



City of Madison

City of Madison
Madison, WI 53703
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Meeting Minutes - Approved COMMON COUNCIL ORGANIZATIONAL COMMITTEE

Tuesday, July 1, 2008

4:30 PM

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

CALL TO ORDER / ROLL CALL

Present: 4 -

Tim Bruer; Satya V. Rhodes Conway; Robbie Webber and Michael Schumacher

Excused: 4 -

Mark Clear; Brenda K. Konkeli; Judy Compton and Michael E. Verveer

Others Present: Ald. Zach Brandon, Karl van Lith (Organizational Development & Training Officer), Bill Lueders (Isthmus), Debbie Fields, Michael May (City Attorney) and Janet Piraino (Mayor's Chief of Staff).

Ald. Tim Bruer called the meeting to order at 4:35 p.m.

APPROVAL OF MINUTES

A motion was made by Ald. Satya Rhodes Conway, seconded by Ald. Michael Schumacher, to approve the minutes. The motion passed by voice vote/other.

Ald. Mark Clear arrived at 4:39 p.m. Ald. Judy Compton arrived at 5:37 p.m.

Present: 6 -

Tim Bruer; Mark Clear; Satya V. Rhodes Conway; Robbie Webber; Judy Compton and Michael Schumacher

Excused: 2 -

Brenda K. Konkeli and Michael E. Verveer

PUBLIC COMMENT

There was no public comment. (Bill Lueders spoke on Agenda Item No. 3, Legislative File No. 09158)

REFERRALS FROM COMMON COUNCIL

09158

SUBSTITUTE - Repealing and recreating Section 3.70 of the Madison General Ordinances to modify portions of the City's policy regarding public records.

Sponsors: David J. Cieslewicz, Zachariah Brandon, Tim Bruer, Judy Compton and Michael Schumacher

Attachments: [Public Records Ordinance Changes Explained2-08.doc](#)
[4016Version1.pdf](#)
[Dist 2 comments on Leg File 09158](#)
[B. Lueders: Registration Statement 7/1/08 CCOC meeting](#)

Registration: Bill Lueders, Wisconsin Freedom of Information Center, Support/Spoke

Bill Lueders registered to speak on this agenda item. He noted that this ordinance mainly incorporated the State's Public Records statutes but managed to achieve something quite remarkable. The city's ordinance deviates from the State law in that it is an improvement in establishing policies for the retention and archiving of electronic records. This is an area of confusion and inconsistency across the state and the city has taken the lead on creating clear and sensible policies in protecting the public's right to know. He commended Assistant City Attorney Roger Allen for his work on drafting the ordinance and stated that the city's ordinance should serve as a model for other municipalities.

Ald. Zach Brandon was present to discuss the ordinance. He noted that a subcommittee he chaired 5 years ago discussed how to restrict or capture text messages. The solution that has been developed is a temporary solution and technology will change (e.g. Dashwire). Ald. Brandon's intent in having the ordinance drafted was insure that council members were accurately and intentionally capturing all electronic communications under the State's open records law.

Ald. Satya Rhodes-Conway asked if city-issued cell phone text messages were currently being captured. Michael May said that city staff save text messages and/or carbon copy messages so that the city captures them electronically. Ald. Mark Clear asked if alders would be getting mobile phones in the future. Ald. Brandon stated no, unless text messaging becomes the norm for communicating city business.

Ald. Clear questioned what constitutes a public record. For example, is voicemail that becomes an email a public record? Michael May indicated that type of communication would be covered under the State's open records law. An alder would need to forward the voicemail/email to their city email account to preserve the record.

Ald. Michael Schumacher questioned whether text messages he receives "against his will" be considered a public record and would need to be retained and archived. Ald. Rhodes-Conway asked what the alder's responsibility is in

preserving these types of communications. Michael May suggested that the alder try to preserve the text message and let the person know that their communication needs to be kept as part of the official record. Ald. Brandon suggested that he would then ask that person not to text him in the future.

A motion was made by Ald. Mark Clear, seconded by Ald. Robbie Webber, to RECOMMEND TO COUNCIL TO ADOPT - REPORT OF OFFICER. The motion passed by voice vote/other.

Alds. Bruer, Compton and Schumacher requested to be added as co-sponsors on the ordinance.

10158

SUBSTITUTE - Adopting a policy regarding the use of security cameras by City agencies and directing agencies which use cameras to file their policies with the City Clerk's Office by September 15, 2008.

Sponsors: Brenda K. Konkel and Marsha A. Rummel

Attachments: [10158 Original Resolution](#)
[adhocfinalrpt.pdf](#)
[survey.pdf](#)
[surveysummary2.pdf](#)
[surveysummary2.pdf](#)
[2ndsurveysummary.pdf](#)
[zilavymemo.pdf](#)
[VIDEO CAMERA POLICIES.pdf](#)
[followupsurveysummary2.pdf](#)
[MPD video camera map](#)

A motion was made by Ald. Michael Schumacher, seconded by Ald. Judy Compton, to rerefer to the COMMON COUNCIL ORGANIZATIONAL COMMITTEE, due back on 8/5/2008. The motion passed by voice vote/other.

10663

Amending Section 33.13(4)(c) of the Madison General Ordinances to Limit Other Referrals to the CCOC to Matters that are not within the Mission or Jurisdiction of another City Board, Commission or Committee.

Sponsors: Zachariah Brandon

Ald. Mark Clear moved adoption, seconded by Ald. Michael Schumacher.

Ald. Zach Brandon was present for discussion on this item. Ald. Tim Bruer indicated that he understood Ald. Brandon's intent but believed that the CCOC has become much more active and is no longer mainly performing a housekeeping function. He noted that historically the CCOC is a vetting area for policy issues. He plans on requesting CCOC to review it's mission at future meetings. Ald. Satya Rhodes-Conway agreed with Ald. Bruer and was confused as to why this was being introduced.

