

Common Council Policy Guide

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MADISON COMMON COUNCIL

Room 417, City-County Building
(608) 266-4071

FAX: (608) 267-8669

council@cityofmadison.com
www.cityofmadison.com/council

Mission

The Common Council's mission is to represent the residents of Madison by promoting the safety, health, and general well-being of the community by incorporating the following city core values:

- **Equity** - Committed to fairness, justice, and equal outcomes for all.
- **Civic Engagement** - Commitment to transparency, openness and inclusivity. We will protect freedom of expression and engagement.
- **Well-Being** - Committed to creating a community where all can thrive and feel safe.
- **Shared Prosperity** - Dedicated to creating a community where all are able to achieve economic success and social mobility.
- **Stewardship** - Caring for our natural, economic and social resources.

Overview

Alders represent the City's 20 aldermanic districts and are led by a Council President and President Vice President that are elected annually in the spring.

The Office of the Common Council is created by Madison General Ordinances 33.13(c) and is managed and directed by the Common Council President with the advice and support of the City's Human Resources Director. The Common Council Chief of Staff is appointed by the Common Council and reports to the Common Council Executive Committee.

Kwasi Obeng, Common Council Chief of Staff
kobeng@cityofmadison.com

245-5793

Provides for the strategic management of the Council Office and staff, developing staff and program level strategies, setting priorities, problem solving and providing leadership to ensure optimal support for Alders in the execution of Alder initiatives and responsibilities. The Chief of Staff provides expert consultation and support in the analysis of City policy and assists individual Alders in navigating the City legislative and administrative processes and procedures. The Chief of Staff builds relationships and serve as a communication and policy liaison between the Common Council Office, the Mayor's Office, City managers and staff, and the public.

Lisa Veldran, Legislative Services & Office Manager
lveldran@cityofmadison.com

266-4074

Provides staff support relative to the development and implementation of Common Council legislative and administrative programs and functions. Provides management of the city's legislative database (Legistar), development and implementation of budgetary documentation and fiscal controls, personnel/payroll and purchasing.

Karen Kapusta-Pofahl, Legislative Analyst
kkapusta-pofahl@cityofmadison.com

261-9159

Provides research and analysis under direction of the Council Chief of Staff from Common Council members, the Common Council Executive Committee, and the Common Council President. Conducts data analysis. Works with other City agencies, external governmental agencies, or private entities to gather information regarding proposals pending before the Common Council. Authors reports on issues pending before the Common Council as directed.

Debbie Fields, Program Assistant 2
dfields@cityofmadison.com

266-4297

Provides secretarial and administrative support work for alders. Coordinates neighborhood meetings/events, prepares correspondence, prepares Council chambers and responds to resident, staff and alder requests and questions.

Notification Process for Alder Absences from the City

(Legislative File No. 04544, Adopted 10/17/06)

Madison General Ordinances 2.025 requires alders to notify staff and the Council President when they will be absent from the city for five (5) or more consecutive days. The notification process is a courtesy and alerts alders, constituents, and city staff know that you will be unavailable during a certain time period.

In addition to the ordinance requirements when an alder is absent from the city, Council staff will send out an email to alders, the mayor, affected committee staff and the City Clerk's office notifying them of the alder's absence and stating the date(s) of absence from the city. ¹

Example:

From: Lisa Veldran
Sent: Tuesday, August 01, 2006 9:04 AM
To: ALL ALDERS; Dave Cieslewicz
Cc: Tammy Peters; George Twigg; Linda Lewis; LaVonne LaFave; James Morgan; Hickory Hurie; Ann Blackdeer
Subject: **Absence from the City - Ald. Santiago Rosas, District 17**

Ald. Santiago Rosas will be out of the city from **Thursday, August 3 through Tuesday, August 8, 2006** and unable to attend any meetings during that time. Thank you.

cc: Tammy Peters, Clerk's Office
George Twigg/Linda Lewis, Mayor's Office
LaVonne LaFave/James Morgan, Board of Park Commissioners
Hickory Hurie/Ann Blackdeer, CDBG Commission

¹ Adopted by the CCOC on November 14, 2006.



City of Madison

City of Madison
Madison, WI 53703
www.cityofmadison.com

Master

File Number: 04544

File ID: 04544

File Type: Ordinance

Status: Passed

Version: 2

Reference:

Controlling Body: Attorney's Office

File Created Date : 09/13/2006

File Name: notice of absence

Final Action: 10/17/2006

Title: AMENDED - Amending Section 2.025 of the Madison General Ordinances to require that alders notify the Common Council President and ~~the~~ Common Council Office Administrative-Assistant staff when they will be absent from the City for any period of five (5) days or longer.

Notes: 4014absence/MPM

MAYOR APPROVAL DATE: 10/18/06

Sponsors: Austin W. King and Paul J. Van Rooy

Effective Date: 11/02/2006

Attachments: 04544 Amendment.pdf, Vicki Wolf #4544 certified slip.pdf

Enactment Number: ORD-06-00145

Author: Michael May

Hearing Date: 11/02/2006

Entered by: Janice Pena

Published Date:

Approval History

Version	Date	Approver	Action
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History of Legislative File

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	Attorney's Office/Approval Group	09/13/2006	Approved As To Form				
1	Attorney's Office	09/13/2006	Fiscal Note Required / Approval	Finance Dept/Approval Group	09/13/2006	09/13/2006	
1	Finance Dept/Approval Group	09/13/2006	Approved Fiscal Note By The Comptroller's Office	Attorney's Office		09/13/2006	
	Notes: Simon						
1	Attorney's Office	09/13/2006	Referred for Introduction				
	Notes: Common Council Organizational Committee						

1	COMMON COUNCIL	09/19/2006	Refer	COMMON COUNCIL ORGANIZATIONAL COMMITTEE (ended 4/2017)	10/03/2006	
1	COMMON COUNCIL ORGANIZATIONAL COMMITTEE (ended 4/2017)	10/03/2006	RECOMMEND TO COUNCIL TO ADOPT - REPORT OF OFFICER			Pass
<p>Action Text: A motion was made by Van Rooy, seconded by Cnare, to RECOMMEND TO COUNCIL TO ADOPT - REPORT OF OFFICER</p> <p>Lisa Veldran, Administrative Assistant, explained that she had requested the amendment to the ordinance. The amendment would codify a practice of alder absence notification that is currently being done by Council staff to alders, mayor and committee staff. An alder had questioned the practice. The alder had determined that it was not required by ordinance that she notify staff or alders if she were out of town, only if she were missing a Common Council meeting. The motion passed by acclamation.</p>						
2	COMMON COUNCIL	10/17/2006	Adopt With Amendment(s)			Pass
<p>Action Text: A motion was made by Ald. Verveer, seconded by Ald. King, to Adopt With Amendment(s) as follows: strike "Common Council Office Administrative Assistant" and replace with "the Common Council Office Staff" in the title and the last paragraph in the body of the ordinance. The motion passed by the following vote:</p> <p style="margin-left: 40px;">Ayes: 16 Jed Sanborn; Brenda K. Konkell; Lauren Cnare; Michael E. Verveer; Robbie Webber; Judy K. Olson; Zachariah Brandon; Austin W. King; Paul E. Skidmore; Kenneth Golden; Tim Gruber; Brian Benford; Isadore Knox, Jr.; Tim Bruer; Judy Compton and Noel T. Radomski</p> <p style="margin-left: 40px;">Noes: 2 Larry Palm and Cindy Thomas</p> <p style="margin-left: 40px;">Excused: 2 Santiago Rosas and Paul J. Van Rooy</p> <p style="margin-left: 40px;">Non Voting: 1 David J. Cieslewicz</p>						
2	Attorney's Office/Approval Group	10/18/2006	Approved As To Form			
<p>Notes: Amended.</p>						
2	Attorney's Office	10/18/2006	Fiscal Note Required / Approval	Finance Dept/Approval Group	10/18/2006	10/18/2006
2	Finance Dept/Approval Group	10/18/2006	Approved Fiscal Note By The Comptroller's Office (SUBSTITUTES)	Attorney's Office		10/18/2006
<p>Notes: Simon</p>						

Text of Legislative File 04544

Fiscal Note

No expenditure required.

Title

AMENDED - Amending Section 2.025 of the Madison General Ordinances to require that alders notify the Common Council President and the Common Council Office ~~Administrative Assistant~~ staff when they will be absent from the City for any period of five (5) days or longer.

Body

DRAFTER'S ANALYSIS: This ordinance adds an additional notification for Alders when they will be absent from the City for five or more days. Under such circumstances, the Alder is to notify the Common Council Administrative Assistant and the Council President of the absence.

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

Section 2.025 entitled "Notification of Absence of Members" of the Madison General Ordinances is amended to read as follows:

"2. 025 **NOTIFICATION OF ABSENCE OF MEMBERS.** Every alderperson who for whatever reason cannot attend a regularly scheduled meeting of the Common Council shall file with the City Clerk a notification of absence by 9:00 a.m. the Thursday prior to the meeting in question. All such excused absences shall be entered in the record of the Common Council. In cases where unavoidable circumstances make such advance notice of absence impossible, the notification of excused absence shall be filed with the City Clerk within one week of the absence and entered in the record of the Common Council. Any alderperson who because of an emergency cannot file prior notification of absence may be excused by orally notifying at any time prior to or during the meeting an alderperson or the City Clerk who shall so advise the Common Council.

Any alderperson who will be absent from the City for five (5) or more consecutive days shall notify the Common Council Administrative Assistant Office staff and the Common Council President of the length of their absence."

Office Budget

Materials and supplies in the office are used by Council staff in the day-to-day operation of the office and are funded through the Council Office budget. This includes stationery, envelopes, pens, pencils, various office supplies, legal pads, postage, reproduction costs, training for Council Office staff, and subscriptions to various publications.

Note: If an alderperson needs personal office supplies, they may ask Council staff to purchase supplies from the City's vendor (at a reduced cost), or the alderperson may purchase the supplies and submit the receipt to office staff for reimbursement. Either way, a deduction will be made from the alderperson's \$2,425 Administrative Account to cover the purchase of personal office supplies.

Aldermanic Expense Account (\$2,425)

Each member of the Madison Common Council has a separate fund of \$2,425 per year for approved official expenses. (See **Section 3 for further information on \$2,425 Aldermanic Expense Account**).

These funds are part of the Council budget and have been used by individual alders for:

- Cabbing or mailing alder correspondence on Fridays
- Reimbursement for internet provider services used for city business
- Training or meeting registration fees
- Printing and mailing of newsletters
- Purchase of books and periodicals
- Purchase of laptop supplies not provided for by the city
- Printing of business cards
- Cover bulk mail postage overruns

An alderperson may "borrow" funds from another alderperson, but must have the permission of that alderperson.

Sunshine Fund

Periodically Council Office staff will collect money from Council members to cover costs associated with the "Sunshine Fund". This fund is used to purchase cards and/or floral arrangements for such occasions as a death in an alderperson's family, retirement of a department head, etc. The collection of funds is done on an "as-needed" basis (once or twice a year depending on the number of cards/floral arrangements the Common Council sends). Typically \$10 is collected from each alder each time there is a request for funds.

Common Council Civic Recognition Awards

The Common Council Civic Recognition awards were created in 1993 (Resolution No. 49,907, ID No. 12831 adopted 3/30/93 & amended 6/18/96). The Civic Recognition award allows an alder to recognize individuals and groups within the City for their civic and volunteer activities.

- Each alder can recommend up to 12 individuals or groups per year.
- The Common Council President and the requesting alder sign the certificate.
- Awards will not be issued during spring elections if the alder has opposition (December 1st through the April general election).

The following are types of activities that can be recognized:

1. To residents who are especially active in important volunteer activities within the community.
2. To students who win scholarships or other special educational awards, or who take part actively in volunteer community affairs.
3. To owners of private property who make major rehabilitation efforts that significantly improve older homes, businesses or other under-utilized properties within the City of Madison.
4. To specific non-profit groups or organizations like neighborhood associations and others that make significant community contributions to the quality of life throughout the City of Madison.
5. To specific businesses that make significant financial or other voluntary community contributions adding to the quality of life in the City of Madison.

MADISON COMMON COUNCIL CIVIC RECOGNITION AWARD

This award is presented to

Madison Police Officer Brian Shaul

in Recognition of his Life-Saving Actions on January 23, 2008

While on patrol, Officer Brian Shaul and his partner Office Dean Baldukas noticed a burning odor in the area of 105 Van Deusen Street. They located the source, a residence with a wood burning stove, which had ignited the roof. The officers immediately contacted the Madison Fire Department and woke the resident who was unaware of the fire.

The quick actions of both officers averted a tragedy
and saved the Madison resident's life.

Awarded this 26th day of February, 2008 by

Ald. Mike Verveer, President
Madison Common Council
Fourth District

Ald. Julia Kerr
Madison Common Council
Thirteenth District



Established by the
Madison Common Council
Resolution No. 49,907
I.D. No. 12831
Adopted 3/30/93

MADISON COMMON COUNCIL CIVIC RECOGNITION AWARD

This award is presented to

Reiny & Rita Meihnsner

in Recognition of their

Service, dedication and commitment to the
Midvale Heights Community Association Board for 13 years

Rita was co-leader of Task Force 2000 which regenerated Midvale Heights by securing funding for the Tokay Boulevard plantings, establishing a committee that designed and developed the Bison Prairie Gateway, she also chaired the 50th Anniversary Party for Midvale Heights Neighborhood Association. Reiny assisted in the design of the Midvale Heights sign for the Bison Prairie Gateway and gave many hours building the park and also established a history committee that produced "Forests, Farms and Families: A History of the Midvale Heights Neighborhood".

Awarded this 26th day of June 2008 by

Ald. Tim Bruer, President
Madison Common Council
Fourteenth District

Ald. Thuy Pham-Remmele
Madison Common Council
Twentieth District



Established by the
Madison Common Council
Resolution No. 49,907
I.D. No. 12831
Adopted 3/30/93

MADISON COMMON COUNCIL CIVIC RECOGNITION AWARD

This award is presented to the

DuWayne's Salon

in Recognition of

60 years of Keeping Madison Looking Great

DuWayne's Salon, under the able leadership of the Nelson family, has been a Madison fixture for 60 years. First located on Wisconsin Avenue, the salon has been on N. Sherman Avenue for most of its 60 years. DuWayne's is a Northside classic, providing hairstyling and cosmetology services and acting as an anchor business. Steve Nelson always has a smile for his customers and has been known to go to great lengths to make sure people look good, including visiting them at home and in the hospital. Steve, like his father DuWayne before him, has given back to his community by sponsoring events like "Pounding the Pavement for a Pool" at Warner Park and "Kids Feed Madison".

**We look forward to another 60 successful years
of Steve and all the folks at DuWayne's "Keeping Madison looking great!"**

Awarded this 22nd day of September 2019 by

Ald. Shiva Bidar, President
Madison Common Council
Fifth District

Ald. Syed Abbas
Madison Common Council
Twelfth District



Established by the
Madison Common Council
Resolution No. 49,907
I.D. No. 12831
Adopted 3/30/93

DUTIES OF PRESIDENT AND VICE-PRESIDENT

- Meet with the Mayor
- Common Council Meetings
- Acting Mayor
 - Duties of Council President in Absence of the Mayor
 - Subchapter 3A: Organization, Offices and Departments
- Schedule Council Discussions
 - Sample: 03/02/2017 Common Council Discussion Meeting
 - Sample: 02/06/2018 Common Council Discussion Meeting
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- Committee Appointments Made by President
- Common Council Organizational Meeting
- Miscellaneous Duties: Ceremonial Duties, Sunshine Fund, Recognizing Council Staff

Meet with the Mayor:

Attend regularly scheduled meetings with Mayor for discussion of city business.

