



City of Madison

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

Tuesday, September 7, 2010

4:30 PM

210 Martin Luther King, Jr. Blvd.
Room 108 (City-County Building)

CALL TO ORDER / ROLL CALL

Present: 5 -

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

Excused: 3 -

Lauren Cnare; Michael Schumacher and Tim Bruer

Others Present: Ald. Thuy Pham-Remmele, Janet Piraino (Mayor's Chief of
Staff), Rachel Strauch-Nelson (Mayor's Assistant), Michael May (City Attorney),
Rosemary Lee, David Remmele, Kristin Czubkowski (TCT), and Brenda Konkel

APPROVAL OF MINUTES

A motion was made by Ald. Shiva Bidar-Sielaff, seconded by Ald. Bryon
Eagon, to approve the minutes from the July 20, 2010 Special CCOC meeting
and the August 3, 2010 Regular CCOC meeting. The motion passed by voice
vote/other.

PUBLIC COMMENT

There was no public comment.

BUSINESS REFERRED FROM 8/3/10 CCOC MEETING

Ald. Chris Schmidt moved, seconded by Ald. Shiva Bidar-Sielaff to table the
discussion item on the city appointment process until Ald. Thuy
Pham-Remmele arrived. Motion was approved.

18958

Policies & Procedures Relating to E-mails Sent to
allalders@cityofmadison.com Email Address - Ald. Mark Clear, Council
President

Ald. Mark Clear stated that he had requested a discussion on alders
responding to emails sent to the allalders@cityofmadison.com email account.
He wanted to have some guidelines or a policy developed on how general
issue emails are responded to by alders. Ald. Shiva Bidar-Sielaff also
identified the issues of alders forwarding emails received by all alders to
others without informing the person who originated the email that there email
had been forwarded.

Ald. Clear noted that he had contacted City IT approximately a year ago about
removing the allalders@cityofmadison.com email option and has people use

the contact alder form so that identifying information could be collected when people sent an email to all alders. For some technical reason it did not work. He was pursuing an auto responder message that the message was received but that the council prefers that they fill out the form so that identifying information was collected, but it was a disaster.

Ald. Marsha Rummel likes the allalders@cityofmadison.com email address because people can communicate with the entire Council not just their specific alder. She thought the message "hat if you want your voice to count, provide your address" should be emphasized somehow.

Ald. Shiva Bidar-Sielaff stated hat for those who identify themselves in the allalders@cityofmadison.com email you can figure out who the alder is for that individual and if people don't identify themselves, they could have council staff ask them to provide their address so that they know what alder needs to respond or to forward to the appropriate staff person.

(Ald. Thuy Pham-Remmele arrived at this time. Ald. Chris Schmidt explained to her that her agenda item was tabled and would be next)

Ald. Schmidt thought that there needed to be clarification on who responds dependent upon the email content. He noted that they could develop a best practices guideline on forwarding emails. For example, an email sent to all alders and when address was provided, requires that the alder whose district it is located in responds directly to the individual. He did not think they should copy all alders on the response because they may run into open meeting violation.

Ald. Clear provided an example of an email and how it was responded to. He had a constituent of his who had property in Ald. Bidar-Sielaff's district and sent an email to all alders. He had to think on who needed to respond. What he did was check with Ald. Bidar-Sielaff and found out that she had responded.

Ald. Bidar-Sielaff thought that the forwarding issue was a bigger issue. She stated that people trust that their information is not being forwarded to outside entities. We understand that it was public record but the sender may not. It was important to ask for permission before forwarding onto larger groups of people and that this was different than forwarding to city staff.

Ald. Rummel noted that emails are a public record and maybe there needed to be an educational component for people emailing all alders.

Ald. Bidar-Sielaff stated that people email her complaining about other neighbors and that she does not forward these to her neighborhood listserv and that this was basic etiquette.

Ald. Pham-Remmele stated that the first day she was on the Council she made it clear to everyone contacting her that their contacts were subject to the open records law and that it was similar to appearing in person at a Council meeting and was a matter of public record. She noted that if people did not want their personal information to be subject to open records law then they should not share. She noted that they should know their information is not confidential and was a public record.

