

# RULES AND PROCEDURES

## City of Madison Transit and Parking Commission

### Proposed Addition, Section I (A), ¶ 4 - 07/13/11

The following rules and procedures are adopted by the Transit and Parking Commission (TPC) to facilitate the performance of its duties and the exercising of its powers as outlined in the Madison General Ordinances. <sup>1</sup>

## SECTION I - MEMBERSHIP AND OFFICERS

### (A) Membership

The TPC shall consist of nine voting members to serve without compensation consisting of three members of the Common Council; six citizens; and two alternates, who may be either Common Council members or citizens but at least one of whom shall be a citizen.

One member shall be an individual with special transportation needs requiring accessible fixed route transit or paratransit. Overlapping membership on the TPC and the Pedestrian/Bicycle/Motor Vehicle Commission (PBMVC) of two members shall be encouraged but shall not be required. Members of the Common Council shall serve *ex officio*. All appointees shall serve until their successors are appointed, confirmed and qualified.

Common Council members shall be appointed by the Mayor subject to confirmation by the Council. Terms of Common Council members shall be for a period of two (2) years commencing on the first day of May. In appointing Common Council members, the Mayor shall consider the need for representation of the various geographic areas of the City. Appointments of such terms shall be made at the organizational meeting of the Common Council on the third Tuesday in April preceding the end of each Common Council member's term or as soon thereafter as the Mayor makes the appointments.

Citizen members of the TPC shall be appointed by the Mayor subject to confirmation by the Common Council. Terms of citizen members shall be for a period of three years commencing on the first day of May. Appointments for such terms shall be made at the organizational meeting of the Common Council on the third Tuesday in April preceding the end of each citizen member's term or as soon thereafter as the Mayor makes the appointment.

The Mayor shall, on an annual basis, appoint a first alternate and a second alternate member of said Commission subject to approval of the Common Council. The alternates may be either Common Council members or citizen members. The first alternate member may act with full power and authority when any other member of the Commission is absent or refuses to act. The second alternate member may so act only when the first alternate is absent or refuses to act or when more than one member of the Commission is absent or refuses to act. Alternates may participate in Commission discussion and serve on subcommittees at any time. Alternates may cast votes in the election for Chair and Vice-Chair, and in any change to these rules and procedures.

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<sup>1</sup>Ordinance 11,233, ID 17176 provides: "Boards, committees, and commissions may adopt rules of procedure. Such rules may not conflict with ordinances or resolutions of the Common Council..."

One citizen member shall serve on the ADA Transit Subcommittee. Two members shall serve on the Contracted Service Oversight Subcommittee. Three members may be appointed to serve on the Parking Council for People with Disabilities. Terms are limited to the duration of the member's membership on the TPC.

Two members of the TPC, one of whom shall be the Chair or the Chair's designee, shall serve as voting members without compensation on the Long Range Transportation Planning Commission. The TPC shall submit its recommendations for LRTPC membership to the Mayor, who shall appoint the members to the LRTPC subject to confirmation by the Common Council. The appointments shall be for the same duration as the appointee's term on the TPC.

Joint Transportation Subcommittee: At the request of either the TPC or the PBMVC, a joint subcommittee of not less than five members appointed by the Chair of their respective parent commission may be established, on an ad hoc basis, to address issues of mutual and overlapping concern to the parent commissions so as to facilitate integrated and coordinated intermodal transportation planning activities.

Appointments to subcommittees shall be done at the organizational meeting each year. Vacancies on subcommittees shall be appointed by the Chair as they occur throughout the year.

The Transit General Manager shall be the Chief Administrative Officer of the TPC and its Executive Secretary.

**(B) Officers**

The Commissioners shall choose from among their members, except for the aldermanic members<sup>2</sup> and the First and Second Alternates, a Chair, who shall preside at all meetings, appoint subcommittees as may be required and perform such other duties as may be ordered by the Commission.