Common Council Meetings:

The Common Council President

- a. Schedules dates of Council meetings for the year to be approved by CCEC.
- b. Sets and coordinates each Council agenda with City Clerk's office before printing and posting.
- c. Make motions from the floor and ensures that consideration of items on the agenda move along without delay.
- d. Chairs meetings in the Mayor's absence.

Acting Mayor:

The Common Council President serves as Acting Mayor when the Mayor is absent from the city. When the Mayor and the Council President are not available, the Council President Pro Tem serves as the Acting Mayor. (See additional information in the memo entitled "Duties of Council President in Absence of the Mayor" from the City Attorney's Office dated 10/17/95 when the Mayor is temporarily unable to fulfill duties.)

In addition, the Mayor, pursuant to [MGO Section 3.02\(3\)](#), designates "Emergency Interim Successors" in the event of the Mayor's, President and Pro Tem's absences. The Common Council adopts a resolution designating the emergency successors every year.

DUTIES OF COUNCIL PRESIDENT IN ABSENCE OF THE MAYOR

(From City Attorney's Office 10-17-95)

Questions Presented - Brief Answers

Q. Under Wisconsin Statutes on Cities and the Madison General Ordinances, does the President of the Common Council fulfill the duties and responsibilities of the Mayor when the Mayor is absent due to illness?

A. Yes. Under Wisconsin Statutes on Cities and the Madison General Ordinances, the President of the Common Council does fulfill the duties and responsibilities of the Mayor when the Mayor is absent due to illness, or otherwise unable to carry out the duties of office, with the limitation that the Council President may not approve acts of the Council which the Mayor has disapproved by filing objections with the Clerk.

Q. Under Wisconsin Statutes on Vacancies, is a permanent vacancy of office ever created when the Mayor cannot perform the duties of office due to illness?

A. Yes. Under Wisconsin Statutes on Vacancies a permanent vacancy of office may be created due to the illness of a public official if the illness is such that the official is found by a competent tribunal to be incompetent to understand the objective of the elective process, or the tribunal places the public official under guardianship.

Q. Under Wisconsin Statutes on Vacancies, does the Council President become "Acting Mayor" when a permanent vacancy arises?

A. No. Under Wisconsin Statutes on Vacancies the Council President does not replace the Mayor when a permanent vacancy arises in Cities of the 2nd, 3rd, or 4th class; rather, the Common Council appoints a replacement until a special election is scheduled to fill the vacancy.

Q. Under Madison General Ordinances, are the duties of the Council President specified when the President must fulfill the duties of "Acting Mayor?"

A. No. Under Madison City Ordinances the duties of the Council President are not specified when fulfilling the duties of "Acting Mayor" except to provide that the President of the Council shall preside at Council meetings in the absence of the Mayor, and shall succeed the Mayor in times of national emergency or attack if the Mayor is unable to act.

Applicable Statutes and Ordinances

Wis. Statutes on Cities, Sec. 62.09(5)(d), Wis. Stats.:

- (d) If any officer be incapacitated or absent from any cause the Common Council may appoint some person to discharge the officer's duties until the officer returns or until such disability is removed.

Wis. Statutes on Cities, Sec. 62.09(8)(e), Wis. Stats.:

- (e) The council at its first meeting subsequent to the regular election and qualification of new members, shall after organization, choose from its members a president, who, in the absence of the Mayor, shall preside at meetings of the council, and during the absence or inability of the Mayor shall have the power and duties of the Mayor, except that the president shall not have power to approve an act of the council which the Mayor has disapproved by filing objections with the clerk. The president shall when so officiating be styled "Acting Mayor."

Wis. Statutes on Vacancies, Sec. 17.23(1)(a), Wis. Stats:

17.23 Vacancies in city offices; how filled. (1) General and special charter cities. Vacancies in offices of cities operating under the general law or special charter shall be filled as follows:

- (a) In cities of the 2nd, 3rd or 4th class, in the office of Mayor, except as provided in s. 9.10, by appointment by the common council. In the office of alderperson, by the common council, except as provided in s. 9.10. A person so appointed shall hold office until a successor is elected and qualified. A successor shall be elected for the residue of the unexpired term on the first Tuesday of April next after the vacancy happens, in case it happens no later than December 1 preceding the first Tuesday in April, but if the vacancy happens after December 1 preceding the first Tuesday in April and before that day, then the successor shall be elected on the first Tuesday in April of the next ensuing year; but no election to fill a vacancy in such office may be held at the time of holding the regular election for that office.

Madison General Ordinances, STANDING RULES FOR THE GOVERNMENT OF THE COMMON COUNCIL, Sec. 2.205:

The Common Council shall at its organizational meeting on the third Tuesday of April of each year, elect one member of the Council to act as president of the Council and another member to act as president pro tem of the Common Council, pursuant to the provision of Section 62.09(8)(e), Wisconsin Statutes. The president pro tem of the Common Council shall act during the absence, inability or disability of the president.

Madison General Ordinances, CONTINUITY OF GOVERNMENT, Sec. 3.02(1) & (3):

- (1) Policy and Purpose. Because of the existing possibility of an attack upon the United States . . . in the event of such an attack, to assure the continuation of effective, legally constituted leadership . . . it is necessary to provide for emergency interim officers who can exercise the powers and discharge the duties of the Mayor. . .
- (3) Designation, Status, Qualifications and the Term of Emergency Interim Successors. Succession of the office of Mayor shall be in the following order: president of the Common Council, president pro tem of the Common Council, and two (2) emergency interim successors. . .

Discussion

The role of the President of the Common Council in the absence of the Mayor is addressed in several statutes, briefly by the Madison General Ordinances, and only minimally by case law. If the need arises to fulfill Mayoral duties in the Mayor's absence, it is clear from Sec. 62.09(8)(e), Wis. Stats., that the President of the Council does fulfill the role of "Acting Mayor" during the "absence or inability of the Mayor." to clarify the meaning of "absence" of the Mayor, *Olson v. Lahiff*, 146 Wis. 490 (1911), states that absence must be "construed reasonably" and can be considered "effective" absence. *Id.* at 492.

In *Olson*, the President of the Common Council of Hudson appointed members of the Police and Fire Commission while the Mayor was out of town for the day. The court held that because the Mayor would have had the opportunity to consider these appointments for a one week period, the Council President did not have to act on the Mayor's behalf during the Mayor's one day trip away from the City.

Our Ordinances also indicate that in the "absence, inability or disability" of the President, the President Pro Tem is to fulfill the President's duties.

Conclusion

In summary, Sec. 62.09(8)(e), Wis. Stats., states that the President of the Common Council is to perform the duties as "Acting Mayor" during temporary absences of the Mayor. Although we can see from *Olson* that the President does not need to act on routine matters which the Mayor will be able to complete upon return, it is obvious that the duties of the Mayor of Madison today are more complex than that of the Mayor of Hudson in 1911, making the assessment of necessary vs. routine duties more difficult.

In the case of a permanent Mayoral vacancy, in cities of the 2nd class, Sec. 17.23(1)(a), Wis. Stats., requires the Common Council to appoint a replacement until the specified time of a new election.

Based on the foregoing, it would appear that the President of the Council may be called upon to act as Mayor during temporary absences in matters which require immediate attention. In the case of permanent vacancy, the position would be filled by Council appointment until a special election, as long as Madison remains a 2nd class city.

3.01 - ORGANIZATION UNDER MAYOR PLAN.

The government of the City of Madison is organized and constituted under Wis. Stat. ch. 62 providing for the City Mayor and Aldermanic plan with a Common Council composed of twenty (20) alderpersons, one (1) from each aldermanic district. The Mayor and alderpersons are to be elected for a term of two (2) years; provided, however, that beginning with the 1991 Spring Election, the Mayor shall be elected for a term of four (4) years.

This is a charter ordinance and shall be effective upon sixty (60) days from passage and publication subject, however, to the referendum procedures of Wis. Stat. § 66.0101(5).

Editor's note— Sec. 3.01 was reinstated as a Charter Ordinance and amended to provide for four-year mayoral term pursuant to adoption by the electorate at the 1987 Spring Election of Res. No. 43,063, File No. 3885-86, amending Charter Ord. 39.

(Am. by Ch. Ord. 67, 2-12-93; effective 4-17-93)

3.02 - CONTINUITY OF GOVERNMENT.

- (1) Policy and Purpose. Because of the existing possibility of an attack upon the United States of unprecedented size and destructiveness, including the inevitable hazard of radioactive contamination, and in order, in the event of such an attack, to assure the continuation of effective, legally constituted leadership, authority and responsibilities in the offices of the government of the City of Madison, it is necessary to provide for emergency interim officers who can exercise the powers and discharge the duties of the Mayor, alders, supervisors, and department heads in the event that the incumbents are killed, missing, disabled, or for some other cause unable to perform the duties and functions of their offices during and immediately after an enemy attack. (Am. by ORD-09-00147, 11-6-09)
- (2) Definitions. As used in this ordinance, unless the context otherwise clearly indicates:
 - (a) Unavailable shall mean either that a vacancy in office exists and there is no deputy authorized to exercise all of the powers and discharge the duties of the office, or that the lawful incumbent of the office (including any deputy exercising the powers and discharging the duties of an office because of a vacancy) and her/his duly authorized deputy are absent or unable, for physical, mental or legal reasons, to exercise the powers and discharge the duties of the office. (Am. by ORD-14-00012, 1-14-14)
 - (b) Attack shall mean any attack or series of attacks by an enemy of the United States causing, or which may cause, substantial damage or injury to persons or property in the United States by sabotage, the use of bombs, missiles, shellfire, or atomic,

radiological, chemical, bacteriological, or biological means or other weapons or processes.

- (c) Duly authorized deputy shall mean a person who is presently authorized to perform all of the functions, exercise all of the powers and discharge all of the duties of an office in the event the office is vacant or at such times as it lacks administration due to the death, absence or disability of the incumbent officer.
 - (d) Emergency interim successor shall mean a person designated pursuant to this ordinance for possible temporary succession to the powers and duties, but not the office, of a City officer in the event that such officer or any duly authorized deputy is unavailable to exercise the powers and discharge the duties of the office.
- (3) Designation, Status, Qualifications and Term of Emergency Interim Successors. Succession of the office of Mayor shall be in the following order: president of the Common Council, vice president of the Common Council, and two (2) emergency interim successors to be named by the Mayor within thirty (30) days after this ordinance is adopted, and by each Mayor within thirty (30) days of her/his taking office, and the Mayor shall specify and rank in order of succession after the vice president of the Common Council, so that there will be no less than two (2) duly authorized emergency interim successors for the office of Mayor. (Am. by ORD-14-00012, 1-14-14; ORD-16-00080, Pub. 9-15-16, Eff. 4-18-17)
- (a) Whoever is nominated and whatever succession is designated shall be confirmed by the Common Council.
 - (b) (R. by Ord. 6703, 8-8-79)
 - (c) Department Heads. Within thirty (30) days after adoption of this ordinance, each department head shall appoint and specify the order of succession, after her/his deputy, of two (2) emergency interim successors, so that there will be not less than three (3) successors to the office of each department head. If there is no deputy, three (3) emergency interim successors shall be so appointed instead of two (2).

Emergency interim successors to department heads shall be confirmed by the Mayor. (Am. by ORD-14-00012, 1-14-14)

- (d) Review of Designations. The Mayor, alders, supervisors, and department heads shall review and, if necessary, revise and keep current the designations of emergency interim successors to insure at all times that there is the requisite number of qualified emergency interim successors. (Am. by ORD-09-00147, 11-6-09)
- (e) Qualifications. No person shall be designated or serve as an emergency interim successor unless he or she may under the constitution and statutes of this state and the charter ordinances of this City, hold the office of the person to whose

powers and duties he or she is designated to succeed, but no provision of any ordinance prohibiting an officer or employee of this City from holding another office shall be applicable to an emergency interim successor.

Emergency interim successors shall act only until the Common Council can meet as a body and appoint and confirm a successor to the Mayor, alders, and supervisors if necessary in accordance with existing statute. (Am. by ORD-09-00147, 11-6-09; ORD-14-00012, 1-14-14)

- (f) Status of Emergency Interim Successor. A person designated as an emergency interim successor holds that designation at the pleasure of the designator; provided, that he or she must be replaced if removed. He or she retains this designation as emergency interim successor until replaced by another appointed by the authorized designator, or until the designator leaves office. (Am. by ORD-14-00012, 1-14-14)
- (4) Assumption of Powers and Duties of Officer by Emergency Interim Successor. If in the event of an attack the Mayor, any alder, or any department head and any duly authorized deputy is unavailable, her/his emergency interim successor highest in rank in order of succession who is available shall, except for the power and duty to appoint emergency interim successors, exercise the powers and discharge the duties of such officer. An emergency interim successor shall exercise these powers and discharge these duties only until such time as the lawful incumbent officer or any duly authorized deputy or an emergency interim successor higher in rank in order of succession exercises, or resumes the exercise of, the powers and discharge of the duties of the office, or until, where an actual vacancy exists, a successor is appointed to fill such vacancy or is elected and qualified as provided by law. (Am. by ORD-09-00147, 11-6-09; ORD-14-00012, 1-14-14)
- (5) Recording and Publication. The name, address and rank in order of succession of each duly authorized deputy and emergency interim successor shall be filed with the City Clerk and each designation, replacement, or change in order of succession of an emergency interim successor shall become effective when the designator files with the City Clerk the successor's name, address, and rank in order of succession. The City Clerk shall keep on file all such data regarding duly authorized deputies and emergency interim successors which shall be open to public inspection.
- (6) Formalities of Taking Office. At the time of their designation, emergency interim successors shall take such oath and do such other things, if any, as may be required to qualify them to exercise the powers and discharge the duties of the office to which they may succeed.
- (7) Emergency Meetings of the Governing Body. During any emergency:
- (a) Any member of the Common Council or a legally constituted successor may call a

meeting of the Common Council by notifying all members or their interim successors so far as practicable and by whatever means available of the time and place of such meeting, within or without the City or state as circumstances dictate.

- (b) The members so meeting shall establish and be governed by its own rules during such emergency.

(8) Separability Clause.

- (a) If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof.
- (b) All ordinances or a part thereof contravening the provisions of this ordinance are repealed.

(Renum. by Ord. 13,308, 4-30-03; Renum. by ORD-06-00176, 12-8-06)

Schedule Discussions

At his or her discretion, the Common Council President may call a discussion for members of the Common Council. The Council President identifies items or issues that need broader discussion by the entire Common Council and will serve as a vehicle to provide more information to Common Council members. A notice must be prepared to comply with the State's Open Meeting requirements.

Examples of past "discussions":

- Briefing on Cultural Changes in Madison
- Operating/Capital Budgets & Process
- Strategic Planning
- City/County Cooperation



City of Madison

City of Madison
Madison, WI 53703
www.cityofmadison.com

Agenda - Approved

COMMON COUNCIL - DISCUSSION

Thursday, March 2, 2017

6:30 PM

210 Martin Luther King, Jr. Blvd.
Room 201 (City-County Building)

Madison Police Department Presentations: Use of Force & IAPro (Police Integrity Software)

Please Note: A Possible Quorum of the CCOC, the CCOC Subcommittee on Police & Community Relations & MPD Police & Procedure Review Ad Hoc Committee May Exist at This Presentation

If you need an interpreter, translator, materials in alternate formats or other accommodations to access this service, activity or program, please call the phone number below immediately.

