



## Office of the Common Council

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January 6, 2009

- TO:** Ald. Tim Bruer, Common Council President  
Members of the Common Council Organizational Committee
- FR:** Ald. Satya Rhodes-Conway, Chair, Common Council Organizational Committee  
Subcommittee on Committee Creation and Committee Rules  
Members of the Common Council Organizational Committee Subcommittee on  
Committee Creation and Committee Rules
- RE:** **Final Report and Recommendations of the Common Council Organizational  
Committee Subcommittee on Committee Creation and Committee Rules**

### **Background**

On November 6, 2007, the Common Council Organizational Committee (CCOC) formed a subcommittee to review City committee, commission and board rules and how committees, commissions and boards (hereinafter referred to as "Sub-units") are created. The CCOC appointed Ald. Satya Rhodes-Conway as Chair, Ald. Brenda Konkell and Ald. Joe Clausius as members, and Ald. Michael Schumacher as alternate. (On January 22, 2007, Common Council President Mike Verveer elevated Ald. Michael Schumacher to full membership on the subcommittee.) The subcommittee met 14 times between December 2007 and November 2008.

The subcommittee would like to acknowledge and thank City Attorney Michael May and Debbie Fields, Common Council staff, for their invaluable support, advice and hard work during this process.

### **Mission and Emphasis of Study**

In accordance with the subcommittee's mission to "review City committee, commission and board rules and how committees, commissions and boards are created," the subcommittee developed a work plan with emphasis placed on standardizing and codifying the methods by which Sub-units are created and the rules by which they operate. Specific areas of study included:

- The different types of Sub-units and the differences between them.
- Methods of creating Sub-units.
- Naming of Sub-units, including re-naming existing bodies as necessary.

- Consolidating and/or eliminating certain existing Sub-units.
- Locating all standing Sub-units in Madison General Ordinances (MGO) Chapter 33.
- The appointment process, including filling vacancies.
- Operating rules, both baseline and special.
- Software and Website issues, including public access to online information.
- Training of Sub-unit members, officers, staff and alders.
- Developing an action plan for implementing the subcommittee's recommendations.

### **Data Collection, Resources and Invited Staff/Others**

The subcommittee reviewed a variety of resources, solicited input from several staff and heard testimony from the public.

*The following documents were reviewed:*

- Chapter 33 of the MGO: Boards, Commissions and Committees.
- November 2001 Final Report of the CCOC Subcommittee on Public Input and Access.
- December 2001 Final Report of the Subcommittee on Committees.
- Commissions FAQ: What is the difference between a committee and a commission or a board?
- Lists of all standing committees, commissions and boards; all non-City committees with Mayoral appointments; and all ad hoc committees, subcommittees, task forces and work groups.
- Ordinances, resolutions, budget documents, reports, intergovernmental agreements, policies and other documents creating current City Sub-units.
- An email survey was conducted to determine how many staff committees are operating and what their functions are. Department/divisions heads responded to the survey, and the subcommittee reviewed the results.
- Administrative Procedure Memorandum 3-1, explaining the criteria a Sub-unit must meet in order to be a Legistar committee.
- Legislative File ID # 08992, a proposed ordinance which would codify the Minority Affairs Committee and Women's Issues Committee in the MGO. (Note: the Common Council adopted the ordinance on April 22, 2008.)
- Reports describing how committee, commission and board appointments are made in San Diego, California, and Las Vegas, Nevada.
- A memo from Brad Murphy containing his comments on making the Development Assistance Team subject to public meeting requirements.
- The City Attorney's Report regarding the subcommittee's proposed changes to Chapter 33 of the MGO.

*Input was solicited from the following staff:*

- Mike May (City Attorney) – The City Attorney attended all of the subcommittee's meetings. He provided invaluable support, sharing his perspective on the City's current practices and policies, offering suggestions and alternatives, drafting all proposed changes to the Madison General Ordinances (MGO), advising the subcommittee about legal considerations and conducting background research.
- George Twigg (Assistant to the Mayor) – Mr. Twigg attended six of the subcommittee's meetings. He acted as a liaison between the subcommittee and the Mayor's Office, informing the subcommittee of the Mayor's views on proposed changes and providing information about the appointment process.

