



City of Madison

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

Tuesday, April 20, 2010

4:30 PM

215 Martin Luther King, Jr. Blvd.

Room LL-110

Madison Municipal Building - Lower Level

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), Kristin Czubkowski (TCT) and Brenda Konkel

Ald. Tim Bruer, Chair, called the meeting to order at 4:32 p.m.

APPROVAL OF MINUTES

A motion was made by Ald. Chris Schmidt, seconded by Ald. Michael Schumacher, to approve the minutes from the March 2, 2010 CCOC meeting. The motion passed by voice vote/other.

PUBLIC COMMENT

There was no public comment.

REFERRAL ITEMS FROM THE COMMON COUNCIL

17198

Creating Sec. 3.35(9)(b)7., amending Sec. 3.35(9)(i), and creating Sec. 3.35(9)(j) of the Madison General Ordinances to modify procedures and penalties with respect to statements of interests under the Ethics Code.

Sponsors: Tim Bruer, Michael Schumacher and Judy Compton

Attachments: [EthicsBoardmemo.3.2.09.pdf](#)
[Version 1](#)

City Attorney Michael May reviewed with CCOC members the following recommended changes to Madison General Ordinance 3.35:

1. 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.
2. 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.
3. 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.
4. This ordinance also provides an exemption from filing a new SOI with the City for 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.

City Attorney May also noted that the Ethics Board recommended the removal of the following clause, "... provided, however, that the Council may, by a two-thirds vote, refer the revocation of any such member to the next Council meeting, at which time the revocation shall be made." Mike Jacobs (member of the Ethics Board) expressed concern about allowing the Council to extend this time when members had 3 months and several reminders to file the Statement of Interest. He said that holding the line on the deadline was important to indicate the importance of the Statement of Interest.

Ald. Mark Clear moved, seconded by Ald. Bryon Eagon, to recommend to the Ethics Board the approval of the ordinance with their recommended amendment. Motion was approved.

[17281](#)

Amending Sec. 3.17(8)(b), repealing Secs. 3.53(1)(i) and (j), amending Sec. 3.54(1)(i)2., and amending Sec. 3.54(6)(b) of the Madison General Ordinances to create the salaried position of Community Development Authority Executive Director in Compensation Group 21.

Sponsors: David J. Cieslewicz, Tim Bruer and Mark Clear

Attachments: [Position Description](#)
[Placement Memo](#)
[Class Specifications](#)
[CCOC Registration: G. Shimanski 4/20/10](#)

Registration: Greg Shimanski, CDA Chair - Support - Wish to Speak

Greg Shimanski spoke in support of ordinance. He noted that the Community Development Authority supported the creation of the CDA Executive Director position. Mr. Shimanski stated that the CDA needed a position to focus primarily on all the activities from the standpoint of development, planning and operations.

Ald. Marsha Rummel asked if the creation of this position would negatively impact existing positions. Mr. Shimanski noted that the CDA had originally posted the position as a Redevelopment Director and when the changes to the organization of the Planning Department occurred CDA asked that this position be changed to a CDA Executive Director.

Ald. Rummel asked how funding of the position worked. Mr. Shimanski noted that CDA employees are city employees. He would like to see CDA become a self sustaining entity.

City Attorney May indicated that by Statute the CDA Board chooses their Executive Director and Executive Secretary. In the past they choose the Planning & Development Director as the de facto CDA Executive Director. The Mayor consults with the CDA Board on a candidate. The CDA Board votes and hires the candidate.

Ald. Shiva Bidar-Sielaff noted that there is significant fiscal impact in 2011.

A motion was made by Ald. Mark Clear, seconded by Ald. Marsha Rummel, to Return to Lead with the Recommendation for Approval to the COMMUNITY DEVELOPMENT AUTHORITY. The motion passed by voice vote/other.

Ald. Judy Compton arrived at 4:45 p.m.

Present: 8 -

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

[17976](#)

Amending Section 33.01(9)(b) of the Madison General Ordinances to require all sub-units to follow Section 2.21 on motions for reconsideration.

Sponsors: Lauren Cnare, Marsha A. Rummel and Michael Schumacher

Attachments: [Version 1](#)

City Attorney Mike May explained that currently, Sec. 33.01(9)(b), MGO, allows boards, committees and commissions to adopt rules of procedure so long as they do not conflict with city ordinances. If no rules are adopted, Robert's Rules are assumed to apply. And if the sub-unit does not adopt a contrary rule (including adoption of Robert's Rules), then the sub-unit is to follow Sec. 2.21, MGO on motions for reconsideration. This situation has led to different bodies applying different rules for reconsideration of actions. Sec. 37 of Robert's Rules has a number of conditions for a reconsideration motion, some of which are different depending on the nature of the body. In order to standardize the conditions under which reconsideration is allowed, this ordinance makes the conditions and procedures of Sec. 2.21, MGO, applicable to all sub-units.

Ald. Marsha Rummel stated that Robert's Rules of Order holds reconsideration at a higher threshold than MGO 2.21. Robert's requires every single person who was at the earlier meeting attend the next meeting and that seemed like a burden that the Council doesn't even apply to itself.

City Attorney May stated that reconsideration takes you back to where you were before. If some other body has acted upon the item, or is in the midst of a decision based upon your committee's decision, you run the risk that your earlier action has been completely, or partially, carried out. He thought that reconsideration in that case should be done at the same meeting so the other committees know that the sub-unit is not done with the item.

Ald. Michael Schumacher moved to recommend approval of the ordinance, seconded by Ald. Judy Compton.

Ald. Chris Schmidt wanted to know how a conflict would be resolved. For example, Plan Commission acted, Urban Design Commission wanted to take it back to vote on it again. Ald. Schmidt believed that if the parent committee has acted the sub-unit should not be able to reconsider the item. Ald. Rummel stated that her reason for asking for reconsideration had to do with the definition of a special meeting counting as a next regularly scheduled meeting under Robert's.

Ald. Clear said the bigger picture should require all committees use the same standard for reconsideration. Currently sub-units follow Robert's or another standard. The City Attorney thought this could be another amendment to 2.21.

Ald. Shiva Bidar-Sielaff wanted the the ordinance to be clearer. She thought since this wasn't a rush she would move to re-refer to the next CCOC meeting.

A motion was made by Bidar-Sielaff, seconded by Compton, to rerefer to the COMMON COUNCIL ORGANIZATIONAL COMMITTEE, due back on 5/18/2010. The motion passed by the following vote:

Ayes: 6 -

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

Noes: 1 -

Mark Clear

Non Voting: 1 -

Chris Schmidt

ADJOURNMENT

Ald. Tim Bruer thanked the members of the CCOC for their service. Ald. Judy Compton thanked Ald. Bruer and Ald. Clear for their leadership on the CCOC.

A motion was made by Ald. Judy Compton, seconded by Ald. Mark Clear, to adjourn. The motion passed by voice vote/other. The meeting adjourned at 5:02 p.m.