Si necesita un intérprete, un traductor, materiales en formatos alternativos u otros arreglos para acceder a este servicio, actividad o programa, comuníquese inmediatamente al número de teléfono que figura a continuación.

Yog tias koj xav tau ib tug neeg txhais lus, ib tug neeg txhais ntawv, cov ntaub ntawv ua lwm yam los sis lwm cov kev pab kom siv tau qhov kev pab, kev ua num los sis kev pab cuam no, thov hu rau tus xov tooj hauv qab no tam sim no.

Contact: Lisa Veldran, Legislative Administrative Assistant, Common Council Office, (608) 266-4071.

Sgt. Kim Tieu, the city's Use of Force Coordinator, will present information on the Madison Police Department's use of force policies and describe what is on a police officer's "tool belt".

Lt. Amy Chamberlin will provide information on IAPro, police integrity software, that is being used by the Madison Police Department. (Link to IAPro website: <http://www.iapro.com/products/iapro/>)

They will be available to answer questions from the members of the Common Council.



City of Madison

City of Madison
Madison, WI 53703
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Agenda - Approved

COMMON COUNCIL - DISCUSSION

Tuesday, February 6, 2018

5:30 PM

210 Martin Luther King, Jr. Blvd.
Room 201 (City-County Building)

Common Council Update: Imagine Madison - Comprehensive Plan

If you need an interpreter, translator, materials in alternate formats or other accommodations to access this service, activity or program, please call the phone number below immediately.

Si necesita un intérprete, un traductor, materiales en formatos alternativos u otros arreglos para acceder a este servicio, actividad o programa, comuníquese inmediatamente al número de teléfono que figura a continuación.

Yog tias koj xav tau ib tug neeg txhais lus, ib tug neeg txhais ntawv, cov ntaub ntawv ua lwm yam los sis lwm cov kev pab kom siv tau qhov kev pab, kev ua num los sis kev pab cuam no, thov hu rau tus xov tooj hauv qab no tam sim no.

Contact: Lisa Veldran, Legislative Administrative Assistant, Common Council Office (608) 266-4071 or lveldran@cityofmadison.com

Planning Division staff will provide a summary of community feedback received during Phase 3 and discuss the Plan review and adoption process.

Link to Imagine Madison Website: <http://bit.ly/2EzUtKr>

Link to City Comprehensive Plan Website: <http://bit.ly/2nAUXrv>

50396

Information: 2/6/18 Council Presentation: Imagine Madison Update

Attachments: [2/16/18 CC Update - Imagine Madison PowerPoint Presentation.pdf](#)

[Preliminary Summary of Phase 3 Strategy Prioritization.pdf](#)

[Preliminary Summary of Phase 3 Growth Prioritization.pdf](#)

[Actions Summary Imagine Madison Jan 2018.pdf](#)



City of Madison

City of Madison
Madison, WI 53703
www.cityofmadison.com

Agenda - Approved COMMON COUNCIL - DISCUSSION

Tuesday, October 30, 2018

5:30 PM

210 Martin Luther King, Jr. Blvd.
Room 201 (City-County Building)

Presentation: Community Safety Intervention Team (CSIT)

If you need an interpreter, translator, materials in alternate formats or other accommodations to access this service, activity or program, please call the phone number below immediately.

Si necesita un intérprete, un traductor, materiales en formatos alternativos u otros arreglos para acceder a este servicio, actividad o programa, comuníquese inmediatamente al número de teléfono que figura a continuación.

Yog tias koj xav tau ib tug neeg txhais lus, ib tug neeg txhais ntawv, cov ntaub ntawv ua lwm yam los sis lwm cov kev pab kom siv tau qhov kev pab, kev ua num los sis kev pab cuam no, thov hu rau tus xov tooj hauv qab no tam sim no.

Contact: Lisa Veldran, Council Legislative Services, (608) 266-4071 or
lveldran@cityofmadison.com

Members of the City's Community Safety Intervention Team (CSIT) will present information on their activities to the Common Council and answer questions from alders.

In February 2017 Mayor's office created a Rapid Response Team to strategize how to respond to increase in violence. Later this team was renamed the Community Safety Intervention Team (CSIT), it is an umbrella group of key organizational stakeholders who care about community violence and have the resources to help. They share information and develop strategies which will serve to mitigate and repair the harm violence causes in our community. The group also has protocols in place to respond to critical incidents of violence in order to prevent further harm to the community. The group meets biweekly but also has the ability to convene and activate protocols quickly in the event of a critical incident.

In the presentation members of the team will go over the formation of the group, partnerships, protocols as well as their mission and purpose. They will answer any questions alders may have and discuss the future of the CSIT.

[53310](#)

PowerPoint: 10/30/18 Presentation by CSIT Team

Attachments: [10/30/18 CSIT PowerPoint Presentation.pdf](#)

Orientation of New Council Members

- a. Schedule orientation sessions with department/division heads to acquaint new Council members with city procedures and policies.
- b. Direct alders to online resources:
 - o Council Policy Guide
 - o [Government Resource Guide](#)
 - o [Madison General Ordinances](#)
 - o [City Attorney Opinions](#)
- c. Acquaint new alders with Council staff and office procedures.

Committee Appointments

- a. **Finance Committee** – the Council President is automatically a member of the Board of Estimates.
- b. **Common Council Executive Committee** (seven members plus an alternate member). The Council President:
 - i. *Will appoint five (5) members of the Common Council for a term of one year. Common Council President will serve as Chair. The President Pro Tem will be automatically appointed as the seventh member. Immediate past Common Council President will be alternate.*¹
- c. **Ethics Board** (Council President may serve or appoint an alder designee).
- d. **Jeffrey Clay Erlanger Civility in Public Discourse Award** (Council President is a member of this committee)²

¹ Madison General Ordinance 3.55

² Legislative File No. 07379, Adopted 9/4/07

Common Council Organizational Meeting:

- a. Set time of organizational meeting (always second meeting in April).
 - 1. Noon meeting for swearing-in of Common Council members and Mayor
 - 2. Regular meeting at 6:30 p.m.
 - 3. Both swearing-in meeting and regular meeting can be held in the evening but would start at 5:30 p.m.
- b. Arrange luncheon after the noon swearing-in meeting.
- c. Ensure that resolutions are prepared for outgoing alders, President and Pro Tem.

Ceremonial Duties

- a. Ribbon cutting ceremonies.
- b. Welcoming ceremonies.
- c. Represent Mayor when necessary.
- d. Represent City as requested by businesses, organizations, etc.

Sunshine Fund

- a. Collect money as necessary.
- b. Order flowers in case of illness, death, etc.
- c. Send cards when appropriate.

Recognizing Council Staff

When appropriate the Council President will recognize Council staff during the year.

ALDERMANIC EXPENSE ACCOUNT

- Expense Account and Allowable Expenses
- Newsletters
- Travel and Conference Activities
- Organizational Memberships
- Books, Publications and Journals
- Education
- Miscellaneous Expenditures

\$2,425 Aldermanic Expense Account

Each member of the Madison Common Council has an Aldermanic Expense Account in the amount of \$2,425 per year (Jan-Dec). The \$2,425 is used for approved official expenses and reimbursements. Any expense or request for reimbursement must be used or related to your aldermanic duties or city business.

The use of this account will be under the *good judgment of the alderperson* and to the adherence of the guidelines contained in this section. Alder Expense Account records are subject to the State's Open Records law.

These funds are part of the Common Council budget. The following are examples of allowed expenditures/reimbursements:

- ❑ Printing and mailing of newsletters
- ❑ Printing of business cards
- ❑ Overruns from your bulk mail postage account
- ❑ Office supplies
- ❑ Purchasing laptop supplies (printer cartridges, paper, etc.)
- ❑ Purchasing books or periodicals
- ❑ Attending classes/conferences (i.e. registration, hotel, transportation costs)
- ❑ Payment/reimbursement for second phone lines for constituent calls (50%)
- ❑ Payment/reimbursement for internet service (50%)

If the Council Chief of Staff questions the expense or request for reimbursement, the Common Council President is responsible for determining what is an allowable expense or reimbursement under the guidelines.

In the event that the Council President's determination is negative, the affected alderperson may appeal the ruling to the Common Council Executive Committee (CCEC). CCEC may, by a simple majority vote, overrule the Council President.

Since the budget is based on a fiscal year basis (rather than the April-to-April term of Council members) alderpersons must prorate these funds monthly during election years. This is done to ensure that all newly-elected Council members have access to a fair share of their \$2,425 account during their first year in office.

Allowable Expenses for Aldermanic Expense Account

Six different areas have been identified as "allowable expenses":

1. Newsletters
2. Travel and Conference Activities
3. Organizational Memberships
4. Books, Publications and Journals
5. Education
6. Miscellaneous expenditures

Newsletters

The Aldermanic Expense Account can be used for the printing of newsletters.

- Newsletters to constituents are an allowed expense if it directly relates to the constituency of the aldermanic district in which the alderperson resides.
- Newsletters mailed from the Common Council Office and newsletters produced for insertion in other publications by neighborhood associations, business associations, district PTO/school groups, and neighborhood centers are an allowable expense.
- If an Alderperson uses any amount over the \$2,425 allocation, he or she must pay any additional expenses incurred.
- Newsletters cannot be mailed with official City business correspondence (e.g. property tax bills). Newsletter costs that are deducted from the \$2,425 account include the cost of printing the newsletter and the postage for mailing the newsletter.
- If the alder is opposed in an election, the creation, printing of newsletters, and the posting of newsletters to an alder webpage, is prohibited. ¹

¹ Policy adopted by CCOC on November 14, 2006.

Travel & Conference Activities

This Aldermanic Expense Account is to be used by Common Council members to cover aldermanic travel and conference activities.

- **Council members can apply money from their \$2,425 Aldermanic Expense Account to expenses associated with travel and conference activities if they incur them for an activity that directly contributes to an alderperson's effectiveness in office.**
- **Conferences and conventions for any organization whose meetings and agendas can be related to the actions and functions of a committee an alderperson serves on are eligible. Examples: public works conferences for Board of Public Works or Board of Water Utility members and public health conferences for Board of Health for Madison and Dane County members.**
- **The conferences/conventions eligible for reimbursement must be directly used for the activities of the Council member and must primarily be technical, functional or educational in nature (not political).**

Any Council member using city money to attend a conference will provide a report on the conference to the Common Council Executive Committee. The alderperson is also requested to share any information brought back from the conference with other interested Common Council members.

When a Council member files a Notice of Non-Candidacy no out-of-town conferences or educational expenses will be authorized. If such expenses are approved prior to a decision not to run being made and prior to the actual occasion, the alderperson will withdraw from the conference or educational event.

Administrative Procedure Memorandum 1-5, Policy Regarding Travel at City Expense contains detailed explanations of City policy concerning the expenditure of public monies for these purposes. Common Council staff will assist you in completing the necessary forms if needed.

APM 1-5: <http://www.cityofmadison.com/mayor/apm/1-5.pdf>

Organizational Memberships

Only memberships in the [Wisconsin League of Municipalities](#) are allowed.

- Memberships in many organizations can give alderpersons valuable contacts and resources with which to better carry out their duties. However, the fact is that most city and non-city organizations take active positions with respect to issues formally or informally facing the Council and the City.
- The Common Council Executive Committee believes that it is inappropriate to spend taxpayer money to allow local officials to join organizations taking such active positions. While it is the case that the Wisconsin League of Municipalities takes active positions on issues (including positions in disagreement with those held by individual alderpersons or the City of Madison as a whole) they are clearly general bodies organized not over specific issues, but over municipal issues overall.

Books, Publications and Journals

Books, publications and journals may be purchased from the Aldermanic Expense Account under the following conditions:

- They are not publications that the alderperson would purchase normally (e.g. Wisconsin State Journal, Madison Magazine).
- Books, publications or journals that can be shown to be reasonably related to an alderperson's activities, functioning or knowledge about areas related to committees they serve on or issues of public interest they are involved in.
- Books, publications or journals that can be shown to be reasonably related in keeping an alderperson knowledgeable about district and city events, issues and perspectives. Under these criteria, the cost of local publications for organizations may be eligible so long as the subscription sent in **specifically** notes that the monies included may not be used for an actual membership in the organization - only for the publication itself.

Education

Cost of seminars, classes and courses related to the effective functioning of a person in their role as an alderperson are allowed, subject to the following conditions:

- They are educational classes, seminars or courses related to the process of government process (e.g., parliamentary procedure, conducting meetings effectively).
- Education is related to governmental substance (e.g., a seminar on the impact of new cable laws on local government).
- Education and/or course work is related to improving an Alderperson's personal capacity to function effectively as a local elected official (e.g., public speaking).
- The educational class or course work is short term in nature.
- Specifically excluded under this section are either ongoing or long term course work (e.g., a semester long UW or MATC class) or education on topics not directly related to the functioning of an alderperson in their capacity as an elected official (e.g., a seminar on the rise of cities in the 18th century).

Miscellaneous Expenditures

Miscellaneous expenditures are items not covered in the previous sections.

To determine whether the expense is an “allowable expense”, the following conditions must be met:

- ❑ Item in question is used for the duties and responsibilities of being an alderperson.
- ❑ Item is not one that the alderperson would have purchased for themselves in their capacity as a private citizen, but most of the need for the item derives from the person's role as an alderperson.
- ❑ The item will be used primarily for purposes related to an individual's role as an alderperson.

Examples of allowed items purchased by alderpersons:

- ❑ Business cards
- ❑ Payment/reimbursement for second phone line for constituent use
- ❑ Payment for room rental for neighborhood meeting (e.g. MMSD schools in the summer)
- ❑ Payment/reimbursement for tickets to functions relating to position (e.g., WI League of Municipalities, NAACP)
- ❑ Payment for personal office supplies: filing cabinet, appointment books, computer printer paper, computer printer cartridges, manila folders, etc.
- ❑ Computer software/hardware not provided by the city, including 50% reimbursement for laptop purchases

MAILINGS

- Mailings
- Approved Mailings Using City Funds
- Mailings Considered Improper Use of City Funds
- Mailings during Election Years
- Review Process for Mailing Expenses
- Bulk Mail Postage Account - Distribution

MAILINGS

Mailings sent from the Council Office are to be directly related to an action pending or an action likely to come before the Common Council or one of its committees, boards or commissions (such as traffic, land use or licensing). The action shall be deemed an issue of city business ¹ and thus permitted expenditures can be made from budgeted accounts.

To encourage uniformity and compliance with city procedures, the following guidelines have been established to assist alderpersons in determining what types of mailings may be sent using city funds.

¹ *"City business" is defined as any matter that is pending before the Common Council or one of its committees, boards or commissions or is likely to come before such body, i.e., a traffic, land use, licensing, or similar governmental issue.*

Approved mailings using city funds

- Questionnaires, surveys, announcements, press releases or information regarding pending legislation.
- Announcements of public meetings held within the aldermanic district that would be of interest to all citizens and deal with city business.
- Responses to citizen inquiries and similar correspondence.
- Aldermanic newsletters (note: printing and mailing costs for newsletters are deducted from Aldermanic Administrative account).

Note: Any of the above mailings may contain a brief mention of upcoming neighborhood association(s) meeting dates.

Mailings that are considered an improper use of city funds

- Campaign literature or mailings designed to improve one's political position directly or indirectly. (Any contact with your constituents - whether through mailings, public meetings or other means - may, of course, indirectly improve an Alderperson's political position. However, any personal/political benefit should be incidental to the main purpose of the contact).
- Mailings to special interest groups that are primarily for political purposes (e.g., political parties, political action groups, pro-/anti-organizations, or environmental groups).
- "Thank you" notes of a personal or political nature.
- Opinion polls that do not deal solely with pending legislation.
- Mailings solely for a neighborhood association (e.g. neighborhood association meeting agenda).
- Any solicitation for funds or contributions.
- Mailings pertaining to proposed developments on behalf of the developer. (An alder may call a meeting in their district that deals with a proposed development.) Council staff may provide labels, at the request of the alder, to the developer to mail meeting notices.