The Commissioners shall choose from among their members, except for the aldermanic members<sup>2</sup> and the First and Second Alternate, a Vice-chair who in the absence of the Chair shall preside at meetings.

If the seat of Chair or Vice-Chair becomes vacant on the Commission before the one-year term of the Chair or Vice-Chair has expired, the Commission shall elect an Interim Chair or Vice-Chair to fulfill the term until the next annual organizational meeting. The election shall be noticed on the agenda of the meeting at which the election will be held.

The Chief Administrative Officer and Executive Secretary to the Commission shall perform the duties hereinafter listed and perform such other duties as the Commission shall request. In the absence of the Transit General Manager, his/her designee shall serve as Acting Executive Secretary.

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<sup>2</sup>Per Amended Second Substitute Ordinance 13,383, adopted 8/5/03, alders are prohibited from serving as chairpersons or vice chairpersons of city boards, commissions and committees with more than two citizen members. In the absence of both the citizen chair and vice-chair, an alder may assume the chair upon consensus of the members present, but may do so for no more than two consecutive meetings.

**(C) Subcommittees<sup>3</sup>**

The following standing subcommittees of the TPC may be appointed by the Mayor, subject to confirmation by the Common Council.

- (1) ADA Transit Subcommittee, consisting of nine members: one person a user of the City's paratransit service; one person with a disability capable of using Madison Metro fixed-route service now or when accessible; one person a job coach serving persons with developmental disabilities or agency representative; one person who is visually impaired; one person who uses a wheelchair as a mobility aid; one general representative; one aldermanic member; one citizen member of the TPC; and one member from the Commission on People with Disabilities (CPD). All subcommittee members shall be appointed by the Mayor subject to approval by the Common Council with the exception of the citizen members of the TPC and CPD.

Subsequent to the effective date of ordinance #ORD-05-00061 on 04/06/05, as the term of the member in each of the above membership positions comes up for reappointment, the following appointment criteria shall respectively apply to the membership: one (1) member shall be an ambulatory Metro Plus user who regularly travels in sedans; one (1) member shall be a wheelchair user with a disability who regularly uses the City's accessible fixed-route transit system; one (1) member shall be a representative of a residential or supported employment agency serving people with developmental disabilities; one (1) member shall be an ambulatory person with a disability who regularly uses the City's fixed-route transit system; one (1) member shall be an individual with a disability who is a Metro Plus user with a common wheelchair who regularly travels in lift- or ramp-equipped vehicles; one (1) member shall be a general representative or a citizen member of the Transit and Parking Commission; one (1) member shall be a member of the Common Council; one (1) member shall be a citizen member of the Transit and Parking Commission; and one (1) member shall be any one of the following, in order of preference: a citizen member of the Commission on People with Disabilities or a member of the Senior Citizens Advisory Board or a general representative who represents the interests of the disabled and/or senior community. In making selections for appointment to this committee, special consideration shall be given to ensuring that the overall composition of the Subcommittee reflects community diversity and geographic distribution.

All subcommittee members shall be appointed by the Mayor subject to approval by the Common Council and shall have a term of two (2) years from the date of appointment, with the exception of the member of the Common Council, the citizen member(s) of the Transit and Parking Commission, the member of the Commission on People with Disabilities and other liaison bodies, whose terms shall be limited to the duration of their membership on the liaison body.

