File #: 06629, **Version:** 2

Fiscal Note
No appropriation required.
Title
SUBSTITUTE - Amending Section 9.12 of the Madison General Ordinances to modify the composition of the Vending Oversight Committee to include non-voting Technical Advisors.
Body
DRAFTER'S ANALYSIS: The purpose of this ordinance is to restructure the Vending Oversight Committee to allow licensed vendors to serve as non-voting technical advisors to the VOC. The non-voting status of these advisors would allow them to participate in discussions and advise the VOC without creating potential conflicts of interest or violations of sec. 3.35 (the Code of Ethics). Under this amendment, the non-voting technical advisors would sit at the table and participate in discussions, but would not vote and are not counted for purposes of a quorum. Because one of the VOC's duties is to impose suspensions and revocations of vending licenses, any vendor who serves in a technical advisor position will be automatically removed from that position if the VOC takes any final adverse action against their license.

Appointments to the technical advisor positions can take place upon the enactment of this ordinance, subject to the usual mayoral appointment process. The standard procedure for changes to committee composition under sec. 33.01(4)(f)1. shall apply.

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The Common Council of the City of Madison do hereby ordain as follows:

Section 9.12 entitled "Vending Oversight Committee" is amended to read as follows:

"9.12 VENDING OVERSIGHT COMMITTEE

(1) Creation. The Common Council finds that it is in the public interest, effective May 31, 1998, that the Mall/Concourse Operating Committee, created by Substitute Resolution 44,669 adopted June 7, 1988, be dissolved. In place of the Mall/Concourse Operating Committee, there is hereby created for the City of Madison a Vending Oversight Committee ("VOC").

(2) Composition, Appointments and Terms. The Vending Oversight Committee shall consist of ~~seven~~ five (~~7~~ 5) voting members, ~~and~~ one (1) alternate voting member, and up to four (4) non-voting, technical advisors, as follows:

(a) Five (5) voting members, and one (1) alternate. The voting membership shall include ~~two alderpersons,~~ one (1) alderperson from a downtown district and one (1) from another part of the City, one (1) resident of the State Street or Capitol Concourse area eligible to vote in the City, two (2) citizens, and (1) alternate. ~~The remaining three (3) voting members shall be citizens~~. As of the effective date of this ordinance (ORD-07-XXXXX) no person who currently holds a City of Madison vending license under sec. 9.13 shall be appointed as a voting member of the VOC or any subcommittee of the VOC.

(b) Not more than four (4) non-voting technical advisors, who shall be vendors holding a valid vending license under sec. 9.13 from the City of Madison, or others with specialized knowledge or interest in street vending and the duties and responsibilities of the VOC. Technical advisors shall serve a regular term of appointment, may sit at the table and participate in discussion of all matters before the VOC (except a matter affecting that vendor's license under sec. 9.13), but shall not vote on any matters. Technical advisors may be appointed to subcommittees but only in their non-voting, advisory capacity. If a technical advisor's vending license is suspended, revoked, non-renewed or other adverse action is taken against the license, s/he shall not sit at the table or participate in any discussions at the meeting(s) at which the license is scheduled for action, and s/he shall lose their VOC appointment and the position is deemed vacated as of the date of the VOC's decision taking action against the license. If no action is taken against the license, the vendor may remain in his/her position as technical advisor.

(c) The Greater State Street Business Association ("GSSBA") or successor organization may recommended a voting member or a non-voting technical advisor, subject to sub. (2)(d) below. ~~The remaining five (5) members shall be citizens, one (1) of whom is recommended by the Greater State Street Business Association or successor organization, and one (1) of whom is a resident of the State Street area and eligible to vote in the City.~~

(d) Appointments of all members and non-voting technical advisors shall be made by the Mayor, subject to approval of the Common Council.

(e) Quorum. The quorum shall be determined according to sec. 33.01(3)(c). Non-voting advisors shall not be counted for purposes of establishing a quorum.

(f) Appointment Terms. The full term for alderperson members shall be two (2) years. The full term for citizen members and non-voting technical advisors shall be three (3) years. ~~When the Committee is first constituted on June 1, 1998, the alderperson members shall serve for one (1) year, three (3) of the citizen members and alternate shall serve for two (2) years, and two (2) of the citizen members shall serve for three (3) years.~~ All vacancies shall be filled by the Mayor, subject to approval of the Common Council, for a term filling out the remainder of the vacated member's term.

(3) Officers. The members of the ~~Committee~~ VOC shall annually elect a chairperson and vice chairperson from among its voting membership at the Committee's first meeting in June. See Section 33.01(2) regarding eligibility of alderpersons as officers. The Director of Planning and Community and Economic Development or designee, a non-member, shall act as Executive Secretary to the ~~Committee~~ VOC. The Executive Secretary shall prepare the agenda and minutes of the ~~Committee's~~ VOC's meetings and shall perform such other duties as the ~~Committee~~ VOC shall direct. (Am. by Ord. 12,557, Adopted 3-21-00; Ord. 13,616, 5-21-04)

(4) Duties and Responsibilities.

(a) Administer Section 9.13, Madison General Ordinances, the regulations promulgated under Sec. 9.13 Madison General Ordinances, and any other regulations or procedures relating to vending within the City.

(b) Ensure a venue for public input into vending regulations within the City.

(c) Conduct investigations, hearings and miscellaneous proceedings as required by Section 9.13, Madison General Ordinances.

(d) Duties of Non-voting Technical Advisors. Participate in discussions and provide technical advice and input to the VOC, as described in sub. (2)(b).

(5) Rules of Procedure. The ~~Committee~~ VOC shall adopt Rules of Procedure and Basic Policies which may from time to time be amended by the ~~Committee~~ VOC. Such rules may include provision for delegation of the powers and responsibilities of the ~~Committee~~ VOC to a Subcommittee or Subcommittees composed exclusively of ~~Committee~~ VOC members. ~~At any meeting in which a member has a personal or financial interest in the issue being discussed, that member shall not participate in discussion nor vote concerning that issue and that member shall not be counted in determining a quorum~~.

(6) Compensation. Members of the ~~Committee~~ VOC shall serve without compensation."

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