

**RULES OF PROCEDURE AND BASIC POLICIES AND PROCEDURES OF THE CITY OF
MADISON
BOARD OF PARK COMMISSIONERS**

Section I. ADMINISTRATIVE AUTHORITY.

A. ~~A.~~ Rules of Procedure and Basic Policies.

These Rules of Procedure and Basic Policies ("Policies") are hereby established as required by MGO Sec. 33.05(3). These Policies govern the operation of the Board of Park Commissioners (referred to interchangeably in these Policies as the "Board", "the Commission" and "the Park Commission") in accordance with MGO Secs. 33.01(9)(b) and 33.05(3). These rules are effective as of _____, 2020. These rules may be amended from time to time by the Board.

B. The Board's Statutory Authority.

The Board has unique powers, compared to other City Boards and Commissions, over the City's parks. Under Wis. Stat. Sec. 27.08(2), the Board of Park Commissioners (Park Commission) is specifically empowered and directed to do the following:

1. To govern, manage, control, improve and care for all public parks, parkways, boulevards and pleasure drives located within, or partly within and partly without, the corporate limits of the city, and secure the quiet, orderly and suitable use and enjoyment thereof by the people; also to adopt rules and regulations to promote those purposes.
2. To acquire in the name of the city for park, parkway, boulevard or pleasure drive purposes by gift, devise, bequest or condemnation, either absolutely or in trust, money, real or personal property or any incorporeal right or privilege. Gifts to any city of money or other property, real or personal, either absolutely or in trust, for park, parkway, boulevard or pleasure drive purposes shall be accepted only after they shall have been recommended by the board to the common council and approved by said council by resolution.
3. Subject to the approval of the common council to buy or lease lands in the name of the city for park, parkway, boulevard or pleasure drive purposes within or without the city and, with the approval of the common council, to sell or exchange property no longer required for its purposes. Every city is authorized, upon recommendation of its officers, board or body having the control and management of its public parks, to acquire by condemnation in the name of the city such lands . . . as it may need for public parks, parkways, boulevards and pleasure drives. . . .

C. Ordinance Authority.

In addition to the powers conferred by Wis. Stat. Sec. 27.08, and recognized by Madison General Ordinances (MGO) Sec. 33.05(1), the Board has the following powers under the City's Ordinances: the Board oversees numerous park use related permits as provided MGO Chapter 8; the Board serves as an appeal body for certain determinations of the Park Superintendent or City Forester (e.g., suspension or revocation of certain licenses under MGO Sec. 33.05(4), denial of permits under MGO Sec. 8.33 and 10.101); and the Board grants permits relating to the planting, pruning and removal of trees in the right-of-way (MGO Secs. 23.21 and 23.22).

D. Other Authority.

1. The City Forester is subject to the supervision and control of the Board under Wis. Stat. Sec. 27.09(1), although by ordinance the Forester is also subject to the supervision and control of the Streets Superintendent and the Board of Public Works.
2. The Board has been tasked with the management and control of the City-owned Forest Hill Cemetery under Sec. 8.11 and, pursuant to Wis. Stat. Sec. 157.11, is tasked with making regulations for the management and care of the Cemetery.

E. Citizen Concerns, Compliments or e

All Park Commissioners and the Superintendent of Parks welcome citizen input. The rules of procedure as amended February 2006 govern the operation of the Board of Park Commissioners.

Communications by writing are most helpful and should be addressed to pacommission@cityofmadison.com or the Park Commission, 210 Martin Luther King Jr Blvd, Room 104, Madison, WI 53703.

Section II. MEMBERSHIP AND OFFICERS.

A. Membership and Terms.

The ~~Park Commission~~Board shall consist of ~~five citizens~~seven (7) members, also referred to in these Policies as "Park Commissioners". Of these, five (5) shall be residents of the City of Madison, appointed, ~~one each year for a term of five years~~, by the Mayor and confirmed by the Common Council, ~~each for a five-year term~~, and two (2) shall be Alderpersons appointed by the Mayor and approved each April by the Common Council, each for a two-year term, beginning on the first day of May. No member shall serve for more than two terms unless authorized by the Common Council. Vacancies shall be filled in a similar manner for the balance of the term so vacated. ~~The Superintendent of Parks shall serve as ex officio, non-voting member of the Commission.~~

B. Officers.

A President and Vice--President of the CommissionBoard shall be elected by a majority of the Board for a two-year term at theits regular meeting in JanuaryMay and shall officially take office after the elections for the remainder of the regularthat meeting in January. The President shall preside at all meetings, appoint committeessubcommittee members, and perform such other duties as may be ordered by the Commission.Board. In the absence of the President, the Vice--President shall preside. In the absence of both the President and Vice--President, the CommissionBoard shall select an acting President from its membership. "President" and "Vice-President" may be used interchangeably with "Chair" and "Vice-Chair", respectively, as those terms are found in the applicable Madison General Ordinances.