- (2) Parking Council for People with Disabilities, consisting of seven members and two alternates, all of whom shall be residents of the City, four of whom may be members

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<sup>3</sup>Per Ordinance 11,497, 1/5/96, Section 3.27(4), any board, committee or commission may create committees or subcommittees and may appoint any of its members to serve on such committees or subcommittees. However, with adoption of this ordinance, no board, committee or commission may appoint to any of its committees or subcommittees any person who is not a member of the board or committee or commission unless the person has been nominated by the board, committee or commission and approved by the Common Council.

of the Commission on People with Disabilities, three of whom may be members of the Transit and Parking Commission, and of whom at least four regular and one alternate member shall be people to whom or on whose behalf the Department of Transportation of the State of Wisconsin has issued a special registration plate under Sec. 341.14(1) to (1r), Wis. Stats., or a special identification card under Sec. 343.51, Wis. Stats. The members designated as alternates shall only have voting powers when temporarily filling the office of a vacant or absent member. Members shall be appointed by the Common Council. The Council shall give advice and recommendations on the location of those spaces reserved for use by a motor vehicle used by a physically disabled person that are subject to any time limitations imposed pursuant to Sec. 346.50(3m)(b) Wis. Stats. The Council may also authorize specific persons to place on a vehicle educational material relating solely to the parking privileges of the physically disabled if that person(s) has a good faith belief that the vehicle is violating state or local law on parking for motor vehicles used by the physically disabled. The Council may also hear and investigate matters concerning the quality and availability of parking within the City for persons with disabilities and shall report its findings and recommendations to the Common Council from time to time.

- (3) Contracted Service Oversight Subcommittee, consisting of nine members. Five members shall be representatives of governmental entities which contract with the City of Madison to provide transit and/or paratransit service: one member representing the City of Middleton; one member representing the Town of Madison; one member representing the City of Fitchburg; one member representing the City of Verona; and one member representing the University of Wisconsin; two members shall be representatives of governmental entities which are additional Metro Transit funding partners: one member representing the Madison Metropolitan School District (MMSD), and one member representing Madison Area Technical College (MATC); and two members shall be members of the Transit and Parking Commission. In addition, the governmental entities shall each be allotted one alternate. Alternates shall be permitted to participate in meetings regardless of the presence or absence of the primary member. Notwithstanding anything in Sec. 3.27(4)(c) MGO to the contrary, members and alternates representing a governmental entity shall be appointed and removed by their respective governmental entity in accordance with its established appointment process. The remaining members shall be appointed by the Chair of the Transit and Parking Commission. The residency qualifications of Sec. 3.27 MGO shall not apply. Members who represent the TPC shall have terms limited to the duration of their membership on the TPC. Other members and alternates shall have a term of two years from the date of appointment. The CSOS shall consider policy matters relating to contracted for transportation service, including but not limited to service standards, performance targets, route additions, extensions or contractions, changes in schedules, fare structures, hours of service, equipment, marketing and advertising programs, and any other policy matters pertaining to the operation of contracted for transportation services, and may receive, consider and/or make recommendations to the TPC regarding requests for changes to these items. The CSOS shall consider such additional matters and perform tasks as are referred to it by the TPC or staff.

Subcommittees (e.g., ad hoc groups) will establish rules of procedure, including identifying the authority and responsibility under which the subcommittee was formed. Upon completion of the task of an ad hoc group, the TPC should prepare a resolution thanking members for their effort/report and officially dissolving the body.

Subcommittees shall consider such matters and perform such tasks as are referred to them by the TPC. Common Council referrals of items to subcommittees of the TPC must be referred through the TPC.

## SECTION II - MEETINGS

- (A) All meetings shall be scheduled and conducted in conformance with City Ordinances, specifically section 3.44, "Open Meetings of Municipal Bodies."
- (B) **Accessibility** - All public meetings shall be accessible to all persons. Accommodations will be made if an attendee gives advance notice of a need for an interpreter, materials in alternate forms or other accommodations to access the meeting.

- (C) **Meetings**

- (1) **Organizational Meeting** - An organizational meeting will be held on the first regularly scheduled meeting date in July, for the purpose of electing a chair and vice-chair, appointments to subcommittees, adopting Rules and Procedures, reaffirming or rescheduling the regular meeting date, and conducting regular Commission business.