Mailings during election years

Mailings or printing expenditures, except those related to pending official city business, will not be made after December 1 before an election year if the alder is running for re-election and is opposed. If an alderperson is unopposed or did not file for reelection this stipulation does not apply.

"Election year" means the period between December 1 and the date of the spring general election (or the period between the first day for circulation of nomination papers and the day of a special election for aldermanic office).

"Pending official city business" occurs between December 1 and the date of the spring general election (or the period between the first day for circulation of nomination papers and the day of a special election for aldermanic office). **An opposed alderperson cannot expend mailing or printing funds if the pending official city business occurs after the date of the spring general election.**¹

The only correspondence that can be mailed during this time period requires that the city business be relative to a specific piece of legislation or issue or is a response directly to an individual (not an entire neighborhood).²

Example: Council member Jones is running for re-election and is opposed. The Council member Jones has a district project that will be before the Plan Commission and the Council in **June**. Council member Jones wants to print and mail a meeting notice to residents regarding the development in **March**.

Determination: This mailing would not be an approved expenditure because the pending official city business (the development) would not be before a committee until June.

¹ Adopted by CCOC on November 14, 2006.

² Adopted by CCOC on November 14, 2006.

Review Process for Mailing Expenses

The Council Chief of Staff shall determine whether a matter is city business. If an alder disagrees with the determination made by the Chief of Staff, the determination may be taken to the Council President for review. If the Council President agrees with the alder, the mailing or project may proceed. However, if the Council President agrees with the Chief of Staff, the alder may take his/her request to the Common Council Executive Committee for approval. The CCEC's decision shall be final. Any action taken by the Common Council Executive Committee may be used as a guideline to be incorporated into the Common Council Policy Guide.

\$650 Bulk Mail Postage Account – Distribution ¹

1. Each alder will be given \$650 to use for bulk mailings (defined as **any mailing over 200 pieces**).
2. When this amount is exceeded, the alder would then use his or her Aldermanic Expense Account (\$2,245).
3. When the Aldermanic Expense Account is exceeded, the alder would consult with the President and Pro Tem to ask for approval to exceed his or her budgeted amount.
4. The President and Pro Tem would then review which alders had not used their \$650 in the bulk mail postage account and ask that alder if money could be taken out of his or her postage allotment and given to the alder who has exceeded their allotted amount
5. If the President and Pro Tem deny an alder his or her request, the alder could appeal to the Common Council Organizational Committee for review of the request.

¹ Adopted by CCOC on October 31, 2000 and revised by CCOC on March 18, 2003.

ALDERPERSON ELECTRONIC MAIL USE

- Aldersperson Electronic Mail Use
- Support and Service
- Appropriate Use of City Computer Resources
- City Attorney Opinion
- LWM Article
- Storage and Retention of Electronic Mail
- Common Council Social Media Policy Guide (2011)

Alderson Electronic Mail

Each alderperson is provided city email (Outlook).

Support and Service

City Information Services Help Desk 266-4193

Hours of Operation: Monday - Friday
7:00 a.m. - 5:00 p.m.

After Hours: Phone number will be provided

E-mail address: helpdesk@cityofmadison.com

Internet Service: You should call your internet provider for any internet issues you encounter. If your internet provider is unable to address your issue, they will tell you. You should then call the City Information Services Help Desk.

Email Service: You should call Council office staff or Help Desk staff if you are having problems with your city email.

Appropriate Use of City Computer Resources

Please see [Administrative Procedure Memo 3-9](#), for the City's policy on appropriate use of city computers.

SUBJECT: APPROPRIATE USE OF COMPUTER NETWORK RESOURCES

Purpose: The City of Madison computer network provides mission critical application, telephone, data, and storage services to first responders and all other City agencies. These network resources have become an invaluable asset which must be protected and managed to ensure that they are secure, reliable, maintainable and supportable.

Policy: The use of computer network resources including the Internet and/or e-mail, whether in-house or external, for any of the following purposes is strictly prohibited:

1. To create or transmit material which is designed or likely to threaten, disturb, intimidate or otherwise annoy or offend another, including, but not limited to, broadcasting unsolicited messages or sending unwanted mail after being advised it is unwanted.
2. To create or transmit defamatory material.
3. Using the enterprise City e-mail system to transmit material to "all e-mail users" or mass distribution of non-work related material without prior approval from a department or division head.
4. To gain unauthorized access, including the use of hacking or packet sniffing software, to facilities or services on the City network or to use such facilities or services in an unauthorized manner.
5. To conduct business or engage in any "for profit" communications or activities.
6. To access, view or obtain any "adult entertainment," pornographic or obscene material, unless it is for work-related investigatory purposes and with the approval of the department head.
7. For political campaign purposes, including, but not limited to, using e-mail to circulate advertising for political candidates or relating to political campaign issues.
8. Sharing your network credentials (login ID and password) with anyone, with the exception of your supervisor.
9. Downloading software from the Internet to City PCs without authorization from Information Technology (IT).
10. Placing one's City-issued Internet e-mail address on any Internet-related service for other than business purposes. If an employee becomes aware that his/her City-issued Internet e-mail address is on a non-business related service, he/she should promptly request that it be removed and/or unsubscribe.
11. Opening attachments or clicking on embedded links contained in e-mail from unknown sources.
12. To gain commercial or personal profit or advantage, including, but not limited to, selling lists of names, addresses, telephone numbers or other information generated from City files.
13. To create or transmit material in violation of APM 3-5.
14. To represent oneself directly or indirectly as conducting City business when using such equipment for incidental personal purposes.
15. Creation of web pages, without the approval of IT, that purports to officially represent the City of Madison, personal or otherwise, regardless upon what server they may reside.
16. To print lengthy documents except for business purposes.
17. To use the Internet and speakers or headsets for the purpose of listening to audio or viewing video unless it is for City business.
18. Attach any device, except via the City's public wireless network, to the City network including: servers, laptops, computers, monitors, printers, multi-function devices, scanners, telephones, mobile computing devices, surveillance cameras, wireless routers, switches, hubs, or any other networking devices without the formal approval of IT.
19. Affix non-business related political and/or decorative stickers, banners, or other substances of any nature to the surfaces of any City-owned computer network resources.
20. Use of social media in violation of APM 3-16.
21. Unauthorized distribution of confidential or sensitive information, including the use of Internet-based storage facilities, personal computing devices, external storage media or cameras to take pictures or make copies of sensitive materials.
22. Unauthorized use or viewing of City-owned surveillance cameras in violation of APM 3-17.
23. For any purpose which would be a violation of any City work rules, City ordinance, City APM, state law or federal law.

All IT-related equipment and software purchases, including software as a service, must be approved by the IT Director. Software to be installed or used on the City network must be properly licensed and proof of this licensing must be available. (See Attachment A.)

Although occasional and limited personal use of computers is permitted, it is subject to the limitations, conditions, and regulations contained in this APM. Use of computer resources for incidental personal purposes is a privilege and can be withdrawn by a supervisor at any time. Employees may not use IT resources in any way that:

1. Directly or indirectly interferes with City operations of computing facilities or e-mail services.
2. Is contrary to or damages the City's interest.
3. Interferes with the employee's work duties, performance or other obligations to the City. Examples include, but are not limited to, excessive use of games, surfing the net, etc.

All network hardware is the property of the City of Madison. Purchase and disposal of all electronic devices must be in compliance with APM 4-7.

Access to electronic mail (e-mail), both internal and Internet, and access to the World Wide Web is only granted by approval of the agency head. Connecting any City-owned device directly to the Internet or to any other external computer system, without approval of IT, is prohibited. E-mail messages from unknown sources may contain malware and should either be deleted immediately or opened with caution. Transmission of sensitive information via the City's e-mail system must use the secure encryption feature of the system.

Unless specifically exempted by MGO 3.70, information stored in any automated format is considered to be a public record and will be retained according to local, state, or federal statute.

Employees are required to follow all Network Security Policies and Procedures. (See Attachment B.)

Failure by a City employee to comply with these policies may result in disciplinary action up to and including termination of employment.

Authority: Information Technology Director


Paul R. Soglin
Mayor

APM No. 3-9
August 26, 2015

Original APM dated 1/18/1996
(Revised 11/8/1999)

**CITY OF MADISON
OFFICE OF THE CITY ATTORNEY
Room 401, CCB
266-4511**

July 19, 2004

OPINION NO. 04-001

TO: Alder Brenda Konkel, Common Council President
Common Council Organization Committee

FROM: Michael P. May, City Attorney

SUBJECT: Negative Quorums, Email, and the Open Meetings Law

You have asked my opinion on the calculation of negative quorums, the use of email, and application of the Open Meetings law to those issues. These concepts are best understood against the policy that lies at the heart of both the Public Records Law and the Open Meetings Law.

The Policy Behind Both The Public Records and Open Meetings Laws

Both the Public Records Law and the Open Meetings Law are based upon the belief that an informed public is essential to the health of a representative government. Thus, to the maximum extent possible, consistent with the advancement of public interests, the public is entitled to observe government in action. This right of inspection extends to observing meetings where decisions are made or information gathered and to review of the records which government creates or maintains. See secs. 19.31 & 19.81, Wis. Stats., and secs. 3.42 and 3.44, MGO.

Definition of a Meeting

A meeting occurs any time enough members of a governmental body gather for the purpose of exercising the powers, duties or authority of that governmental body. Sec. 19.82(2), Wis. Stats. Meetings occur under such circumstances even when the body is simply gathering information and not exercising any decision-making authority. All such meetings must be preceded by public notice of the agenda and must be open to the public. Violation of these requirements can lead to the imposition of civil forfeitures. The City may not reimburse any official who is sentenced to such a penalty. 66 OAG 226 (1977).

Negative Quorums

The concepts in the preceding paragraph are easy enough to understand when a majority or a quorum of a body gathers and engages in discussion about matters within its authority. However, there are less obvious times when the Open Meetings Law will apply. As stated above, these laws apply whenever a sufficient number of members of a governmental body gather for the purpose of exercising the powers, duties and/or authority of that body. As applied by the Wisconsin Supreme

Court in *State ex rel. Newspapers, Inc. v. Showers*, 135 Wis. 2d 77, 398 N.W. 2d 154 (1987), the laws apply any time that enough members of a body gather such that they can determine the outcome of an item or the course of the body's actions. This concept thus applies to any gathering of members such that if they acted in concert, they could block passage of an item or prevent a course of action. This number of members is often referred to as a "negative quorum."

The best example of a "negative quorum" arises when an item requires a super majority (i.e., a two thirds majority) in order to be passed or approved. If more than one third of the members of such a body gather and discuss the item, they are engaging in a meeting under the Open Meetings Laws. Such a meeting would be illegal if not preceded by a proper notice and if not accessible to the public. Aside from the Open Meetings Law, such a meeting would violate the Madison General Ordinances as section 3.27(3)(a) requires the adjournment of any meeting where a body fails to achieve a quorum of its membership within fifteen minutes of its scheduled meeting time.

The number of a body's members that may constitute a "negative quorum " is often difficult to determine in advance of a vote or action on an item. In 1992, the Attorney General's Office informed the City that the size of a "negative quorum" may be determined only upon knowing the size of the body that is later assembled to officially act on the matter in question. As a matter of caution, this office has therefore advised that it is safest to determine what may constitute a "negative quorum" by first determining the most conservative (smallest) number of members who could meet and constitute a quorum. A negative quorum would be that number of members who, through voting against the item or through abstention, could prevent passage of the item.

Thus, we have advised, and now offer our opinion, that a negative quorum may exist whenever there is a gathering of 50% or more of the quorum of the parent body. For example, if you have a seven member committee, the quorum for action by that committee is 4. In that circumstance, if there were only a bare quorum present at a meeting, any 2 members could effectively block action by the committee. If those two members had previously met in an unnoticed gathering to discuss the business to come before the committee, those members violated the Open Meeting law.

The difficulty is that one doesn't know if there has or has not been a violation of the Open Meetings Law until the parent committee meets. If you look at the example above, if the full committee is at the subsequent meeting, then the meeting of the two members did not violate the Open Meetings Law. This problem of a "floating negative quorum" is the reason we advise caution: no group constituting 50% or more of the quorum of any governmental body should meet without proper notice. Until the state Supreme Court modifies the test set out in *Showers*, this is the proper approach to take.

The following chart shows this *Showers* type limitation:

Size of Governmental Body	Quorum	Smallest Possible Negative Quorum (for majority votes)
7 or less	4 or less	2
8 - 11	5 - 6	3
12 and larger	At least 7	At least 4

Email as a Meeting

The problems raised by the negative quorum are complicated by the regular use of email. Email not only is a public record, but it has the characteristics of both a formal written letter or memorandum and, if used in rapid succession, of a “written” telephone conversation.

Telephone conference calls may be used for governmental meetings, if properly noticed. 69 OAG 143, 144 (1980). To the extent an initial e-mail results in a quorum—or a negative quorum—of a governmental body responding to the other members of the body, such an email could very easily be found to constitute a meeting. If not noticed, it would be in violation of the Open Meetings Law. This legal concern is discussed in a League of Municipalities legal comment from the February 2001 issue of *The Municipality*.

To avoid such results, we are recommending that any email that is sent to even a negative quorum of a governmental body contain a clear disclaimer at the top of the email. We suggest language such as the following:

“NOTE: THIS IS INTENDED TO BE A ONE-WAY ELECTRONIC MEMORANDUM. DO NOT REPLY. This is an electronic memo, and is not to institute a discussion of any of the matters in the memo. Do not reply or reply to all. Any response should be by new email to the sender only. Do not forward this email to another.”

Persons receiving the email should follow these instructions. This language is needed only for emails that are sent to the negative quorum or more of a governmental body.

If you have any questions regarding the matters set out in this opinion, feel free to contact me or Assistant City Attorney Roger Allen.

Michael P. May
City Attorney

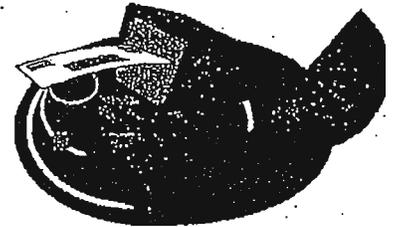
MPM:RAA:pah

cc: Mayor Cieslewicz
City Clerk
Department/Division Heads
Common Council Members

CAPTION: A “negative quorum” may exist when 50% or more of the quorum of a governmental body meets, and such a meeting may violate Wisconsin’s Open Meeting Law. Since successive responsive emails may constitute a meeting, a disclaimer and procedure to avoid violation of the Open Meetings Law through use of email is recommended.

LEGAL COMMENT

E-Mail

IMPORTANT CONSIDERATIONS
FOR LOCAL OFFICIALS

By: Claire Silverman
Legal Counsel

Although the use of e-mail as a way of communicating is relatively new, it has quickly become a routine form of communication for many. E-mail offers many advantages over communication by telephone or "snail mail." The biggest advantages are that it offers the ability to send information to a single person or a very large number of people almost instantaneously, any time of day or night, regardless of the day of the week, at no more than the cost of a local phone call. It also provides an accurate record of who said what, and when they said it.

These attributes make e-mail an attractive way to communicate with others. However, local officials need to bear two important things in mind as they use e-mail. First, governmental bodies are subject to Wisconsin's open meetings law.

