC Subcommittee.

k. Alders service to BCCs.

The Subcommittee deferred this issue to the BCC Subcommittee but noted that BCC services is one of the major draws on alder time.

l. Appointment of Council Members to BCCs.

The Subcommittee deferred this issue to the BCC Subcommittee.

m. Appointment of Residents to BCCs.

The Subcommittee deferred this issue to the BCC Subcommittee.

n. Council Members as Chairs of BCCs.

The Subcommittee deferred this issue to the BCC Subcommittee.

o. Structural and procedural issues relating to equity and meaningful engagement of residents in council decision-making.

The Subcommittee noted several structural and procedural aspects of the current Common Council structure that potentially discourage or inhibit resident engagement. Currently, Common Council meetings are held at 6:30 p.m. every other Tuesday. Members of the public are allowed to speak at Common Council meetings for five (5) minutes at public hearings and three (3) minutes for other agenda items. Meetings are run according to Robert's Rules, which assist the Common Council to run an orderly meeting. Finally, the Common Council utilizes the consent agenda to quickly move through non-controversial items.

Despite these known characteristics, the Subcommittee noted many challenges to the current structure of Common Council meetings, including:

- Meetings last late into the night because there is no time limit for debate. This can be a major barrier to people who cannot spend their entire evening at the Common Council meeting, work early the next day, or take public transportation that stops operating after a certain hour. Furthermore, late meetings tax older members in particular as well as anyone who tends not to function well late at night or on little sleep. Yet, many very important decisions are made late at night, such as the budget.
- It is good to allow public comment, but this may be less impactful than it should be because the current structure requires physical presence at a downtown location, a limited about of time to speak, and the uncertainty of knowing when a specific item will be called to the floor. Thus, public engagement in this form tends to be anecdotal rather than empirical and objective, and policy decisions can be manifestation of input received by those few who are able to attend and express their personal opinions.
- It is good to have a known time and place for meetings, but this may serve as a permanent barrier to entry to those who cannot travel downtown or work at night. Moreover, a lack of parking downtown and lack of childcare may further inhibit participation by privileging those who can afford to pay for childcare and parking so that they can attend a Council meeting.

- Robert's Rules provide some structure, but other rules are often enforced unevenly or not at all. For example, there is a rule regarding how long alders can talk on any one item, but it is not enforced.
- Robert's Rules themselves can be problematic because few know and understand them and they may be intimidating or confusing to anyone who is not familiar with them.
- The physical set up of the Council chambers is, in and of itself, not conducive to public engagement because the public is pushed off to the side.

The Subcommittee also noted many challenges surrounding other aspects of the Common Council decision-making process, including primarily that Legistar is very difficult to learn and use and, therefore, information regarding upcoming Council decisions is difficult to obtain.

IV. The Subcommittee identified a range of possible solutions to address any negative aspects of the current structure of the Common Council.

The Subcommittee generally agreed on a range of possible actions the City could take, without making changes to the actual structural nature of the Common Council, that would improve the Common Council's decision-making process and ability to engage residents:

- Provide day care.
- Validate parking.
- Allow videos to be submitted for testimony.
- Allow live public participation at Council meetings by electronic means such as the internet or from remote centers of the city.
- Allow public comments on agenda items to be considered in advance of a meeting by allowing individuals to register in favor or opposed through a system that notifies residents of decisions to be made and asks for input.
- Separate Public testimony from legislative debate and action by allowing individuals to provide input at the beginning of Council meetings regardless of when the item on which they wish to speak is taken up by the Council. This may prevent people from leaving the meeting when their item is not taken up until late at night.
- Vary meeting locations.
- Reconsider rule requiring 24 hour notice for BCC members to appear by telephone if state open meetings rules are ever changed.
- Make written comments available to the public and Council members at the time of the meeting.
- Review and incorporate some of the suggestions from the Austin (TX) 2016 Engagement Study.
- Avoid late-night meetings. Reduce overall length of meetings.

- Adhere to and/or change current rules regarding the length of alder statements at Common Council meetings.
- Improve accessibility of Legistar.
- Create way for people to provide input in Legistar.
- Provide classes for the public to learn how to use Legistar.
- On city website, allow option for having a chat with a city employee who can direct a resident in the right direction should they have an issue or question about government services.
- Continue working towards having 311 number for city services.
- Maintain subscription lists for Common Council and BCC items so that residents can be made aware of issues coming before a body through an email blast or text message.
- Review customer relation software options that may create better processes for residents to navigate city services, such as through ticketing system where issues are ticketed, followed up on my staff, and then the results reported back to the person requesting the service.
- [listed above]Review agenda setting procedures.
- Consider the option of bifurcating public testimony and legislative sessions.
- Add more than just the name of meetings to the city calendar so that more information can be obtained with 1 click, instead of requiring multiple clicks to get relevant and substantive information about a meeting.
- Consider the possibility of creating an office of community representation/engagement.

