

# Vending Oversight Committee

## Rules of Procedure

Adopted by the Vending Oversight Committee on February 26, 2020

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The Vending Oversight Committee adopts the following rules of procedure for conducting all business, and additional rules for conducting vending license suspension or revocation hearings, appeals, or other quasi-judicial matters for which it is authorized to act under Sections 9.12 and 9.13, Madison General Ordinances (MGO):

### Rules of Procedure for All Business:

The Vending Oversight Committee (VOC) is governed by sections 9.12, 9.13, 33.01, MGO, all other applicable Madison General Ordinances, and Roberts Rules of Order, when applicable, as stated in City ordinances. The VOC adopts the following rule

1. Role of the Chair: As permitted by sec. 33.01(9)(b), and due to the small size of the voting membership of the body, the VOC adopts a rule authorizing the Chair, 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 VOC.
2. All other applicable City ordinances, laws and Roberts Rules of Order, as applicable, if not modified by these rules of procedure, continue to apply.

### Additional Rules of Procedure for Quasi-Judicial Hearings under sec. 9.13, MGO:

*Established by the Vending Oversight Committee on 9/24/03, re-adopted on February 26, 2020*

#### A. Opening Remarks and Explanation by Chairperson.

1. Call hearing to order.
2. Determine if hearing was properly noticed (cc: City Clerk, parties)
3. Check if all parties are present.
  - a. Ask for appearances for the record (name, spelling of last name for record, representation – City representative(s) and vendor.)
  - b. Introduce the parties to the quasi-judicial body, by name of each member.
  - c. Introduce staff who will be the recorder and list the functions:
    - 1) keep accurate records of proceeding
    - 2) record all testimony
4. Explain purpose of hearing.
  - a. Proceedings before the VOC are governed by MGO Sec. 9.13, and the Regulations adopted thereto, and any Rules or Procedures adopted by the Vending Oversight Committee (VOC.)
  - b. Recite the charges or allegations or read from the document(s) that commenced the proceeding in question.
  - c. Explain the VOC's role is to sit as a quasi-judicial body, listen to the

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evidence, and make a decision. Describe the decision-making options based upon the type of proceeding that has been commenced.

B. Outline of the Sequence of Proceeding:

1. Opening remarks by the Parties -a time limit may be determined by the Chairperson.
2. City witnesses
  - (a) direct examination
  - (b) cross-examination
  - (c) opportunity for follow-up questions by vendor
  - (d) questions from committee
3. Vendor's witnesses (same sequence)
4. Rebuttal witness(es)
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 counsel 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 could rely to make a decision.
10. In absence of a specific rule, Roberts Rules of Order shall apply.
11. Stipulations may be presented at the beginning of the hearing.

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 deliberate and make findings of fact as appropriate for the particular proceeding before them.
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 the Fact-Finding and Public Comment, the Parties shall be allowed to make a recommendation or argument for penalty as appropriate. The

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Committee shall deliberate by appropriate motion, as to the imposition of a penalty and/or recommendation to the Common Council, as authorized by sec. 9.13, for the particular proceeding before them.

E. Notice of Hearing.

If a hearing is scheduled on a matter affecting a vending license, for which there is no time limit for notice already prescribed by sec. 9.13 of the Madison General Ordinances or the Regulations adopted therein, the Vendor shall be notified in writing of the time and place of the hearing at least ten (10) calendar days prior to the Hearing.

*See also Sec. 9.13, Madison General Ordinances, for additional procedures established by ordinance for hearings before the Vending Oversight Committee.*

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*two (2) years, which shall be filed with the City Clerk by July 1 of even-numbered years.*

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