



# City of Madison

City of Madison  
Madison, WI 53703  
[www.cityofmadison.com](http://www.cityofmadison.com)

## Meeting Minutes - Approved COMMON COUNCIL ORGANIZATIONAL COMMITTEE

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Tuesday, May 19, 2009

4:30 PM

210 Martin Luther King, Jr. Blvd.  
Room 103A (City-County Building)

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### CALL TO ORDER / ROLL CALL

**Present:** 8 -

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

**Others Present:** Janet Piraino (Mayor's Chief of Staff), Michael May (City Attorney), Brad Wirtz (Human Resources Director) and Rosemary Lee

Ald. Tim Bruer called the meeting to order at 4:42 p.m. Ald. Bruer welcomed the new members to the CCOC.

### APPROVAL OF MINUTES

A motion was made by Ald. Mark Clear, seconded by Ald. Judy Compton, to approve the March 31, 2009 minutes. The motion passed by voice vote/other.

### PUBLIC COMMENT

There was no public comment.

## REFERRALS FROM COMMON COUNCIL

### 13992

Amending Secs. 3.32(6)(b)1., 3.32(6)(e)1., 3.32(6)(e)2., and 3.38(1)(b)3.a. of the Madison General Ordinances to modify existing sick leave eligibility, earning and accumulation provisions to make sick leave benefits available to more employees.

**Sponsors:** Julia S. Kerr, Lauren Cnare, Michael E. Verveer and Larry Palm

**Attachments:** [Summary memo.pdf](#)  
[version 1.pdf](#)

Brad Wirtz (HR Director) provided an overview of the ordinance change. He noted that this was a Council initiative and not an internal initiative. Currently certain seasonal and hourly employees receive limited sick leave benefits under the terms of the collective bargaining agreements negotiated between their unions and the City. These ordinance amendments would apply these benefits to all City seasonal and hourly employees. Under this proposal all seasonal and hourly employees could accumulate one day of sick leave per every 200 hours of work. Employees could earn up to a maximum of three sick leave days in any calendar year. An eligible employee could cash these days in if their employment is terminated by a lay off or by their desire to return to school. The ordinance also provides a mechanism for crediting an employee with the appropriate amount of sick leave when they move from an hourly or seasonal position into a permanent position. Lastly, this proposal would clarify existing sick leave practices that treat Limited Term Employees in the same fashion as permanent employees for sick leave purposes. (Drafter's Analysis)

Ald. Judy Compton questioned how many seasonal employees were employed by the city. Mr. Wirtz indicated that over the course of a year approx. 900 employees, ranging from 650 in the summer to 20 in the winter. Ald. Compton asked what the pay range was for a seasonal employee. Mr. Wirtz indicated it is anywhere between \$12 - \$15 per hour with an employee typically working 8 hours per day. Ald. Michael Schumacher asked if the ordinance required a new budget vote. Mr. Wirtz noted that Dean Brasser stated that there was no separate budget vote needed. The cost would be spread out within existing budgets and there was no need for additional appropriation beyond the \$63,000.

There was considerable discussion on the fiscal implications of the ordinance. Ald. Compton and Ald. Schumacher were concerned with the amount of the range being anywhere from \$75,000 to \$150,000. (Fiscal Note Excerpt: Assuming the City's 2009 hourly staffing pattern is similar to that which occurred in 2008, the additional sick time made available under this benefit will have an estimated cost of \$150,000 this year, assuming 100% utilization. Unlike the earlier proposals, the current benefit contains an automatic payout provision equal to 50% of any unused sick leave balance at the end of the year, or at the time of seasonal layoff of each employee. The minimum cost of the benefit program is, therefore, estimated to be \$75,000 assuming no accumulated sick leave is used by hourly employees. The actual cost in 2009 will likely fall somewhere between these two estimates.)

Ald. Judy Compton moved to refer the ordinance to the next CCOC meeting, seconded by Ald. Michael Schumacher. Ald. Schumacher stated that if this referral passed he would like to see a proposal for a policy that stays within the \$60,000. He was concerned with the possibility of the costs reaching \$150,000 during difficult budget times.

City Attorney May made a point of information that based upon what the Council did the last two years the City had already negotiated this benefit with 70% of the seasonal employees and that this ordinance extended it to non-represented seasonal employees.

Ald. Marsha Rummel noted that Council asked staff to do this. She also noted that this was an equity issue - seasonal represented hourly employees were already provided the benefit and the Council agreed during the budget process to extend the benefit to the seasonal non-represented hourly employees.

Ald. Schumacher was concerned that the Council approved one amount and it comes back with a higher price tag and it's a "done deal". Ald. Tim Bruer asked the City Attorney about the implications of exceeding \$63,000 and if Council rejects the ordinance. City Attorney May stated that the City is obligated to pay. If it is changed by the Council the City would have to go back to the bargaining table to renegotiate the contract. Ald. Compton asked what the "damage" would be if the Council were to re-refer it to the 6/2/09 Council meeting. City Attorney May stated that the retroactive date would change.

Ald. Chris Schmidt questioned the rise in the number of seasonal employees - went up 16% and the number of hours they worked went up 23%. He thought this had a big impact on the cost estimate contained in the ordinance. Mr. Wirtz noted the addition of pool employees and the benefit being offered to more seasonal employees. Mr. Wirtz stated that the projections were based off the 2008 calendar. The City won't know if the cost will be \$63,000 or \$150,000 until the end of the year. Ald. Compton thought the city should budget for \$150,000 and not the \$63,000.

