
Operating Rules
City of Madison
Affirmative Action Commission

1. Commission Officers

- a) The Commission shall elect a Chairperson, and a Vice Chairperson, at least once annually, typically in December or January. Officers will serve one-year terms.
- b) The Chairperson shall preside over all meetings of the Commission and shall decide all points of procedure subject to reversal by a majority of the members of the Commission.
- c) The Chairperson or any person acting in their stead may vote on any matter properly brought before the Commission or before any committee or subcommittee on which the Chairperson serves.

2. Quorum

- a) A Quorum for a meeting of the Commission shall consist of five members.
- b) If a quorum is not secured within 15 minutes of the officially scheduled meeting time, the Commission shall adjourn without action.

3. Regular Meetings

- a) Regular meetings of the Commission shall be held on the First Thursday of each month at 5:30 p.m. Meeting locations will be determined by the body and posted by DCR staff in accordance with the open meetings law.

4. Special Meetings

- a) Special meetings shall be called by the Chairperson or at the request of two members of the Commission. Notice of a special meeting shall be emailed to each member at least 72 hours before the time of the meeting or by direct contact with Commission members at least 24 hours prior to the time of the special meeting. The absence of notice to Commission members shall not affect the validity of any special meeting if all members of the Commission are present.
- b) Any matter that may be considered at a regular meeting of the Commission may also be considered at a special meeting of the Commission.

5. Subcommittees and Task Forces

- a) The Chairperson may from time to time appoint one or more of the Commission as a Subcommittee of the Commission to carry out assignments as directed and agreed upon by a majority vote of the Commission members.
- b) The Chairperson may from time to time appoint one or more of the members of the Commission to function as a Task Force. A Task Force shall have the “power to add” for the purpose of gaining insight and information from non-Commission person(s) for a particular program or project responsibility assumed by the Commission. Such Task Force appointments shall be agreed upon by a majority vote of Commission members.
- c) The results and findings of Subcommittees and Task Forces shall be submitted to the Commission for its review and decisions. The exception to this is the Hearings Subcommittee, whose orders are not submitted for review to the Commission.
- d) All Committees and Task Forces established by the Commission shall function for a fixed period of time as determined by the Commission. Modification of such established time periods shall be determined by a majority of the Commission members.
- e) The time of appointment should not exceed one year, with progress reports every two months, unless otherwise determined by the Commission.
- f) All considerations and findings of the Commission, its Subcommittees and Task Forces, pursuant to Section 39.02(3), Madison General Ordinances (MGO), shall be issued upon authorization of the Commission or as otherwise determined by the Commission members. The exception to this is the Hearings Subcommittee, whose orders are not submitted for review to the Commission.

6. Rules of Order and Amendments

- a) All proceedings of the Commission, its Subcommittees and Task Forces shall be subject to Roberts Rules of Order Newly Revised, except as otherwise provided.
- b) The Rules of the Affirmative Action Commission may be amended by a majority of the members of the Commission at any General or Special meeting of the Commission.

7. Attendance at Meetings

- a) If a Commission member misses three or more regular or special meetings over the period of six months without notifying the chair or staff, the matter shall be brought to the attention of the Mayor, along with a request for replacement.

8. Staff to the Commission

- a) The Affirmative Action Manager shall act as staff to the Commission, and any Subcommittees and Task Forces. A member of the Department of Civil Rights Administration Team will record meeting notes.

9. Format of Regular Scheduled Meetings

- a) The business of regularly scheduled meetings of the Commission shall be conducted in the following order by identifying the subject of discussion for all matters:
 - a. Call To Order/Roll call
 - b. Approval of Minutes
 - c. Public Comment
 - d. Disclosures and Recusals
 - e. Discussion Items
 - f. Reports
 - i. Common Council
 - ii. DCR Director
 - iii. AA Manager
 - iv. MLK Humanitarian Award Committee
 - g. Adjournment
- b) The Affirmative Action Commission may vote to take these items out of order to accommodate staff, guests or members of the public that wish to comment.

