



City of Madison

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

Tuesday, January 19, 2010

5:00 PM

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

CALL TO ORDER / ROLL CALL

Present: 7 -

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

Excused: 1 -

Judy Compton

Others Present: Michael May (City Attorney), Joel Plant (Mayoral Assistant), Rosemary Lee, Kristin Czubkowski (TCT) and Brenda Konkel

Ald. Tim Bruer, Chair, called the meeting to order at 5:02 p.m.

APPROVAL OF MINUTES

A motion was made by Ald. Michael Schumacher, seconded by Ald. Mark Clear, to approve the minutes from the January 5, 2010 CCOC meeting. The motion passed by voice vote/other.

PUBLIC COMMENT

There was no public comment.

Ald. Judy Compton arrived at 5:04 p.m.

Present: 8 -

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

REFERRAL ITEMS FROM 1/5/10 CCOC MEETING

[16784](#)

Report on Education/Monitoring Compliance Tool & Framework for Soliciting Alder Input - Katherine Plominski, Alcohol Policy Coordinator

Attachments: [The State of City Alcohol Regulation](#)

Joel Plant was available to discuss Katherine Plominski's memo entitled "State of City Alcohol Regulation: Resource Mapping" (dated 12/7/09). The memo outlined city agencies and their role in addressing alcohol issues, regulating licenses and issuing licenses. He highlighted city positions within each agency and how they were related to alcohol regulation:

Mayor's Office: Alcohol Policy Coordinator

City Attorney's Office: Two attorneys assigned to alcohol issues

Clerk's Office: alcohol clerk and starting in 2010 alcohol compliance officer (hourly, part-time). This position will supplement the alcohol related duties of the police department, building inspection and fire department (compliance checking).

Mr. Plant also noted that Katherine Plominski sent a memo previously to CCOC (dated 11/2/09 entitled: "Requested memo regarding proposed special committee") that outlined various initiatives that are being addressed by the Agency Collaboration Team and the Alcohol Policy Workgroup. Mr. Plant also stated that Ms. Plominski working on a memo to go to all alders on the work of the collaboration team as it relates to capacity issues.

Ald. Marsha Rummel asked where alders were involved in the resource mapping model. Mr. Plant noted that alders were involved in each step of the process - notification, renewals, etc. Ald. Rummel stated that Ms. Plominski is given policy development powers and she thought alders should be working hand-in-hand with the Mayor's office on policy issues. Mr. Plant noted that the Council can be added to the resource map. Ald. Rummel asked if the licensing website is under the auspices of the City Clerk's office. Mr. Plant noted that Ms. Plominski is working with the Clerk's office to update the license webpage (Fire and Police pieces also). Ald. Rummel asked who audits the food vs. alcohol percentages. Mr. Plant stated the Comptroller's office audits and that an audit is initiated by the ALRC, Comptroller or individual alder.

Ald. Bryon Eagon asked that alders not only be notified during the initial application process but also when licenses are being revoked (e.g. he wasn't made aware of the revocation proceedings for Johnny O's). Joel Plant will request that this be included in the recommendations for improvement.

Ald. Shiva Bidar-Sielaff noted that neighborhoods are missing in the resource map and it would be helpful to look at ways to include neighborhoods. She asked how the Agency Collaboration Team communicates their policy initiatives to the ALRC and the Council and how alders can provide policy initiative recommendations to either the team or workgroup. Ald. Michael Schumacher stated that he sits on the policy workgroup. He said that the work group was developed to relieve the staff-type work that was being done at the

ALRC level. He noted that Katherine Plominski provides periodic updates to the ALRC and some of the policy initiatives will go to the various ALRC subcommittees.

Ald. Tim Bruer asked if there are minutes from either the Agency Collaboration Team or Alcohol Policy Workgroup meetings. Joel Plant noted that Ms. Plominski does not keep formal notes but work notes. Ald. Bruer asked how alders can be informed. Mr. Plant thought that periodic briefings on alcohol initiatives at CCOC, in addition to ALRC, could be done.

Ald. Judy Compton asked if this Alcohol Policy Workgroup could provide information similar to what the Planning Department's Development Assistance Team (DAT) is providing to alders. Primarily when meetings are being held and what issues will be discussed so alders can decide if they want to attend the meeting. Ald. Bidar-Sielaff also thought this would be helpful.

Ald. Marsha Rummel asked if condensed information (handout) on licensing could be placed on the website. Joel Plant said that staff has a "cheat sheet" that he can send to alders.

Ald. Michael Schumacher thought that formalizing Katherine Plominski policy coordinator report from the Agency Collaboration Team and Alcohol Policy Workgroup could be a standing item on the ALRC agenda.

16785

July - November 2009 Staff Report - Lisa Veldran, Common Council Administrative Assistant

Attachments: [July-November 2009 Council Staff Report](#)

Lisa Veldran reviewed her report with members of the CCOC. Ald. Bruer requested more narrative in the report.

16976

Discussion Item: DRAFT Ordinance to require certain disclosures relating to alcohol licensing.

