



## Legislation Text

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### Title

Rules of Procedure and Basic Policies of the City of Madison Board of Park Commissioners

### Body

Section I. AUTHORITY.

A. Rules of Procedure and Basic Policies.

These Rules of Procedure and Basic Policies (“Policies”) are hereby established as required by MGO Sec. 33.05(3). These Policies govern the operation of the Board of Park Commissioners (referred to interchangeably in these Policies as the “Board”, “the Commission” and “the Park Commission”) in accordance with MGO Secs. 33.01(9)(b) and 33.05(3). These rules are effective as of \_\_\_\_\_, 2020. These rules may be amended from time to time by the Board.

B. The Board’s Statutory Authority.

The Board has unique powers, compared to other City Boards and Commissions, over the City’s parks. Under Wis. Stat. Sec. 27.08(2), the Board of Park Commissioners (Park Commission) is specifically empowered and directed to do the following:

1. To govern, manage, control, improve and care for all public parks, parkways, boulevards and pleasure drives located within, or partly within and partly without, the corporate limits of the city, and secure the quiet, orderly and suitable use and enjoyment thereof by the people; also to adopt rules and regulations to promote those purposes.
2. To acquire in the name of the city for park, parkway, boulevard or pleasure drive purposes by gift, devise, bequest or condemnation, either absolutely or in trust, money, real or personal property or any incorporeal right or privilege. Gifts to any city of money or other property, real or personal, either absolutely or in trust, for park, parkway, boulevard or pleasure drive purposes shall be accepted only after they shall have been recommended by the board to the common council and approved by said council by resolution.
3. Subject to the approval of the common council to buy or lease lands in the name of the city for park, parkway, boulevard or pleasure drive purposes within or without the city and, with the approval of the common council, to sell or exchange property no longer required for its purposes. Every city is authorized, upon recommendation of its officers, board or body having the control and management of its public parks, to acquire by condemnation in the name of the city such lands . . . as it may need for public parks, parkways, boulevards and pleasure drives. . . .

C. Ordinance Authority.

In addition to the powers conferred by Wis. Stat. Sec. 27.08, and recognized by Madison General Ordinances (MGO) Sec. 33.05(1), the Board has the following powers under the City’s Ordinances: the Board oversees numerous park use related permits as provided MGO Chapter 8; the Board serves as an appeal body for certain determinations of the Park Superintendent or City Forester (e.g., suspension or revocation of certain licenses under MGO Sec. 33.05(4), denial of permits under MGO Sec. 8.33 and 10.101); and the Board grants permits relating to the planting, pruning and removal of trees in the right-of-way (MGO Secs. 23.21 and 23.22).

D. Other Authority.

1. The City Forester is subject to the supervision and control of the Board under Wis. Stat. Sec.

27.09(1), although by ordinance the Forester is also subject to the supervision and control of the Streets Superintendent and the Board of Public Works.

2. The Board has been tasked with the management and control of the City-owned Forest Hill Cemetery under Sec. 8.11 and, pursuant to Wis. Stat. Sec. 157.11, is tasked with making regulations for the management and care of the Cemetery.

E. Citizen Concerns, Compliments or Complaints.

All Park Commissioners and the Superintendent of Parks welcome citizen input. Communications by writing are most helpful and should be addressed to [pacommission@cityofmadison.com](mailto:pacommission@cityofmadison.com) or the Park Commission, 210 Martin Luther King Jr Blvd, Room 104, Madison, WI 53703.

Section II. MEMBERSHIP AND OFFICERS.

A. Membership and Terms.

The Board shall consist of seven (7) members, also referred to in these Policies as "Park Commissioners". Of these, five (5) shall be residents of the City of Madison, appointed by the Mayor and confirmed by the Common Council, each for a five-year term, and two (2) shall be Alderpersons appointed by the Mayor and approved by the Common Council, each for a two-year term beginning on the first day of May. No member shall serve for more than two terms unless authorized by the Common Council. Vacancies shall be filled in a similar manner for the balance of the term so vacated.

B. Officers.

A President and Vice-President of the Board shall be elected by a majority of the Board for a two-year term at its regular meeting in May and shall officially take office after the elections for the remainder of that meeting. The President shall preside at all meetings, appoint subcommittee members, and perform such other duties as may be ordered by the Board. In the absence of the President, the Vice-President shall preside. In the absence of both the President and Vice-President, the Board shall select an acting President from its membership. "President" and "Vice-President" may be used interchangeably with "Chair" and "Vice-Chair", respectively, as those terms are found in the applicable Madison General Ordinances.