Ald. Schmidt thought the issue was alders needed to respect that people may not know that their emails may be forwarded with their information intact and it was up to the alders to exercise judgment in what they forward and why. He noted that sending it to other alders and city staff was part of their duties but sending it outside of city government, unless there was a compelling reason to forward it, was starting get into the territory where it was irresponsible. Alders should balance their responsibilities in openness, since residents may not always know that their email is public record.

Ald. Rummel stated that she may receive some insightful comments from a constituent and she asks them if she can forward their comments. She stated that there are many layers to this issue and there might not be one rule. She noted that alders should ask people and be respectful in sharing information with others.

Ald. Clear stated that the balance may also be city business vs. political reasons for forwarding emails and also requires a judgment call.

Ald. Rummel stated that the balance changes with the issue. For example neighbors complaining about each other you may not forward vs. a larger neighborhood issue which you may share on a listserv.

Ald. Schmidt remembered going through new alder orientation about emails as public records and maybe the issue of being mindful of forwarding emails and using your judgment could be part of any future orientation.

Ald. Bidar-Sielaff noted that possibly having a disclaimer on the Council's contact webpage. Lisa Veldran stated that she remembers this issue being discussed and there may be something on the website. Ald. Bidar-Sielaff noted that it might be helpful for people who visit the website and having something on the bottom of the alder email on the signature line would alert them to emails being public records.

Ald. Thuy Pham-Remmel arrived at 4:36 p.m. Ald. Shiva Bidar-Sielaff moved, seconded by Ald. Chris Schmidt to take off the table the discussion on the city's appointment process. Motion was approved.

19409

Discussion on City's Appointment Process - Requested by Ald. Thuy Pham-Remmele, District 20

Attachments: [MGO 33.01\(5\) Appointments](#)
[Website City Committee Information Center](#)
[City Committee Outreach Brochure](#)
[City Committee Appointment Application](#)
[9/1/10 Mayor's Memo:Committee Appointment Process](#)
[9/7/10 CCOC Registration](#)

Registration:
Rosemary Lee, 111 W. Wilson Street, #108, Madison - Spoke

Rosemary Lee stated that she sees no issue with the city's appointment process, that there is plentiful information on how to apply, duties of committee members and the various forms that are needed to be completed. She thought the process was fair, worked well and did not see what all the fuss was about.

Ald. Thuy Pham-Remmele thanked Ms. Lee for her comments but she stated that even the Mayor complained the process was broken and now this process has become an accepted practice. She stated that Ald. Tim Bruer up at the new alder orientation told the rookies that they needed to understand all the "nooks and crannies" of politics and that he was make sure no one got short-changed or bullied because it was reputed that it was "sandbox" and if you didn't "play the game" there were no "toys" for you. He stated that he wanted to protect the rookies. He then introduced himself to her and assured her that she would get a chance to say what she wanted to say and he would not let the Mayor ignore her. He also assured her that if she wanted to vote a certain way Council leadership would protect her. She noted that this was her first lesson.

Ald. Pham-Remmele stated that she had reviewed the Mayor's memo dated September 1, 2010 and the chart listing city appointments by district and wanted to review it with CCOC members.

Ald. Pham-Remmele noted that it was the city's goal to have diversity on committees but she asked equal to what. She asked if it was the group that was important or was the knowledge, the skill, the interest more important or was it important to have a woman or racial representation on committees. She stated she should qualify for committee appointments because she was a woman, was non-white, was concerned about safety issues in her district, was very educated and that she had experience as a MMSD employee and a parent in the school district. When she was elected she should have been selected to serve on committees aligned with those qualifications but she was removed from CDBG Commission and now was on the Vending Oversight Committee.

She stated that some people see the appointment process working and some see it as a sandbox with bullies. Ald. Michael Schumacher told her that she didn't know how many asses she would have to kiss to be assigned on twelve commissions and she was not going to kiss asses. Ald. Eagon asked her not to put words in people's mouths that weren't present. Ald. Pham-Remmele stated that she stood behind what she had stated. She provided another example of bullies in the sandbox. At a Board of Estimates meeting Ald. Paul Skidmore was sitting on the floor even though there was an empty chair next to her. He told her that he had requested the Mayor to put him on the Board of Estimates and he did not, so he sat on the floor in protest. She stated that this was pathetic. She would not sit on the floor because she trusts the process and they have the power to change the process. Ald. Pham-Remmele asked where the research was on how other municipalities appoint people to their committees. Ald. Shiva Bidar-Sielaff asked Ald. Pham-Remmele if she had done any research herself. Ald. Pham-Remmele stated that she had not and that Council staff was going to research the question.