Motion to refer to the 6/2/09 CCOC meeting failed with Ald. Judy Compton and Ald. Michael Schumacher voting "aye" and Aids. Bidar-Sielaff, Rummel, Eagon, Clear and Bruer voting "no".

Ald. Shiva Bidar-Sielaff made a friendly amendment to request that the City Comptroller, in collaboration with the Human Resources Director, provide the Common Council a report with detailed fiscal analysis including the number of seasonal employees, hours worked and hourly rates.

Main motion to adopt with friendly amendment passed:

Ayes: 6 -

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

Noes: 2 -

Judy Compton and Michael Schumacher

14535

Regarding the Creation of a Complete Count Committee.

**Sponsors:**

David J. Cieslewicz, Larry Palm, Mark Clear, Paul E. Skidmore, Joseph R. Clausius, Lauren Cnare, Chris Schmidt, Shiva Bidar-Sielaff and Satya V. Rhodes-Conway

Janet Piraino, Mayor's Chief of Staff, reviewed the resolution. She stated that it was a "kick off" to the 2010 Census to insure that everyone gets counted. Ms. Piraino noted that it was important every person is counted since it has been estimated the City could receive between a \$300-\$500 allocation per person in federal and state aid formulas. The committee will also be looking at ways to provide opportunities for educational outreach to minorities, seniors and ESL populations and will work with the UW, utilize inserts in water bill, etc...

Ald. Mark Clear asked who will be on the committee. Ms. Piraino noted that they are working on appointments with the County. Ald. Michael Schumacher asked if they are looking for people with specific skills - demographic background, outreach background, etc...Ms. Piraino noted that during the last census they had difficulty in a complete count with the following populations: racial/ethnic minorities (especially non-English speakers), students, homebound, renters/public housing residents, homeless and migrant workers and that the Mayor would be looking for people to serve on the committee who could assist with outreach. She also stated that Brian Grady from the Planning Unit and Rachel Strauch-Nelson from the Mayor's Office would be working with the committee.

A motion was made by Ald. Mark Clear, seconded by Ald. Marsha Rummel, to RECOMMEND TO COUNCIL TO ADOPT - REPORT OF OFFICER. The motion passed by voice vote/other.

## DISCUSSION ITEMS

14778

Discussion Item: Change to Lobbying Ordinance relative to Ethics Code/Statement of Interest Forms

**Attachments:**

[3/2/09 Memo from City Attorney re: Ethics Code/Statement of Interest/Sugge](#)

City Attorney Mike May reviewed the memo that he had sent out to the Council regarding changes to the Ethics Code/Statement of Interest (SOI) Forms.

The CCOC members supported the following changes to the ordinance:

**Committee Members and SOI Forms**

If a committee member has not complied with the SOI provisions in the Ethics Code the member would be barred from voting, taking part in discussion or debate or making any motions at the committee meeting. The member could still be counted toward quorum so the committee could meet and take action. If the member completes the SOI form at the start of a committee meeting within a certain number of days of the Clerk's report the member could then participate as a full member of the committee. If the person still has not filed

their SOI form after a certain number of days of the Clerk's report to the Council the member would be automatically removed. Also require city staff to bring SOI forms to their meeting to insure compliance.

**City Employees and SOI Forms**

Remove provision to withhold wages for non-compliance and replace with forfeiture in municipal court upon a complaint brought by the City Attorney for non-compliance.

City Attorney May also brought up a request from Dane County Supervisor Scott McDonell to remove the requirement that elected officials who serve on joint city-county committees need to file the City's SOI form if they already filed in another municipality/governmental entity (in this case the Dane County Clerk's Office). CCOC members requested that language be drafted to exempt elected officials who serve on joint committees from filing twice if they have already filed with their municipality/governmental entity

**Lobbying Ordinance & Alcohol Licenses**

CCOC members discussed whether this should apply to alders or only to the ALRC alder members. Ald. Shiva Bidar-Sielaff thought that the burden to report contacts should be on the applicant/owner and not the alder. Ald. Michael Schumacher noted that having this apply to ALRC alder members would enable disclosure and protect the members. Ald. Shiva Bidar-Sielaff recommended that the City Attorney look at the Plan Commission model for disclosure.

CCOC members recommended that language be drafted to require public filing of all agents working on behalf of a person or entity seeking a new or renewal license record their contacts with ALRC alder members related to the granting of liquor licenses.

City Attorney May will present a draft the ordinance changes at the July 7, 2009 CCOC meeting.

**14779**

Discussion Item: Council President Creating Council Work Groups - Ald. Tim Bruer, Common Council President

Ald. Tim Bruer asked if members approved of the drafting of an ordinance that authorized the Common Council President to form work groups outside of the CCOC structure. He envisioned these work groups consisting of 2 or 3 alders to work on short-term policy issues. For example issues dealing with, sustainable energy, creating a neighborhood support office, RTA, public safety concerns, landlord/tenant, etc....

CCOC members approved of the drafting of an ordinance to accomplish Ald. Bruer's request.

## **FUTURE AGENDA ITEMS**

There were no future agenda items requested.

## **ADJOURNMENT**

A motion was made by Ald. Bryon Eagon, seconded by Ald. Shiva Bidar-Sielaff, to Adjourn. The motion passed by voice vote/other. The meeting adjourned at 6:12 p.m.