

RULES AND PROCEDURES
City of Madison
City of Madison Pedestrian/Bicycle/Motor Vehicle Commission¹

As approved at the 6/23/09 meeting

The following rules and procedures are adopted by the Pedestrian/Bicycle/Motor Vehicle Commission to facilitate the performance of its duties and the exercising of its powers as outlined in the Madison General Ordinances.²

SECTION I - MEMBERSHIP AND OFFICERS

(A) Membership

The PBMVC 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. Of the total members, one shall be a member of the City Plan Commission, two shall be users of the City's bicycle ways, two shall be pedestrian advocates, and one shall be an individual with disabilities. Overlapping membership on the PBMVC and the Transit and Parking Commission (TPC) of two members shall be encouraged but shall not be required. The 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 after appointment and confirmation—generally made at the Council organizational meeting in April. 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 and such term shall be effective on the date of appointment confirmation by the Common Council.

Citizen members of the PBMVC 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 may 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. Citizen members who are completing a term are requested to serve until such time as a replacement is made. 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.

¹ As approved 5/25/04 and agenda format revised on 6/8/04 per City Attorney recommendation.

² 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...."

(B) Long Range Transportation Planning Commission and Subcommittee(s) Membership

Two members of the PBMVC, one being the PBMVC Chair or designee, shall serve as voting members without compensation on the Long-Range Transportation Planning Commission. The Commission shall submit its recommended members which shall include the Chair or designee of PBMVC for LRTPC to the Mayor.³ The PBMVC may recommend an alternate member to the Mayor, who may appoint one alternate to the LRTPC subject to Council confirmation. The appointments shall be for the same duration as the appointee's term on the PBMVC.

Joint Transportation Subcommittee: At the request of any one of the PBMVC or TPC, a joint subcommittee of not less than five members appointed by the Chair of the 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 inter-modal transportation planning activities.

Appointments to subcommittees shall be done at the organizational meeting each year.

(C) Officers

The Commissioners shall choose from among its members, except for alder representatives⁴ or 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 its members, except for alder representatives or the First and Second Alternates, a Vice-Chair who in the absence of the Chair shall preside at meetings.

The City Traffic Engineer and Parking Manager shall be the chief administrative officer of the Pedestrian/Bicycle/Motor Vehicle Commission and its Executive Secretary.

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 City Traffic Engineer and Parking Manager, his/her designee shall serve as Acting Executive Secretary.

(D) Subcommittees⁵

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 PBMVC should prepare a resolution thanking members for their effort/report and officially dissolving the body.

³ Ord. 12,540 adopted 2/18/00 amended the LRTPC ordinance to indicate: "The Mayor may designate an alternate from one of the bodies from which members are chosen. The alternate may participate in Commission business as though s/he were a full member, but may vote only in the absence of at least one Commission member."

⁴ Per Ordinance 13383, ID 34060, adopted 8/5/03 "...no alderperson shall by the chairperson, co-chairperson, or vice-chairperson of any City committee, commission, board, subcommittee, ad hoc committee, ad hoc commission or ad hoc board authorized to have more than two citizen members appointed by the Mayor and confirmed by the Common Council....In the event the citizen chair and vice-chair are absent from a meeting, an alder, upon consensus of the members present, may assume the chair. However, in no event shall an alder serve as chair of any such committee, commission or board for more than two (2) consecutive meetings."

⁵ 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.

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

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 following appointments, but no later than July of each year, for the purpose of introducing new members, electing a chair and vice-chair, appointments to subcommittees, adopting Rules and Procedures, reaffirming or rescheduling of regular meeting date, and conducting regular Commission business.
 - (2) **Regular Meetings** - The PBMVC shall meet on the fourth Tuesday of each month beginning at 5:00 p.m. at a location to be designated by the Executive Secretary. The Commission shall adjourn by 8:00 p.m., unless the rules are suspended to establish a longer meeting time. When the regular meeting date is a legal holiday, no meeting will be held; however, a special meeting may be called in lieu of the regular meetings.
 - (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 and place of the meeting.
 - (4) **Joint Meetings** - When an item of mutual interest to the Pedestrian/Bicycle/Motor Vehicle Commission, the Transit and Parking Commission and/or Long Range Transportation Planning Commission is pending, a joint meeting may be scheduled. A quorum of the bodies is necessary for a joint meeting.