Ald. Marsha Rummel asked about her abstaining on committee appointments and what she needed to have in advance so that she no longer abstained regularly on committee appointments. Ald. Rummel asked if having more information about committee appointments before the Council meeting would be helpful.

Ald. Pham-Remmele stated that she had a list of what could be fixed. She noted that there was a number of overlapping appointments, that some individuals are appointed to several committees. Her reason for abstaining is

that the appointment process was not representative of the larger Madison community and that there were a small group of “hanger-ons” who get the chance to “call the shots”. She noted that this turns off the larger community members who are not experts on city hall.

Ald. Rummel asked if she distributed the vacancy report from the Mayor’s office to her constituents. Ald. Pham-Remmele stated that she did (along with the application forms) distribute them at community associations but people apply and do not hear back from the Mayor’s Office. She asked Joel Plant what happened to an applicant’s application if they do not get selected. He stated that they stay in the pool of applicants. She would like the Mayor’s office to annually provide the Council a list of applicants who do not get selected to serve on committees.

Ald. Pham-Remmele stated that a person she knew had applied for a committee appointment and was not appointed until he donated money to the Mayor’s campaign (or whatever) and there was a person on CDBG Commission who was appointed due to his race and did not attend meetings and another woman who was appointed due to her minority status and who was not kicked off the committee.

Ald. Clear asked if the Mayor’s staff knew what the percentage was of applicants who are appointed. Rachel Strauch-Nelson stated that it was difficult to get at the information. The difficulty was with the database because once a person was appointed they are no longer recognized as a candidate. Janet Piraino stated that every month they go through the list of applicants. For example, for a particular seat there may be 12-15 applicants. She also noted that there are significant numbers of people who express interest in a committee and who are not appointed. Ald. Clear asked if that was true for all committees. Ms. Piraino stated that it was rare to not have an interested applicant for a committee seat.

Ald. Rummel stated that she serves on a committee that has some amount of turnover and that she would like to see more alder input on appointments. She would like to have some input into the decision process and would like to see more tact from the Mayor’s Office when contacting people who are not reappointed.

Ald. Bidar-Sielaff stated that alders who sit on a specific committee could be helpful by providing feedback to the Mayor on the citizen candidates. She liked the suggestion that having an annual list of applicants who were not chosen by aldermanic district and a listing of how many people were appointed and to what. It would give the Council members a sense of who was in the wings and/or who showed interest in being appointed to a committee.

Ald. Pham-Remmele would like to have the names of District 20 committee members, their terms and their contact information. She would like to list this information on her website so the public can access committee members. She would also like to see a brief explanation for each committee appointees on the appointment report: name, address, district and why they committed themselves to serve on the committee. Ms. Strauch-Nelson thought they could start attaching the application to the appointment report. Ald. Pham-Remmele thought this was a good idea.

Ald. Pham-Remmele was concerned about people being continually reappointed. She would like to see their attendance record and years of service. She wanted to know why the person was being reappointed. Ald. Clear noted that the attendance records are available but the reason as to why would be subjective and didn't know how you would get at the information. Ald. Pham-Remmele asked if there was a limit on how many committees a person could serve on. Ald. Clear stated that there is nothing in the ordinances on how many committees a person could serve on. Ald. Pham-Remmele stated that she was concerned that one person was making so many decisions for so many different things in Madison.

Ald. Chris Schmidt stated that there had been some good points made about information availability and attaching the application was a good start. He noted that the Mayor's office is database system and was in the process of being upgraded. He stated that it was the responsibility of the alder to do the homework if they were concerned about someone or something and that information was available on-line. The city already has a rule that if the committee member has three unexcused absences you are off the committee and that needed to be enforced if it wasn't. Ald. Schmidt also stated that if there are people who are habitually not showing up at meeting it was up to the committee chair and the alders on the committee to call attention to that issue.