C. Duties of the Secretary.

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Section III. MEETINGS.

A. Regular Meetings.

Meetings of the Commission shall be held at 6:30 p.m. on the second Wednesday of each month at the ~~Warner Park Community Recreation Center, 1625 Northport~~Goodman Maintenance Facility, 1402 Wingra Drive, unless otherwise noticed. When the Regular Meeting falls on a legal holiday, the meeting shall be held the next Wednesday, unless the Commission elects otherwise.

B. Special Meetings. e2448 hours prior to such meeting and shall state the business to be considered; and the time and place of the meeting.

C. Records and Open Meetings.

All Regular and Special Meetings, hearings, records, and accounts shall be open to the public: in accordance with open meeting requirements pursuant to Wis. Stat. Secs. 19.81-19.98 and MGO Sec. 3.71(1). The records of the Commission and its members shall be subject to the public records requirements of Wis. Stat. Secs. 19.21-19.39, MGO Sec. 3.70, and City policy and procedures.

D. Quorum.

~~Four (4) e within fifteen (15) minutes of the scheduled start time, those present may shalle to another day or hold the meeting for the purpose of considering such matters as are on the agenda. Nowithout taking any action taken at such meeting shall be final or official unless, except that they may set a date and until ratified and confirmed at a subsequent meeting at which a quorum is present time for the next meeting.~~

E. Agendas.

Agendas for Park Commission meetings shall be prepared by the Superintendent of Parks as Secretary of the Board, and the President of the Board. Requests for items to be placed on a Park Commission agenda may be made to the Superintendent of Parks or any of the Park Commissioners.

Agendas are usually available three business days before a Regular Meeting in the Parks Division Office and posted to the City's Legislative Information Center website, with a link to be emailed to Park Commissioners. Park Commissioners may request paper copies of meeting Agendas to be mailed to them. Matters requiring prompt action after preparation of the Agenda are included in an Addendum to the agenda available the day of the meeting.

F. Motions.

The President will not make motions. Motions shall be restated by the President before a vote is taken. The name of the maker and the seconder of a motion shall be recorded.

G. Voting.

Voting shall be by voice and shall not be recorded by "ayes" and "nays" unless requested by a member of the Commission. The President shall be allowed to vote on any and all agenda items and to participate in the discussion.

H. Minutes.

The Secretary is responsible for the preparation of Minutes of each Regular and Special Meeting. A copy of the Minutes of the last meeting shall be included with the agenda for the next meeting. The originals of the Park Commission Minutes shall be kept in the Parks Division Office.

I. Reports.

The Commission may ask for reports and recommendations, if any, from Parks staff on any matters before it. Individual Commissioners may request reports or studies to be done by staff only with the confirmation of a majority of the Commission.

J. Procedure for Meetings to Hear Appeals.

In the event of a timely appeal to the Commission under any Madison General Ordinance, the appeal will be heard by the entire Commission, or a subcommittee of the Commission consisting of the President or designee, one (1) Alderperson and one (1) citizen who are members of the Commission and appointed by the President. At such hearing, the appellant(s) shall have an opportunity to cross examine witnesses, may call witnesses on their own behalf and may be represented by legal counsel. After holding a hearing, the hearing body shall, by majority vote, make findings of fact and conclusions of law and may by majority vote, affirm, modify or reverse the decision being appealed.

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Section IV. SECRETARY'S DUTIES

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A. Duties of Secretary.
The Secretary shall keep a record of the Minutes of each meeting.

B. Communications, Petitions, etc.
All communications, petitions and reports should be addressed to the Commission and delivered or mailed to the Secretary who shall forward the same to the Commission.

C. Reports to the City's Common Council and Others.
The Secretary shall report the action of the Commission to the City's Common Council on all matters referred to it by the Common Council.

Section V. RULES

Suspension of Rules- Governing Meetings.