- (2) **Regular Meetings** – Starting May, 2011, the TPC shall meet on the second Wednesday of each month at 5:00 p.m. at a location to be designated by the Executive Secretary. By majority agreement of the TPC, meetings may be held on days other than the regular meeting date.

When budget deliberations occur on the second Wednesday of September, the TPC's regular meetings shall be held on a different date selected by the members.

When the regular meeting date is a holiday as designated by the City Clerk, no meeting will be held; however, a special meeting may be called in lieu of the regular meeting.

- (3) **Special Meetings** - Special meetings may be called at the request of the Chair, Executive Secretary, or four members of the Commission. Notice of special meetings shall be given by the Executive Secretary to members of the Commission at least 24 hours prior to such meetings and shall state the business to be considered and the time of the meeting.

- (4) **Joint Meetings** - When an item of mutual interest to the TPC and the PBMVC is pending, a joint meeting may be scheduled. A quorum of both bodies is necessary for a joint meeting.

If both bodies are asked to take action on an item, either of the following approaches may be used:

- (a) If a quorum of both Commissions is present, the chair of one of the Commissions will call the joint meeting together, noting that a quorum of each is present. The Commissions will meet as a committee of the whole to hear the presentation of the item, take testimony from the public or staff, and to discuss it among themselves. One body shall then recess

and the other convene to consider a motion and take action. Following a vote, the body in session shall adjourn and the other shall reconvene to consider the report and take subsequent action.

- (b) If a quorum of only one Commission is present, a meeting of the body with the quorum will be called to order by the chair. Presentation of the item will be made and testimony received. The matter(s) may be discussed by members of both Commissions.

When action is to be taken on the item, only members from the body with the quorum present may offer a motion and vote on same.

- (D) **Agenda** - All agendas shall be prepared by the Executive Secretary in consultation with the Chair, and they shall determine the order of the agenda. The order of the agenda shall be such that early on the agenda, an opportunity is provided for public appearances up to three minutes per person for topics not on the agenda.

Public appearances up to three minutes per person for items on the agenda will be permitted upon presentation of a registration form to the Chair prior to the TPC taking up the item, and subsequent concurrence by the Commission, by a majority vote if necessary.<sup>4</sup>

Items which may need to be considered in closed session shall be so noted on the agenda.

All agendas shall be mailed to Commission members no later than four days in advance of the scheduled meeting. Additionally, the members of subcommittees and representatives of the Commission on People with Disabilities will receive copies of the agenda if they so desire. A mailing list for the agenda and minutes based on requests for same will be maintained by the Recording Secretary.

An addendum will be prepared if items are submitted such that the addendum can be noticed with the City Clerk at least 24 hours prior to the meeting. A statement is to accompany the addendum items indicating the reasons for immediate Commission consideration.

- (E) **Attendance** - Members are to inform the Recording Secretary in advance if they are not to attend a meeting. The attendance record is to be submitted to the Mayor's Office and Council Office in March and September of each year.<sup>5</sup>

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<sup>4</sup> Amended Ordinance 11,256, ID 17177 provides: "Every board, committee and commission, whether created by ordinance or by resolution, shall permit any member of the Common Council to take part in its deliberations and to speak on any agenda item. Nevertheless, Council members who are not members of the board, committee or commission shall not vote, shall not be counted in determining whether or not there is a quorum and may not make or second any motion. This subdivision does not apply to quasi-judicial hearings on contested matters, nor to deliberations concerning such hearings on contested matters."

<sup>5</sup> Ord. 14618, 3/15/94: The Chair shall report to the Mayor each instance in which a member is absent without excuse from three of four consecutive meetings. The Mayor shall take appropriate action to secure the attendance of such members including, at the Mayor's discretion, requesting their resignation.