- Joel Plant (Assistant to the Mayor) – Mr. Twigg left his position with the City on July 11, 2008. Mr. Plant assumed his role as liaison between the subcommittee and the Mayor's Office, and he attended the August 7, 2008, meeting.
- Ariel Ford (Department of Civil Rights), Christie Hill (Minority Affairs Committee and Women's Issues Committee), Nancy McCulley (Women's Issues Committee), Glen Clark (Minority Affairs Committee), Dana Warren (Minority Affairs Committee) - Ms. Ford, Ms. Hill, Ms. McCulley, Mr. Clark and Ms. Warren attended the subcommittee's March 27, 2008, meeting. They filled in the subcommittee on the background surrounding the Minority Affairs Committee (MAC) and the Women's Issues Committee (WIC) request to become formal City Sub-units subject to some, but not all, of the rules laid out in MGO Chapter 33.
- Pam Williamson (Mayor's Office) – Ms. Williamson attended the February 28, 2008, and June 5, 2008, meetings of the subcommittee. As the staffperson in the Mayor's Office responsible for maintaining the majority of the online information about Sub-units, she was very helpful in furthering the subcommittee's understanding of software and Website issues. She also provided information about the training that citizen and staff members of Sub-units undergo and about the process for filling vacancies on Sub-units.
- Jule Stroick (Planning Unit) – Ms. Stroick provided historical background and staff perspective on the issue of neighborhood steering committees and how vacancies on those bodies are filled. (Ms. Stroick was unable to attend the subcommittee's July 3, 2008, meeting, so she made her comments via email.)
- Dave Faust and Sarah Edgerton (Information Technology) and Maribeth Witzel-Behl (City Clerk) – Mr. Faust, Ms. Edgerton and Ms. Witzel-Behl attended the subcommittee's June 5, 2008, meeting. They explained what Legistar can and can't do and gave an update on Website changes that are currently in the works. They listened to the subcommittee's concerns about giving the public user-friendly access to meaningful information about Sub-units, and they proposed ideas for enhancing that access using current technology.
- Brad Murphy (Planning Unit) – Mr. Murphy attended the subcommittee's August 7, 2008, meeting. He spoke to the subcommittee's proposal to add the Development Assistance Team (DAT) to the MGO and to subject that body to public meeting requirements. He distributed a memo providing background on the creation of the DAT, information about the work of the team and details about his concerns if DAT meetings were required to be public meetings.

*The following members of the public testified:*

- Carole Schaeffer (Smart Growth Madison) – Ms. Schaeffer attended the July 3, 2008, and the August 7, 2008, subcommittee meetings. She was speaking to a proposed change in MGO Sec. 3.30(2), which requires a two-thirds vote to confirm the appointment of a non-resident to a City of Madison Sub-unit. She explained that many of her organization's members would like this change, and she cited precedents for non-residents receiving such considerations from the City.

*Testimony at November 18, 2008, public hearing:*

City staff and City committee members were invited to attend the November 18, 2008, meeting and provide their feedback on the subcommittee's proposals. The following testimony was heard at the meeting:

- Cindy Wick (staff to the Affirmative Action Commission and the Equal Opportunities Commission)
  - Appreciated the opportunity to provide staff perspective.
  - In favor of recommendation to allow alders to introduce appointments for seats that have been vacant 90 days or longer.
  - Prefers to have attendance recordkeeping be the responsibility of staff, not of the committee chair.
  - Recommended allowing committee members to take leaves of absence under certain circumstances (serious illness, birth of a baby, etc.).
  - In favor of recommendation to classify a meeting not held due to lack of quorum as a missed meeting for any member not in attendance.
  - In favor of recommendation to remove members when they've missed three of four meetings, with or without excuse.
  - Not in favor of restricting participation of chairs in meetings.
  - Regarding alders attending closed session meetings, recommends a case-by-case evaluation.
  
- Anne Kenny (staffperson who takes the minutes for the Community Development Block Grant Commission [CDBG])
  - Agreed with points made by Ms. Wick.
  - Thought the subcommittee's training recommendations are a great idea and long overdue.
  - Requested clarification of the recommendation that minutes be filed with the City Clerk's Office within five days of being approved.
  - Requested clarification of the subcommittee's determination that the CDBG should be renamed due to its lack of independent authority.
  
