



City of Madison

City of Madison
Madison, WI 53703
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Meeting Minutes - Approved COMMON COUNCIL ORGANIZATIONAL COMMITTEE

Tuesday, November 3, 2009

4:30 PM

210 Martin Luther King, Jr. Blvd.
Room 108 (City-County Building)

CALL TO ORDER / ROLL CALL

Present: 6 -
Mark Clear; Shiva Bidar-Sielaff; Marsha A. Rummel; Bryon A. Eagon;
Michael Schumacher and Chris Schmidt

Excused: 2 -
Tim Bruer and Judy Compton

Others Present: City Attorney Mike May, Brad Wirtz (HR Director), Janet Piraino (Mayor's Chief of Staff), Mario Mendoza (Legislative Analyst), Joel Plant (Mayoral Assistant), Bill McClenahan & Annie Early (Martin Schreiber & Associates), Katherine Plominski (Alcohol Policy Coordinator), Delora Newton, Rosemary Lee and Brenda Konkel.

Ald. Mark Clear, Vice-Chair, called the meeting to order at 4:35 p.m.

APPROVAL OF MINUTES

A motion was made by Ald. Shiva Bidar-Sielaff, seconded by Ald. Marsha Rummel, to approve the meeting minutes from October 6, 2009. The motion passed by voice vote/other.

PUBLIC COMMENT

There was no public comment.

UPDATES

Ald. Tim Bruer arrived at 4:53 p.m. Ald. Judy Compton arrived at 5:11 p.m.

Present: 8 -

Tim Bruer; Mark Clear; Shiva Bidar-Sielaff; Marsha A. Rummel; Bryon A. Eagon; Judy Compton; Michael Schumacher and Chris Schmidt

[16149](#)

Update: City Legislative Governmental Affairs Activity - Mario Mendoza, Assistant to the Mayor, Bill McClenahan & Annie Early, Martin Schreiber & Associates, Inc.

Attachments: [R. Lee Registration Statement 11/3/09](#)
[Martin Schrieber Legislative Accomplishments 2009](#)
[Draft 09-10 Legislative Agenda Summaries \(Mendoza\)](#)
[Audio of 11/3/09 CCOC meeting](#)

Rosemary Lee registered to speak. She expressed her concern with what she considered a lack of transparency of hired professional lobbying firms. The Mayor's office referred her to the State Government Accountability Board for more information. She would like to see the city post on it's website the names of city hired lobbyists, which city employees are registered as lobbyists and lobbying issues for the city.

Mario Mendoza, Legislative Analyst, Bill McClenahan and Annie Early from Martin, Schreiber and Associates were present for discussion on this item. Mr. Mendoza stated that he would investigate adding a link to the State's website to address Ms. Lee's concerns about who is lobbying for the city.

Ms Early and Mr. McClenahan reviewed the handout on their State budget accomplishments for the City of Madison (document attached to this legislative file). Areas lobbied on behalf of the city:

1. Payments for Municipal Services -(Ms. Early considered this a "big win" on behalf of the city and has been historically underfunded)
 - Blocked a provision to move the administration of this program to Dept of Revenue from the current location of the Dept of Administration. The concerns were related to lack of staff resources at DOR.
 - Estimate Madison's share will continue to be about 41% of the total program; kept cuts to 1%.
 - Successfully argued that the lack of complete funding for the program (funded in 2009 at 81%) is a problem for the City. That 19% - which is absorbed by the City - should not count against funds received under the ERP formula.
2. Expenditure Restraint Program
 - Worked with Sen. Miller and Rep. Pocan to modify budget language to secure a one-time exemption to the eligibility formula for the shortfall of nearly 20% of the PMS program.
 - This will allow expenditures to increase around 3.7%.
 - Specifies that this increase may occur in non-levy supported spending only.
3. Levy Limit
 - Helped secure Joint Finance Committee votes to maintain Governor's

recommendation.

- Allows for an increase of 3% or growth due to net new construction - whichever is greater - and retains language relating to debt service exemptions.

