



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

Thursday, July 3, 2008

8:30 a.m.

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

1. CALL TO ORDER

The meeting was called to order at 8:36 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. Joe Clausius, Ald. Michael Schumacher (8:40 a.m.).

Absent: None.

Others: 3 – Mike May (City Attorney), Carol Schaeffer (Smart Growth Madison), Debbie Fields (staff to the subcommittee).

3. PUBLIC COMMENT

No members of the public were present at the meeting.

4. APPROVAL OF MINUTES

Clausius moved approval of the June 5, 2008, minutes, seconded by Konkel. The motion passed unanimously.

5. DISCUSSION ITEMS

a. Extra-majority vote requirement for appointment of non-residents, esp. those who own a business in Madison.

Rhodes-Conway explained that this item is on the agenda at the request of Schumacher. Schumacher said there are some people in the Madison business community who deal extensively with the City and are influenced by City policies and, after talking with Schaeffer, he thought it was worth asking the subcommittee to explore the issue. Schaeffer said she'd had some discussions with members of her organization, talking about getting involved with committees and commissions, and she'd discovered there is a large number of members who own businesses and/or property and have employees in the city of Madison, yet they don't reside in the city. They are, however, still subject to many different City rules and regulations that have a profound impact on their businesses, and they would like to see their appointments to sub-units confirmed by a simple majority rather than an extra-majority vote. Schaeffer gave two examples that she believes set a precedent for non-city residents to receive consideration from the City:

- The sick leave proposal, which would have had application to people who work in Madison but don't live here.
- The conservation districts proposal, which would give rental residents (who don't own property in Madison) a voice and an option to start a process in motion that would impact property owners.

Rhodes-Conway asked Konkel and May if they had any historical perspective. Konkel said her recollection is that this issue was a concern of former alderperson Cindy Thomas, who wanted to restrict committee membership to city residents only, adding that the two-thirds vote was the compromise. She also said she thinks the Council has sent a few appointments back to the Mayor's Office, but she couldn't remember ever not

appointing someone. May recalled one instance where a proposed appointment to the Ethics Board was turned down.

Schumacher said that extending the simple majority approval to non-residents would represent consistency with established City policy. He explained that currently only police, fire and Compensation Group 18 employees are required to live in the city, adding that lifting the requirement for Compensation Group 18 is presently under discussion. He also said the Mayor has indicated he is interested in changing residency requirements for employees.

Clausius asked Konkol if, at the time this ordinance was passed, the issue had been a single event or had come up several times. She replied that there had been several in a row, and the Council kept sending them back to the Mayor. She also recalled that, at the same time, the Council began requiring the Mayor's Office to provide more information about proposed appointees: What other committees the person was on, more background, etc. She said the Council essentially wanted to set a slightly higher bar for non-residents and wanted the Mayor to justify why a non-resident was being proposed for appointment, adding that usually the justification is that they own property here, have a business here or have some particular expertise that's needed.

Rhodes-Conway said she can see both sides of the issue: 1) Wanting the people who help run the government to be the people who vote for that government, and 2) moving towards regionalism. She added that she doesn't feel strongly one way or the other. Schumacher moved, seconded by Clausius, to recommend changing the ordinance. He said he thinks it sends a nice message that Madison is open to the wider community, that there's no threshold to overcome. The Mayor would still appoint and the Council would still confirm, so no extra privileges are being given to people outside the city. He also said he thinks this is an opportune time to do this, instead of waiting until we get into a problem case.

Konkel said she thinks the two-thirds vote was a good compromise at the time. She said she has a lot of constituents who become upset because they've applied to be on committees and haven't been appointed, and then they see non-residents getting appointments. She said she thinks the compromise has worked, there hasn't been a problem, and she would leave it the way it is because it does give a little bit of preference to people who live in the city.

Clausius said he could go either way on this, but he would probably support changing it because to him, it's understood that city residents get preference for seats unless there is some explicit reason why a non-resident should be appointed.

May asked for clarification on how the ordinance would be changed. Would someone have to own a business or just own property? Konkol added the question of who owns it – an LLC, an individual, etc.?

Schaeffer said she doesn't think changing the ordinance would make a big difference as far as a huge influx of people applying. Instead, she said she sees it as removing a huge psychological hurdle, which might result in a wider, more varied pool of people applying for committee membership.

Schumacher said if the sentiment is to keep the ordinance the way it is, he does not want to spend the next half hour crafting new language. Instead, he would recommend that the City Attorney take a crack at what the language would look like if the ordinance were to be changed. Rhodes-Conway said they need to know if they're talking about just removing the language about two-thirds with no other requirement at all or if they're going

to get more specific: Does the person have to own a business? Own property? What's the definition of "own"?

