



City of Madison
Meeting Minutes - Final
COMMON COUNCIL
ORGANIZATIONAL COMMITTEE

City of Madison
Madison, WI 53703
www.cityofmadison.com

Tuesday, October 2, 2007

4:30 PM

210 Martin Luther King, Jr. Blvd.
Room 103A (City-County Building)

Present: Brenda K. Konkell, Satya V. Rhodes Conway, Robbie Webber, Michael Schumacher and Joseph R. Clausius

Excused: Michael E. Verveer, Tim Bruer and Judy Compton

Others Attending: Ald. Zach Brandon, City Attorney Michael May and Janet Piraino (Mayoral Chief of Staff)

Ald. Brenda Konkell called the meeting to order at 4:42 p.m.

APPROVAL OF MINUTES

Approval of the Common Council Organizational Committee minutes from September 18, 2007.

A motion was made by Schumacher, seconded by Clausius, to Approve the Minutes. The motion passed by acclamation.

DISCUSSION ITEMS

Ald. Tim Bruer arrived at 4:43 p.m. and Ald. Judy Compton arrived at 4:48 p.m.

Present: Tim Bruer, Brenda K. Konkell, Satya V. Rhodes Conway, Robbie Webber, Judy Compton, Michael Schumacher and Joseph R. Clausius

Excused: Michael E. Verveer

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Clarifying and modifying Madison General Ordinances - Chapter 2 - "Standing Rules For the Government of the Common Council"

Attachments: M. May Memo 9/21/07 on Additional Chapter 2 Changes, 2nd DRAFT of Chapter 2 Changes, Mayor's Memo on Chapter 2 Changes 9/18/07, DRAFT Chapt 2 Changes with Drafters Analysis

Refer to the COMMON COUNCIL ORGANIZATIONAL COMMITTEE

Discussion was held on the Mayor's request to re-start Legistar's legislative file numbering system every year. The Mayor believed that it should be a more orderly and understandable numbering process than the current practice.

Ald. Michael Schumacher noted that Legistar automatically assigns a number to many different "legislative files" (e.g. reports, discussion items, etc.) and that it would be more disruptive to try and re-start the numbering system every year.

The consensus of the Common Council Organizational Committee was to leave the current numbering system in place.

The committee reviewed City Attorney Michael May's memo dated 9/21/07 entitled, "Chapter 2 Amendments" discussed at the 9/18/07 CCOC meeting.

1. In section 2.04, the new language on early public comment was added.

The early public comment language was adopted at the Council meeting of September 18, 2007.

2. In section 2.05(1)(b), language was added to clarify how to treat matters introduced from the floor. The new language says: "Any matter introduced from the floor shall be either (i) referred to the next Common Council meeting for action or (ii) referred to the next Common Council meeting and be placed on the agenda as if for introduction, solely for the purpose of additional referrals."

CCOC members approved of the new language.

3. In section 2.15, language limiting Boards, Committees and Commissions was deleted. Upon reflection, any such limitation should go in chapter 33. I have heard comments from many staff members that telephonic meetings have at times been essential to the conduct of the business of committees. I recommend that the CCOC separately take up the application of this rule to boards, committees and commissions. I recommend a rule that bars proxy voting, but allows telephonic or electronic meetings upon motion or rule adopted by the body and in compliance with all aspects of the open meetings law.

The City Attorney indicated that he was not totally supportive of completely barring telephone or electronic meetings.

Ald. Robbie Webber did not think people "attending" meetings telephonically or electronically were not fully participating in the meeting.

Ald. Michael Schumacher noted that he participated in a conference call during the recent Council discussion on the Regional Transit Authority and he did not see any dire consequences in this type of participation.

Ald. Satya Rhodes-Conway agreed that this should be in Chapter 33. She supported an individual listening into a committee meeting via the telephone. If the committee was going to allow members to participate telephonically then she questioned whether they also need to allow the public to also participate telephonically. She noted that she sees this being primarily used when a committee can't make quorum. Staff will call a committee member on the phone at the last minute. She noted that the committee then does not allow the public to

dial in similarly. She didn't think this was a fair way to conduct meetings.