4. Shared Revenue

- Primary focus was protecting the PMS program; cuts to shared revenue were increased during the budget process because of a new, greater hole in the state budget.

- The increase was from 1% to 3.5%; cut to Madison estimated at \$1.1 million for 2010.

- Difficult to determine exact impact because of a modification on the formula that prevents any cut from exceeding 15% of any community's total shared revenue payment.

5. Columbus Park

- Worked rigorously with Governor Doyle and legislative leaders and Finance members to resolve this vital issue.

- Increased valuation threshold used to distinguish between taxable and exempt individual dwelling units within retirement homes from 100% to 130%.

6. RTA

- Despite deep concerns over other Wisconsin RTA's, and distracting opposition to them, they were able to work with the JFC to maintain the Governor's recommendation for a Dane County RTA.

- Worked with allies, including the County, as well as opposition, to compromise on membership and prevent language opposed from being included.

7. Transit Aid

- Worked to maintain Gov's recommendation: "" increase transit aid by about 2% in 2010 and 3% in 2011.

- \$17.49 million and \$18 million.

8. Highway Aid/General Transportation Aid

- 3% increase remained in effect for 2009.

- Helped support Finance Committee decision to provide increases of 2% and 3% for 2010 and 2011 respectively; despite Gov's recommended 1% decrease in 2010.

9. Tipping fees and recycling aid

- Disappointing increase from \$5.90 per ton to \$13 per ton.

Mr. Mendoza distributed the draft document entitled "2009-2010 Legislative Agenda Summaries" (document attached to this legislative file). He asked alders to review the issues and contact him if they wish add issues before the agenda is finalized. He noted that Mr. McClenahan and Ms. Early would be working on a few issues going into 2010. Ms. Early noted that if the State proposes a budget repair bill that they will work to maintain what had been gained for the City of Madison. Mr. McClenahan noted that they are working with Sen. Risser to draft legislation to address taxing the revenue generated by billboards vs. assessing the physical structure. Ms. Early and Mr. Mendoza are also working on the issue of regulating moped parking (not using bike racks for parking).

Ald. Marsha Rummel asked about the status of PEG funding and the Cable Consumer Repair legislation. Mr. Mendoza stated that the bill does a number of things including granting municipalities the option of charging up to 5% franchise fees, giving some enforcement ability back to municipalities and removes the sunset on PEG funding. There is support in the Assembly and

some support in the Senate.

Ms. Early noted that the red light camera legislation is unlikely to pass and become law but the city can certainly remain a supporter of this legislation. Ald. Michael Schumacher noted that the League of WI Municipalities (LWM) recently supported this legislation as "permissible" vs. "required" and that there was less objection by the Legislature for the permissible language.

Ald. Schumacher stated that the LWM was supportive of legislation prohibiting the use of general fund balance monies for settlement in mediation cases. He asked if the Mayor would be in support of that proposal. Mr. Mendoza stated that the Mayor is in support of that issue and he will include it in the list.

Ald. Mark Clear asked Mr. Mendoza to talk about the City's relationship with the LWM. Mr. Mendoza stated that he has the most regular contact with the League, as does Ald. Schumacher. Mr. Mendoza, Bill McClenahan and Annie Early keep in contact and have a good relationship with Curt Witynski, LWM Assistant Director. Ald. Schumacher believed that a stronger connection should be made by Mr. Mendoza.

Ald. Marsha Rummel asked if Mr. Mendoza had more information on the change to state funding allocation for homeless programs. He said that he did not and he would have Bill Clingan contact her.

Ald. Shiva Bidar-Sielaff noticed that the alcohol related items dealt with enforcement and would like to see more education/prevention highlighted. Ald. Michael Schumacher believed that the distribution chain starts with the server and legislation addressing operator licenses would be beneficial.

Ald. Mark Clear noted that most of the items on the list were staff-generated and wanted to know how alders can have input. Ald. Tim Bruer requested that Mr. Mendoza send out the documents discussed to alders for review and comment.

Ald. Michael Schumacher questioned why the Mayor was not pursuing legalizing marijuana. Mr. Mendoza stated that this is not an item that the city is going to currently spend any effort on.