May said he thinks there is an important distinction between owning a business and owning property, explaining that business owners have a greater degree of interaction with the City than property owners. Konkel said she thinks there's a definition of "owner" in the Lobbying Ordinance. Clausius said he only needs to see an explanation of why the Mayor is proposing a non-resident for appointment.

Schumacher asked Twigg for his opinion. Twigg said he doesn't feel strongly one way or the other and doesn't foresee it having a huge practical impact either way. He also didn't see the two-thirds requirement as a big psychological hurdle, saying that when the Mayor's office has contacted potential candidates who are non-residents, they haven't seem put off by the prospect of an extra-majority vote to confirm their appointment.

Rhodes-Conway observed that the Council almost always approves the Mayor's appointments, and said she is inclined to leave things the way they are because it seems to be working. She said she thinks the perceived psychological hurdle of a two-thirds vote could be mitigated through better recruitment and education so candidates don't see it as a barrier.

Schumacher withdrew his motion to recommend adoption of the ordinance, and the members asked May to draft some alternate versions, with and without stipulations about property/business ownership (including a definition of "owner"), having employees in Madison and instances of special expertise. Additionally, Schumacher asked May to identify the pros and cons of each version.

- b. Continue discussion about elevation of alternates to open, full seats. Fields handed out copies of an email from Jule Stroick, City of Madison Neighborhood Planner, which had also been distributed to the members electronically.

Schumacher said this idea came up after observing a neighborhood planning process firsthand, adding that there has been a bit of turnover. He said the intent is not to say an alternate has to be elevated, but to give the alternate first opportunity. When someone has been committed to the effort, he thinks it's good practice to say that person should get first crack at an open seat. Rhodes-Conway said she'd had a conversation with Stroick about this, and the Northside process that Rhodes-Conway and Schumacher have been involved with has been particularly sticky in a way that is unusual for neighborhood steering groups. She said she's struggling with how to write this down in ordinance so the groups aren't inordinately constrained but still have open meetings and follow a public process.

Schumacher said he was surprised that Stroick said there aren't problems, because when he'd sat down with her, one of the first things she said was that quorum is always going to be an issue and there's always turnover. He said he thinks this proposal honors the commitment of those who are involved.

Clausius said he sees neighborhood steering committees as extensions of what he calls "grassroots neighborhood associations." He said he's somewhat reluctant to get the City involved in it very much, and he wondered if this comes up very frequently, if it's really a problem. Rhodes-Conway said there seems to be mixed messages, because when she talked to Stroick, Stroick said it wasn't an issue. But, Rhodes-Conway said Schumacher is right, that when they first set up the Northside committee, Stroick indicated she wanted to keep the official number for quorum small to make sure they'd be able to make quorum.

Twigg asked the members what they think about Stroick's email comments about the seats on the Northside being assigned according to geography and the alternates not residing in area with the vacant seat. Rhodes-Conway and Schumacher said there were pairings, but they fell apart.

Fields said that when she presented the proposal to Stroick, it was with the understanding that this is something about which the subcommittee feels strongly, and that they were interested in hearing, from a staff perspective, whether this would be better accomplished through an ordinance change or by adding it to the template. She said Stroick indicated it has always been Planning's unwritten practice to recommend alternates for any open seats when possible, and that the Northside committee has had problems that, in her experience, previous neighborhood committees have not had. Schumacher said he's not concerned whether it gets done through ordinance or another mechanism, the important thing is that it gets done. Rhodes-Conway said she thinks adding it to the template would be a good solution. Clausius said he feels much more comfortable with that, because he's still very reluctant to meddle with a quasi-neighborhood association. Rhodes-Conway said the idea is to send a strong message to Planning staff and to make people think about it when they form a committee.

Rhodes-Conway asked the members if everyone was comfortable with that. There was no dissent. Rhodes-Conway asked Fields to add it to the template.

- c. Continue discussion about naming: Subcommittees, staff committees, other/unknown. Rhodes-Conway identified two issues:
- Use of "sub-unit" as a term to replace references to committees, commissions and boards in the Ordinances.
 - Naming/renaming sub-units with/without independent authority

Schumacher reiterated his previous assertion that the term "sub-unit" will not make it into regular jargon and asked May if he'd come up with any alternative options. May restated his previous explanation that the term comes from Open Meetings Law.