C. Duties of the Secretary.

The Secretary of the Board shall keep a record of the Minutes of each Regular and Special Meeting and shall report its action to the Common Council on all matters referred to it by the Common Council. All communications, petitions, and reports should be addressed to the Park Commission and delivered or mailed to the Secretary, who shall forward the same to the Board. The Secretary shall execute documents in the name of the Board and, in addition to the duties herein listed, shall perform such other duties as the Board may request. The Superintendent of Parks, or designee, shall act as Secretary to the Board at the pleasure of the Board.

Section III. MEETINGS.

A. Regular Meetings.

Meetings of the Commission shall be held at 6:30 p.m. on the second Wednesday of each month at the Goodman Maintenance Facility, 1402 Wingra Drive, unless otherwise noticed. When the Regular Meeting falls on a legal holiday, the meeting shall be held the next Wednesday, unless the Commission elects otherwise.

B. Special Meetings.

Special Meetings may be called at the request of the President or three members of the Commission. Notice of Special Meetings shall be given by the Secretary to members of the Commission at least 48 hours prior to such meeting and shall state the business to be considered and the time and place of the meeting.

- C. Records and Open Meetings.  
All Regular and Special Meetings, hearings, records, and accounts shall be open to the public in accordance with open meeting requirements pursuant to Wis. Stat. Secs. 19.81-19.98 and MGO Sec. 3.71(1). The records of the Commission and its members shall be subject to the public records requirements of Wis. Stat. Secs. 19.21-19.39, MGO Sec. 3.70, and City policy and procedures.
- D. Quorum.  
Four (4) members shall constitute a quorum for the transaction of business and the taking of official action. Whenever a quorum is not present at a Regular or Special Meeting within fifteen (15) minutes of the scheduled start time, those present shall adjourn the meeting without taking any action, except that they may set a date and time for the next meeting.
- E. Agendas.  
Agendas for Park Commission meetings shall be prepared by the Superintendent of Parks as Secretary of the Board, and the President of the Board. Requests for items to be placed on a Park Commission agenda may be made to the Superintendent of Parks or any of the Park Commissioners. Agendas are usually available three business days before a Regular Meeting in the Parks Division Office and posted to the City's Legislative Information Center website, with a link to be emailed to Park Commissioners. Park Commissioners may request paper copies of meeting Agendas to be mailed to them. Matters requiring prompt action after preparation of the Agenda are included in an Addendum to the agenda available the day of the meeting.
- F. Motions.  
The President will not make motions. Motions shall be restated by the President before a vote is taken. The name of the maker and the seconder of a motion shall be recorded.
- G. Voting.  
Voting shall be by voice and shall not be recorded by "ayes" and "nays" unless requested by a member of the Commission. The President shall be allowed to vote on any and all agenda items and to participate in the discussion.
- H. Minutes.  
The Secretary is responsible for the preparation of Minutes of each Regular and Special Meeting. A copy of the Minutes of the last meeting shall be included with the agenda for the next meeting. The originals of the Park Commission Minutes shall be kept in the Parks Division Office.
- I. Reports.  
The Commission may ask for reports and recommendations, if any, from Parks staff on any matters before it. Individual Commissioners may request reports or studies to be done by staff only with the confirmation of a majority of the Commission.
- J. Procedure for Meetings to Hear Appeals.  
In the event of a timely appeal to the Commission under any Madison General Ordinance, the appeal will be heard by the entire Commission, or a subcommittee of the Commission consisting of the President or designee, one (1) Alderperson and one (1) citizen who are members of the Commission and appointed by the President. At such hearing, the appellant(s) shall have an opportunity to cross examine witnesses, may call witnesses on their own behalf and may be represented by legal counsel. After holding a hearing, the hearing body shall, by majority vote, make findings of fact and conclusions of law and may by majority vote, affirm, modify or reverse the decision being appealed.
- K. Parliamentary Procedure.  
Parliamentary procedure at Regular and Special Meetings shall be governed by Roberts Rules of Order, except where the Commission has approved alternative procedures.
- L. Suspension of Rules Governing Meetings.  
The Commission by a five (5)-member vote may suspend any rules governing meetings only for the duration of the meeting in which the vote is taken.

M. Amendment of Rules Governing Meetings.

Rules governing meetings may be amended at any Regular or Special Meeting with the consent of five (5) members.

Section IV. SUBCOMMITTEES.

A. Role of Subcommittees.

The Park Commission's authority includes the acquisition and/or maintenance of: general recreation parks, conservation parks, the Olbrich Botanical Gardens, the Warner Park Community Recreation Center, forestry, golf courses, beaches, the Goodman municipal swimming pool, the Forest Hills cemetery, athletic fields, boulevards, greenways, and boating. The Commission assigns items to subcommittees to assist it in managing this broad portfolio, particularly in the areas of long range planning, needs assessments, strategic planning, and level of service standards. Subcommittees assist in receiving citizen input and make recommendations to the Park Commission.