Ald. Brandon noted that there are clear functions listed in most of the ordinance but subsection (c) contains a "catch-all" phrase under "Other Duties: The Common Council may assign other duties to the Common Council Organizational Committee." His intention is to make that subsection clearer and define what can be referred to the CCOC.

Ald. Robbie Webber stated that she agreed with Ald. Bruer in discussing the mission of the CCOC in a larger context and was unaware that there was a problem with referrals to the CCOC.

City Attorney May clarified the intent of the ordinance relative to referrals. He stated that the intention is if it is within the purview of the CCOC in the first two subsections of the ordinance (a) and (b) , then there is no problem with referring items to this committee. However he suggested that subsection (c) in the ordinance should be clarified as follows: " provided however, that no referral may be made or other duties assigned to the Common Council Organization Committee UNDER THIS SUBDIVISION (C).....: What that would mean is that the "Other" could not be used to expand the jurisdiction of the CCOC. However he noted that additional duties to the CCOC could be made to the ordinance (as Ald. Bruer suggested) upon review by the members.

Ald. Brandon noted that CCOC is not a citizen committee and another intent was to preserve items in the possession of citizen committees and not put them in possession of an internal committee of the Council's (CCOC). Ald. Judy Compton observed that Board of Estimates does not have citizens on their committee. Ald. Brandon stated that it was not his intent to "neuter" the CCOC with this ordinance but to avoid any end-run of the citizen committee process.

Ald. Satya Rhodes-Conway believed that this ordinance needed to be part of a larger conversation and that the CCOC needs to pay attention to the process/procedure during the review. She also questioned if there are other committees that contain ordinance language restricting referrals. City Attorney May was not aware of any other committees having this restriction by ordinance. Ald. Judy Compton suggested that this item be referred so that Ald. Tim Bruer could have a larger conversation with members on the mission of the CCOC.

A motion was made by Ald. Judy Compton, seconded by Ald. Sataya Rhodes Conway, to rerefer to the COMMON COUNCIL ORGANIZATIONAL COMMITTEE with action no later than October 7, 2008. The motion passed by voice vote/other.

[10911](#)

Amending Section 4.02(6) of the Madison General Ordinances to eliminate the Capital Improvement Review Committee and to eliminate the referral of the budget to the Plan Commission.

Sponsors: David J. Cieslewicz, Tim Bruer, Mark Clear, Judy Compton and Michael Schumacher

CCOC recommended an editorial change. The title, as opposed to the body, says it eliminates referral to the Director of Planning and Economic Development. It should say Plan Commission. Aids. Compton and Schumacher requested to be added as co-sponsors.

This Ordinance was Return to Lead with the Recommendation for Approval to the BOARD OF ESTIMATES.

UPDATE/DISCUSSION ITEMS

10713 Discussion Item: Development of Common Council Office Assessment Tool - Karl van Lith, Organizational Development & Training Officer (Human Resources Department)

Attachments: [2nd Draft Common Council Needs Assessment](#)
[1st Draft Customer Satisfaction Survey](#)
[Memo from T. Bruer dated 5/23/08](#)

Karl van Lith presented a re-drafted Common Council assessment tool. Ald. Tim Bruer would draft a cover memo to go with the assessment tool to the Common Council.

08325 Update: CCOC Subcommittee on Committee Creation and Committee Rules

Attachments: [December 6, 2007 minutes](#)
[December 19, 2007 minutes](#)
[January 17, 2008 minutes](#)
[January 31, 2008 minutes](#)
[February 28, 2008 minutes](#)
[March 13, 2008 minutes](#)
[March 27, 2008 minutes](#)
[April 3, 2008 minutes](#)
[May 1, 2008 minutes](#)
[June 5, 2008 minutes](#)
[July 3, 2008 minutes](#)
[July 9, 2008 minutes](#)
[Registration Statement: Rosemary Lee](#)
[Brad Murphy Memo dated 8/4/08](#)

Ald. Satya Rhodes-Conway provided an update on the progress of the subcommittee. She noted that the subcommittee will have approximately two more meetings. The subcommittee has finished reviewing the first part of Chapter 33 and are in the process of looking standardizing standard operating procedures for creating committees, ad hocs, etc. Ald. Michael Schumacher noted that the subcommittee is also looking at committee structures.

Ald. Mike Verveer arrived at 5:37 p.m.

Present: 7 -
Tim Bruer; Mark Clear; Satya V. Rhodes Conway; Robbie Webber; Judy Compton; Michael Schumacher and Michael E. Verveer

Excused: 1 -
Brenda K. Konkol

09001

Update: CCOC Subcommittee to Review City Hiring Practices and Policies

Attachments: [January 29, 2008 minutes](#)
[February 28, 2008 minutes](#)
[March 12, 2008 minutes](#)
[March 27, 2008 minutes](#)
[April 23, 2008 minutes](#)

Ald. Michael Schumacher noted that the subcommittee is finishing up its work and is in the process of drafting a report with recommendations for the CCOC and Council.

11107

Update: President's Work Group on Improvements to Budget Process - Ald. Tim Bruer, Common Council President.

Attachments: [Leg. File 08238 Substitute Resolution](#)
[May 16, 2008 Results](#)
[May 27, 2008 Results](#)

Ald. Tim Bruer, Common Council President, will draft a summary report for the Common Council meeting.

FUTURE CCOC AGENDA ITEMS

There were no future agenda items from CCOC members.

ADJOURNMENT

A motion was made by Ald. Michael Schumacher, seconded by Ald. Judy Compton, to Adjourn. The motion passed by voice vote/other. The meeting adjourned at 5:45 p.m.