- Pamela Abel (staff to the Board of Health for Madison and Dane County)
  - Thanked the subcommittee for taking the time to look at the City's committee structure and for giving staff the opportunity to weigh in.
  - In favor of standardizing committee processes but questions how that will work for the Board of Health, which is a merged City of Madison/Dane County body.
  - Thought the training recommendations are great and will be welcomed.
  - Would like to see committee member training offered more often.
  - Agreed with Ms. Wick about chair participation and thought the level of participation should be up to individual committees.
  - Asked if the subcommittee's proposed recommendations, if adopted, would trump the bylaws of the Board of Health.
  
- Peggy Yessa (staff to the Economic Development Commission [EDC])
  - Said anything the subcommittee can do to make rules simpler would be appreciated.
  
- Bert Zipperer
  - Said he is speaking for himself, not in his capacity as a committee member.
  - Applauded the idea of a maximum ten years of service on a committee.

- Would like to grant committees the ability to request that ordinances be drafted and then introduced to the Common Council without an aldermanic sponsor.
  - Would like to see two alders on a committee instead of one.
  - Thought a one-year term for committee chairs is enough.
  - Questioned the recommendation about chairs not voting or participating.
- Meg Zopelis (staff to the Housing Committee, staffperson who prepares meeting materials for the Landlord/Tenant Issues Subcommittee)
    - Asked for clarification about who would determine the level of detail needed in meeting minutes.

The following comments were received via email prior to the November 18, 2008, meeting:

- Genesis Bichanich (staff to the Commission on the Environment [COE]), on behalf of the COE
  - Questioned the recommendation about chairs not participating in meetings.
  - Would like to forgo the 10-year limit on committee membership.
- Jolene Ibeling (staff to the Early Childhood Care and Education Board [ECCEB]), on behalf of one of the members of the ECCEB
  - Wondered if changing the name of the Board would have any funding implications.
- Vicky Selkove
  - Questioned the recommendation about chairs not voting or participating.
- Ed Clarke (Chair, Economic Development Commission)
  - Questioned the recommendation about chairs not voting or participating.

## **Recommendations**

*Recommended changes to the Madison General Ordinances:*

*(A brief summary follows. Specific language can be found in the enclosed draft ordinances.)*

- All City boards, commissions and committees will be listed in the index.
- In MGO Sec. 33, replace all references to “board, commission and committee” with “Sub-unit.”
- The rules adopted apply unless changed elsewhere in the ordinances, or as may be required by state law.
- Add definitions of “ad hoc,” “Authority or District,” “Board or Commission,” “Committee,” “standing,” “Subcommittee” and “Sub-unit.”
- Add language to standardize the creation and dissolution of Sub-units and subcommittees.
- Add language to standardize the appointment process and to provide for the following:
  - If an appointment is rejected, the same person may not be nominated for the same position for a period of six months.
  - Alternates’ seats on Sub-units will be numbered.
- Add language to standardize terms of appointments and to provide for the following:
  - No person, other than alders, shall serve on any Sub-unit for a period in excess of twelve years, unless authorized by a two-thirds majority vote of the Common Council. This shall be effective immediately (but not counting the current term).

- Add language directing Sub-units to choose their chair, Vice-chair and other officers at least every two years. Individual Sub-units may adopt rules of procedure that allow them to hold annual elections.
- Add language to the subsection concerning attendance to provide for the following:
  - Require the chair to report to the Mayor and the Common Council Office when a member is absent from three of four consecutive meetings or from five meetings out of twelve. (Currently, the ordinance requires the chair to report only to the Mayor.) The chair may delegate this responsibility to committee support staff.
  - All absences are to be counted as such, with no distinction between “excused” and “unexcused” absences. This will not apply to aldermanic members of Sub-units.
  - Classify a meeting not held due to lack of quorum as a missed meeting for any member not in attendance.
  - Allow the Mayor, at his or her discretion, to request that the Council remove such members from the Sub-unit.
- Add language to the subsection concerning minutes and rules of procedure as follows:
  - Specifying a time limit of five business days for filing approved minutes with the City Clerk.
  - Sub-units shall review and make any changes in their rules of procedure every two years, which shall be filed with the City Clerk by July 1 of even-numbered years.
  - The chair of a Sub-unit shall not vote unless it would affect the outcome of the matter and shall not participate in making motions or in discussion. Individual Sub-units may adopt rules of procedure that permit the chair to participate and vote.
  - Allow Council member participation in closed session meetings unless his or her exclusion is necessary for the purpose of the closed session. For example, this does not apply to quasi-judicial hearings on contested matters, to deliberations concerning such hearings on contested matters, to closed sessions of the Ethics Board held for the purpose of hearing and deliberating confidential requests for advisory opinions, nor to deliberations concerning hiring decisions.
- Add language in the subsection concerning public comment as follows:
  - Public comment is allowed on any matter on the agenda or matters not on the agenda.
  - Sub-units may allow public comment on agenda items at the time the item is taken up.
  - Members of the public wishing to speak shall register to do so on registration forms established by the City.
- Add a section concerning staff committees.
  - Staff committees that should be in ordinance and should comply with all of the rules in Chapter 33: Board of Assessors, Street Use Staff Team.
  - Staff committees that should be in ordinance, whose meetings should be publicly noticed, and who should comply with some, but not all, of the rules in Chapter 33: Minority Affairs Committee, Women’s Issues Committee.
  - Staff committees whose meetings should be publicly noticed but that should not be subject to any of the other Chapter 33 requirements: Rhythm & Booms Committee, Elver Fireworks Committee, Technical Advisory Committee (Water).
- All references to the Privilege in Streets Committee shall be changed to read “Real Estate.”
- All references to the Mayor’s Public Works Improvement Committee shall be changed to read “City Engineer.”
- All references to the Street Encroachment Committee shall be stricken.
- All references to the Training Committee shall be changed to read “Human Resources Director.”

