



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

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

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Thursday, February 28, 2008

8:30 a.m.

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

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**1. CALL TO ORDER**

The meeting was called to order at 8:40 a.m. A quorum was noted, and the meeting was properly noticed.

**2. ROLL CALL**

**Present:** 4 – Ald. Satya Rhodes-Conway (chair), Ald. Brenda Konkel, Ald. Michael Schumacher, Ald. Joe Clausius.

**Absent:** No absences.

**Others:** 4 – City Attorney Michael May, George Twigg (assistant to the Mayor), Pam Williamson (Mayor's Office), Debbie Fields (staff to the subcommittee).

**3. PUBLIC COMMENT**

No members of the public were present at the meeting.

**4. APPROVAL OF MINUTES**

Schumacher moved approval of the January 31, 2008, minutes, seconded by Clausius. The minutes were approved unanimously.

**5. DISCUSSION ITEMS**

a. Future meeting dates.

The members discussed their availability and decided on the following dates:

- Thursday, April 3, 2008  
8:30 a.m. – 10:00 a.m.  
City-County Building, Room 417  
210 Martin Luther King, Jr. Blvd.
- Thursday, April 24, 2008  
8:30 a.m. – 10:00 a.m.  
City-County Building, Room 417  
210 Martin Luther King, Jr. Blvd.

Rhodes-Conway asked Fields to survey the members regarding their availability to meet in May.

Rhodes-Conway said she thinks the subcommittee spends quite a bit of time at each meeting going over ground they've already covered. Given that, she wanted to put May's changes on the list for review at the end of the subcommittee's work rather than looking at them now, and move into new material instead. Schumacher asked to make one comment first, before moving on. Regarding 33.01(5)(d), he perceived that the Mayor is sensitive about the issue, so he said he would take it to the subcommittee. If the members chose to pursue it, he would support that. But, absent the subcommittee's desire to pursue it, Schumacher said he could drop it and see if there is another angle for dealing with vacancies.

Rhodes-Conway asked Williamson to talk about the appointment process. Williamson said she, the Mayor and his aides meet once a month to talk about the appointments. She said she thinks

the appointments that have been on the desk a little long are those that occurred during the transition between aides. Rhodes-Conway clarified that aides are assigned to certain committees and work with the Mayor on vacancies. Konkel asked what happens when there is no aide that comes to a particular committee's meetings. Twigg said they can't always make every meeting because they are assigned to multiple committees and time conflicts happen.

Rhodes-Conway asked Williamson if she tracks how long seats are open. Williamson said when someone resigns, the date is plugged into the system, but there is no actual tracking. She explained that the application she uses is from 1994 and doesn't have the ability to track resignation dates. She said Information Technology (IT) was able to pull out some data, though: There are 17 seats which have been vacant for at least 90 days, and 8 of those vacancies have appointments pending. Twigg said now that IT is able to track this data, the Mayor's Office could be more aggressive about dealing with vacancies of longer than 90 days, adding that the 17 current vacancies are out of a total of approximately 900 seats on all City committees, commissions and boards. Rhodes-Conway agreed that 17 out of 900 isn't bad, but observed that the problem isn't the total number of vacancies, it's when multiple vacancies stack up on a particular committee.

Rhodes-Conway asked Williamson how applications match up to vacancies. Williamson said in some cases, there aren't many applicants for certain committees. In other cases, some seats are "designated," and the applicants may not have the required qualifications. Rhodes-Conway asked if having more applicants would help shorten the vacancy time, wondering if that's a factor they should be working on. Konkel said she thinks a bigger factor is lack of communication between committee members, committee staff and the Mayor's Office, conveying information about quorum problems and members' frustrations. Rhodes-Conway suggested that Council members could be more involved in the recruitment of applicants.

Clausius observed that we're probably top-heavy on applications for certain committees, like the Board of Park Commissioners and the Plan Commission, whereas other committees get far fewer applicants. Konkel said that while the vacancy report alders are given is helpful, it would be better if it provided information about what the actual need is or how old the applications are. For example, if there are ten applications, the Council doesn't need to worry about it too much. But, if there aren't any applicants, perhaps the alders could send out feelers into their districts. Twigg agreed, saying it would be helpful for the Mayor's Office because recruiting is always a challenge.