V. The Subcommittee further explored the current state of City Technology and what changes are necessary to increase resident engagement through technology.

As noted above, one of the major challenges facing the Common Council, regardless of the structure it ultimately takes, is the inability to facilitate resident engagement and participation through technology. The Subcommittee received a presentation from City IT Director Sarah Edgerton and IT Media Leadworker Boyce Johnson to discuss the City's existing and future capabilities.

A memorandum prepared by City IT is attached to this Report summarizing their presentation. The Subcommittee came away from the presentation believing that the City needed to invest in and prioritize those technological advancements that would address this problem, including the ability to 1) broadcast or stream Common Council meetings from a variety of locations in the City, 2) facilitate remove resident and member engagement, and 3) facilitate other forms of resident engagement through the use of technology.

The Subcommittee acknowledged the City's current limitations, but noted that other City's have been doing some of these things for quite some time and questioned why the City has not invested the resources to do it as well. The Subcommittee thus requested that City IT to prepare an estimate of the cost of the technological advancements discussed that would allow the City greater ability to hold meetings in remote locations and allow residents to participate from remote locations. The Subcommittee will provide this Report to the TFOGS as soon as it is received.

VI. Conclusion

The individual structure issues addressed by the Subcommittee are, in most cases, very intertwined. Thus, the Subcommittee pointed out the positive and negative aspects of each changes so that the TFOGS can analyze to potential impact of any recommendation it makes. I

The Subcommittee strongly believes that, even if no structural changes are made, the TFOGS can make recommendations about specific actions that could greatly improve resident participation and engagement and, hopefully, result a more inclusive and representative Common Council decision-making process.

CITY OF MADISON

INTER-DEPARTMENTAL

CORRESPONDENCE

DATE: February 1, 2019

TO: Task Force on the Structure of City Government ("TFOGS")

FROM: Sarah Edgerton, IT Director
Boyce Johnson, Digital Media Manager

SUBJECT: **Information Technology Presentation to TFOGS Subcommittee on** existing and future capabilities to hold meetings or take public testimony from remote locations

Background

One of the most significant deterrents to public participation in local government, identified by TFOGS, is attending meetings downtown. Therefore, TFOGS would like to pursue the idea of offering remote locations for meetings.

The TFOGS Task Force asked Information Technology (IT) staff to prepare a memo to discuss what it would take to hold meetings or take public testimony from remote locations. They also asked IT to discuss what capabilities the City currently has to do these things now, and what it would take in terms of investment, such as, the costs of such a system, staffing, and/or what alternatives might exist to provide these services to our residents.

The Current State and Future State: Madison City Channel Coverage by the Media Team

The Media Team currently covers regular meetings of eight bodies for an average of just under 12 meetings a month. In addition to 137 such meetings covered in 2018, we covered 55 special meetings, including presentations before the Common Council, Department/Division Head Meetings, and meetings of bodies such as the Oscar Mayer Advisory Committee, Police Policy Review Committee, Work Group on Surveillance Policies, and Task Force on Government Structure. We also covered 56 non-meeting events including press conferences, award ceremonies, and panel discussions. Additionally, there were 77 studio productions, 85 field productions for video projects, and 56 Monona Terrace productions.

Future State: Testimony Via Video Recording

Allowing public testimony via video recording could mean one of two things: It could mean submitting some kind of pre-recorded video file to a body or it could mean using some kind of videoconferencing technology to present live testimony to a body from a remote location.