B. Membership and Operation of Subcommittees.

Each subcommittee reports to the Park Commission. The Commission, with Parks staff input, decides to approve, reject, or approve with modifications, these reports. Any subcommittee may become temporarily inactive during off-seasons or when the need dictates. Except where specified below, subcommittee members shall be appointed by the President and will serve a three-year term, with the possibility of renewals at the discretion of the President. Each subcommittee referenced in Section IV.C., below, shall include at least one Park Commissioner. .

C. Standing Subcommittees.

The subcommittee membership is established by ordinance (MGO 33.05), and as of the effective date of the Policies the membership is as follows:

1. Golf Subcommittee. Created to advise the Park Commission regarding policies, rate structure, rules and regulations, capital improvements, user complaints, operations, and the selection of golf pros. Composed of one Park Commissioner, and President or designee representing: Odana Golf Association, Yahara Golf Association, Madison Area Retiree Association, Women's Municipal Golf Association, and two at-large members. The at-large members shall be appointed by the President of the Park Commission. This committee normally meets quarterly and all members shall be City of Madison residents. The Golf Supervisor shall serve as Secretary of the subcommittee.
2. Warner Park Community Recreation Center Advisory Subcommittee. Created to advise the Park Commission regarding operations, policies and procedures, fees and user concerns, and to make program and budget recommendations. The subcommittee shall consist of eleven (11) persons: three resident representatives from the Northside and at large; a representative from the Northside Planning Council, the North/Eastside Senior Coalition, the MSCR Advisory Committee, and the Board of Park Commissioners; two youth representatives; and the two Warner Park area aldermanic representatives. This subcommittee meets bi-monthly. All members shall be City of Madison residents. A member may not serve on the subcommittee for more than two consecutive three-year terms.
3. Facilities, Programs and Fees Subcommittee. Created to advise the Park Commission regarding operation standards and policies. It makes program recommendations, approves new and continuing special events, and develops policies as needed. It makes recommendations on new user fees and charges and the annual schedule of fees and charges. It also reviews proposed fee modifications. The subcommittee consists of seven (7) members who shall be City of Madison residents and meets as needed, but not less often than quarterly.
4. Habitat Stewardship Subcommittee. Created to advise the Commission and review policies and public tree concerns. Advises and makes recommendations concerning the Conservation Parks. The subcommittee consists of five (5) members and meets quarterly.

5. Long Range Planning Subcommittee. Created to advise the Commission regarding the procedures and policies of the Parks Division. It also solicits input regarding the vision of the Parks Division, provides input on the Mission, strategic planning, levels of service standards, and obtains input on needs assessments. It also solicits input from alders, groups and residents and when necessary, researches and advises regarding the naming of public parks. The subcommittee consists of five (5) members and meets quarterly.

Section V. RELATED ORGANIZATIONS NOT REPRESENTED BY SUBCOMMITTEES.

A. Olbrich Botanical Society.

Olbrich Botanical Society is organized to help advance the science of horticulture and give promotional and financial backing to the Olbrich Botanical Gardens (“Center”) in Madison; to promote and/or sponsor educational programs consistent with Park Commission guidelines; to advise the Park Commission with regard to needed changes in rules at the Center, capital operating budget expenditures for the Center, and the development of Center gardens, to jointly confer with the Park Commission on expenditure of funds raised by the Society for Center capital and operating budgets and the conduct and purposes of major membership in fund raising campaigns prior to their start; and to establish a nonrestrictive membership organization to promote activities at the Center. The Board of Directors of the Society includes, as an ex-officio member, the President of the Park Commission or designee. The City and the Society entered into a Coordination Agreement on November 28, 2016 setting forth the nature of the relationship between the entities.

B. Madison Parks Foundation.

As the not-for-profit partner of Madison parks, the Madison Parks Foundation helps conserve, promote, and enhance the City of Madison’s parks by soliciting grants and private donations to fund park improvements and programming. In addition to those monies, the Foundation holds assorted trust funds and legacies transferred to it by the City in 2013; each such fund transferred, while subject to its own specific restrictions, is to be expended for park or park-related purposes. The Madison Parks Foundation is a tax-exempt 501(c)3 non-stock corporation governed by a Board of Trustees. The Park Commission, acting through the President, shall appoint two Trustees for one-year term(s) to the Madison Parks Foundation Board. The City and the Foundation entered into a Cooperative Agreement on January 24, 2013 setting forth the nature of the relationship between the entities.-