Rhodes-Conway asked the members if they want to recommend name changes for bodies like the Pedestrian/Bicycle/Motor Vehicle Commission (PBMVC) and the Commission on the Environment, neither of which have independent authority, from commission to committee. If so, she asked for suggestions on how to make such bodies comfortable with their new names. Schumacher said this resonates with him as "cleaning things up," adding that while there may be some discomfort, the subcommittee needs to make the changes. The other members agreed. Regarding the issue of making the bodies comfortable with their new names, Konkel pointed out that it won't change the acronym of either the PBMVC or the COE.

The members discussed changing ad hoc names and decided it was better to let any misnamed bodies expire and focus instead on correctly naming any newly formed ad hoc bodies.

Rhodes-Conway said an ordinance amendment will be needed to put some bodies into ordinance and to change the name of others. May suggested doing this ordinance change separate from the one with all the Ch. 33 changes, and Rhodes-Conway agreed. Rhodes-Conway and Schumacher asked May and Fields to work together on compiling a comprehensive list of the sub-units for which the subcommittee is recommending any kind of change.

Schumacher said he wants to revisit the topic of work groups. May said that right now, in the current draft, a work group is considered a committee. Schumacher said that either we use the term or we don't, but if we do, we should define it, adding that he sees value

in using it. Rhodes-Conway said the subcommittee has established one process, and if you're outside of that, you're doing it wrong, so we shouldn't ever be in that situation. She said the subcommittee is not dealing with internal work groups made up of only staff, which the subcommittee has no jurisdiction over, and the more formal staff committees, which the subcommittee hasn't fully finished discussing.

Schumacher brought up the issue of alders working with City staff to gather information, and asked May if this constitutes a formal body. May said it depends what it says in the minutes and what you call it. His advice was not to name the group. He cited the Open Meetings Law, which talks about a formally constituted sub-unit, which then becomes a governmental unit. Formal constitution can take place by ordinance, resolution or order of certain individuals (e.g., Mayor or Council president). If, for example, the Alcohol License Review Committee or somebody with authority says, "Here is the ____ Work Group," then you raise the question of whether that is a formal sub-unit. Konkel said that when you say, "Ald. Schumacher is going to work with these people and come back to us," that's not formally appointed. But, May added, when you say, "Ald. Schumacher is going to form the Such-and-Such Task Force," that begins to look like a formally appointed body.

May said the other way to go would be to say that if you're not making a formal sub-unit, you can call it a work group or a task force. Schumacher said he likes that idea, but May and Rhodes-Conway both thought that was dangerous, a slippery slope.

- c. Ad hocs that should become standing and ad hocs that should be eliminated because their work is done.

Rhodes-Conway said there are a few ad hocs on the list that should go away because their work is done, but said she doesn't think anything needs to be done to accomplish that because they were created by resolution, not by ordinance.

The members reviewed the list of ad hocs committees/subcommittees and determined that the following bodies should move to standing status:

- CDA Housing Operations Subcommittee (need to put in MGO)
- Contracted Services Oversight Subcommittee (already in MGO)
- Disabled Parking Enforcement Assistance Council (already in MGO)
- EOC Employment Subcommittee (already in MGO)
- Facilities, Programs and Fees Committee (need to put in MGO)
- Golf Committee (need to put in MGO)
- Habitat Stewardship Committee/Tree Board (need to put Habitat Stewardship Committee in MGO; Tree Board already in MGO)
- Ho-Chunk Nation-City of Madison Joint Planning Committee (need to put in MGO)
- Monona Terrace Event Booking Assistance Advisory Committee (need to put in MGO)
- Pest Management Advisory Committee (need to put in MGO)
- Safe Food Advisory Committee (need to put in MGO)
- Street Use Staff Team (already in MGO)
- Warner Park Community Recreation Center Advisory Committee (need to put in MGO)
- Weed Commissioners (already in MGO; shouldn't be on the online committee page)

6. FUTURE AGENDA ITEMS/FUTURE MEETING DATES

The next meeting of the CCOC Subcommittee on Committee Creation and Committee Rules is scheduled for:

- Wednesday, July 9, 2008
4:00 p.m. – 5:00 p.m.
City-County Building, Room 417
210 Martin Luther King, Jr. Blvd.

Rhodes-Conway asked Fields to survey the members via email regarding their August availability.

Discussion items for the July 9, 2008, meeting will be:

- Staff committees
- Training of City staff and sub-unit members

7. ADJOURNMENT

Konkel moved, seconded by Clausius, to adjourn. The motion passed unanimously, and the meeting was adjourned at 9:55 a.m.