

November 12, 2008

**TO:** Ald. Tim Bruer, Common Council President  
Members of the Common Council Organizational Committee

**FR:** Ald. Satya Rhodes-Conway, Chair, Common Council Organizational Committee  
Subcommittee on Committee Creation and Committee Rules  
Members of the Common Council Organizational Committee Subcommittee on  
Committee Creation and Committee Rules

**RE: 2<sup>nd</sup> DRAFT Final Report and Recommendations of the Common Council  
Organizational Committee Subcommittee on Committee Creation and Committee  
Rules**

### **Background**

On November 6, 2007, the Common Council Organizational Committee (CCOC) formed a subcommittee to review City committee, commission and board rules and how committees, commissions and boards (hereinafter referred to as "Sub-units") are created. The CCOC appointed Ald. Satya Rhodes-Conway as chair, Ald. Brenda Konkell and Ald. Joe Clausius as members, and Ald. Michael Schumacher as alternate. (On January 22, 2007, Common Council President Mike Verveer elevated Ald. Michael Schumacher to full membership on the subcommittee.) The subcommittee met 14 times between December 2007 and November 2008.

The subcommittee would like to acknowledge and thank City Attorney Michael May and Debbie Fields, Common Council staff, for their invaluable support, advice and hard work during this process.

### **Mission and Emphasis of Study**

In accordance with the subcommittee's mission to "review City committee, commission and board rules and how committees, commissions and boards are created," the subcommittee developed a work plan with emphasis placed on standardizing and codifying the methods by which Sub-units are created and the rules by which they operate. Specific areas of study included:

- The different types of Sub-units and the differences between them.
- Methods of creating Sub-units.

- Naming of Sub-units, including re-naming existing bodies as necessary.
- Consolidating and/or eliminating certain existing Sub-units.
- Locating all standing Sub-units in Madison General Ordinances (MGO) Chapter 33.
- The appointment process, including filling vacancies.
- Operating rules, both baseline and special.
- Software and Website issues, including public access to online information.
- Training of Sub-unit members, officers, staff and alders.
- Developing an action plan for implementing the subcommittee's recommendations.

### **Data Collection, Resources and Invited Staff/Others**

The subcommittee reviewed a variety of resources, solicited input from several staff and heard testimony from the public.

*The following documents were reviewed:*

- Chapter 33 of the MGO: Boards, Commissions and Committees.
- November 2001 Final Report of the CCOC Subcommittee on Public Input and Access.
- December 2001 Final Report of the Subcommittee on Committees.
- Commissions FAQ: What is the difference between a committee and a commission or a board?
- Lists of all standing committees, commissions and boards; all non-City committees with Mayoral appointments; and all ad hoc committees, subcommittees, task forces and work groups.
- Ordinances, resolutions, budget documents, reports, intergovernmental agreements, policies and other documents creating current City Sub-units.
- An email survey was conducted to determine how many staff committees are operating and what their functions are. Department/divisions heads responded to the survey, and the subcommittee reviewed the results.
- Administrative Procedure Memorandum 3-1, explaining the criteria a Sub-unit must meet in order to be a Legistar committee.
- Legislative File ID # 08992, a proposed ordinance which would codify the Minority Affairs Committee and Women's Issues Committee in the MGO. (Note: the Common Council adopted the ordinance on April 22, 2008.)
- Reports describing how committee, commission and board appointments are made in San Diego, California, and Las Vegas, Nevada.
- A memo from Brad Murphy regarding his comments on making the Development Assistance Team subject to public meeting requirements.
- The City Attorney's Report regarding the subcommittee's proposed changes to Chapter 33 of the MGO.

*Input was solicited from the following staff:*

- Mike May (City Attorney) – The City Attorney attended all of the subcommittee's meetings. He provided invaluable support, sharing his perspective on the City's current practices and policies, offering suggestions and alternatives, drafting all proposed changes to the Madison General Ordinances (MGO), advising the subcommittee about legal considerations and conducting background research.
- George Twigg (Assistant to the Mayor) – Mr. Twigg attended six of the subcommittee's meetings. He acted as a liaison between the subcommittee and the Mayor's Office, informing the subcommittee of the Mayor's views on proposed changes and providing information about the appointment process.