If it's the former, the video recording could either be accepted by the body as a communication or correspondence or it could be treated as testimony. In either case, there would have to be rules about what formats are acceptable and submissions would have to be received with ample time allowed to be reviewed by staff and transcoded into a format that would be accessible to members of the body. This would likely mean publishing them as streaming files that could be accessed via a link. If it's treated as correspondence, a link could be provided along with other letters, email messages, etc. received by the body. Presumably, open records laws would apply in the same way for any of these formats. If it's treated as testimony, the meeting would have to be held in a room with video playback equipment that would allow it to be seen and heard by members of the body and any staff or members of the public in attendance. If the meeting was covered for Madison City Channel, it would need to be in a room in which that content can be captured so that it can be seen and heard by the television and/or streaming audience. People who testify in person have to fill out a form to verify their identification and address and identify affiliations or lobbying activity. There would have to be an online process to gather that information and match it to submitted video testimony. Video correspondence or testimony has the same drawback as written correspondence in that it affords no opportunity for members of the body to ask questions. It's also potentially problematic in that not everybody has access to technology to record testimony, and there could be a large range in quality among submissions based on the kind of technology and expertise accessible to various users.

If it's the latter, videoconferencing methods identified for use by members of the body could also be employed by the public. In either case, equipment would need to be available in the room to ensure that members of the body could see and hear the person on the far end of the conference, and that the person on the far end of the conference could see and hear all members of the body and any presentation materials that are visible and audible in the room. Madison City Channel coverage would require the person on the far end of the conference to be seen and heard by the television and/or streaming audience, as well. There are currently no rooms that allow this functionality. One of the rooms in the remodeled Madison Municipal Building was designed for integrated videoconferencing and Madison City Channel coverage, but the videoconferencing features have not been added yet.

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

DRAFT -- 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 ten (10) 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 Report to recommend that the TFOGS take a specific course of action, but rather, to lift up major

[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

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 way 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 lacks diversity.

Of the current BCC members, less than 25% are people of color. 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. Moreover, 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.

The Subcommittee noted this data suggests that the current composition of the many City BCCs lacks diversity in ways that make it unrepresentative of the entire City. Thus, while the BCC system is supposed to create a robust forum for resident democracy, the 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 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

[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 I 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.

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 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 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 not topics or issues that are or could be handled by staff. 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 TFOGS to identify individual BCCs that should be recreated with a more defined purpose, eliminated because no longer necessary, or combined because of redundancy, but believes the TFOGS could 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.

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 do 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 for members of the public or the untrained to use, thus inhibiting their 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 candidly noted the reluctance of people to serve on BCCs either because it is a waste of time or they cannot dedicate the time required to serve.

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 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 political 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.

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.

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.
- Eliminate BCCs that have outlived their usefulness.
- Eliminate BCCs that perform work that would better be performed by staff or a non-government organization.
- Eliminate or combine BCCs that work on the same or similar subject areas.
- 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 "mother committees," require alders to only serve on those committees, and have all other resident committees organized to report to one mother 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 "mother committees" and "resident committees." Alders would serve on "mother committees" which would oversee the "resident committees" grouped beneath it. The resident committees would be grouped, generally by topic area, under each mother committee and would be required to report to the mother 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 and B, 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.

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

The Subcommittee noted that some of its concerns related to the 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.

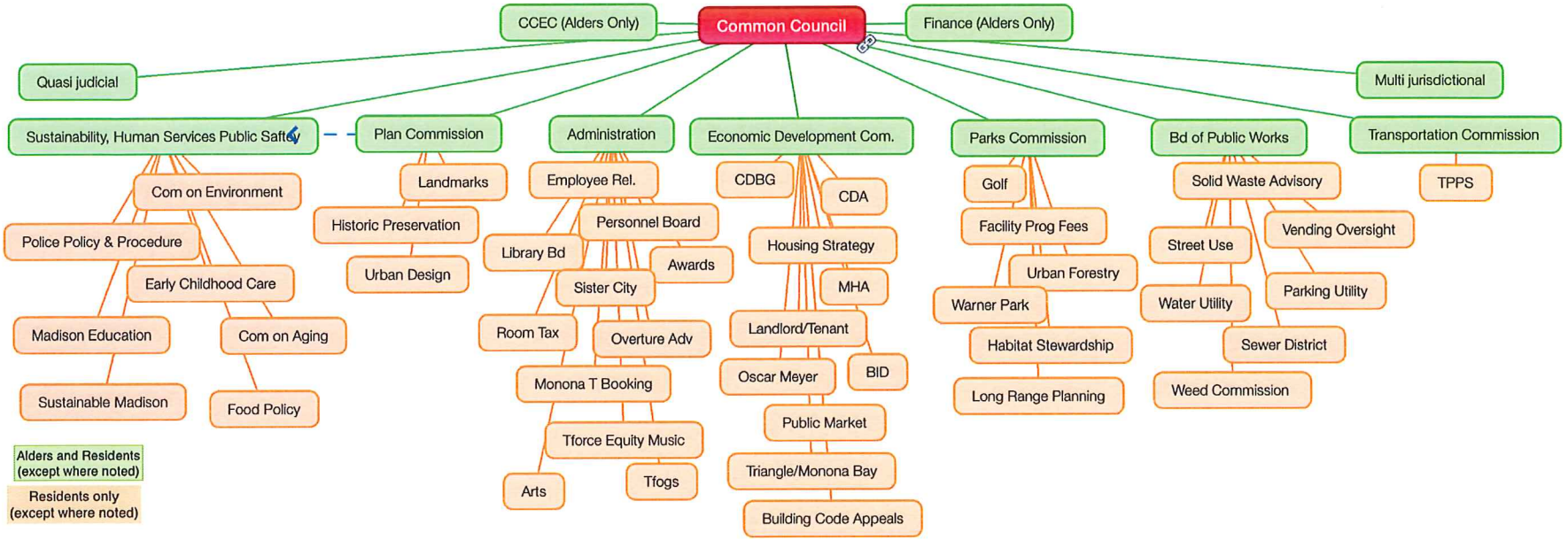
The subcommittee identified three options for how to handle appointments to BCCs other than how they are currently handled. First, the mayor appoints all resident members and the CCEC appoints all alder members. Second, the CCEC appoints all members to policy-related BCCs and the mayor appoints all members 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.