10. Hearings Subcommittee

- a) Once annually, typically in December or January, the Affirmative Action Commission will select three commissioners and one alternate to serve on the Hearings Subcommittee. Hearings under the Subcommittee's authority include contractor Affirmative Action Plans as well as the Targeted Business Enterprise Program.
 - a. These Rules are adopted by the Affirmative Action Commission (AAC) to govern appeals and hearings overseen by the AAC under secs.39.02(9)(e), (g) and (h), MGO, regarding approval of Affirmative Action Plans. In addition to these Rules, all such appeals shall follow any requirements of the MGO.
 - b. The AAC delegates the authority to hear any appeals to a Hearings Subcommittee.
 - c. The Subcommittee shall be made up of the three members of the AAC and an alternate nominated and approved by the entire body once per year, typically in December or January. A Chair of the Subcommittee will be approved by the entire body once per year, typically in December or January.
 - d. Persons seeking an appeal must file a letter or other document with the Affirmative Action (AA) Manager within the time set for appeal, indicating

that an appeal is being taken and the grounds for the appeal (the “Notice of Appeal”).

- e. Upon receipt of the Notice of Appeal, the AA Manager shall communicate with the Hearings Subcommittee and shall determine the next available time that the Hearings Subcommittee could meet to hear the appeal. Such a hearing shall take place within 20 days of the receipt of the Notice of Appeal, and all interested parties will be given at least ten days’ notice of the hearing.
- f. The AA Manager shall, at the same time, notify the appropriate staff and interested parties.
- g. Interested parties may make written submissions to the Hearings Subcommittee as they deem appropriate on or before the day of the hearing. Submissions shall be made to the members of the Hearings Subcommittee and the AA Manager, with a copy to other parties. If a party requires a witness to be present, the Chair of the AAC may issue a subpoena for the witness’s appearance or for the production of documents.
- h. At the same time that the parties make the written submissions under paragraph f above and Hearings Subcommittee part of those submissions, the parties shall indicate whether they desire a formal or informal hearing before the Hearings Subcommittee. An informal hearing allows the parties to present their cases by written or verbal submissions. A formal hearing allows testimony under oath, the presentation and receipt of exhibits and other evidence.
- i. There may be cases of Affirmative Action Plan or other compliance where the AA Manager will schedule a hearing due to non-compliance of a contractor. These rules also apply in those cases.
- j. The Chair of the Hearings Subcommittee shall conduct the hearing. The Hearings Subcommittee shall follow the restrictions in sec. 227.45, Wis. Stats., in the receipt of evidence.
- k. The AA Division has the burden of proof and shall present its case first. If any witnesses are called, the witnesses shall be placed under oath by the Chair of the Hearings Subcommittee.
- l. Other parties shall then be allowed to present their case. If any witnesses are called, the witnesses shall be placed under oath by the Chair of the Hearings Subcommittee.
- m. Parties shall be given a reasonable opportunity to respond to the submissions of other parties.

- n. Following receipt of all submissions, the Hearings Subcommittee shall to render a decision pursuant to secs 39.02(9)(e), (g) and (h), MGO. The deliberations may be in closed session, if properly qualifying and noticed for such.
- o. The Hearings Subcommittee may be advised by the Office of the City Attorney.
- p. The Hearings Subcommittee shall make a record of all hearings on appeal.
- q. All decisions of the Hearings Subcommittee shall be reduced to writing, signed by the Chair and are subject to appeal to the Circuit Court by certiorari within 30 days of the written decision.

11. Small Business Enterprise Appeals Committee

- a) The Small Business Enterprise Appeals Committee is governed by (MGO 33.54). The Affirmative Action Commission shall appoint two members and an alternate to this committee in April each year. Rules guiding this committee are maintained by the Engineering Department.

AAC last approved - September 2, 2021

Original rules adopted by the Commission on 09/24/1973.

Amendments adopted as noted on 03/15/1976.

Amended on 06/07/1976.

Amended again on 06/16/1992.

Chair's right to vote added 03/11/2008

Amended on 3/8/2011