16148

Update: Regional Transit Authority (RTA) - Janet Piraino, Chief of Staff to Mayor

Attachments: [County RTA Resolution.pdf](#)
[RTA FAQ.pdf](#)
[RTA Planning Boundaries Map](#)

Janet Piraino was present for discussion on this item. Ms. Piraino distributed the Dane County resolution on the creation of the Regional Transit Authority (RTA) being considered on November 7, 2009, a FAQ on the RTA and a map of the boundaries of the RTA.

She noted that the Governor included in his budget the authority for Dane County to create a RTA. The RTA is governed by a 9 member body consisting of:

2 appointments by the Mayor

2 appointment by the Dane County Executive

1 appointment by the governor

1 appointment from each city (other than Madison) with a population of more than 15, 000 located in Dane County, appointment by the mayor of each such city

1 appointment from a village appointed by the Dane County Cities and Villages Association

The boundaries of the RTA are the MPO boundary and includes the entire city, village or town.

Once the RTA is created they will adopt a plan and they are the only ones to levy a sales tax of up to .05. They have independent budgeting authority, bonding authority, ability to levy taxes and condemn property. The original legislation did require a referendum to levy a sales tax but the Governor vetoed that. The County and the City strongly support a referendum on the sales tax. Ms. Piraino thought the RTA could schedule a referendum as soon as the November 2010 election ("perfect world" estimation). The referendum timeline is ultimately the decision of the RTA.

Ald. Michael Schumacher asked if the Mayor's office had envisioned protecting Madison Metro and created a plan for laying the groundwork to work with the RTA. Ms. Piraino stated that this is the Mayor's top priority and he is concerned with enhancing the bus system. Now the bus system ends at municipal boundaries and it should not. The Mayor is looking at planning how to expand service. She noted that the RTA could take over the bus system or they could contract with Madison Metro. Ald. Tim Bruer asked if the county was interested in taking over the bus system. Ms. Piraino said that probably would not occur. It is the hope that the sales tax would replace the property tax paid by Madison residents for the bus system.

Ald. Schumacher asked about the authority of the RTA appointments and how would you insure that they speak for the City of Madison and not for themselves. It was noted that the RTA is patterned after the PFC, PSC, etc...there is no provision for removal other than fraud, etc...

Ald. Marsha Rummel supports a regional transit system but doesn't want to lose service. She wanted to know how the high service would be maintained if the RTA were to contract with Madison Metro. Ms. Piraino noted that with the .05 sales tax will generate \$38 million of revenue a year and the RTA would spend it on a plan they develop. From the Mayor's perspective Madison has 70% of the population in the RTA and that there is an expectation current transit users not see a change in service.

Ald. Mark Clear asked the City Attorney if the question that alders cannot serve on the RTA, which conflicted with the Dane County Corporation Counsel, had been resolved. City Attorney May had not see the Corporation Counsel's opinion but that the County Board statute is slightly different and would allow County Board members to serve. Ms. Piraino stated that Corporation Counsel had not come out with a formal opinion.

Ald. Judy Compton noted that the RTA is a new governmental entity, that appointments are made by political leaders and there is no definition for appointments. She believed that once the person is appointed the city can't direct that person. Ms. Piraino pointed out that the Council would still confirm the appointments. Ald. Tim Bruer noted that the Council only has appointing authority and cannot direct appointees how to vote. Ms. Piraino stated that the Mayor will fully vet his appointments to the fullest extent possible.

Ald. Bruer requested that Ms. Piraino provide all the materials distributed at this meeting be sent to all Council members. Ms. Piraino stated she would do that and would also provide continued updates as this process unfolds.

NEW BUSINESS

15099

Accepting the report and recommendations of the Common Council Organizational Committee Subcommittee to Review City Hiring Practices and Policies.

Sponsors: Michael Schumacher

Attachments: [Final Report CCOC Subcommittee to Review Hiring Practices Policies](#)
[Final Report w/attachments CCOC Subcommittee to Review Hiring Practices](#)

A motion was made by Ald. Judy Compton, seconded by Ald. Shiva Bidar-Sielaff, to RECOMMEND TO COUNCIL TO ADOPT - REPORT OF OFFICER.