Second, local governments are also subject to Wisconsin's public records law. Local officials who use e-mail to communicate with others about government business would be wise to keep these two laws in mind when they use e-mail to communicate regarding municipal business. This Comment seeks to explain briefly how the use of e-mail might trigger the requirements of these laws. Such knowledge will allow officials to avoid running afoul of these laws, and make informed decisions regarding whether e-mail is an appropriate way to communicate regarding certain matters.

E-Mail and the Open Meeting Law

Wisconsin's open meeting law requires that all meetings of governmental bodies be preceded by public notice and be open and accessible to the public except as otherwise permitted by law.¹ Although there are no Wisconsin court decisions addressing whether the use of e-mail by members of a governmental body can constitute a meeting which triggers the requirements of the open meeting law, the writing is on the wall. If faced with the issue, the League believes Wisconsin courts will have no difficulty concluding that the use of e-mail, by a sufficient number of members of a governmental body, constitutes a meeting and triggers the various requirements of the open meeting law.

The open meeting law defines a "meeting" as the "convening of members of a governmental body for the purpose of exercising the responsibilities, authority, power or duties delegated to or vested in

the body."² If one-half or more of the members of a governmental body are present, the meeting is presumed to be for the purpose of exercising the duties delegated to or vested in the body.³ That presumption may be rebutted by competent evidence to the contrary.

However, the requirements of the open meeting law can also be triggered when less than an actual quorum is present or participating. The Wisconsin Supreme Court has held that the open meeting law applies whenever members of a governmental body meet to engage in government business, whether it's for purposes of discussion, decision or merely information gathering, if the number of members present are sufficient to determine the parent body's course of action regarding the proposal discussed at the meeting. See *State ex rel. Newspapers, Inc. v. Showers*, 135 Wis.2d 77, 398 N.W.2d 154 (1987). This number can be the number sufficient to pass a proposal or the number necessary to defeat a measure, termed a "negative quorum."

In *Showers*, the court recognized that members of a governmental body can violate the open meeting law by participating in what is called a "walking quorum." A walking quorum is a series of gatherings among separate groups of members, each less than quorum size, who agree, tacitly or explicitly, to act and vote in a certain manner in numbers sufficient to reach a quorum.

Thus, members of a governmental body can violate the open meeting law by communicating regarding city or village business if there is communication

1. Sec. 19.83(1), Stats.

2. Sec. 19.82(2), Stats.

3. Sec. 19.82(2), Stats.

amongst a sufficient number of the members. In an informal (i.e., not published) attorney general opinion,⁴ the attorney general opined that the University of Wisconsin Athletic Board had probably violated the open meeting law by using e-mail to approve proposed compromise language regarding a contract with Reebok.

The Athletic Board had considered the proposed contract at a public meeting. The minutes from that meeting indicated that the Athletic Board would approve the proposed contract if Reebok agreed to four amendments specified in the minutes. The minutes further indicated that the board's chair would contact board members as soon as possible, to gauge board reaction, if Reebok did not agree to any of the four amendments or proposed compromise language. The minutes noted that the chair might call a special meeting if reaction was divided, but that he would consider the amendments approved without an additional meeting being required if reaction largely supported the changes. When Reebok proposed compromise language, the chair e-mailed each of the board members asking them to let him know as soon as possible if they opposed signing the contract as a result of the compromise language. The chair subsequently e-mailed all members of the board to let them know that he had heard from each of the members and, given the members' unanimous support of the amended language, had informed the Chancellor's Office that the Athletic Board supported the contract as amended.

It's worth stating that there's nothing special about e-mail that makes its use by a sufficient number of members of a body a violation of the open meeting law. The above discussion applies equally to the use of telephone or other forms of communication. The necessary ingredient for

violation is communication amongst a sufficient number of members.

The penalty for violating the open meeting law is not less than \$25 nor more than \$300 for each violation.⁵ Liability is personal and is not reimbursable by the municipality,⁶ so protect your pocket and, more importantly, protect Wisconsin's strong tradition of open government and public confidence in the integrity of local government.

E-Mail and the Public Records Law

Although Wisconsin case law does not address the use of e-mail in the context of Wisconsin's public records law, it is virtually certain that Wisconsin courts would conclude that e-mails are public records under the law. Wisconsin's public records law defines "record" broadly. A "record" is "any material on which written, drawn, printed, spoken, visual or electromagnetic information is recorded or preserved, regardless of physical form or characteristics, which has been created or is being kept by an authority...."⁷ It also includes records which are not required to be maintained if they are in the possession of an officer.⁸ However, materials must have sufficient connection with the function of the office to qualify as a public record.⁹

"Authority" is defined to include elected officials, local offices, agencies, boards, councils, commissions, committees, departments and any other public body corporate and politic created by constitution, law, ordinance, rule or order, or any subunits of any of the foregoing.¹⁰

Although the law may not require that e-mails by individual officers or members of a governmental body be kept or maintained, e-mails clearly fit within the definition of "record" and elected local officials clearly fit within the definition of an "authority." Thus, to the extent that an e-mail is maintained or kept on a

computer, or in the possession of an official, it is subject to request under the public records law and is probably subject to the limitations imposed by the public records law on the destruction of records. In particular, local officials should be aware that documents which are the subject of a request for inspection may not be destroyed.¹¹

Where the content of an e-mail makes it a record that must be maintained, custodians should be aware that it may not be enough to print out hard copies and that it may be necessary to preserve the e-mail in its electronic format. In a federal case where it was determined that e-mails constituted records under the Federal Records Act,¹² the court noted that attempting to preserve the record by printing out a hard copy of the record did not satisfy the preservation requirements of the Federal Records Act because the hard copy would not necessarily contain all the information contained in the electronic copy. For example, the hard copy might not indicate the time the e-mail was sent, the time it was received which would be noted if the sender had requested what is termed an acknowledgment, or all the people the message was sent to if the message was sent to a list serve or a large number of persons.

Although there are currently more questions than answers regarding how Wisconsin's public records law applies to e-mails of local officials regarding municipal business, one thing is clear. Local officials should anticipate that any e-mails relating to official business and being kept or maintained on a computer or elsewhere, are likely records which can be requested under Wisconsin's public records law.

Governing Bodies 371
Public Records 95

4. Informal Op. Att'y Gen to Paul Kritzer dated August 20, 1996.

5. Sec. 19.96, Stats.

6. 66 Op. Att'y Gen. 226 (1977).

7. Sec. 19.32(2), Stats.

8. *State ex rel. Youmans v. Owens*, 28 Wis.2d 672, 679, 137 N.W.2d 470 (1965).

9. 72 Op. Att'y Gen. 99, 101 (1983).

10. Sec. 19.32(1), Stats.

11. Sec. 19.21(7).

12. *Armstrong v. Executive Office of President*, 1 F.3d 1274 (D.C. Cir. 1993).

Storage and retention of electronic mail

Records: E-mail messages are records like any other written or otherwise recorded communication record - that is, they are records if they are made, received or kept by any city worker or official in connection with public business.

Open Records: E-mail messages are subject to the open records law. They enjoy the same presumption of openness as other records and may be withheld only pursuant to a specific exception under the law or for a public policy reason, which, after applying the balancing test, warrants non-disclosure.

As specified by law, e-mail messages must be filed and stored in such a way that they can be located, accessed and provided to requesters for inspection and/or copying. E-mail is not confidential unless access to a record is limited under the law.

The City automatically retains any emails that you send and receive when using the city-provided email address. In the event that there is an open records request made of you, please contact Council office staff. A Council staff person will arrange for you to review your city email records or you may designate Council staff to review your records.

If you use a personal email address to conduct city business or related city business please be aware that these communications would also fall under the open (public) records law. The following is an excerpt from the State of Wisconsin Department of Justice letter from Monica Burkett-Brist, Assistant Attorney General, dated March 12, 2004:

"First, e-mail communications by government officials and employees are public records, just like letters, other documents, or computer data. Wis. Stat. 5 19.32(2). Under the public records law, every governmental body must have a records retention policy published in a public place. Wis. Stat. 5s 19.33, 19.34. E-mail is subject to that policy and must be maintained according to whatever policy the governmental unit has adopted regarding records retention.

Elected officials are the custodians of their own documents under the public records law because they are included in the definition of "authority" in Wis. Stat. § 19.32(1). **Thus, if they choose to use e-mail as a form of communication, each elected official is responsible for maintaining those records so that they can be accessed according to the governmental body's records policy.** This would apply to home computers as well as office computers, if the topic of the e-mail is the business of the governmental unit, rather than personal communications. The same is true with respect to letters or files an elected official may keep at his or her home. While the governmental body may be well advised to adopt procedures and methods to make records retention easier and more consistent, **the responsibility is that of the elected official to maintain his or her records consistent with the law."**

CITY OF MADISON, WISCONSIN
COMMON COUNCIL
SOCIAL MEDIA POLICY GUIDE



Adopted by the Common Council Organizational Committee
August 2, 2011
Updated by the Common Council Organizational Committee
September 6, 2011

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COMMON COUNCIL SOCIAL MEDIA POLICY August 2011

Introduction

Our world is undergoing a fundamental shift in the way we communicate. Traditional communication mediums, such as letters, phone calls, newspapers, television and even email, are all giving way to the use of social media. Facebook currently claims a membership of nearly more than double the population of the United States.¹ Flickr, YouTube, Hulu and Wikipedia are now common household terms. Google is no longer just a noun, it is a recognized verb.² The professional journalist's printed editorial has given way to the layperson's blog. Personal communications devices make it possible for anyone to access his or her favorite social media virtually anywhere at any time.

The Common Council Organizational Committee Subcommittee to Develop Council Social Media Policy comprised of Ald. Lauren Cnare, Ald. Bryon Eagon and Ald. Chris Schmidt met from February 2011 to April 2011 to develop a social media policy and guidelines for members of the Common Council.

The subcommittee recognized that the Madison Common Council seeks to actively inform, serve, and engage citizens and that social media provides an opportunity to reach a large audience directly by allowing for greater personal interaction between elected officials and residents.

When properly used, it can be an effective tool for the Common Council to:

- openly, directly, and publicly communicate with citizens
- develop new and/or improved relationships with constituents and community partners
- seek input from citizens on key issues or services provided
- promote educational information directly to constituents

Purpose

The intent of this policy is to promote the safe, orderly, responsible and consistent use of social media by members of the Common Council.

The City's vision statement reads: "The City of Madison will be a safe and healthy place for all to live, learn, work and play." Social media and alder specific webpages can facilitate that vision by providing useful and real-time information to the public. Social media can enhance and promote the City's image; can share valuable information regarding availability of community services, City operations and activities; and, can facilitate a dialogue between the alder and their constituents.

However, without guidance and oversight, the use of social media may result in the alder sending out inconsistent messages and confusing the public they serve. Furthermore, the inappropriate use of such media can lead to liability, threaten the vitality/safe operation of the City's Information Technology resources and result in the loss of important public records and historical documents. Additionally, the City must ensure full accessibility in all of its website and social media venues.

Alders are asked to comply with the terms of this policy. The City retains the right to edit or remove any content that violates this or any other policy of the City or any applicable law.

¹ Facebook's active membership exceeds 500 million. See <http://www.facebook.com/#!/press/info.php?factsheet>

² Google. Dictionary.com. *Collins English Dictionary - Complete & Unabridged 10th Edition*. HarperCollins Publishers. <http://dictionary.reference.com/browse/google> (accessed: October 18, 2010).

The Role of Council President

The Common Council President, in consultation with the Information Technology Department Director, shall be the final approving authority on any request to employ social media. They will approve any use of social media that is consistent with city objectives, business practices and the policies stated herein.

The Role of the Information Technology Department

The use of social media is not without its risks. Common Council members may not always have a good understanding or appreciation of these risks. Therefore, to protect the integrity of our records and to safeguard the City's substantial investment in IT resources, the Information Technology Department shall be the lead agency in the use of and implementation of social media.

1. The Director of the Information Technology Department shall review all tools and applications for use of social media and shall make a recommendation to the Common Council President and Common Council Executive Committee on each such application. In making his/her recommendation, the IT Director shall:
 - a. Consider any comments of the City Attorney;
 - b. Give no effective "grandfathering" to any use in place before the adoption of this policy.
2. The IT Director shall:
 - a. Maintain a list of social media tools approved for use by Common Council members.
 - b. For each such approved social media tool the IT Director shall:
 1. Develop operational and use guidelines;
 2. Implement City, departmental and divisional branding standards;
 3. Develop enterprise-wide design standards;
 4. Manage accounts on social media sites;
 5. Act as the Administrator of social media sites;
 6. Create social media applications and RSS feeds; and
 7. Set-up security settings on social media sites.
 - c. Maintain a list of each Common Council member's use of social media tools to include:
 1. The login and password information for each alder;
 2. Define the repositories for all data.
3. Use of social media should generally meet one of the following criteria:
 - a. The communication of time sensitive information in a real time manner (i.e. public meetings; city events; open houses, etc.).
 - b. Marketing/promotional efforts designed to reach a demographic that favors the social media under contemplation.
 - c. To solicit feedback or input from the largest possible audience on a distinct proposal or plan before the City.
4. The City's website and connected web pages will remain the City's primary and predominant presence on the Internet. Therefore:

- a. Any use of social media should be accessible through or linked to the appropriate web pages on the City's website.
 - b. Content posted to a social media website should contain links directing users back to the City's websites where additional in-depth information, forms or other online services are available for the public.
 - c. The City's website should be the repository. Data will be "pushed" to social media tools. The City has a central data repository that receives online submissions and updates from database applications in various City agencies. In turn, these submissions and updates are pushed out near real-time to a variety of other channels including the City of Madison's website, RSS feeds, SMS messaging, Twitter and Facebook.
 - d. RSS feeds should be built or scripted by IT or approved staff to ensure compliance with records retention laws.
5. The IT Director shall respond to complaints/inquiries at the point of contact and may, in consultation with the Common Council President, edit or remove any presence or content that violates any provision of this or any other policy or law;

The IT Director shall maintain a record of the original social media presence as it existed before any action taken by the IT Director.

6. The IT Director shall determine whether a social media tool or site permits the preservation of the City's presence in a manner that comports with the City's duties and obligations under the Wisconsin Public Records Laws. The IT Director shall apply Sec. 3.70(3)(b)9, MGO (see Appendix A), in determining whether to approve any social media for use by City Divisions, Departments or staff.
7. The IT Director shall periodically conduct training on the appropriate use and the mechanics of social media.
8. The IT Director shall promptly report the discovery of any criminal activity or law violation to the Madison Police Department and shall cooperate with any investigation of the same.
9. The IT Director has the authority to grant limited exceptions to this policy. Such exceptions shall take into account the principles of information and infrastructure security and such exceptions shall be granted in writing only.

The Role of the Office of the City Attorney

Use of social media raises several legal issues. First, the City must comply with the Wisconsin Public Records laws and Open Meetings laws. Unfortunately, these laws have not been substantially updated since long before social media and the internet became available. Thus, close consultation with the City Attorney may be required when employing social media so as to appropriately address public records and open meetings considerations.

Second, use of social media may implicate First Amendment freedom of speech considerations. When the City opens up a public forum, that is to say, when the City creates a place to exercise freedom of speech rights, the City can only place viewpoint neutral, time, place and manner restrictions on participant's speech. In other words, the government cannot ban nor otherwise interfere with speech that it does not like or that it simply disagrees with. However, when the City creates a more limited forum the City enjoys far broader authority to restrict the conduct and speech of those people using that forum. In a limited public forum, government may restrict the content of public speech or may ban such speech altogether.