Ald. Schmidt also stated that he wanted to address Ald. Pham-Remmele's allegation about a bribe the mayor allegedly received. He asked that she be extremely careful about alleging crimes. If the person won't file a complaint, that Ald. Pham-Remmele going around and repeating this allegation didn't help anyone. Ald. Pham-Remmele stated it wasn't a bribe but a contribution. Ald. Schmidt noted she had made this allegation several times and that she needed to be able to back it up or stop repeating it. Ald. Pham-Remmele stated that she had. Ald. Schmidt stated she needed to take it to the police. Ald. Pham-Remmele stated that she had taken it to the Council President (Ald. Tim Bruer) and that he was going to follow through. Ald. Clear recommended that if she wanted to pursue the allegation that she files a complaint with the Ethics Board. Ald. Pham-Remmele stated that she didn't call it a bribe but a contribution. Ald. Schmidt stated that he wanted to address Ald. Pham-Remmele's statement in some fashion, that it has been repeated too many times and that it was her responsibility to follow-up on it. Ald. Pham-Remmele stated that she had brought it to the attention.

Ald. Bidar-Sielaff stated that they had discussed some good changes to add to the process but that it was the responsibility of the alder to dig further or if appointments don't go the way they should, they need to talk to the Mayor's office because they are Mayoral appointments, they are not Council appointments. Ald. Rummel stated that the Council confirms the appointments. She noted the following ideas brought up during the meeting: that alders could receive an annual list of people in the committee pool, that committee applications could be attached to the appointment report that goes to the Council for confirmation and that research on different municipal appointment models could be provided at a future meeting.

Ms. Piraino stated that there are approximately 10,000 names in their database and that there are more appointees than appointments. She asked if alders really wanted a list of 10,000 applicants. Ald. Bidar-Sielaff asked how the Mayor's office pulls applicants for a specific appointment. Ald. Clear thought

maybe a list of people who applied 2 years-5 years ago would be more manageable and wanted to know how often the database was purged. Ms. Piraino would ask Laila D'Costa if the database can provide a listing and how often it was purged.

Ald. Pham-Remmele was concerned with the Mayor's office doing outreach to minority communities to serve on committees. She asked if the Mayor's office was interested in diversity. Janet Piraino responded that they are very interested in diversity and have Lucia Nunez working on increasing diversity on committees. She noted that it was not the only criteria they use, but it support efforts to increase diverse representation.

Ald. Mark Clear stated that CCOC would talk about the alder appointment process at a future CCOC meeting.

19001

Discussion on Common Council Referrals and Referral Process - Ald. Mark Clear, Council President

A motion was made by Ald. Chris Schmidt, seconded by Ald. Shiva Bidar-Sielaff, to refer to the COMMON COUNCIL ORGANIZATIONAL COMMITTEE, due back on 10/5/2010. The motion passed by voice vote/other.

REFERRALS FROM THE COMMON COUNCIL

19335

Creating Section 33.01(9)(f) of the Madison General Ordinances to require all sub-units to include an agenda item at each meeting for ethics disclosures and recusals.

Sponsors: Michael E. Verveer

City Attorney Michael May noted that this ordinance would require a standing agenda item for all committees titled "Disclosures and Recusals." A member would, at that time, make any necessary disclosures or recusals in compliance with the Ethics Code. This would remind everyone at every meeting that they needed to do any necessary disclosures or recusals. Ald. Shiva Bidar Sielaff asked that this be communicated to staff and chairs of committees and if he could attach a listing of what types of situations would require a disclosure or recusal and let them know that this is not a new rule.

A motion was made by Ald. Marsha Rummel, seconded by Ald. Shiva Bidar-Sielaff, to Return to Lead with the Recommendation for Approval to the ETHICS BOARD. The motion passed by voice vote/other.

ADJOURNMENT

A motion was made by Ald. Shiva Bidar-Sielaff, seconded by Ald. Bryon Eagon, to adjourn. The motion passed by voice vote/other. Meeting adjourned at 5:58 p.m.