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

- (1) If a quorum of each of the Commissions is present, the chair of one of the Commissions will call the joint meeting to order, 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 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.
- (2) 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 present from each Commission.

When action is to be taken on an 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.

Items for the agenda and accompanying resolutions, ordinances, staff reports, etc. shall be received by the Executive Secretary no later than five days prior to the scheduled meeting.

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 agendas and minutes based on requests for same will be maintained by the Recording Secretary.

Per City procedure "agenda and attachments are to be made available to the public in a three-ring binder at every public meeting. (It is not necessary to make copies of attachments for distribution.)" (12/28/04 CCOC Memo re. "Standard Board, Commission and Committee Meeting Procedures.)

Order of Business: for PBMVC Agenda

- Call to Order and Roll Call
- Public Comment [Introduction of items by the public for consideration at a future meeting; 3 minute limit per speaker].
- Approval of Minutes
- Madison Police Report on Traffic Related Matters [Generally on a quarterly basis, but may be more often]
- Public Hearings (A set time is to be noticed -- generally one hour after meeting start - 6 p.m.)
- Special Presentation (Used when special presentations by City and outside agencies and firms have been requested) or for Appeals
- Old Business Items—Items may require action. [Old Business items include items carried over from previous meeting(s).]
- New Business Items. All items listed under "New Business" shall be presented to members of the commission with at least one of the following: a staff report, a Common Council resolution, Legistar cover sheet, or the relevant ordinance(s). Unless these rules are suspended by a 2/3 majority of the members present⁶, no item shall be considered by the Commission unless it is presented with the required information and said information has been mailed to the members of the Commission with the agenda as required by these rules.
- Reports of Other Committees – Summary of Activity. Reports of Plan Commission, LRTPC, Joint West Campus Area Committee, Joint SE Campus Area Committee or PBMVC Subcommittees and/or Ad Hoc Subgroups, if any
- Reports of Officers and/or Members for Information/Discussion: (including Executive Secretary Report, Chair, and Items for Referral and/or Announcements)
- Addendum - 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.
- Items which may need to be considered in closed session, etc. Proper notification is to be provided for such items.
- Adjournment
- Informational Enclosures (Copies are provided and identified on the agenda.)

⁶Standard Parliamentary procedure.

- (E) **Appearances** – Public comment is allowed on all agenda items after presentation of the registration form to the Chair prior to an item being considered at the meeting as outlined in section 3.27(4)(g),MGO⁷ and shall be limited to three minutes, except for public hearings which shall be governed by Section IV of these Rules and Procedures. The Chair, backed by a majority of the Commission if the Chair’s ruling is challenged, may modify the time limits or amount of time for public comment if circumstances warrant such a change⁸. Questions of the speaker may occur following the speaker’s presentation, unless a questioning period longer than 3+ minutes is anticipated. Then questions will be asked following all public presentations.
- (F) **Attendance** - Members are to inform the Recording Secretary in advance if they are not to attend a meeting.⁹ The attendance record is to be submitted to the Mayor’s Office and Council Office in March and September of each year.
- (G) **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 made at the next meeting to reconsider an item may be made, but if notice of reconsideration has not been published, the motion is to be referred to the following meeting so that adequate public notice can be provided.
- (H) **Parliamentary Procedure** - Commission meetings shall be governed by *Roberts Rules of Order Newly Revised* unless otherwise provided for therein.
- (I) **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 to a time and date selected by the Chair or the Executive Secretary without taking any other action. (MGO 3.27(3)(a).
- (J) **Registration Forms** are to be available at each meeting and must be used by anyone wishing to testify. Public input shall be limited to three minutes per speaker unless otherwise provided (5 minutes for scheduled public hearing). In case of a person who needs an interpreter or assistance because of a disability, the time limit is 6 minutes. (Per 12/28/05 CCOC memo re. Standard Board, Commission and Committee Meeting Procedures.)