The City employs social media for the express and limited purposes of communicating the City's various messages, its vision of the City and for receiving certain limited communications from the public. The City employs social media in order to promote the City's government speech³ and to allow the public a limited venue in which to communicate with the City. The City thus does not intend to create any open public forums for expressive activity. The City intends to monitor and where appropriate remove or restrict content that is inconsistent with or in violation of this policy.

Therefore, the City Attorney shall:

1. Review each application for the use of social media and provide the applicant and the IT Director with feedback/recommendations concerning the proposed use of social media.
2. Ensure that, consistent with sec. 3.70(3)(b)9, MGO, the City's use of social media complies with applicable public records laws and retention schedules.
3. Ensure that each application reflects consideration of the First Amendment principles at issue in the use of that particular social media and appropriately avoids creating public forums.
4. Conduct appropriate training in the legal issues associated with the usage of social media, such training to be conducted in coordination with the social media training provided by the IT Director.

The Role of Council Members

Common Council members may suggest appropriate social media opportunities that will advance the City's ability to communicate with the public. The goal of this policy is to promote, not to inhibit, the orderly and appropriate use of social media.

1. A Common Council member that identifies a social media opportunity must have approval of the Common Council Executive Committee to pursue an application for such use with the IT Director.
2. If the Common Council Executive Committee approves such requests, the Common Council member shall submit an application to the IT Director that sets forth:
 - a. The identity of the social media;
 - b. The name, title and contact information for the staff person(s) responsible for working with IT staff;
 - c. The purpose and benefits of utilizing the social media;
 - d. Any rules the Department/Division has developed regarding the use of the social media.
3. All usage of social media shall comply with the City's Ethics Code and all applicable laws.
4. All social media sites and tools shall contain a clear and conspicuous notice to users that the City is using the medium as a means of communicating with the public on the limited subject matter at hand. Furthermore, this notice shall inform the user that once posted; the City reserves the right to delete, at its discretion, any submission that contains:

³ See Pleasant Grove City, Utah v. Summum, 129 S.Ct.1125, 172 L.Ed.2d 853 (2009).

- Spam, advertising or include links to other sites that would not be permitted under the City's Web Linking Policy [APM 3-13](#).
- Endorsement or opposition of political campaigns (applies to Federal, State, Local and/or personal aldermanic campaigns)
- Irrelevant to or off topic content as compared to the particular purpose the social media is being used to communicate about.
- Content that promotes, fosters, or perpetuates discrimination in violation of the Madison [Equal Opportunities Ordinance, sec. 39.03, MGO](#).
- Sexual content or links to sexual content or that advocates, encourages or promotes illegal activity of any kind.
- Commercial advertisements or otherwise promotes or solicits commerce, particular services, products, or political candidates, causes and/or organizations.
- Content that infringes upon or violates any copyrights, trademarks or legal ownership interests of any other party.
- Information that may tend to compromise the safety or security of an individual or the public.
- Content that violates any City of Madison policies or any local, state or federal laws.
- Vulgar or profane language, personal attacks of any kind, or offensive comments that target or disparage any ethnic, racial, or religious group.

All social media sites and tools shall also contain a clear and conspicuous notice to users that comments posted to the social media constitute public records subject to disclosure under the Wisconsin Public Records Laws. Such notice, whenever possible, shall appear in such a manner so that a person must view and/or acknowledge the notice prior to posting their comments. These notices may be posted by hyperlink. Anytime content is removed because of a violation of these rules, the person removing such content shall retain a copy of the removed content and where possible, shall include the date time and identity of the poster.

5. Common Council members are responsible for keeping their social media presence fresh and current.
6. Common Council members are responsible for responding completely and accurately to any request for public records related to their social media presence.
7. Common Council members should be aware that social media often contains the capacity for direct communications such as chat, instant messaging and text messaging that are very similar to email. However, such means of communication are not captured in the City's searchable email archive database. Therefore, if the social media contains such features the Council members shall comply with the requirements of sec. 3.70(3)(b)9, MGO or forgo/disable the use of such communication tools.
8. Social media shall not be used to avoid duties and responsibilities imposed by the Wisconsin Public Records Laws and/or Open Meetings Laws.
9. Common Council members should be mindful that for most of the public, these social media venues might be their only contact with the City. Thus, communications on social media should be respectful and professional. Care should be taken to ensure that content is accurate, informative and timely.

10. Avoid disclosing or posting any information that would compromise the health, safety or security of any person, group, organization, building or facility.
11. Whenever posting links to or on a page/site with links to external sources the Common Council member shall include the following disclaimer:

"The City of Madison, Wisconsin is not responsible for the content provided on "related" and "promoted" links that are accessible from this page. All viewers should note that these related links, videos, content and comments expressed on them do not reflect the opinions and position of City of Madison government or its officers and employees."

Photo Permission & Copyrights

(Memo from Katherine Noonan, Assistant City Attorney dated July 28, 2011)

Using photographs and/or published material on Alderperson pages of the City's website implicates both the right to privacy and issues of intellectual property, e.g., copyright.

> Right of Privacy

Wisconsin did not have a right of privacy statute until 1979. The current law, Wis. Stat. §995.50, is modeled on Restatement (Second) of Torts and both recognizes a right of privacy and provides relief for one whose privacy is invaded. Wis. Stats. §995.50(2) specifies that "invasion of privacy" means:

- (a) Intrusion upon the privacy of another of a nature highly offensive to a reasonable person, in a place that a reasonable person would consider private or in a manner which is actionable for trespass.
- (b) The use, for advertising purposes or for purposes of trade, of the name, portrait or picture of any living person, without having first obtained the written consent of the person or, if the person is a minor, of his or her parent or guardian.
- (c) Publicity given to a matter concerning the private life of another, of a kind highly offensive to a reasonable person, if the defendant has acted either unreasonably or recklessly as to whether there was a legitimate public interest in the matter involved, or with actual knowledge that none existed. It is not an invasion of privacy to communicate any information available to the public as a matter of public record.
- (d) Conduct that is prohibited under s. 942.09, regardless of whether there has been a criminal action related to the conduct, and regardless of the outcome of the criminal action, if there has been a criminal action related to the conduct. (s. 942.09 is titled, Representations depicting nudity.)

As guidance for determining whether an invasion of privacy has occurred, Wis. Stat. §995.50(3) states that:

"The right of privacy recognized in this section shall be interpreted in accordance with the developing common law of privacy, including defenses of absolute and qualified privilege, with due regard for maintaining freedom of communication, privately and through the public media."

There is little reported Wisconsin case law applying or interpreting Wis. Stat. §995.50, however, many jurisdictions model their legislation on the same Restatements provision and are similarly guided by common law.

Although (2)(b) above relates specifically to photographs, privacy violations under (2)(a) and (c) also may occur from the use of photographs. General questions to ask when contemplating putting a photograph on a web page are: 1) is the method/context of taking the photograph an invasion of privacy? (Wis. Stat. §995.50(2)(a)); 2) is the photograph used in a way that is an invasion of privacy? (Wis. Stat. §995.50(2)(b)); and 3) is information conveyed to others by a photograph an invasion of privacy? (Wis.Stat. §995.50(2)9c)). I will discuss each issue below.

1. Wis. Stat. §995.50(2)(a) - Method/Context – Intrusion in a Private Place.

As a general rule, taking photographs in a public place, even without consent, is not an invasion of privacy. *Ladd v. Uecker*, 2010 WI App 28 (photographing a problem attendee at Major League baseball parks); *Berg v. Minneapolis Star & Tribune Co.*, 79 F.Supp. 957 (1948, DC Minn) (photographing a party to a divorce during an open court proceeding); *Forster v. Manchester*, 189 A2d 147 (1963) (surveillance on a public street of a claimant on automobile insurance policy); *Munson v. Milwaukee Board of School Directors*, 969 F.2d 266 (7th Cir., 1992) (surveillance from a public street of a school district employee suspected of residency violation).

A photograph taken in a place that a reasonable person would consider private, however, such as a person's home, may be an invasion of privacy if done so "in a nature highly offensive to a reasonable person." Sec. 995.50(1)(a). Surreptitious videotaping of woman in her bedroom by her husband was an invasion of privacy. *In re Marriage of Tigges and Tigges*, 758 NW2d 824 (Iowa 2008). The Iowa Supreme Court held that videotaping his wife in a place where she had an expectation of privacy was "highly offensive to a reasonable person", and that it was irrelevant that no compromising behavior was recorded. *Id.* at 830. Recording voices of neighbors from outside the boundary of the neighbors' property was not an invasion of privacy. *Poston v. Burns*, 2010 WI App 73. The court determined that recording voices on neighboring property with a recorder on a window sill of one's own home was not an intrusion a reasonable person would consider highly offensive. *Id.* at ¶28.

In all cases, consent to being photographed generally is an absolute defense to an allegation of invasion of privacy, even when a photograph is taken in a place a reasonable person would consider to be private.

Before posting a photograph on a web page, it is important to determine that the photograph was taken in an appropriate context and, if necessary, whether or not the subject of the photograph consented to being photographed. In addition to right of privacy concerns, it may be prudent to consider safety, or other issues before using photographs. For example, even though posting a photograph of a child in a public location may not be an invasion of privacy, parents may not want images of their children displayed in such a manner. Obtaining consent to use photographs of this nature may be a wise option.

2. Wis. Stat. §995.50(2)(b) - Use/Misappropriation

Although this subsection relates to the use of photographs, the right of privacy it addresses is more of a property right than an issue of personal identity. Just prior to the effective date of Wis. Stat. §995.50, the Wisconsin Supreme Court decided *Hirsch v. S.C. Johnson, Inc*, 90 Wis.2d 379 (1979). In that case, S.C. Johnson marketed a shaving gel for women called "Crazylegs",

even though it knew that Elroy Hirsch was nicknamed “Crazylegs” and had not obtained Hirsch’s permission. Because the court found that Hirsch had a cause of action under common law, the decision informs the analysis of this subsection of the right of privacy statute. The court found evidence that a jury could conclude that the “Crazylegs” name had commercial value. A Michigan court similarly found commercial exploitation when a company marketed portable toilets called “Here’s Johnny”. *Carson v. Here’s Johnny Portable Toilets, Inc.*, 698 F.2d 831 (6th Circ.).

This type of privacy violation typically occurs in a commercial context because it requires that a photograph is used for advertising or trade purposes. For that reason, it is not likely to be an issue with an alderperson’s web page. It is unclear, however, whether non-commercial promotion could be considered “advertising”, therefore, any use of a photograph or language with a known commercial identification should be considered carefully. If use of photographs were considered to be related to a political campaign to benefit the user, a court might view it similarly to the commercial use in *Hirsch*. Finally, use of photographs under this section requires the written consent of the person(s) represented in the photograph, or in the case of minors, permission of a parent or guardian.

3. Wis. Stat. §995.50(2)(c) - Publicity and Private Facts

A violation of this provision requires publicity of private facts that would be highly offensive to a reasonable person of ordinary sensibilities, by a person who unreasonably or recklessly fails to consider whether there is legitimate public interest in the publicity. *Zinda v. Louisiana Pacific*, 149 Wis.2d 913 (1989). Determination of this type of privacy violation is very fact-specific.

Publicity means to disclose a matter to the public at large or to a limited number if such disclosure would likely become public knowledge. Examples of publicity include disclosure of prisoner’s HIV status to jail employees and inmates (*Hillman v. Columbia County*, 164 Wis.2d 379 (Ct. App. 1991); disclosure in a company’s newsletter of employee’s termination for falsifying employment forms (*Zinda v. Louisiana Pacific*, 149 Wis.2d 913 (1989); EMT’s disclosure of the basis for an emergency call to only one person, when that person was known to have “loose lips” (*Pachowitz v. LeDoux*, 265

Wis.2d 631 (Ct. App. 2003). A violation does not require that the publicity result in any specific mental or emotional distress. *Marino v. Arandell Corporation*, 1F.Supp.2d 947 (E. D. Wisc. 1998). There is little doubt that posting a photograph or other personal information on a web page could be publicity.

Private facts are those personal facts that individuals wish to keep to themselves or share with limited persons in their lives, however, the privacy law does not shield the hypersensitive from a typical level of public exposure. *Zinda v. Louisiana Pacific Corporation*, 149 Wis.2d at 929-930. Private facts may include health care status and treatment, basis for employment termination, financial account information, and sexual relationships. *Hillman v. Columbia County*, 164 Wis.2d 379 (Ct. App. 1991); *Zinda v. Louisiana Pacific*, 149 Wis.2d 913 (1989); *Pontbriand v. Sundlun*, 669 A.2d 856 (R.I. 1977); and *Ozer v. Borquez*, 940 P.2d 371 (Colo. 1997). This type of privacy violation typically involves written or spoken communication, however, it is possible that a private fact could be communicated by a photograph. It is important to note that a private fact that is accessible as a public record is not protected by this law.

A privacy violation under this subsection also requires that the publicity and private fact be “highly offensive to a reasonable person”. Generally, if the associated publicity of a private fact

made public would make a person feel seriously aggrieved, this element of the violation is met. *Zinda v. Louisiana Pacific Corporation*, 149 Wis.2d at 930.

> Copyright and Web Pages

As a general rule, use of another's intellectual property implicates copyright law, whether it involves use of a photograph or other image, or a written, audio, or visual product. The intellectual property of another need not have formal copyright registration to be protected, and material on the internet is considered "published" intellectual property.

Some use of copyrighted work without permission is allowed under the Fair Use doctrine. 17 USCA §107. Determination of fair use is based on four considerations.

- a. The purpose and character of the use. Commercial use is less favored than personal, nonprofit, and educational use are more favored.
- b. The nature of the use. Creative work is favored over more fact-based work.
- c. The amount of work used. Although there is no absolute limit, the less work used, the more likely it will fall under the fair use exception.
- d. The effect on the market for or value of the work. The more a use negatively impacts the market and value, the less likely it is to be considered fair use.

One way in which internet use has dealt with the issue of copyright infringement is through the use of linking. Linking, however, is not without risk. Always make sure that the identity of the owner is clear, and remove information if and when an owner requests. Also, links should go directly to the site of the work. Don't make a link open into a frame showing your own identity or site name as it may confuse a reader as to the ownership of the work. If you link to a page other than the home page of another site, try to include a link to the home page.

If use of copyrighted work does not fall under the fair use exception or is not done through linking, it is important to obtain permission for use. For example, a variety of art exists on the internet, some of which is free, other is free as long the user has purchased the software containing the art and uses it in the manner allowed by the software owner (e.g., Claris Home Page, Microsoft Front page, Adobe PageMill). In addition, there are sites that contain licensed art and require permission for use. These site often have an agreement online. Such agreements should be avoided because they typically require the user to indemnify the site against copyright infringement and such indemnification requires Common Council approval.

In conclusion, if you want to include on your page on the City website photographs or other intellectual property that does not belong to you, consider carefully the source of the work, how it was obtained, how you intend to use it, and whether permission is required for its use. Finally, the City's [APM No. 3-13](#), which is titled, Web Linking Policy, should be followed.

Review & Appeal Procedure

The IT Director shall respond to complaints/inquiries at the point of contact and may, in consultation with the Common Council President, edit or remove any presence or content that violates any provision of this or any other policy or law.

If the Common Council member disagrees with the determination made by the IT Director and Common Council President, the Common Council member may appeal to the Common Council Executive Committee for review. The Common Council Executive Committee's decision shall be final. Any action taken by the Common Council Executive Committee may be used as a guideline to be incorporated into the Common Council Social Media Policy.