- (F) **Motions** - Motions shall be restated by the Chair before a vote is taken. The name of the maker of a motion shall be recorded. A motion to reconsider an item may be made at the following meeting, but if notice of reconsideration has not been published, the motion is to be referred to the next meeting so that adequate public notice can be provided. A motion for reconsideration of any agenda item from the immediately preceding previous meeting may only be made by a member who was present at that meeting and voted on the prevailing side. All members who are in attendance at the meeting where reconsideration is being considered may vote on the issue.
- (G) **Parliamentary Procedure** - Commission meetings shall be governed by *Robert's Rules of Order Newly Revised* unless otherwise provided for therein.
- (H) **Quorum** - Five members shall constitute a quorum for the transaction of business and the taking of official action. Whenever a quorum is not present within 15 minutes of the scheduled beginning time, the Chair shall adjourn the meeting without taking any other action to a time and date selected by the Chair or the Executive Secretary.
- (I) **Resolutions and Ordinances Initiated by the TPC** - If action by the TPC requires the preparation of a resolution/ordinance for Council consideration, TPC alderperson representatives will be listed as sponsors, unless otherwise directed at the time action is taken or if a TPC alderperson votes against the item.

Once a resolution/ordinance is introduced to the Common Council and referred for action or recommendation, the resolution/ordinance is in the possession of the Council. A statement by an alderperson that he/she be removed as a sponsor does not affect the legitimacy of the resolution/ordinance so referred or the TPC's ability to vote on the provisions of the resolution/ordinance referred to it by the Council.<sup>6</sup>

- (J) **Reports** - The Commission may ask for reports and recommendations, if any, from staff on any matters before it.
- (K) **Voting** - Voting shall be by voice and shall be recorded as unanimous, unless a roll call is requested or an objecting vote(s) cast. All persons will be assumed voting in the affirmative unless they verbally cast a "no" vote or indicate at the time of the vote that they have abstained. If there is any question, the Chair will restate the negative votes cast for record purposes. For those items where the votes are contested, a roll call vote is required.<sup>7</sup>

At any meeting when quorum is present, a majority of members present is required to pass a motion.

Although alternate members may participate fully in the deliberation of items before the Commission, they may only make motions, second motions and vote on items when a regular member(s) is absent from the meeting.

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<sup>6</sup> Memo from City Attorney James Martin dated 11/22/02.

<sup>7</sup> Substitute Ordinance 13,044, ID 31052 provides: "Every board, committee, or commission, whether created by ordinance or resolution, shall act on items the Council refers to it, where the votes are contested, by roll call vote. Its report to the Council shall include a list of members who voted and the vote of each. In case any report of a board, committee, or commission shall fail to contain the list of members and votes, the City Clerk shall reject the report and shall return it to the board, committee or commission."

### **SECTION III - DUTIES OF EXECUTIVE SECRETARY**

The Executive Secretary shall be responsible for implementing those ordinances, policies, rules and regulations of the Common Council or TPC as they may relate to transportation, and shall represent the TPC on all matters of their concern.

- (A) **Communications, Petitions, Resolutions, Ordinances, etc.** - The Executive Secretary may refer matters directly to staff for report to the Commission. All communications, petitions and reports should be addressed to the Commission and delivered or mailed to the Executive Secretary.
- (B) **Minutes** - The Executive Secretary shall provide the services of a Recording Secretary who shall prepare and maintain a record of the minutes of each meeting.<sup>8</sup>
- (C) **Reports to Common Council and Others** - The Executive Secretary shall report the action of the Commission to concerned parties.

### **SECTION IV - PUBLIC HEARINGS**

- (A) **Hearings** - The Commission may schedule public hearings on any matters before it and shall hear any and all persons desirous of speaking up to a five-minute limit per presentation on any subject formally before the Commission. The Commission shall not be responsible for notifying all interested parties of such hearings. However, every attempt will be made to notify those concerned through the news media, affected alderpersons or neighborhood groups, etc. The Commission shall hold public hearings on all matters referred to it for public hearing by the Common Council.

Registration forms will be provided and persons wishing to appear must complete and submit such forms to the Chair prior to the start of the public hearing.