⁷ MGO 3.27(4)(g) provides: “Every board, committee and commission, including committees and subcommittees created under Subsection (4)(c) above, shall establish a period for public comment at or near the beginning of each meeting. The board, committee or commission shall not take action on a matter raised in the public comment portion of the meeting unless that matter is otherwise on the agenda. Members of the public who comply with applicable rules shall be permitted at least three (3) minutes to speak. If the speaker requires an interpreter, either because of his/her limited English proficiency or because of a disability, he/she shall be allowed no less than six (6) minutes. This subdivision shall not apply to quasi-judicial hearings on contested matters, nor to deliberations concerning such hearings on contested matters nor to closed sessions of the Ethics Board held for the purpose of hearing and deliberating confidential requests for advisory opinions pursuant to Sec. 3.47(11)(b). 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 a second any motion. This subdivision does not apply to quasi-judicial hearings on contested matters, nor to deliberations concerning such hearings on contested matters.”

⁸ For example, time limits may be modified where a topic has already had public comment at an earlier meeting and now the body wants to take action.

⁹ [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, in the Mayor's discretion, requesting their resignation.]

- (K) **Resolutions and Ordinances Initiated by the PBMVC** - If action by the PBMVC requires the preparation of a resolution/ordinance for Council consideration, PBMVC alderperson representatives will be listed as sponsors, unless otherwise directed at the time action is taken or if a PBMVC alderperson votes against the item.
- (L) **Reports** - The Commission may ask for reports and recommendations, if any, from staff on any matters before it. [See also Agenda regarding reports to accompany agenda items.]
- (M) **Voting** - Voting shall be by voice and shall be recorded as by acclamation, 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. Voting by the Chair is based on *Roberts Rules of Order Newly Revised*.¹⁰

Per ordinance 13044, ID 31052, "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." (adopted 3/19/02)

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.

A motion for reconsideration of any agenda item from a 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.

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 PBMVC, as they may relate to transportation, and shall represent the PBMVC 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.¹¹
- (C) **Reports to Common Council and Others** - The Executive Secretary shall report the action of the Commission to concerned parties.

¹⁰ EXCERPT FROM ROBERTS RULES OF ORDER NEWLY REVISED RELATED TO VOTING BY CHAIR (P343): *If the presiding officer is a member of the assembly, he can vote as any other member when the vote is by ballot...In all other cases the presiding officer, if a member of the assembly, can (but is not obliged to) vote whenever his vote will affect the result--that is, he can vote either to break or to cause a tie; or, in a case where a two-thirds vote is required, he can vote either to cause or to block the attainment of the necessary two-thirds. In particular: ...The chair cannot vote twice, once as a member, then again in his capacity as presiding officer--first to make a tie, and then to cast the deciding vote. In an appeal from the decision of the chair, a tie vote sustains the chair's decision, even though his vote created the tie, on the principle that the decision of the chair can be reversed only by a majority.*

¹¹ 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.

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. In case of a person who needs an interpreter or assistance because of a disability, the time limit is 6 minutes.¹² 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, Internet, 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 item being considered at the meeting.

(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.
- (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.

¹² (Per 12/28/05 CCOC memo re. Standard Board, Commission and Committee Meeting Procedures.)

SECTION V - MISCELLANEOUS

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

Parent body (i.e., PBMVC, TPC, LRTPC) is responsible for reporting out positions of the parent body and its subcommittees or subgroups.

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).