Attachments: [DRAFT Alcohol Licensing Amendment Ordinance](#)

City Attorney, Mike May, was present to discuss the draft ordinance to require certain disclosures relating to alcohol licensing. The draft ordinance requires certain disclosures relating to alcohol licensing, that ALRC members are to verbally report on contacts by persons acting on behalf of licensees or potential licenses and that licensees are also to report, in writing, contact and would be subject to forfeiture for failing to report contacts.

Ald. Shiva Bidar-Sielaff asked why the ordinance was drafted. Ald. Michael Schumacher stated that were a number of reasons why the ordinance emerged. There were some instances where large establishments began to aggressively lobby ALRC members (e.g. site visits). He said that the Plan Commission has a rule where members are asked at the meeting to report any contact with developers who have issues coming before the commission. Ald. Schumacher did note that the draft ordinance may have an inherent problem

with alders and liquor license contacts because they have a different role with applicants than ALRC members and this issue needs to be discussed and resolved.

Ald. Bidar-Sielaff noted that the Plan Commission has established reporting informally and that it was not required by ordinance. She thought that some of the language in this draft contradicted the current lobbying ordinance, particularly with the definition of "small business". Ald. Bidar-Sielaff stated that she thought this should be part of a larger discussion on the lobbying ordinance. She didn't want to see different rules for different committees because that becomes confusing for business owners.

City Attorney May noted that the owners of a business are exempt from the lobbying ordinance and can lobby without registering as lobbyist. If they weren't exempt you wouldn't need this draft ordinance. City Attorney May said that the Council could revisit the lobbying ordinance and put liquor license applicants subject to the lobbying ordinance. He stated that this was a policy question for Council.

Ald. Marsha Rummel thought that this ordinance places the burden of disclosure on the committee members and not the applicant. She noted that if this ordinance was adopted for the ALRC committee it should apply to all committees or the Council should revisit the lobbying ordinance.

Ald. Tim Bruer stated that this was why only a draft was before the CCOC – to answer the question whether the Council wanted to revisit the entire lobbying ordinance.

Ald. Judy Compton asked if all liquor licenses applicants were exempt from the lobbying ordinance. City Attorney May noted that business owners can lobby on behalf of their own business but exceptions do not cover an owner seeking a liquor license. She asked how many incidents of abuse were reported. Ald. Michael Schumacher stated that it was a potential issue. Ald. Judy Compton did not think it was the right time that she perceived it more as an attempt to micromanage and did not support the draft ordinance.

Ald. Bruer asked if there some type of framework could be developed in terms of disclosure and contact for all committees vs. a full blown discussion on the lobbying ordinance. City Attorney May cited the Milwaukee incident where an alder was charged with taking bribes for liquor license approvals and that was what Ald. Schumacher and he wanted to avoid. Ald. Bidar-Sielaff thought that having this ordinance on the books would not make members more willing to stand up and self declare that they were taking money under the table. She liked Ald. Bruer's suggestion of developing a framework that would be used by committees to discuss lobbying "do's and don'ts" at their meetings.

Ald. Compton if a survey should be developed so committee members could identify how the lobbying ordinance is affecting them (e.g. identify if they have been contacted, what types of contacts, etc.).

Ald. Schumacher stated that there were incidents where lobbying of ALRC members had started to become questionable in terms of the lobbying law and now changes have occurred within the business community. Applicants and their lobbyist now know that site visits are public meetings. ALRC members

recognized that they were being contacted individually and then that information is shared with the next ALRC member and now the lobbyist is requested to meet in a public forum (ALRC meeting) vs. with each individual member. Ald. Schumacher supported the framework concept for all committees.

City Attorney May was asked to come back to a future CCOC meeting with a draft framework to communicate to committee members the various lobbying ordinance issues they may face and how to respond.

[16977](#)

Discussion Item: DRAFT Ordinance to modify procedures and penalties with respect to statements of interest under the Ethics Code.

Attachments: [DRAFT Ethics Code Amendment Ordinance](#)

City Attorney Mike May stated that these are changes to the State of Interest forms. This ordinance modifies certain procedures and penalties regarding the required statements of interests (SOI) under the Ethics Code. Withholding pay is removed as a penalty for employees failing to file the SOI under the Ethics Code. Instead, the City Attorney may bring a forfeiture action in municipal court. The Clerk will now give both potential filers of the SOI and the staff to committees a notice 45 days before the SOI is to be filed. Committee staff are to place the filing on agendas to assist filers in timely compliance. If a filer fails to timely file, they receive another notice from the Clerk. A further failure to file results in removal from the committee, but the person may continue to count toward a quorum in the interim. This ordinance also provides an exemption from filing a new SOI with the City for elected officials of other governmental units who have a similar requirement under that unit's laws; they are simply to file a copy of the SOI they filed with the other governmental unit.

Ald. Judy Compton commended the City Clerk's office for their diligence in contacting people to file their SOI form. Ald. Judy Compton requested to be added as a co-sponsor to this ordinance. CCOC members asked that the ordinance be introduced at the February 2, 2010 Common Council meeting.

ADJOURNMENT

A motion was made by Ald. Mark Clear, seconded by Ald. Michael Schumacher, to adjourn. The motion passed by voice vote/other. The meeting adjourned at 6:02 p.m.