

Operating Rules City of Madison Affirmative Action Commission

1. Commission Officers

The Commission shall elect a Chairperson, a Vice Chairperson, and a second Vice Chairperson at the first regular meeting in June.

Beginning in 2009, Officers will serve one-year terms. Elections will be held at the first regular meeting in June.

The duly elected officers can act in the Commission's behalf in emergency.

The Chairperson shall preside over all meetings of the Commission and shall decide all points of procedure subject to reversal by a majority of the members of the Commission.

The Chairperson or any person acting in his or her stead may vote on any matter properly brought before the Commission or before any committee or subcommittee on which the Chairperson serves. **The motion passed by voice vote/other.**

2. Nominations Committee

A Nominating Committee, if desired by the Commission, shall be appointed in May ~~or~~ of each year and shall present a proposed slate of officers for election in June **of every odd year.**

3. Quorum

A Quorum for a meeting of the Commission shall consist of six members.

If a quorum is not secured within 15 minutes of the officially scheduled meeting time, the Commission shall adjourn without action.

4. Regular Meetings

Regular meetings of the Commission shall be held on the second Tuesday of each month at 5:30 p.m. in the **City-County Building** of Madison. An alternate site for a meeting shall be called by the Chairperson, or at the request of any two members of the Commission. Notice of such a change shall be mailed to each member at least 72 (seventy-two) hours before the time of the meeting. Notices of such meetings shall be officially posted with the City Clerk.

5. Special Meetings

Special meetings shall be called by the Chairperson or at the request of two members of the Commission. Notice of a special meeting shall be mailed to each member at least 72 hours before the time of the meeting or by direct contact with Commission members at least 24 hours prior to the time of the special meeting. The absence of notice shall not affect the validity of any special meeting if all members of the Commission are present.

Any matter that may be considered at a regular meeting of the Commission may also be considered at a special meeting of the Commission.

6. Subcommittees and Task Forces

The Chairperson may from time to time appoint one or more of the Commission as a Subcommittee of the Commission to carry out assignments as directed and agreed upon by a majority vote of the Commission members.

The Chairperson may from time to time appoint one or more of the members of the Commission to function as a Task Force. A Task Force shall have the “power to add” for the purpose of gaining insight and information from non-Commission person(s) for a particular program or project responsibility assumed by the Commission. Such Task Force appointments shall be agreed upon by a majority vote of Commission members.

The results and findings of Subcommittees and Task Forces shall be submitted to the Commission for its review and decisions, which may be required from time to time as progress occurs.

All Committees and Task Forces established by the Commission shall function for a time certain as determined by the Commission. Modification of such established time periods shall be determined by a majority of the Commission members.

The time of appointment should not exceed one year with progress reports every two months, unless otherwise determined by the Commission.

All considerations and findings of the Commission, its Subcommittees and Task Forces, pursuant to Section 39.02(3), Madison General Ordinances, shall be issued upon authorization of the Commission or as otherwise determined by the Commission members.

7. Rules of Order and Amendments

All proceedings of the Commission, its Subcommittees and Task Forces shall be subject to Roberts Rules of Order Newly Revised, except as otherwise provided.

The Rules of the Affirmative Action Commission may be amended by a majority of the members of the Commission at any General or Special meeting of the Commission.

A notice for “Change of Rules” of the Commission must be provided to each Commission member at least ten (10) days prior to the date of the proposed rule change(s).

8. Attendance at Meetings

If a Commission member misses three (3) or more regular or special meetings without a valid excuse, the matter shall be brought to the attention of the Mayor, along with a request for replacement.

9. Staff to the Commission

The Affirmative Action Officer shall act as staff and her/his secretary shall act as recording secretary to the Commission without voting privileges.

10. Format of Regular Scheduled Meetings

The business of regularly scheduled meetings of the Commission shall be conducted in the following order by identifying the subject of discussion for all matters:

- a) Approval of Minutes
- b) Subject Matter (by Title)
- c) Resolutions Pending Before the Commission (by Title)
- d) Report of the Affirmative Action Director, items listed
- e) Items for Next Agenda
- f) Adjournment

11. Appeals of Decertification by MBEs, WBEs, DBEs and SBEs

- a. These Rules are adopted by the Affirmative Action Commission (AAC) to govern appeals to the AAC under secs.39.02(9)(e), (g) and (h), MGO, regarding approval of Affirmative Action Plans. In addition to these Rules, all such appeals shall follow any requirements of the MGO.
- b. The AAC delegates the authority to hear any appeals to an Appeals Subcommittee. The Subcommittee shall be made up of the Chair of the AAC (or his or her designee) and two other members of the AAC chosen by the Chair at the time an appeal is filed.
- c. Persons seeking an appeal must file a letter or other document with the Director of the DCR within the time set for appeal, indicating that an appeal is being taken and the grounds for the appeal (the "Notice of Appeal").
- d. Upon receipt of the Notice of Appeal, the DCR Director shall communicate with the Chair of the AAC to determine the make-up of the Appeals Subcommittee (AS) and will promptly forward a copy to each member of the AS and shall determine the next available time that the AS could meet to hear the appeal. Such a hearing shall take place within 20 days of the receipt of the Notice of Appeal, and all interested parties will be given at least 10 days notice of the hearing.
- e. The DCR Director shall, at the same time, notify the appropriate staff and interested parties.

- f. Once the date for the appeal hearing has been set, the interested parties shall be given the opportunity to make such written submissions to the AS as they deem appropriate. Any such submission shall be made at least five (5) days before the appeal hearing. Submissions shall be made to the members of the AS and the Director of the DCR, with a copy to other parties. If a party requires a witness to be present, the Chair of the AAC may issue a subpoena for the witness's appearance or for the production of documents.
- g. At the same time that the parties make the written submissions under paragraph 6 above and as part of those submissions, the parties shall indicate whether they desire a formal or informal hearing before the AS. An informal hearing allows the parties to present their cases by written or verbal submissions. A formal hearing allows testimony under oath, the presentation and receipt of exhibits and other evidence. Upon request of any party, including the AA Division, the hearing shall be formal.
- h. The Chair of the AAC shall conduct the hearing. The AS shall follow the restrictions in sec. 227.45, Wis. Stats., in the receipt of evidence.
- i. The AA Division has the burden of proof and shall present its case first. If any witnesses are called, the witnesses shall be placed under oath by the Chair of the AAC.
- j. Other parties shall then be allowed to present their case. If any witnesses are called, the witnesses shall be placed under oath by the Chair of the AAC.
- k. Parties shall be given a reasonable opportunity to respond to the submissions of other parties.
- l. Following receipt of all submissions, the AS shall meet to render a decision pursuant to secs 39.02(9)(e), (g) and (h), MGO. The deliberations may be in closed session, if properly qualifying and noticed for such. In the event the hearing is recessed or any delayed exhibits are to be received, the time of the decision shall run from the end of the hearing or receipt of the final exhibits.
- m. The AS may be advised by the City Attorney.
- n. The AS shall make a record of all hearings on appeal.
- o. All decisions of the AS shall be reduced to writing, signed by the Chair and are subject to appeal to the Circuit Court by certiorari within 30 days of the written decision.