The Commission by a five (5)-member vote may suspend any ~~of these rules~~ rules governing meetings only for the duration of the meeting in which the vote is taken.

~~A. Amendments.~~

~~These rules~~ M. Amendment of Rules Governing Meetings.

Rules governing meetings may be amended at any ~~regular~~ Regular or ~~special meeting~~ Special Meeting with the consent of five (5) members.

Section IV.

~~Section VI.~~ POLICIES

~~A. Agendas.~~

Agendas for SUBCOMMITTEES.

A. Role of Subcommittees.

~~The Park Commission meetings shall be prepared by the Superintendent of Parks as Secretary of the Park Commission, and the President of the Park Commission. Requests for items to be placed on a Park Commission agenda may be made to the Superintendent of Parks or any of the Park Commissioners. It is customary for anyone personally appearing at a Park Commission meeting on a particular matter to be afforded the privilege of being heard as early in the meeting as possible. Agendas are usually available three days before a regular meeting in the Parks Division Office and are mailed to Park Commissioners. Matters requiring prompt action after preparation of the Agenda are included in an Addendum to the Agenda available the day of the meeting. Agendas shall follow the format attached hereto and incorporated herein.~~

~~B. Minutes.~~

~~The Secretary of the Park Commission is responsible for the preparation of Minutes of each meeting. A copy of the Minutes of the last meeting shall be mailed with the Agenda for the next meeting. The originals of the Park Commission Minutes shall be kept in the Parks Division Office.~~

~~C. Areas of Concern for Park Commission.~~

~~The Park Commission is the policy making and recommending body for the Parks Division. Within its purview is Commission's authority includes the acquisition and/or maintenance of: general recreation parks, conservation parks, the Olbrich Botanical Gardens, the Warner Park Community Recreation Center, forestry, golf courses, beaches, the Goodman municipal swimming pool, cemeteries the Forest Hills cemetery, athletic fields, boulevards, greenways, and boating. The Commission assigns items to Committees, participates in subcommittees to assist it in managing this broad portfolio, particularly in the areas of long range planning, needs assessments, strategic planning, and level of service standards.~~

~~D. SubCommittees.~~

~~The Park Commission is responsible for a wide range of activities. It has a number of standing and ad hoc subcommittees to assist. Subcommittees assist in receiving citizen input and making make recommendations to the Park Commission. Reports from each~~

~~B. Membership and Operation of these subcommittees are presented Subcommittees.~~

~~Each subcommittee reports to the Park Commission. The Commission, along Parks staff input, decides to approve, reject, or approve with modifications, these reports. Any subcommittee or ad hoc committee may become temporarily inactive during off-seasons or when the need. Except where specified below, subcommittee members shall be appointed by the President and will serve a three-year term, with the possibility of renewals at the discretion of the President. Each subcommittee referenced in Section IV.C., below, shall include at least one Park Commissioner. .~~

~~C. SubCommittees. Subcommittees.~~

~~The subcommittee membership is established by ordinance (MGO 33.05), and as of the effective date of the Policies the membership is as follows:~~

~~(a) Golf Facilities, Programs and Fees. Subcommittee. Created to advise the Commission and review policies and operation standards. It makes program recommendations. It makes recommendations on new user fees and charges. Subcommittees such as Cross Country Skiing, Dog Issues, and Winter Activities would be under the purview of this subcommittee that meets as needed.~~

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~~1. Golf SubCommittee: Created to advise the All members shall be City of Madison residents. The at-large members shall be appointed by the President of the Park Commission. This committee normally meets from March through November quarterly and all members shall be City of Madison residents. The Golf Supervisor shall serve as necessary Secretary of the subcommittee.~~

~~2. Warner Park Community Recreation Center Advisory Subcommittee. Created to advise the Park Commission regarding operations, policies and procedures, fees and user concerns, and to make program and budget recommendations. The subcommittee shall consist of eleven (11) persons: three resident representatives from the Northside and at large; a representative from the Northside Planning Council, the North/Eastside Senior Coalition, the MSCR Advisory Committee, and the Board of Park Commissioners; two youth representatives; and the two Warner Park area aldermanic representatives. This subcommittee meets bi-monthly. All members shall be City of Madison residents. A member may not serve on the subcommittee for more than two consecutive three-year terms.~~