(Note: References to *Common Council Organizational Committee* were updated to read *Common Council Executive Committee - Name change adopted 9/6/2016*)

MADISON GENERAL ORDINANCES

- Chapter 2 - Council Standing Rules
- Chapter 3.35 - Ethics Code

CHAPTER 2 - STANDING RULES FOR THE GOVERNMENT OF THE COMMON COUNCIL

2.01 - MEETINGS.

- (1) The stated meeting of the Common Council shall be held in the Council Chambers on the first and third Tuesdays of every month at 6:30 p.m., except in August and December the Common Council will meet only on the first Tuesday. A special November meeting or meetings will be held for the Capital and Operating Budgets. Following a regular City of Madison election, the newly elected Common Council also shall hold an organizational meeting on the third Tuesday of April. The Council will establish the meeting dates for all meetings by resolution and post the schedule at least annually, and may modify meeting dates for holidays and elections. (Am. by Ord. 12,334, 2-26-99; Ords. 12,502 & 12,503, 11-19-99; Ord. 12,572, 5-3-00; Ord. 12,985, 12-24-01; Ord. 13,172, 11-5-02; Ord. 13,440, 11-7-03; Ord. 13,701, 9-29-04; Ord. 13,721, 11-9-04; ORD-05-00114, 6-7-05; ORD-05-00145, 9-23-05; ORD-05-00170, 11-8-05; ORD-06-0003, 1-19-06; ORD-06-00105, 8-22-06; ORD-07-00124, 10-5-07; ORD-07-00194, 12-20-07)
- (2) Quorum. A quorum of the Council shall be two-thirds ($\frac{2}{3}$) of the members, excluding the Mayor, pursuant to Wis. Stat. § 62.11(3). As currently constituted, quorum is fourteen (14) alderpersons. (Cr. by ORD-15-00021, 3-4-15)
- (3) The Common Council of the City of Madison shall meet no later than the first Council meeting in December to act upon the adoption of the City Budget. (Am. by Ord. 8156, 11-14-83)
- (4) The Common Council shall not meet on the following holidays: New Year's Eve, New Year's Day, Memorial Day, Independence Day, Labor Day, Martin Luther King, Jr. Day, Thanksgiving Day, the Friday after Thanksgiving Day, Christmas Eve, Christmas Day, Rosh Hashanah, Yom Kippur, the first two nights of Passover, and any general or primary election day for local, state or national offices, or referenda. (Am. by Ord. 13,308, 4-30-03; ORD-07-00194, 12-20-07; ORD-09-00162, 12-5-09)
- (5) Special meetings shall be called by the Mayor by written notice to each member, delivered to the member personally or left at their usual abode, at least six (6) hours before the meeting. (Editor's Note: Only lawful method, See Wis. Stat. § 62.11(2).)
- (6) Adjournment. The motion to adjourn shall be made by any member. All agenda items not dealt with before approval of the motion to adjourn regular meetings shall be automatically referred to the next regular meeting of the Common Council. (Am. by Ord. 8156, 11-14-83; ORD-07-00194, 12-20-07)
- (7) Informal Meetings. The Council may hold meetings other than those established under Section 2.01(1) or (5). At such informal meetings no legislative business may be transacted. At meetings other than those established under Section 2.01(1) or (5), the Council may receive informational briefings from staff, make site visits, receive public comments, or conduct informal discussion, without the presence of a quorum, as long as it complies at all times with the open meeting ordinance and statutes. (Cr. by ORD-07-00194, 12-20-07)
- (8) Cancellation of Council Meeting. Only the Council President, or in the President's absence, the Vice President, may cancel a scheduled meeting of the Common Council. Meetings may be cancelled only in the event of a lack of quorum, an emergency, or inclement weather such that it would be unsafe for members of the Council and the public to attend the meeting. Prior to cancelling a meeting, the President shall consult with the Mayor and City Clerk. The public and the news media shall be promptly informed of any meeting cancellation. (Cr. by ORD-15-00021, 3-4-15; ORD-16-00080, Pub. 9-15-16, Eff. 4-18-17)
- (9) Reserved For Future Use. (Cr. by Ord. 12,581, 5-17-00; R. by Ord. 13,747, 12-15-04)

2.015 - RESERVED FOR FUTURE USE.

(R. by ORD-07-00194, 12-20-07)

2.02 - CALL TO ORDER.

The presiding officer shall at the hour appointed call the members to order. In the absence of the presiding officer, any member may call the Council to order, and thereupon the Council shall appoint one of its members to preside at such meeting. (Am. by Ord. 8156, 11-14-83)

2.025 - NOTIFICATION OF ABSENCE OF MEMBERS.

Every alderperson who for whatever reason cannot attend a regularly scheduled meeting of the Common Council shall notify Common Council Office staff of such absence by 9:00 a.m. the Thursday prior to the meeting in question; Common Council Office staff shall then notify the City Clerk of the absence. All such excused absences shall be entered in the record of the Common Council. In cases where unavoidable circumstances make such advance notice of absence impossible, the notification of excused absence shall be filed with the City Clerk within one week of the absence and entered in the record of the Common Council. Any alderperson who because of an emergency cannot file prior notification of absence may be excused by orally notifying, at any time prior to or during the meeting, an alderperson or the City Clerk who shall so advise the Common Council. Any alderperson who will be absent from the City for five (5) or more consecutive days shall notify the Common Council Office staff of the length of their absence. (Cr. by Ord. 8157, 11-14-83; Am. by Ord. 13,129, 8-28-02; ORD-06-00145, 11-02-06; ORD-07-00194, 12-20-07)

2.03 - PROCEDURE TO FILL VACANCIES ON THE COMMON COUNCIL.

- (1) The Common Council President shall oversee the application process to fill aldermanic vacancies.
- (2) Applications to fill any aldermanic vacancy shall include information on:
 - (a) Name,
 - (b) Address,
 - (c) Home telephone number,
 - (d) Work telephone number,
 - (e) E-mail address,
 - (f) Biographical resume including education, work, neighborhood, and civic experience,
 - (g) A statement on why the applicant wishes to serve.
 - (h) A statement of what the applicant wants to accomplish,
 - (i) If the applicant plans to run for office during the next special or regular election, and,
 - (j) Such other information as the Common Council President in consultation with the Common Council Executive Committee may request. (Am. by ORD-16-00079, Pub. 9-15-16, Eff. 4-18-17)
- (3) The Common Council Executive Committee shall review the applications and, following opportunities for personal candidate interviews, shall recommend to the Common Council a candidate selected for confirmation to fill the vacancy. If the Common Council Executive Committee is unable to agree on a candidate to recommend, it may recommend more than one candidate, or it may reopen the application process to seek additional applicants. (Am. by ORD-16-00079, Pub. 9-15-16, Eff. 4-18-17)

- (4) The Common Council shall appoint and confirm the recommended candidate, or appoint and confirm another candidate from among the applicants.
- (5) The appointed and confirmed candidate shall serve until an alderperson is elected pursuant to sec. 17.23(1), Wis. Stats. and is qualified.
- (6) Effect of Vacancies on Notices to the Alderperson of the District .
 - (a) Many sections of the Madison General Ordinances require notice to the alderperson of the district before certain other actions may be taken. Some of these sections allow the alderperson to waive the notice. Whenever there is a vacancy on the Common Council, such notices shall be given to the President of the Common Council and the Common Council Chief of Staff. The President may exercise any rights given to the alderperson of the district regarding such notices. Failure to give notice shall not invalidate any subsequent action by the Council or other body of the City.
 - (b) This subsection covers all sections of the ordinances that require notice to an alderperson. Among the sections of the Madison General Ordinances with notices as referenced in this subsection are: 8.33(5) (edible landscaping), 9.13(1)(b) (vend near schools), 25.10(6) (nuisance party), 28.066(12) (minor alterations), 28.074(4) (appeal of UDC), 28.076(4) (appeal of UDC), 28.087(7) (minor alterations), 28.097(1) (minor alterations), 28.098(6) (minor alterations), 28.151(a) (market garden), 28.181(5) (zoning changes), 28.183(5)(b) (conditional use), 28.184(6)(b) (variance extension), 28.185(9)(b) and (11) (demolition extension), 31.112(5) (replacement advertising sign), 33.24(4)(e) (Urban Design Districts), 38.05(3)(c) and (h) (alcohol licensing), 41.15(4)(a) (Landmarks appeal) and 41.20(1) (Landmarks appeal).

(Cr. by [ORD-18-00105](#), 10-23-18)

- (7) Alternative Procedure . If (a) there is a vacancy on the Common Council, and (b) the time for filing nomination papers for a spring election has passed, and (c) the spring election has not been held, the vacancy shall be filled by the procedure in this subsection. The Council President shall seek applications from one-two (1-2) persons who have been members of the Council or the County Board, are resident(s) of the district at issue, and have not filed papers to run for the seat. The Common Council Executive Committee will review the application(s), and will make a recommendation to the Council to fill the unexpired term until the spring election. The Council may fill the seat with the recommended person, or decline to fill the seat. (Cr. by [ORD-19-00032](#), 4-29-19)

(Rep. & Recr. by Ord. 13,726, 11-9-04)

2.04 - ORDER OF BUSINESS.

- (1) At all stated meetings, the following order shall be observed in disposing of business before the Council:
 - (a) Opening remarks.
 - (b) Suspension of rules. (Cr. by ORD-05-00015, 2-15-05)
 - (c) Honoring resolutions.
 - (d) Early Public Comment. (Cr. by ORD-07-00128, 10-5-07; Am. by ORD-08-00115, 10-7-08)
 - (e) Petitions. (Am. by ORD- [17-00065](#), 6-28-17)
 - (f) Communications. (Cr. by ORD- [17-00065](#), 6-28-17)
 - (g) Modification of prior Common Council proceedings (upon request of a Common Council member). (Renum. by ORD- [17-00065](#), 6-28-17)

- (h) Presentation of consent agenda as special order at 6:45 p.m. (Renum. by ORD- [17-00065](#), 6-28-17)
 - (i) Public hearings as special order at 6:45 p.m. (Renum. by ORD- [17-00065](#), 6-28-17)
 - (j) Informational hearings as special order immediately following public hearings. (Renum. by ORD- [17-00065](#), 6-28-17)
 - (k) Business presented by the Mayor, including appointments and confirmations. (Renum. by ORD- [17-00065](#), 6-28-17)
 - (l) Business presented by the President of the Common Council. (Renum. by ORD- [17-00065](#), 6-28-17)
 - (m) Reports of officers, departments and divisions, committees, boards and commissions presented in continuous rotation, alphabetically, including re-referrals according to the provisions of Sec. 2.05(1). (Renum. by ORD- [17-00065](#), 6-28-17)
 - (n) Ordinances and resolutions referred to this meeting and not included in sub. (1)(l). (Renum. by ORD- [17-00065](#), 6-28-17)
 - (o) Introduction of new ordinances and resolutions for referral without debate. (Renum. by ORD- [17-00065](#), 6-28-17)
 - (p) Presentation of accounts and other claims against the City of Madison. (Renum. by ORD- [17-00065](#), 6-28-17)
 - (q) Late items and addenda. (Renum. by ORD- [17-00065](#), 6-28-17)
 - (r) Announcements and introduction of items from the floor. (Renum. by ORD- [17-00065](#), 6-28-17)
 - (s) Any items for closed session. (Renum. by ORD- [17-00065](#), 6-28-17)
 - (t) Adjournment. (Renum. by ORD- [17-00065](#), 6-28-17)
- (2) No business shall be taken up out of said order, except by either unanimous consent and without debate or by a two-thirds ($\frac{2}{3}$) vote.
- (3) The President of the Council with the consent of the Vice President may defer consideration of any item on the agenda, provided that: (Am. by ORD-16-00080, Pub. 9-15-16, Eff. 4-18-17)
- (a) the deferral is for one meeting only other than by consent of all sponsors,
 - (b) the item is not under Business Presented by the Mayor, and
 - (c) the President notifies the item's sponsors in writing of his/her intention to defer the item.
- (4) Before each regularly scheduled meeting of the Common Council, the City Clerk shall, by 2:00 p.m. on the third business day before the meeting, prepare a draft meeting agenda for review by the Common Council President. The Council President shall approve the agenda by the close of business that same day. In the absence or unavailability of the Council President, the order of approval shall be the Council Vice President, the council administrative assistant, and the City Clerk. (Am. by ORD-16-00080, Pub. 9-15-16, Eff. 4-18-17)

(Sec. 2.04 Am. by Ord. 10,558, 12-30-92; Ord. 12,503, 11-19-99; Ord. 12,985, 12-24-01; Ord. 13,129, 8-28-02; ORD-05-00015, 2-15-05; Sec. 2.04(5)-(16) Renumbered by ORD-07-00128, 10-5-07; Am. by ORD-07-00194, 12-20-07; ORD-10-00085, 9-15-10)

2.05 - INTRODUCTION OF BUSINESS.

- (1) (a) All ordinances, resolutions or communications shall be in writing with a brief statement of their contents endorsed thereon, together with the name of the member presenting the

same, and shall be delivered to the Clerk. The committee to which any matter is referred shall report thereon in writing within a period of forty-five (45) days unless by favorable motion a different time is set by the body.

- (b) Any business to be referred may be introduced from the floor, and if no fiscal note is prepared, will be referred to the Finance Director for a fiscal note. Introduction of any matters by title only or without a fiscal note shall require a two-thirds ($\frac{2}{3}$) majority vote. Any matter introduced from the floor shall be either (i) referred to the next Common Council meeting for action or (ii) automatically referred to the next Common Council and be placed on the agenda as if for introduction, solely for the purpose of additional referrals. (Am. by ORD-11-00037, 3-8-11)

(Am. by Ord. 10,683, 6-25-93; Ord.13,129, 8-28-02; ORD-05-00046, 3-16-05; ORD-07-00194, 12-20-07)

- (2) The requirements of Subsection (1) above do not apply to resolutions recommended by the Board of Public Works which
 - (a) award public works contracts,
 - (b) accept identified public works improvements,
 - (c) approve plans and specifications and authorize the Board of Public Works to advertise and receive bids for identified public works contracts,
 - (d) accept identified improvements by private contracts,
 - (e) accept identified street improvements by private contracts,
 - (f) approve plans and specifications for public improvements for identified subdivisions,
 - (g) authorize construction to be undertaken, and
 - (h) authorize amendments to previously executed contracts.

(Cr. by Ord. 13,129, 8-28-02)

- (3) Except when introduced from the floor, before an ordinance or resolution is introduced, or a report of an officer or committee is considered, a copy of the ordinance, resolution, or report, or title of same shall be filed in the office of the City Clerk by 12 noon on the Wednesday preceding the meeting at which it is to be introduced. Upon request, the City Clerk shall prepare copies of the ordinance or resolution and furnish such copies to each alderperson. (Am. by Ord. 8671, 9-6-85; Am. and Renumbered by Ord. 13,129, 8-28-02; ORD-07-00194, 12-20-07)
- (4) Appointments of residents, other than Common Council members, to boards, committees, or commissions by the Mayor, shall be submitted to the Common Council and referred to the next regular Council meeting for action. Appointments of Common Council members shall be acted upon at the meeting the appointments are introduced.

When appointing a resident, the following shall be noted:

- (a) Any persons who are not City of Madison residents and the reasons for such appointment, pursuant to Sec. 3.30(2), Madison General Ordinances (MGO).
- (b) Other committees the individual serves on.
- (c) Initial date of the appointment.