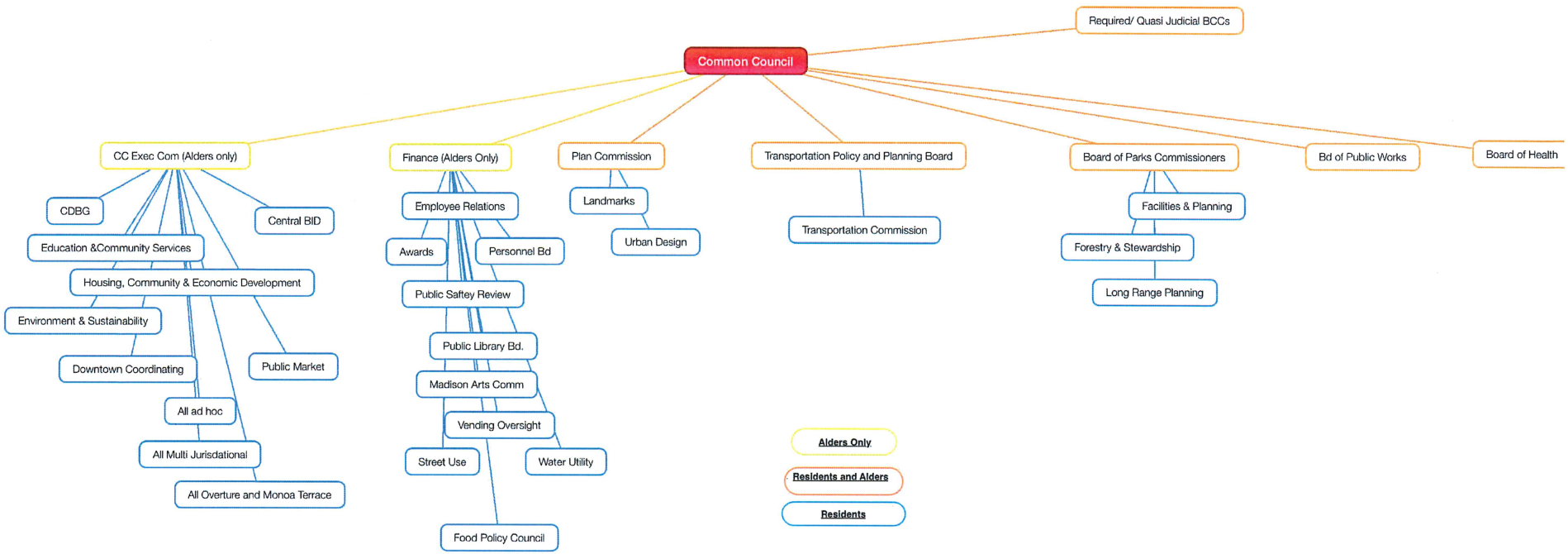
The Subcommittee believes a key component to increasing representation and resident engagement is to create a robust technology plan that will create new avenues for resident engagement. These include but would not be limited to 1) remote participation of BCC members and the public in BCC meetings, 2) 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 _____, 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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