3. Facilities, Programs and Fees Subcommittee. Created to advise the Park Commission regarding operation standards and policies. It makes program recommendations, approves new and continuing special events, and develops policies as needed. It makes recommendations on new user fees and charges and the annual schedule of fees and charges. It also reviews proposed fee modifications. The subcommittee consists of seven (7) members who shall be City of Madison residents and meets as needed, but not less often than quarterly.
- 2.4. Habitat Stewardship Subcommittee. Created to advise the Commission and review policies and public tree concerns. Advises and makes recommendations concerning the Conservation Parks. ~~It may be involved in the selection and/or review of the tree variety list. It is in charge of Arbor Day Programs in the city. Participates in the Tree City USA Program. The Tree Board is a subcommittee of this committee.~~ The subcommittee consists of five (5) members and meets quarterly.
- 3.5. Long Range Planning Subcommittee. Created to advise the Commission ~~and~~ ~~review~~ regarding the procedures and policies of the Parks Division. It also solicits input regarding the vision of the Parks Division, provides input on the Mission, strategic planning, levels of service standards, and obtains input on needs assessments. It also solicits input from alders, groups and ~~citizens in assisting~~ residents and when necessary, researches and advises regarding the CIP preparation. ~~Subcommittees such as the Park Names/Memorials, are under the purview~~ naming of this committee that public parks. The subcommittee consists of five (5) members and meets ~~as needed~~ quarterly.

Section V.

RELATED ORGANIZATIONS NOT REPRESENTED BY SUBCOMMITTEES.

A. ~~Olbrich Botanical Society.~~

~~Olbrich Botanical Society is organized to help advance the science of horticulture and give promotional and financial backing to the Olbrich ~~Garden Botanical Gardens~~ ("Center") in Madison; to promote and/or sponsor educational programs; ~~consonant consistent with the Madison Board of Park Commissioners~~ Commission guidelines; to advise the ~~Madison Board of Park Commissioners~~ Commission with regard to needed changes in rules at the Center, capital operating budget expenditures for the Center, and the development of Center gardens ~~outside the Center~~, to jointly confer with the ~~Madison Board of Park Commissioners~~ Commission on expenditure of funds raised by the Society for Center capital and operating budgets and the conduct and purposes of major membership in fund raising campaigns prior to their start; and to establish a nonrestrictive membership organization to promote activities at the Center. ~~The Board of Directors shall include:~~ The Board of Directors of the Society includes, as an ex-officio member, the President of the Park Commission or designee. The City and the Society entered into a Coordination Agreement on November 28, 2016 setting forth the nature of the relationship between the entities.~~

- ~~(1) The President of the B. Madison Board of Park Commissioners, ex-officio, (or his/her designee).~~
- ~~(2) The Alderperson of the District that encompasses Olbrich Gardens, ex-officio (or, his/her designee).~~
- ~~(3) The President of the Atwood Neighborhood Association, ex-officio (or his/her designee).~~
- ~~(4) The Director of the Olbrich Botanical Center, ex-officio (or his/her designee).~~

~~The Superintendent of e. ex-officio (or his/her designee).~~ Foundation.

- ~~(5) The President of the Olbrich Garden Club, ex-officio (or his/her designee).~~
- ~~(6) Fifteen (15) individuals serving three-year terms, elected by the Board.~~

~~(b) Warner Park Community Recreation Center Advisory Subcommittee. Created to advise the Park Commission regarding operations, policies and procedures, fees and user concerns, and make program and budget recommendations. The committee includes five citizen representatives from the Northside and at large, the Northside Planning Council, youth, North/Eastside Senior Coalition, MSCR Advisory Board, Park Commission and an Alder. This committee meets bi-monthly. All members shall be City of Madison residents.~~

2. ~~Ad Hoc and Subcommittees.~~

~~Ad hoc and subcommittees are established by the President of the Park Commission as the need arises for issues such as special investigations, liaisons or park planning. The number and composition of these subcommittees can change from subcommittee meeting to meeting. Information regarding these subcommittees can be obtained from the Park Commission President or Superintendent of Parks. Each ad hoc and/or subcommittee shall contain at least one member from the Park Commission. Frequently citizens and non-Parks Division personnel are utilized for these subcommittees. All ad hoc subcommittees shall have a defined purpose and an ending date. All subcommittees shall have a defined purpose and are on-going. All citizen members shall have term limits of three years and be approved by the Common Council.~~