Rhodes-Conway summed up the discussion as the subcommittee's desire to establish a more formal process for involving alders in the recruitment of applicants. Twigg said they would work on that, along with looking at the various circumstances surrounding vacancies, i.e., supply vs. qualifications. Rhodes-Conway thought it would also be valuable to look at improving the lag time in the communication between the committee and the Mayor about the level of need and the frustration around a vacancy.

b. Review Madison General Ordinances Sec. 33.01(8): Minutes and Rules of Procedure. Rhodes-Conway said she thinks this section could benefit from some organizing. She mentioned seven things in particular:

1. The official record of the committee's actions.
2. Rules of how the body governs itself and runs its meetings.
3. Information about subcommittees may already be covered by (4) or may need to be moved.
4. Ex-officio role of alders.
5. Terms and Qualifications, under (f), may need to be moved someplace else.
6. Public comment, which should go under Rules of Procedure.
7. Instances when meetings cannot be scheduled.

Regarding the official record of a meeting, Konkel asked when the minutes are considered to have been "filed" with the City Clerk's Office. She wondered if the ordinance should be updated to reflect technology issues, such as email. Schumacher said he thinks there should be a

standard for the length of time between approval of draft minutes and online posting of approved minutes. Rhodes-Conway said she is more concerned about the lag between a meeting and posting of the draft minutes. May said he could easily add language about a time limit for posting the approved minutes. Schumacher suggested five days as an appropriate length of time. From the perspective of keeping the public informed, Konkell said she thinks it's very important to have the minutes, even in draft form, published online as soon as possible. Rhodes-Conway asked if there was any objection to adding a five-day limit. There was none. Rhodes-Conway asked Fields to check with the Clerk's Office to determine what constitutes "filing" the minutes.

Regarding Rules and Procedures, Rhodes-Conway reminded the members that one of their initial goals had been to standardize the rules by which committees operate as much as possible. Konkell asked how she, or anyone, would be able to find the rules for a given body. May said she would have to talk to whoever is staffing the committee. He added that to the extent they adopt rules, many bodies do it by motion, and it's up to the staffer to collect those rules in one place. Konkell said she would like to see committees review their rules once a year. Schumacher said he would like to see more than just a mission statement and roster available online for each committee, for instance operating rules, if any exist.

Rhodes-Conway asked the members to think about whether there are baseline rules they'd like to see applied to all committees, except ones identified as special cases. She pointed out that two such baseline rules already exist in the ordinances: alders as ex-officio members and that there shall be public comment on the agenda. Schumacher said he thinks there should be a separate registration form at committee meetings for alders to use. Rhodes-Conway said she thinks training is needed, because not all committee chairs seem to be aware of alders' ex-officio status, speaking time limits, etc. She agreed with Schumacher's idea about separate registration forms.

Schumacher brought up the issue of chairs voting. He said that on the Alcohol License Review Committee (ALRC), as on other committees, the chair always votes, but added that his understanding has always been that chairs vote only in the case of a tie. May explained that Roberts Rules says in larger, more formal bodies, the chair does not vote unless the vote would affect the outcome, which is not the same as breaking a tie. In smaller committees, Roberts says the committee may adopt a rule allowing the chair to fully participate. May said his advice has always been that if a committee doesn't do anything about it, the rule will be that the chair chairs the meeting and votes only when the chair's voting will make a difference. But, nothing prohibits a body from adopting a rule that the chair can fully participate, like any other member, and can even make motions.

Rhodes-Conway said she thinks it's a philosophical question, and her position is that a chair's role is to run the meeting, not to participate in a substantive discussion of the topic. She thought this was especially true in larger, more formal committees, where the bigger role for the chair is managing the meeting. May said if the members wanted to make the chair's role explicit in the ordinances, they could add language to the effect of "unless modified by these adopted rules and procedures, the chair of any sub-unit shall only vote pursuant to Roberts Rules." Schumacher said he liked that, and he used an example from the ALRC where the chair was so substantively involved in the discussion that the whole process went out the door. Rhodes-Conway noted that a side benefit would be to make committees examine their familiarity with Roberts Rules and how they operate.

Twigg asked if there should be a higher standard in the establishment and posting of rules for quasi-judicial committees, such as the ALRC and the Police and Fire Commission (PFC). May said that, based on the earlier discussion, he was adding language that sub-units shall review and modify, if necessary, any rules of procedure at least every two years. He said this should, of necessity, oblige committees to pull the rules together in one place, and cause people to look at them.