Ald. Michael Schumacher noted that this was an effort that former Ald. Konkel and himself with assistance from Brad Wirtz and his staff and Lisa Veldran worked on for about a year. It grew out of the issue of hiring policies and practices. Other issues were addressed as these issues were discussed. It was noted that much of what was contained in the report has been implemented.

Mr. Wirtz noted that they have implemented the following:

- * New position description language has been modified for better understanding by applicants
- * New Personnel Rules have been adopted
- * Revamped the website to include more information on-line

Ald. Judy Compton requested that acknowledgement of the work of former Ald. Konkel, Ald. Schumacher, Brad Wirtz and his staff and Lisa Veldran be part of her motion.

Ald. Mark Clear asked why there is not a formal process for evaluations. Mr. Wirtz noted that the city moved away from that model several years ago. Human Resources staff has looked at creating a performance management system that isn't necessarily based on performance evaluations. It would be a flow chart based upon the position description. They plan on rolling it out on December 1st to supervisors.

Ald. Schumacher asked Brenda Konkel if there was anything she wished to share. Ms. Konkel declined.

The motion passed by voice vote/other.

[16076](#)

Amending Secs. 2.01(4) and 33.01(10)(b) of the Madison General Ordinances to prohibit Common Council, Board, Commission and Committee meetings on any local, state or national election day.

Sponsors: Tim Bruer and Mark Clear

Attachments: [Paul Malishke memo to CCOC \(11/3/09\)](#)

A motion was made by Ald. Mark Clear, seconded by Ald. Michael Schumacher, to RECOMMEND TO COUNCIL TO ADOPT - REPORT OF OFFICER.

Ald. Shiva Bidar-Sielaff referenced the Paul Malishke communication and asked Maribeth Witzel-Behl if she had any comments on his letter. Mr. Malishke expressed that meetings should not be cancelled for special elections.

Ald. Bidar-Sielaff asked for clarification from City Attorney May about what elections would affect committee meetings. City Attorney May indicated that it would include all elections: city, school board, state, national elections. Ald. Mark Clear didn't think that special elections occur that often and this would rarely be a problem. Ms. Witzel-Behl noted that the school district now schedules referenda so that they coincide with regularly scheduled elections (higher turnout).

The motion passed by voice vote/other.

DISCUSSION ITEM

[16455](#)

ALRC Subcommittees: Description and Current Issues/Initiatives - Kathryn Plominski, Alcohol Policy Coordinator

Attachments: [K. Plominski Memo to CCOC on Licensure System \(11/3/09\)](#)

Katherine Plominski was present for discussion on this item. She prepared a memo on ongoing initiatives and opportunities for improvement (attached to the legislative file). She reviewed the memo with the CCOC members.

Ald. Marsha Rummel asked how alders can participate with the Agency Collaboration Team or the Alcohol Policy Workgroup. Ms. Plominski stated that alders can let her know and if there is a possibility of a quorum of Council members she would need to notice the meeting or Council could designate one alder to attend. She also stated that she keeps minutes of these meetings.

Ald. Mark Clear asked if Ms. Plominski could send an email to alders to let them know when the meetings occur (similar to Street Use Staff Team or

Development Assistance Team). She said there was a benefit to not publicly noticing the meetings. Ald. Judy Compton noted that planning staff does not have a problem with their Development Assistance Team meetings. Ms. Plominski will check with Joel Plant on notifying alders when these two subgroups meet.

Ald. Marsha Rummel noted that the issue of capacity is "bubbling" and believes that it needs to be addressed.

Ald. Tim Bruer requested that Ms. Plominski bring back a report on a framework for education/monitoring compliance tool and a organizational structure to gather alder & CCOC input and feedback for the December 2009 CCOC meeting.

ADJOURNMENT

A motion was made by Ald. Mark Clear, seconded by Ald. Shiva Bidar-Sielaff, to adjourn. The motion passed by voice vote/other. Meeting adjourned at 6:19 p.m.