

Business and Economic Resources Committee

Rules of Procedure

Adopted by the Business and Economic Resources Committee on July 15, 2026

The Business and Economic Resources Committee (“BERC”) adopts the following rules of procedure for conducting all business, and additional rules for hearings to suspend or revoke a vending license, appeals, or other quasi-judicial matters for which it is authorized to act in Sections 33.17, 9.13, 9.135, 9.136, and 9.54 of the Madison General Ordinances (MGO).

Rules of Procedure for All Business:

The Business and Economic Resources Committee (“BERC”) is governed by Sections 33.17, 9.13, 9.135, 9.136, and 9.54, and other applicable Madison General Ordinances, and Roberts Rules of Order, when applicable, as stated in sec. 33.01.

BERC adopts the following modification from the standard rule in sec. 33.01, MGO:

1. Role of the Chair: As permitted by sec. 33.01(9)(b), BERC adopts a rule authorizing the Chair, and in the Chair’s absence, the Vice Chair or any other member acting in the capacity of the Chair, to:
 - (a) participate in discussion and (b) vote on all matters before the BERC.

Rules of Procedure for BERC Quasi-Judicial Hearings:

Scheduling: A hearing to take action on a street vending license or other license within BERC’s authority may be scheduled on the agenda of a regular BERC meeting, or as a special meeting. The Chair sets the agenda with advice from staff and consultation with the Office of the City Attorney. Agendas are posted as required by open meetings law and applicable city ordinances. The ordinance may require special notice of the hearing be sent to the vendor/licensee/applicant.

Hearing Procedure:

A. Opening Remarks and Explanation by Chairperson.

1. Call hearing to order.
2. Determine if hearing was properly posted and noticed.
3. Ask if all parties are present: the vendor/licensee/applicant who is the subject of the hearing, and City staff representative(s) who will present the case.
 - a. Ask for appearances for the record (name, spelling of last name for record, representation – City representative(s) and vendor/licensee/applicant.)
 - b. Introduce the parties to the Committee.
 - c. Introduce BERC staff who will be the recorder and list the functions:
 - 1) keep accurate records of proceeding
 - 2) record all testimony
 - 3) keep track of evidence presented (exhibits, photos, etc.)

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4. Explain purpose of hearing (read from agenda if appropriate.)
 - a. Recite the charges or allegations or read from the document(s) that commenced the proceeding in question.
 - b. Explain that BERC's role is to sit as a quasi-judicial body, listen to the evidence from both sides, and make a decision. Describe the decision-making options based upon the type of proceeding that has been commenced.
 - c. BERC has authority to hold a hearing for the following things:
 - Vending license suspension or revocation under MGO 9.13(8)
 - Table, Expressive Vending or Mobile vending permit suspension or revocation under MGO 9.54(14)
 - Appeal of a vending license denial under 9.136(1)(i) or elsewhere
 - Appeals allowed by the Regulations Governing Street Vending on the State Street Mall / Capitol Concourse
 - Any other hearing that identifies BERC as the body to decide

B. Sequence of Proceeding:

1. Opening remarks by the Parties -a time limit may be set by the Chairperson.
2. City witnesses and evidence
 - (a) direct examination
 - (b) cross-examination
 - (c) opportunity for follow-up questions by vendor
 - (d) questions from committee
3. Vendor's witnesses and evidence (same sequence as above except (c) is for follow up by City)
4. City Rebuttal witness(es) if any
5. Closing remarks by the Parties – time limit may be determined by Chairperson.

C. Additional Rules for the Hearing:

1. One person speaks at a time as recognized by Chair.
2. No vulgarity; respect for all parties present.
3. No participation by any one other than the parties, their attorneys if any, witnesses, and Committee members; except that additional registered speakers may provide public comment after deliberations and fact-finding phase (Par. D.1. below) but before the Penalty Phase (Par. D. 2., if appropriate.)
4. Permission to speak shall be requested if a participant needs to interrupt the proceeding for a clarification.
5. Once testimony is closed, nothing further from witnesses shall be allowed.
6. All witnesses speak only under oath of telling truth. Chairperson shall administer a suitable oath to all witnesses prior to the witness testifying.
7. Committee is not bound by the Rules of Evidence, but the Chairperson may exclude evidence not relevant or unduly repetitious.
8. If there are objections to admission of evidence, the Chairperson will give each party a chance to speak, and then make ruling on admissibility.
9. Findings of fact shall be based upon evidence upon which reasonable persons

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- could rely to make a decision.
- 10. In absence of a specific rule, Roberts Rules of Order shall apply.
- 11. Stipulations (agreements between the parties on facts or law) may be presented at the beginning of the hearing.
- 12. Additional rules in MGO 33.01 apply unless modified by these Rules of Procedure.

D. Deliberations and Decision-making.

- 1. Fact-Finding Phase. After the close of evidence (witnesses, testimony, and receipt of any documents submitted by the parties) and any closing remarks by the parties, the Committee shall, by motion, deliberate and make findings of fact and conclusions of law as appropriate for the type of proceeding before them. This should include, when appropriate, whether each alleged violation has been proven. See par. D.5. for deliberation in closed session.
- 2. Public Comment. Any members of the public who have registered to speak on the issue shall be allowed to speak after the Fact-Finding Phase.
- 3. Penalty Phase. After Fact-Finding and Public Comment, the Parties shall be allowed to make a recommendation or argument for penalty, as appropriate.
- 4. Deliberation. The Committee shall deliberate in open session by appropriate motion and recommendation to the Common Council, including recommended action on a license and penalty when appropriate, per the relevant ordinance or vending regulation for the type of proceeding before them.
- 5. Deliberation in closed session. The Committee may **only** deliberate in closed session if one or more statutory reasons for closed session are met, the hearing agenda provides all legally required notices for closed session, and the chair follows all legal requirements for doing so. All motions and voting must take place in open session after following the legal requirements to convene again in open session. Consult the City Attorney's office **before** finalizing the agenda if the need for legal advice in closed session is anticipated.

E. Notice of Hearing.

If a hearing is scheduled on a matter affecting a license regulated by MGO 9.13, 9.135, 9.136 or 9.54 for which there is no time limit for notice already prescribed, the vendor/licensee/applicant shall be notified in writing of the time and place of the hearing at least ten (10) calendar days prior to the Hearing.

MGO 33.01(9)(b) requires Sub-units to review and make any changes in rules of procedure every two (2) years, which shall be filed with the City Clerk by July 1 of even-numbered years.