- Joel Plant (Assistant to the Mayor) – Mr. Twigg left his position with the City on July 11, 2008. Mr. Plant assumed his role as liaison between the subcommittee and the Mayor's Office, attending the August 7, 2008, and November 18, 2008, meetings
- .
- Ariel Ford (Department of Civil Rights), Christie Hill (Minority Affairs Committee and Women's Issues Committee), Nancy McCulley (Women's Issues Committee), Glen Clark (Minority Affairs Committee), Dana Warren (Minority Affairs Committee) - Ms. Ford, Ms. Hill, Ms. McCulley, Mr. Clark and Ms. Warren attended the subcommittee's March 27, 2008, meeting. They filled in the subcommittee on the background surrounding the Minority Affairs Committee (MAC) and the Women's Issues Committee (WIC) request to become formal City Sub-units subject to some, but not all, of the rules laid out in MGO Chapter 33.
- Pam Williamson (Mayor's Office) – Ms. Williamson attended the February 28, 2008, and June 5, 2008, meetings of the subcommittee. As the staffperson in the Mayor's Office responsible for maintaining the majority of the online information about Sub-units, she was very helpful in furthering the subcommittee's understanding of software and Website issues. She also provided information about the training that citizen and staff members of Sub-units undergo and about the process for filling vacancies on Sub-units.
- Jule Stroick (Planning Unit) – Ms. Stroick provided historical background and staff perspective on the issue of neighborhood steering committees and how vacancies on those bodies are filled. (Ms. Stroick was unable to attend the subcommittee's July 3, 2008, meeting, so she made her comments via email.)
- Dave Faust and Sarah Edgerton (Information Technology) and Maribeth Witzel-Behl (City Clerk) – Mr. Faust, Ms. Edgerton and Ms. Witzel-Behl attended the subcommittee's June 5, 2008, meeting. They explained what Legistar can and can't do and gave an update on Website changes that are currently in the works. They listened to the subcommittee's concerns about giving the public user-friendly access to meaningful information about Sub-units, and they proposed ideas for enhancing that access using current technology.
- Brad Murphy (Planning Unit) – Mr. Murphy attended the subcommittee's August 7, 2008, meeting. He spoke to the subcommittee's proposal to add the Development Assistance Team (DAT) to the MGO and to subject that body to public meeting requirements. He distributed a memo providing background on the creation of the DAT, information about the work of the team and details about his concerns if DAT meetings were required to be public meetings.

*The following members of the public testified:*

- Carole Schaeffer (Smart Growth Madison) – Ms. Schaeffer attended the July 3, 2008, and the August 7, 2008, subcommittee meetings. She was speaking to a proposed change in MGO Sec. 3.30(2), which requires a two-thirds vote to confirm the appointment of a non-resident to a City of Madison Sub-unit. She explained that many of her organization's members would like this change, and she cited precedents for non-residents receiving such considerations from the City.

## **Recommendations**

### *Recommended changes to the Madison General Ordinances.*

*(A brief summary follows. Specific language can be found in the enclosed draft ordinances.)*

