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MEMORANDUM

To: Dane County Towns and Interested Parties

From: Dane County Towns

Date: July 13, 2012

Re: DCTA Presses For CARPC Reform at Budget Personnel Panel Meeting on July 11

The Association continued to pursue reform of the CARPC at the Budget and Personnel Panel (BPP) meeting held this past Wednesday, July 11. This memorandum is a report on these discussions, and the associations continued efforts to reform CARPC.

Bylaw revisions

The Association presented a proposed revision of the bylaws of the BPP. A copy of the proposed revisions is attached to the e-mail forwarding this memo. (If you have questions about them, please do not hesitate to contact DCTA legal counsel Mark Hazelbaker at 608-663-9770).

The thrust of these bylaw changes is to make the BPP a more effective partner in the operations of the commission. When the new commission was established, the BPP was a critical element. The former commission had drifted far from being accountable to the communities it served. We felt that any new commission needed to have a direct link to elected officials holding it accountable. The BPP was that accountability.

Over the past few years, the panel has not lived up to its potential. One big problem has been that it is very difficult to get the four members of the panel together. The Mayor of Madison, County Executive, and heads of the Cities and Villages and the Towns Associations all have extremely busy schedules. Arranging meetings over the past few months has demonstrated that times when all four of them are available seemed to be about as common as transits of the planet Venus.

So, the bylaw proposals we advanced change the being procedure so that three of the four members constitute a quorum instead of all four. It also would allow members of the panel to send alternates. And, we have proposed that there be a minimum of quarterly meetings. This body needs to be actively involved in working with the commission. The panel should be an effective feedback mechanism for the commission.

There have also have been questions raised about the legitimacy of the budget personnel panel. Earlier this year, the commission asked its legal counsel for an opinion on the authority of the budget and personnel panel. This greatly upset the DCTA and others. It showed every sign of the new commission going down the path of the old. The fact is, there would be no commission if there had been no mechanism for accountability. We made it clear that if the commission continued to pursue attempts to escape from oversight of the panel, dissolution was our response. For now, that seems to have been understood. However, the bylaw proposal being advanced clarifies the budget role of the panel.

As always seems to be the case in complex undertakings, nothing happens quickly. Originally, the commission had planned to have monthly meetings to discuss structure culminating in a meeting in July. The July meeting turned out to be the first. There will be responses to the DCTA proposals, proposals which will lead to discussions that may address some of the concerns the Association has.

To summarize, the DCTA staff and president responded to the vote taken by the town chairs by being the first party involved in the regional planning commission to submit a specific proposal for reform. However, we cannot finish the job ourselves. We will continue to work with our partners, but they need to step up and become involved.

The BPP postponed discussion of the proposed DCTA Bylaw changes until October,

Hiring an executive director

The BPP also discussed moving toward finding to hire an executive director. The commission has been without an executive director for several years. In lieu of having an executive director, Kamran Mesbah, the environmental services manager of the commission has acted as deputy director. In that position, Mr. Mesbah is not directly accountable to the budget and personnel panel. The BPP has the authority to supervise and/or remove the executive director, but that position is vacant.

The DCTA and others have been concerned that the lack of an executive director has effectively insulated the staff from oversight by elected officials. The commission has responded by contending that there simply isn't money in its budget to hire an executive director.

At the July 11 meeting, Dane County executive Joe Parisi proposed that the commission budget be modified to eliminate Mr. Mesbah's position. That money would be transferred to pay for hiring an executive director. There was considerable discussion. Everyone seemed to agree that the commission should have a director. However, the majority of the commission concluded

that abolishing Mr. Mesbah's position would leave the commission without the staff to perform environmental reviews. We will continue to push for hiring an executive director.

2013 budget adopted

After extensive discussion, the BPP established a 2013 budget for the commission which reduced the counties tax levy to an amount requested by the County Executive. We believe that, although the reduction is significant, by avoiding arbitration with the County we will be able to avoid a significant amount of legal fees and headache. In the process of discussing the 2013 budget, the panel decided to reject the commission's proposal to relocate its offices out of the City-County building.

The commission had decided to move to leased space outside the City-County building because the commission contended it would be less expensive to the commission. The County, however, would lose \$50,000 of in – kind revenue it derives from the commission. So the net effect to the taxpayers would actually be to increase property taxes.

After discussion, the budget and personnel panel decided to reject the move. Much of the rationale for the move was based on federal funds available through a grant. There was concern that when the grant expires, it would require substantial additional tax levy to pay for the space.

USA (Urban Service Area) Amendment fees

The CBPP discussed creating application fees for USA (Urban Service Area) expansion requests. The Executive suggested that a fee of \$70 could be charged to help finance the Commission's operations. A motion on this issue was withdrawn to allow time for a public hearing and consultation with developers and other interested parties. This item will be taken up at an October BPP meeting.

Conclusion

The BPP meeting seemed like an incremental step toward addressing some of the concerns with the CARPC. What remains to be seen is whether these efforts actually result in change. The DCTA will continue to work to push for reform and positive changes to assure that the commission fulfills its mission.

This memorandum was drafted by Mark Hazelbaker, DCTA Legal Counsel, based on notes from the meeting. The memo is informational, and does not represent any change in position of the DCTA. Any reference to other associations or officials is the author's interpretation, not an authorized representation of their positions.