- (B) **Order of Public Hearing**

- (1) The Chair shall make a statement at the beginning concerning the conduct of the meeting. The Chair should let it be known just how the hearing will proceed and that decorum and order will prevail. The Chair should also make it clear that the Commission will not engage in lengthy discussions or debates with anyone.

The Chair shall also advise those in attendance that the Commission is an advisory body to the Common Council on all transportation matters referred to the Commission for hearing. The Chair shall emphasize that the Commission is appointed to represent not only those present at the hearing but all the citizens of the community.

- (2) A record of the names, addresses, and positions of those appearing will be made.

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<sup>8</sup>Ordinance 11,233, ID 17176, provides: "Every board, committee and commission, whether created by ordinance or by resolution, shall select officers and shall keep minutes of its proceedings. After the minutes have been approved by the board, committee or commission, a copy shall be filed with the City Clerk."



- (3) The Chair shall briefly identify the subject(s) under consideration. Each person appearing shall be instructed to give his/her full name and address and state his/her views as briefly and quickly as possible. Those persons who agree with the views of a prior speaker shall be requested to so indicate rather than repeat those views.

The Chair shall endeavor to keep repetitious and irrelevant speech making to a minimum.

- (4) The Commission shall determine if questions are to be permitted by those attending the hearing.
- (5) All questions directed to the Commission shall be addressed to the Chair. No prolonged argumentative questioning of the Commissioners or speakers shall be permitted. Any Commission member may question a speaker on the facts presented or for clarification of a statement made.
- (6) Upon conclusion of the public statements, the Chair shall thank all for their interest and attendance and notify them that the members will act on a motion to either continue discussion of the matter or refer discussion until later in the meeting or a subsequent meeting. The hearing then shall be adjourned and a motion made on the Commission's intentions for proceeding on discussion of the matter. The Chair shall make a point of restating the motion so that persons attending understand the action taken.

- (C) **Quorum** - A quorum of the Commission must be present to hold a public hearing or meeting.

## SECTION V - MISCELLANEOUS

No member of the TPC shall take any action which may be interpreted as representing the view of the TPC as a whole unless he/she has been authorized to do so by the TPC as a body or by the Chair.

Media: Only the parent commission can authorize media responses.

Code of Ethics: See City of Madison Ordinances Section 3.47.

Suspension/Amendment to Rules: The Commission may suspend or amend these rules by a two-thirds vote of the total membership (6 members).

Approved: 7/8/97 initial  
7/14/98 no changes  
5/11/99 changes re: TPC reps on LRTPC & delete statement that ADAPPOS rep shall be appointed annually by TPC  
5/9/00 changed agenda order to separately list parking-related items and transit-related items  
6/12/01 revised language regarding TPC appointments to LRTPC; deleted outline of agenda order; other minor changes  
5/14/02 item (C)(2) p 4, added sentence to change date of Nov. meeting due to CC budget meeting  
5/13/02 updated name of CPD, added footnotes 6 & 7, added Section I(C)(3) re: CSOS as a standing subcommittee  
5/11/04 added language re: alders prohibited from serving as Chair/Vice-Chair, Chair may appoint subcomm. vacancies throughout the year, and meetings may be held on other than regular meeting date  
6/14/05: updated language to reflect ord. changes re: ADA Transit Subcommittee  
5/9/06: added language re: filling vacancies for Chair and Vice-Chair; and, re: voting to say that a majority of quorum is needed to pass motion

11/9/06: added language re: scheduling regular meetings on different dates than second Tuesdays when budget meetings/deliberations occur in September, October and November  
6/12/07: changed language to say that the annual organizational meeting would be held in July  
6/10/08: updated language to reflect ord. changes re: membership of Contracted Services Oversight Committee  
8/11/09: no changes  
10/14/10: revised language to change regular meeting date to second Wednesdays of the month