- All City boards, commissions and committees will be listed in the index.
- Replace all references to “board, commission and committee” with “Sub-unit.”
- The rules adopted apply unless changed elsewhere in the ordinances, or as may be required by state law.
- Add definitions of “ad hoc,” “Authority or District,” “Board or Commission,” “Committee,” “standing,” “Subcommittee” and “Sub-unit.”
- Add language to standardize the creation and dissolution of Sub-units and subcommittees.
- Add language to standardize the appointment process and to provide for the following:
  - Allowing two alders to introduce a resolution appointing a person to a vacancy that has existed for more than 90 days.
  - If an appointment is rejected, the same person may not be nominated for the same position for a period of six months.
  - Alternates’ seats on Sub-units will be numbered.
- Add language to standardize terms of appointments and to provide for the following:
  - Ten-year term limit, except for alders, unless authorized by a two-thirds vote of the Common Council.
- Add language directing Sub-units to choose their Chair, Vice-chair and other officers every two years.
- Add language to the subsection concerning attendance to provide for the following:
  - Require the Chair to report to the Mayor and the Common Council Office when a member is absent without excuse from three of four consecutive meetings. (Currently, the ordinance requires the Chair to report only to the Mayor.)
  - Classify a meeting not held due to lack of quorum as a missed meeting for any member not in attendance.
  - Allow the Mayor, at his or her discretion, to request that the Council remove such members from the Sub-unit.
- Add language to the subsection concerning minutes and rules of procedure as follows:
  - Specifying a five-day time limit for filing approved minutes with the City Clerk.
  - Sub-units shall review and make any changes in their rules of procedure every two years, which shall be filed with the City Clerk.
  - The Chair of a Sub-unit shall not vote unless it would affect the outcome of the matter and shall not participate in making motions or in discussion.
  - Allow Council member participation in closed session meetings unless his or her exclusion is necessary for the purpose of the closed session.
- Add language in the subsection concerning public comment as follows:
  - Public comment is allowed on any matter on the agenda or matters not on the agenda.
  - Sub-units may allow public comment on agenda items at the time the item is taken up.
  - Members of the public wishing to speak shall register to do so on registration forms established by the City.
- Add a section concerning staff committees.
  - Staff committees that should be in ordinance and should comply with all of the rules in Chapter 33: Board of Assessors, Street Use Staff Team.

- Staff committees that should be in ordinance, whose meetings should be publicly noticed, and who should comply with some, but not all, of the rules in Chapter 33: Minority Affairs Committee, Women's Issues Committee.
- Staff committees whose meetings should be publicly noticed but that should not be subject to any of the other Chapter 33 requirements: Rhythm & Booms Committee, Elver Fireworks Committee, Technical Advisory Committee (Water).
- All references to the Privilege in Streets Committee shall be changed to read "Risk Manager."
- All references to the Mayor's Public Works Improvement Committee shall be changed to read "City Engineer."
- All references to the Street Encroachment Committee shall be stricken.
- All references to the Training Committee shall be changed to read "Human Resources Director."

*Software and Website recommendations.*

- Rename/relabel existing Web pages to make it more obvious what information can be found there.
- Put language on the main "Committees" page directing people to other pages (e.g., Weekly Meeting Schedule, Notice of Additional Public Meetings Calendar, etc.).

*Recommendations for specific Sub-units.*

- Eliminate
  - Cable TV Advisory Council
- Standing and should be in the MGO
  - City-County Liaison Committee
  - Education, Board of – Common Council Liaison Committee
  - Erlanger, Jeffrey Clay, Civility in Public Discourse Award Committee
  - Ho-Chunk Nation – City of Madison Joint Planning Committee
  - Madison Election Advisory Committee
- Has some independent authority and should be renamed "Commission"
  - Humanitarian Award Committee, Dr. Martin Luther King, Jr.
  - Street Use Staff Team
- Does not have independent authority and should be renamed "Committee"
  - City Employees' Merit Awards Commission
  - Community Development Block Grant Commission
  - Disabilities, Commission on People with
  - Early Childhood Care and Education Board
  - Economic Development Commission
  - Environment, Commission on the
  - Joint City-County Section 8 Advisory Commission
  - Long Range Transportation Planning Commission
  - Madison Arts Commission
  - Pedestrian/Bicycle/Motor Vehicle Commission
  - Public Safety Review Board
  - Tree Board

- Move from ad hoc to standing status. (Already in the MGO.)
  - Contracted Services Oversight Subcommittee
  - Disabled Parking Enforcement Assistance Council
  - EOC Employment Subcommittee
  - Street Use Staff Team
  - Weed Commissioners
    - o Remove from online “Committees” page.
  