*Software and Website recommendations:*

- Rename/relabel existing Web pages to make it more obvious what information can be found there.
- Put language on the main “Committees” page directing people to other pages (e.g., Weekly Meeting Schedule, Notice of Additional Public Meetings Calendar, etc.).
- Add a search function to the Notice of Additional Public Meetings Calendar.

*Recommendations for specific Sub-units:*

- Eliminate
  - Cable TV Advisory Council
  - City Employees’ Merit Awards Commission
- Standing and should be in the MGO
  - City-County Liaison Committee
  - Education, Board of – Common Council Liaison Committee
  - Erlanger, Jeffrey Clay, Civility in Public Discourse Award Committee
  - Ho-Chunk Nation – City of Madison Joint Planning Committee
  - Joint Southeast Area Campus Committee
  - Joint West Area Campus Committee
  - Madison Election Advisory Committee
- Has some independent authority and should be renamed “Commission”
  - Humanitarian Award Committee, Dr. Martin Luther King, Jr.
  - Street Use Staff Team
- Does not have independent authority and should be renamed “Committee”
  - Community Development Block Grant Commission
  - Early Childhood Care and Education Board
  - Economic Development Commission
  - Environment, Commission on the
  - Joint City-County Section 8 Advisory Commission
  - Long Range Transportation Planning Commission
  - Public Safety Review Board
  - Tree Board
- Move from ad hoc to standing status (already in the MGO)
  - Contracted Services Oversight Subcommittee
  - Disabled Parking Enforcement Assistance Council
  - EOC Employment Subcommittee
  - Street Use Staff Team
  - Weed Commissioners
    - o Remove from online “Committees” page.
- Move from ad hoc to standing status, and put in the MGO
  - Ad Hoc Committee on Park Names/Memorials (subcommittee of Board of Park Commissioners)
  - CDA Housing Operations Subcommittee
  - Facilities, Programs and Fees Committee (subcommittee of Board of Park Commissioners)
  - Golf Committee (subcommittee of Board of Park Commissioners)

- Habitat Stewardship Committee (subcommittee of Board of Park Commissioners)
- Inclusionary Zoning Advisory Oversight Committee
  - o Should be a subcommittee of the Plan Commission
- Long Range Planning Committee (subcommittee of Board of Park Commissioners)
- Monona Terrace Event Booking Assistance Advisory Committee
- Pest Management Advisory Committee
- Safe Food Advisory Subcommittee
  - o Reduce membership from fifteen members to ten
- Sustainable Design and Energy Committee
- Tree Board (subcommittee of the Board of Park Commissioners; also to be renamed “Committee”)
- Warner Park Community Recreation Center Advisory Committee (subcommittee of Board of Park Commissioners)