~~(a) Madison Tree Board. This subcommittee provides a forum for public input on the regulation of trimming, pruning and or removal of the city's trees within the public right of way of any street, alley or highway or greenway. It was established by City Ordinance No. 10.101. One Park Commission member, two citizen members and the Superintendent of Parks or his/her designee serve on this committee. This committee, by Ordinance, is scheduled to meet on an as-needed basis.~~

~~(b) Park Names Subcommittee: Researches and advises regarding naming of public parks. Naming of parks is pursuant to Madison General Ordinances Sec. 8.28, "NAMING OF PARKS" and the Naming Policy adopted by the Park Commission. The assignment of names to new public parks and the reassignment of names to existing public parks shall be made by Resolution of the Common Council. The Park Commission shall notify the Common Council of the acquisition of new park land requiring names. The Common Council may, by Resolution, reassign names of parks as it deems appropriate. (Cr. by Ord. 43.92, 11/30/72) One Park Commission member, two citizen members and the Superintendent of Parks or his/her designee serve on this committee. This subcommittee meets as needed.~~

~~E. Parks Rules And Regulations:~~

~~Rules and regulations for parklands within the City of Madison are contained in a number of Madison General Ordinances, Secs. 7.322, 7.37, 8.16-8.20, 8.27, 23.06, and 23.32 for example.~~

~~In addition to General Ordinances, the Park Commission under the authority of Wisconsin State Statutes Sec. 27, has established rules and regulations governing the operation of parks under its Jurisdiction. Many of these rules pertain to parklands outside the Madison City limits which would not be regulated by City ordinances.~~

~~F. Contracts and Leases:~~

~~Contracts and leases to be executed involving parklands or property are reviewed within the context of present usage and current Park Commission policy. Such leases and contracts are subject to Common Council and Mayoral approval.~~

~~G. Trust Funds:~~

~~Since 1925 or possibly earlier, the Park Commission has been named as the trustee of assorted funds and legacies to be expended for park or park related purposes. Each trust has its own restrictions. At least once a year the Park Commission reviews data regarding these trusts and dispenses funds from these trusts where appropriate.~~

~~B.A. Citizen Concerns, Compliments or Complaints:~~

~~All Park Commissioners and the Superintendent of Parks welcome citizen input. Communications by writing are most helpful and should be addressed to the Park Commission, P. O. Box 2987, Madison, WI, 53701-2987.~~

~~I. Appeal Procedure:~~

~~The Superintendent of Parks or his/her designee is authorized and directed to revoke a permit or license found to be in violation of any Madison General Ordinance or Park Commission rule and, upon written notification thereof, the permittee/licensee shall surrender such permit/license to the Superintendent. When any permit or license is revoked, no other permit or license shall be granted to such person or organization within twelve (12) months of the date of its revocation nor shall any part of the money paid for any permit or license so revoked be refunded.~~

~~Any revocation imposed by the Superintendent of Parks or his/her designee may be appealed within ten (10) days of such notice of revocation to the Park Commission or a subcommittee of the Park Commission by filing a Notice of Appeal with the Secretary of the Park Commission. The Notice of Appeal shall state the basis or bases upon which the permittee or licensee seeks review of the Superintendent's determination. Said Committee shall consist of the entire Park Commission or a subcommittee of the Commission~~

~~consisting of the President of the Park Commission or designee, one (1) alderperson and one (1) citizen who are members of the Park Commission appointed by the President of the Park Commission.~~

~~At such hearing, the permittee or licensee shall have an opportunity to cross-examine witnesses, may call witnesses on her/his own behalf and may be represented by legal counsel. After holding a hearing, the Committee or subcommittee shall by majority vote, make findings of fact and conclusions of law and may by majority vote to affirm, modify or reverse the revocation or decision imposed by the Superintendent of Parks or his/her designee.~~

~~Revised 02/08/06 Revised 01/13/2010~~As the not-for-profit partner of Madison parks, the Madison Parks Foundation helps conserve, promote, and enhance the City of Madison's parks by soliciting grants and private donations to fund park improvements and programming. In addition to those monies, the Foundation holds assorted trust funds and legacies transferred to it by the City in 2013; each such fund transferred, while subject to its own specific restrictions, is to be expended for park or park-related purposes. The Madison Parks Foundation is a tax-exempt 501(c)3 non-stock corporation governed by a Board of Trustees. The Park Commission, acting through the President, shall appoint two Trustees for one-year term(s) to the Madison Parks Foundation Board. The City and the Foundation entered into a Cooperative Agreement on January 24, 2013 setting forth the nature of the relationship between the entities.-