- Move from ad hoc to standing status, and put in the MGO.
  - Ad Hoc Committee on Park Names/Memorials (subcommittee of Board of Park Commissioners)
  - CDA Housing Operations Subcommittee
  - Facilities, Programs and Fees Committee (subcommittee of Board of Park Commissioners)
  - Golf Committee (subcommittee of Board of Park Commissioners)
  - Habitat Stewardship Committee (subcommittee of Board of Park Commissioners)
  - Inclusionary Zoning Advisory Oversight Committee
    - o Should be a subcommittee of the Plan Commission
  - Long Range Planning Committee (subcommittee of Board of Park Commissioners)
  - Monona Terrace Event Booking Assistance Advisory Committee
  - Pest Management Advisory Committee
  - Safe Food Advisory Subcommittee
  - Sustainable Design and Energy Committee
  - Tree Board (subcommittee of the Board of Park Commissioners; also to be renamed “Committee”)
  - Warner Park Community Recreation Center Advisory Committee (subcommittee of Board of Park Commissioners)

## *Training*

### Committee Support Staff

- Committee support staff will be required to train every three years, with optional yearly “refresher courses” for those who so desire.
- The following areas should be covered in committee support staff training:
  - How to work effectively in Legistar, including how to deal with non-Legistar bodies (e.g., posting of agendas/attachments, minutes, etc.).
  - How to take minutes effectively, including standards on the level of detail needed.
  - How to get things entered into Legistar in a timely manner, including a five-day time limit for filing approved minutes with the City Clerk.
  - How to operate by Robert’s Rules of Order.
  - How to follow Open Meetings law.
  - How to comply with public record requirements.
  - Guidance on working with the chairs of Sub-units.
  - Guidance on working with the alders on the committees, including sponsorship issues.
  - Instruction in use of the template when creating a new Sub-unit or subcommittee.

### Committee Members, Including Committee Chairs

- The following areas should be covered in committee member training:
  - Understanding the role of alders who sit on a Sub-unit.
  - Understanding the ex-officio role of alders.

- Understanding the rules of procedure:
  - Sub-units shall affirmatively review and make any changes in their rules of procedure every two years, which shall be filed with the City Clerk.
  - Notifying new members of operating rules.
  - Registration.
  - Public testimony.
  - When and how members ought to abstain.
  - The Chair must restate the motion before a vote is taken.
  - The Chair shall not vote unless it would affect the outcome of the matter and shall not participate in making motions or in discussion.
- Sponsorship of legislation.
- How to get something onto an agenda.
- Their role in the budget.
- Understanding the way things move through the City process.
- General role and responsibilities of members.
- Ethics.
- Robert's Rules of Order.
- Open Meetings law.
- Public records.

#### Committee Chairs

- Committee chairs shall also be invited to attend committee support staff training.

#### Other Training Recommendations

- Hold separate training session(s) for members of quasi-judicial Sub-units.
- Ask the Mayor's Office to consider offering training opportunities more than once a year and having at least of those opportunities be at a time other than August.
- Consider breaking up the hours-long training into multiple, shorter sessions.
- Keep track of committee members who have attended training and place greater emphasis on encouraging those who have not attended training to do so.

#### *Other/miscellaneous*

- Template: The subcommittee developed a template (enclosed) to guide City staff when creating new Sub-units and subcommittees.

#### **Public Hearing**

A public hearing was convened on November 18, 2008, and the following testimony was heard:  
**(Note: This section to be completed after the November 18 meeting.)**

#### **Action Plan for Implementation**

The following actions should be taken to implement the subcommittee's recommendations:

- Adopt both sets of proposed changes to MGO Chapter 33.
- An Administrative Procedure Memorandum (APM) is issued by the Mayor's Office regarding the training recommendations.
- The subcommittee issues a memo requesting staff from the Mayor's Office, the Common Council Office, the City Clerk's Office and the Office of the City Attorney to begin using the template when creating new Sub-units and subcommittees.

- The Mayor's Office issues a memo regarding committee member recruitment, including language about soliciting more input from alders.
- The subcommittee issues a memo regarding committee name changes. The memo will go to the Mayor, Common Council, members of the affected committees and the City staff who use Legistar.
- The subcommittee issues a memo to Information Technology detailing its software and Website recommendations.

enc: Proposed changes to Madison General Ordinances  
Report of the City Attorney  
Template to guide the creation of Sub-units