City Attorney Michael May noted that the committee is required to note on their agenda that a committee member is participating telephonically and that they have a speaker phone available so the public can hear the person.

Ald. Brenda Konkell stated language might be added that indicates the person could not vote by telephone unless it was an emergency meeting (of the Common Council) but can participate in the meeting (i.e. listening).

The CCOC recommended that this issue be taken up when a subcommittee of the CCOC deals with committee rules.

4. Sections 2.24 and 2.25 have been modified to include language regarding the lead referral. The language states: "Any matter referred to more than one board, committee or commission shall have a lead referral. Non-lead referral bodies shall make recommendations that the lead referral will consider. The recommendation of the lead referral will usually be presented to the Common Council as the recommended action, either in the form originally introduced or as a substitute or alternate."

CCOC members approved of the modified language.

5. In section 2.38, a portion of the sub. (2) proposed to be deleted was reinstated and amended. The new sub. (2) has the following language: "If the Common Council does not act on the recommendation within sixty (60) days after the date of submission of the recommendation for confirmation, the appointee shall be deemed confirmed."

City Attorney May would clarify that the word "act" be reworded as "approving or disapproving" .

CCOC members approved of the new subsection language (as requested by the Mayor).

6. City Attorney office recommendation that the Council adopt a rule that no member of the council shall email, text, or otherwise electronically communicate with another member during a Council meeting on any matter on the agenda. This could be added to chapter 2 or to the ordinance related to open meetings

City Attorney May noted that when alders are physically present in the Council chambers the public can see them talking with each other but the same could not be said about electronic communications.

Ald. Brenda Konkell noted that she keeps a record of her text messages.

Ald. Michael Schumacher did not see any difference between emailing an alder versus physically getting up and talking with the alder. He did see the problem with an alder emailing the entire Common Council and then running into quorum/negative quorum issues.

Ald. Judy Compton believed that alders should be paying attention to the Common Council meeting.

Ald. Zach Brandon supported the banning text messaging and instant messaging during Common Council meetings. He noted that alders using the city's email system do not run into a problem with the State's open records law but this becomes an issue with text and instant messaging.

City Attorney Michael May will draft language that states that there will be no electronic communication during a Common Council meeting without there being a record of the communication.

The final draft of changes to the Madison General Ordinances Chapter 2 was re-referred to the November 6, 2007 CCOC meeting. All members of the CCOC will be listed as sponsors.

Ald. Mike Verveer arrived at 5:06 p.m.

Discussion Item: Additional CCOC meeting on October 16, 2007.

CCOC members did not see a need to have an additional meeting on October 16, 2007.

It was noted that items for the next CCOC agenda include:

1. Issue of Late Common Council Meetings - requested by Ald. Brenda Konkel
2. Term Limit Ordinance - Ald. Brandon is now the sponsor and this should be on the next CCOC agenda.
3. Establishing a CCOC Subcommittee to Review City Committee Rules
4. Appointing members to the Sister City Grant Review Subcommittee (before January 2008)

Ald. Satya Rhodes-Conway requested an alder orientation wrap-up. It was noted that Council Leadership and the Administrative Assistant will schedule the final session in the near future.

UPDATES

Update: CCOC Subcommittee to Review Council Staff Position: Legislative Analyst

Ald. Michael Schumacher noted that the subcommittee will be meeting on October 9, 2007 and will have an update/report to the CCOC on November 6, 2007

Update: Work Group on Council Website Guidelines and Policies

A President's work group comprised of: Ald. Brenda Konkel, Ald. Michael Schumacher and Ald. Mark Clear (will be asked to serve) will meet in the near future.

ADJOURNMENT

A motion was made by Bruer, seconded by Rhodes Conway, to Adjourn The meeting adjourned at 5:31 p.m. The motion passed by acclamation.