*Training:*

Committee Support Staff

- Committee support staff will be required to train every three years, with optional yearly “refresher courses” for those who so desire.
- The following areas should be covered in committee support staff training:
  - How to work effectively in Legistar, including how to deal with non-Legistar bodies (e.g., posting of agendas/attachments, minutes, etc.).
  - How take minutes effectively, including standards on the level of detail needed. The Office of the City Attorney, in consultation with Organizational Development and Training, will develop these standards.
  - How to get things entered into Legistar in a timely manner, including a five-day time limit for filing approved minutes with the City Clerk.
  - How to operate by Robert’s Rules of Order.
  - How to follow Open Meetings law, including training on how to follow an agenda. For example, there can be no discussion of items not on the agenda.
  - How to comply with public record requirements.
  - Guidance on working with the chairs of Sub-units.
  - Guidance on working with the alders on the committees, including sponsorship issues, such as how to get a sponsor for proposed legislation.
  - Instruction in use of the template when creating a new Sub-unit or subcommittee.
  - How to get proposed legislation drafted.
  - Instruction on the role of alternates on committees.

Committee Members, Including Committee Chairs

- The following areas should be covered in committee member training:
  - Understanding the role of alders who sit on a Sub-unit.
  - Understanding the ex-officio role of alders.
  - Understanding the rules of procedure:
    - o Sub-units shall affirmatively review and make any changes in their rules of procedure every two years, which shall be filed with the City Clerk by July 1 in even-numbered years.
    - o Notifying new members of operating rules.
    - o Registration.
    - o Public testimony.
    - o When and how members ought to abstain.
    - o The chair must restate the motion before a vote is taken.



- o The chair shall not vote unless it would affect the outcome of the matter and shall not participate in making motions or in discussion. Individual Sub-units may adopt rules of procedure that allow the chair to participate and/or vote.
- How to get a sponsor for proposed legislation.
- How to get proposed legislation drafted.
- How to get something onto an agenda.
- Their role in the budget.
- Understanding the process by which legislation moves through the City process and how Sub-units fit into that process.
- General role and responsibilities of members.
- Ethics.
- Robert's Rules of Order.
- Open Meetings law.
- Public records.
- Instruction on the role of alternates on committees.
- The ordinance creating the Sub-unit on which they serve shall be made available to the chair and all members.

#### Committee Chairs

- Committee chairs shall also be invited to attend committee support staff training.

#### Other Training Recommendations

- Hold separate training session(s) for members of quasi-judicial Sub-units.
- Ask the Mayor's Office to consider offering training opportunities more than once a year and having at least of those opportunities be at a time other than August.
- Consider breaking up the hours-long training into multiple, shorter sessions.
- Allow individual Sub-units to request of the Mayor's Office that training be incorporated into their meetings.
- Ask the Mayor's Office to keep track of committee members who have attended training and place greater emphasis on encouraging those who have not attended training to do so.
- Training for alders.
  - Hold a training session for the entire Council to go over the changes proposed by the subcommittee.
  - The role of alders in committees and the orientation session.
  - Inform alders of special criteria for certain committee seats to assist them in nominating people with the appropriate qualifications.

#### *Other/miscellaneous:*

- Template: The subcommittee developed a template (enclosed) to guide City staff when creating new Sub-units and subcommittees.

#### **Action Plan for Implementation**

The following actions should be taken to implement the subcommittee's recommendations:

- Adopt both sets of proposed changes to MGO Chapter 33.
- An Administrative Procedure Memorandum (APM) is issued by the Mayor's Office regarding the training recommendations.
- The subcommittee issues a memo requesting staff from the Mayor's Office, the Common Council Office, the City Clerk's Office and the Office of the City Attorney to begin using the template when creating new Sub-units and subcommittees.

- The Mayor's Office issues a memo regarding committee member recruitment, including language about soliciting more input from alders.
- The subcommittee issues a memo regarding committee name changes. The memo will go to the Mayor, Common Council, members of the affected committees and the City staff who use Legistar.
- The subcommittee issues a memo to Information Technology detailing its software and Website recommendations.

### **Next Steps for Future Subcommittees**

- Go through the rest of MGO Sec. 33, where specific Sub-units are discussed, and identify inconsistencies.
- In MGO Sec. 33, list the Sub-units to which the subcommittee's recommendations do not apply.
- Go through the ordinances that set up each Sub-unit to check for conflicts with the rules proposed by the subcommittee in this report and the attached ordinances.
- Create an inventory of the special criteria that exist for certain seats on City Sub-units.
- Additional items, which will be compiled by the Office of the City Attorney.

enc: Proposed changes to Madison General Ordinances  
 Report of the City Attorney  
 Template to guide the creation of Sub-units