Rhodes-Conway asked the members if there are any other things that need to be part of every committee's rules and procedures. Konkel mentioned abstentions and registration rules. She particularly thought registration rules are very important, explaining that there is great variation between committees on how registration is handled. She said there should be some sort of middle expectation on how registration is dealt with and then committees could be more flexible from that starting point, if they want. She thought a reasonable expectation would be to fall in line with what the Common Council does. Konkel asked if the Council's rule was that the public can register up until the point the item is taken up or up until the point the body stops taking public comment. She said she thinks it is the second case, and May agreed, although he added he's never seen it enforced. Rhodes-Conway said the Council takes registrations until the last registrant is done speaking. Konkel said she would like it made clear in the ordinances that if people are still speaking on an item, others can continue to register. Rhodes-Conway asked if there was any objection to that. There was none. She asked May to draft language to that effect.

Rhodes-Conway summarized the subcommittee's decisions regarding public comment rules for every committee:

1. There shall be an official public comment period, which is for testimony on items not on the agenda.
2. For items on the agenda, people must register before the body starts to discuss the item.
3. In each of the above instances, the person wishing to speak must fill out a registration form.

Rhodes-Conway asked May if there is a place in the ordinances that talks about the requirements of registration or if it is just practice. May thought the Lobbying Ordinance specifies what the registration forms have to say. Konkel suggested adding a cross-reference to the Lobbying Ordinance.

Regarding abstentions, and setting aside the Common Council, May said for anything to pass, it has to pass by a majority of the members in attendance and a majority of the quorum. An abstention at a meeting does not destroy quorum but is not a vote in favor of the item. The members agreed that this distinction should go on the training list.

Konkel recalled from her notes that the subcommittee had asked about abstentions for reasons of conflict of interest. Twigg remembered that the question had been if abstentions for conflict needed to be treated differently in terms of how members are counted. Konkel agreed and wondered what should happen if a body can't get to a majority because of abstentions due to conflict – is it treated any differently? May said he would research the question.

Rhodes-Conway asked if there are any other things the members feel should be standard for every committee. In the absence of anything else, she said they are currently saying Roberts Rules takes over, except for a few instances they've called out. No additional items were mentioned.

Rhodes-Conway said it appears to her that procedural matters should be included in (8)(b). She asked May if, while incorporating the changes the subcommittee had discussed, he could attempt to rearrange (8) in a more logical way. For example, she suggested breaking out the motion for reconsideration as its own subsection. Schumacher suggested checking all the cross-references, too. May said he would work on it.

Regarding (8)(e), Konkel and Rhodes-Conway asked about closed hearings on quasi-judicial matters. May said he doesn't think alders can use their ex-officio status to attend those hearings. For example, if there is a complaint in front of the Ethics Board, and if an alder is not the complainant or somebody presenting testimony about the matter, he or she can't come in and say, "This is what I think about this."

Konkel asked where this comes up, other than the ALRC, and she wondered if some of the Plan Commission decisions are quasi-judicial. May said it can come up, for example, at the Police and

Fire Commission and the Administrative Review Board. He said most of the Plan Commission's actions are more legislative.

Clausius asked for clarification about closed sessions of the Ethics Board. Specifically, can alders be present if they don't participate? May said normally, any committee that goes into closed session can limit attendance to committee members and anyone else whose presence they deem necessary to conduct the business that's going on during the closed session, adding that the ordinance doesn't say anything specifically about ex-officio members.

May posed the question of whether a non-member alder has the right to attend a closed meeting in their ex-officio status. He explained that he means a meeting that's closed not because it's a quasi-judicial hearing or an advisory opinion of the Ethics Board but, for example, because it concerns negotiation and competitive reasons require it. Twigg said he thinks alders should be included because it avoids having to try to do a closed session for the full Council

Rhodes-Conway recapped the substance of the discussion about the ex-officio status of alders: Quasi-judicial hearings and closed sessions of the Ethics Board are the only two reasons why an alder would not be allowed to attend a meeting as an ex-officio member of a committee.

c. Continue with work plan, item #1(e): Operation of each body.  
The subcommittee did not have time to discuss this item.

## 6. FUTURE AGENDA ITEMS

- Future meeting dates.
- Continue discussion of MGO Sec. 33.01(8): Minutes and Rules of Procedure.
- Continue with work plan, item #1(e): Operation of each body.

## 7. ADJOURNMENT

Konkel moved, seconded by Schumacher, to adjourn. The motion passed by acclamation, and the meeting was adjourned at 10:00 a.m.