(Cr. by Ord. 11,768, 1-21-97; Am. by Ord. 11,791, 3-4-97; Renumbered by Ord. 13,129, 8-28-02; Am. by ORD-07-00194, 12-20-07; ORD-09-00004, 1-24-09; ORD-17-00030, 3-8-17)

- (5) Unless otherwise provided in these ordinances and subject to Sec. 2.34, MGO, no ordinance or resolution, having once been defeated, rejected or placed on file, may again be introduced in the same or in substantially similar form, until the expiration of sixty (60) days from the date when such ordinance or resolution was defeated, rejected or placed on file, except for matters placed on file without prejudice. (Am. by Ord. 12,050, 3-13-98; Renumbered by Ord. 13,129, 8-28-02; Am. by ORD-07-00194, 12-20-07; [ORD-18-00084](#), 8-17-18)
- (6) Unless otherwise provided in these ordinances, no ordinance or resolution shall be introduced unless it is sponsored by a member of the Common Council or the Mayor or both. Use of a Common Council member's name as sponsor must be with his or her knowledge and consent. This provision shall apply not only to ordinances and resolutions, but also to all substitutes and amendments. The provisions of this subsection shall not apply to the following:
- (a) Recommendations of the City Attorney or Risk Manager relating to claims.
 - (b) Recommendations and advice of the City Attorney relating to litigation in which the City is or is going to become involved.
 - (c) Changes to ordinances and resolutions which may be mandated by state or federal law.
 - (d) Recommendations of the Personnel Board relating to the classification of positions.
 - (e) Changes to ordinances and resolutions which may be required by the adoption of the annual City Budget.
 - (f) Petitions for direct legislation pursuant to the provisions of Wis. Stat. § 9.20.
 - (g) Ordinances and resolutions necessary to implement Public Works projects previously approved in the annual City Budget or allowed under sub. (2) of this ordinance.
 - (h) Zoning map or text amendments allowed under Sec. 28.182(2), MGO, certified survey maps, or subdivision plats to be sponsored by the Plan Commission or Planning Division. (Am. by ORD-12-00134, 1-2-13; ORD-13-00056, 4-24-13)
 - (i) Changes to ordinances recommended by the City Attorney which are intended to correct errors, omissions or inconsistencies therein.

(Renum. by Ord. 11,768, 1-21-97; Renum. by Ord. 13,129, 8-28-02, Am. by ORD-05-00167, 11-8-05; Am. by ORD-07-00194, 12-20-07)

- (7) For any matters not sponsored by a member of the Common Council, the sponsoring officer or body shall be indicated by name. (Cr. by ORD-07-00194, 12-20-07)
- (8) Petitions and Communications.
- (a) Petitions. Petitions consist of any petition required by law to be acted upon by the Council. These include:

- Petitions for special referenda under Wis. Stat. § 8.55;
- Petitions for direct legislation under Wis. Stat. § 9.20;
- Protest petitions under Wis. Stat. § 62.23(7)(d)2m;
- Petitions for charter ordinances under Wis. Stat. § 66.0101;
- Petitions for annexation under Wis. Stat. § 66.0217;

- Petitions for detachment under Wis. Stat. § 66.0227;
- Petition seeking a referendum contesting a boundary adjustment agreement, Wis. Stat. § 66.0301(6)(c)2;
- Petition seeking an advisory referendum on a cooperative plan, Wis. Stat. § 66.0307(4)(e);
- Petitions to attach pursuant to a cooperative plan established under Wis. Stat. § 66.0307;
- Petition to erect/remove a viaduct under Wis. Stat. § 66.0915(1);
- Petition to vacate a public way/alley, Wis. Stat. § 66.1003;
- Petition to create/terminate an architectural conservancy district, Wis. Stat. § 66.1007;
- Petition to create a Business Improvement District, Wis. Stat. § 66.1109;
- Petition to create a Neighborhood Improvement District, Wis. Stat. § 66.1110;
- Petitions on bonds or borrowing under Wis. Stat. § 67.05;

And any other petitions determined by the City Attorney to be a petition requiring action by the Common Council. These shall automatically be placed on the Council agenda for action as required by law, including any necessary public hearing or notice.

- (b) Communications. Any other communication to the Council or a Council member, whether labeled a communication or a petition, not requiring action by the Council, shall only be placed on the Council agenda by sponsorship by a Council member or by the City Clerk. No action on such a communication shall be made, except referral to an appropriate City officer or body. A member of the Council wishing to take further action on a communication shall sponsor a separate resolution, report or ordinance.

(Cr. by ORD-07-00194, 12-20-07; ORD-17-00030, 3-8-17; Rep./Rec. by ORD- [17-00065](#), 6-28-17)

- (9) No ordinance shall be introduced unless the same shall have been submitted to and approved as to form by the City Attorney. The City Clerk shall refuse to process any ordinance that has not been so approved. Upon complaint to the Common Council President that the City Attorney has unreasonably withheld approval of an ordinance, the ordinance may be introduced by a two-thirds (2/3) vote of the entire Common Council. (Cr. by ORD-14-00060, 3-26-14)

2.06 - QUESTIONS OF ORDER.

The presiding officer shall decide all questions of order, subject to an appeal to the Council. The City Attorney may advise the presiding officer or the Council on questions of order. (Am. by ORD-07-00194, 12-20-07)

2.07 - PRESIDING OFFICER TO PRESERVE ORDER.

It shall be the duty of the presiding officer to preserve decorum; and if any member transgress the rules of the Council, the presiding officer shall, on her or his own or at any member's request, call such offending member to order. The Council, if appealed to, shall decide the matter. The Vice President or her or his designee shall serve as sergeant-at-arms and assist the presiding officer in preserving order. (Am. by Ord. 8156, 11-14-83; Ord. 13,129, 8-28-02; Am. by ORD-16-00080, 9-15-16).

2.08 - MOTIONS.

- (1) When a motion is made and seconded, it shall be deemed to be in possession of the Council, and shall be stated by the presiding officer, or being in writing, shall be delivered to the Clerk. (Am. by Ord. 8156, 11-14-83)
- (2) After a motion is stated by the presiding officer, or read by the Clerk, it shall not be withdrawn, except by the consent of the Council.
- (3) On any motion subject to debate, any alder may propose an amendment to the motion as a friendly amendment. Amendments may be considered friendly and accepted into the pending motion without objection from the Council. If not so accepted, the amendment shall proceed as an amendment subject to debate and vote. (Cr. by Ord. 13,727, 11-9-04; Am. by ORD-07-00194, 12-20-07)

2.09 - WITHOUT PREJUDICE.

"Without prejudice" means that no rights or privileges of the party concerned are to be considered waived or lost; action taken with no decision on the merits and no effect on one's ability to re-petition or refile. (Cr. by Ord. 12,050, 3-13-98)

2.10 - MOTION TO ADJOURN ALWAYS IN ORDER.

A motion to adjourn shall always be in order, unless the Council is engaged in voting, and shall be decided without debate, pursuant to Robert's Rules of Order. (Am by ORD-07-00194, 12-20-07)

2.11 - PREVIOUS QUESTION.

The Council by a two-thirds ($\frac{2}{3}$) vote may terminate debate on any question before the Council. Termination of debate, however, shall not preclude the right of any alder to ask for information from City staff. (Am. by Ord. 8156, 11-14-83; ORD-09-00147, 11-6-09)

2.12 - DIVISION OF QUESTION.

- (1) Any member may call for a division of the question (separation) when the question is one that may be divided. (Am by ORD-07-00194, 12-20-07)
- (2) When a question has been divided, no member shall speak more than twice nor for more than ten (10) minutes on any motion with reference to any single item as to which separate consideration has been granted, unless the Council by a two-thirds vote of the members present shall grant an extension of said time. (Am. by Ord. 8156, 11-14-83)

2.13 - DEBATE.

- (1) When a member is about to speak to a question or make a motion, s/he shall address the presiding officer, and the presiding officer shall pronounce the name of the member entitled to the floor; and the member shall confine himself or herself to the question under consideration. (Am. by Ord. 8156, 11-14-83)
- (2) No member shall speak more than twice on any question or motion nor more than ten (10) minutes at any one time, without leave of two-thirds ($\frac{2}{3}$) of the members present. (Am. by Ord. 8156, 11-14-83; ORD-07-00194, 12-20-07)

2.14 - FORM OF QUESTION.

The call for the vote shall be stated substantially as follows:

- (a) If a voice vote: "All those in favor of . . . signify by saying 'aye', those opposed, 'no'".
- (b) If a roll-call vote: "All those in favor of . . . signify by saying 'aye', those opposed, 'no' and the Clerk will call the roll."

(Am. by Ord. 8156, 11-14-83)

2.15 - PRESENCE REQUIRED AT MEETINGS; ELECTRONIC COMMUNICATIONS.

- (1) No member shall be allowed to vote by proxy, nor shall meetings be conducted telephonically or electronically unless a special or emergency meeting is held.
- (2) No member of the Council shall communicate electronically with another member of the Council during a meeting on any matter on the meeting agenda, unless the electronic communication is saved and available under the Public Records Law and unless such communication in no way violates the Open Meetings Law.

(Cr. by ORD-07-00194, 12-20-07)

2.16 - ROLL CALL VOTE.

(Am. by ORD-07-00194, 12-20-07)

- (1) The ayes and noes shall be taken and recorded upon any question or motion before the Council, upon the call of any member. While the Clerk is calling the ayes and noes, it shall not be in order for any member to explain her or his vote. (Am. by ORD-14-00012, 1-14-14)
- (2) Any member present who, when a matter is put to a roll call vote, passes, fails to vote or refuses to vote shall be recorded as voting "No" for the sole purpose of determining the Mayor's entitlement to vote. This rule shall not apply where a member abstains from voting by reason of a conflict of interest.
- (3) Any unexcused absence at the time a roll call vote is taken shall be recorded as "not present".

(Am. by Ord. 8159, 11-14-83; ORD-07-00194, 12-20-07)

2.17 - ROLL CALLS TO BE IN CONTINUOUS ROTATION.

On roll call votes at Council meetings, the Clerk shall progress one (1) name on the Council roster beginning each meeting when beginning each roll call vote. (R. & Recr. by Ord. 4945A, 5-16-75)

2.18 - MAJORITY VOTE OF ALL MEMBERS REQUIRED.

- (1) All laws, ordinances, rules, resolutions and motions shall be passed by an affirmative vote of a majority of all the members of the Common Council unless an extraordinary vote is required by law. When an extraordinary vote is required, the respective extraordinary majority shall be of all the members of the Common Council. This rule is subject to the exceptions set out in Secs. 2.13(2), 2.185, 9.21(4)(g), 28.182(6)(c), MGO. (Am. by Ord. 6720, 8-23-79; Ord. 13,727, 11-9-04; ORD-07-00194, 12-20-07; ORD-12-00134, 1-2-13)
- (2) Except as specifically provided in these ordinances or state law, an absence, abstention, vacancy or other failure to vote does not change the number of votes for a majority or super-majority vote.

(Am. by ORD-14-00165, 10-29-14)

2.185 - CALL OF THE HOUSE.

- (1) Any member may request by motion a call of the house in the presence or absence of a quorum and thereby require unexcused absent members to be sent for. Such a motion is in order at any time, except when the Council is engaged in voting. The motion shall be decided by a roll call vote and passed by an affirmative vote of a majority of all members present.
- (2) While the Common Council is under call, and if a quorum is present, business may be transacted as if there were no call, except that no further action may be taken on the specific question under consideration when the call was ordered. (Am. by ORD-07-00194, 12-20-07)
- (3) When the attendance of absent members is secured, each of said members shall have the opportunity to explain her or his absence; however, such explanation will not be mandatory. In addition, no fees or penalties will be assessed against any such member.

(Cr. by Ord. 8160, 11-14-83)

2.19 - RESOLUTIONS OR ORDINANCES APPROPRIATING FUNDS.

(Am. by Ord. 8156, 11-14-83)

No appropriation shall be made or voted from any City fund for any purpose except upon an affirmative vote of three-fourths (3/4) of all members of the Common Council provided, however, that adoption of the annual budget shall be a simple majority vote item. (Am. by ORD-05-00015, 2-25-05)

2.20 - MAYOR TO BE PRESIDING OFFICER; MAYOR ADDRESSING THE COUNCIL.

- (1) The Mayor shall be the presiding officer. In the absence of the Mayor, the President of the Council or the Vice President (in order) shall preside at meetings of the Council. In the absence of the Mayor, the President of the Council, and the Vice President, the Council shall designate an Alder to take the chair. An Alder acting as chair may vote on any matter before the Council. (Am. by ORD-07-00194, 12-20-07; ORD-16-00080, Pub. 9-15-16, Eff. 4-18-17)

- (2) In instances in which the Mayor wishes to address the Common Council on a substantive matter and not merely in his or her role as Chair of the Council, the following procedures shall apply:
- (a) If the Mayor wishes to address the Council briefly, for purposes of information or clarification on a matter before the Council, the Mayor may do so from the Chair, provided there is not an objection from an Alder to such address. The Mayor should preface such information or clarification by informing the Council that he or she wishes to provide such information and proceeding, unless there is an objection to the Mayor speaking from the Chair. If there is such an objection, the Mayor shall follow the procedure set out below.
 - (b) In the event the Mayor wishes to address the Council in an attempt to influence the vote on a matter before it, the Mayor shall relinquish the Chair until such time as the Mayor has concluded addressing the Council. The Mayor may then return to the Chair. Having once relinquished and resumed the Chair on any matter, the Mayor may not again address the Council on that matter.
 - (c) When the Mayor relinquishes the Chair, the Chair shall be assumed by the President of the Council or in the absence of the President, the Vice President. In the absence of both the President and Vice President, the Mayor shall designate an Alder to take the Chair. (Am. by ORD-16-00080, Pub. 9-15-16, Eff. 4-18-17)
 - (d) If an Alder assumes the Chair, the Alder may vote on the matter before the Council. Relinquishment of the Chair by the Mayor does not change the Mayor's right to vote.
 - (e) The procedure set forth in this subsection applies to any Alder who is in the role of Chair of the Common Council.

(Am. by Ord. 8156, 11-14-83; ORD-06-00022, 3-24-06)

2.205 - PRESIDENT AND VICE PRESIDENT.

The Common Council shall at its organizational meeting on the third Tuesday of April of each year, elect one member of the Council to act as President of the Council and another member to act as Vice President of the Common Council, pursuant to the provision of Wis. Stat. § 62.09(8)(e). The Vice President of the Common Council shall act during the absence, inability or disability of the president. Among other duties of the Council President and the Vice President, are those set forth in Secs. 2.04 (Order of Business), 3.35(10)(b) (Ethics Board), 4.02(4) (Finance Committee), and 33.13 (Common Council Executive Committee), MGO. (Am. by ORD-07-00194, 12-20-07)

The Common Council President may, with the consent of the Common Council Executive Committee, appoint ad hoc subcommittees of the Common Council, to consist of 2-3 Council members, to address issues of a temporary nature. The subcommittees shall be subject to the rules for all ad hoc bodies set out in Sec. 33.01, MGO. (Am. by ORD-09-00117, 8-11-09; ORD-16-00079, ORD-16-00080 & ORD-16-00081, Pub. 9-15-16, Eff. 4-18-17)

2.21 - RECONSIDERATION OF QUESTION.

- (1) It shall be in order for any member who voted in the affirmative on any question which was adopted, or for any member who voted in the negative when the number of affirmative votes was insufficient for adoption to move a reconsideration of such vote, at the same or next succeeding regular meeting of the Council. It shall be in order for any member who was, due to an excused absence, not present at the time the question was considered to move reconsideration of such vote at the next succeeding regular meeting of the Council. A motion to reconsider having been lost shall not be again in order. A motion to reconsider shall not be in order when the same result can be obtained by another motion. (Am. by Ord. 5188, 10-20-75; ORD-15-00088, 9-11-15)

- (2) A vote by the Common Council on overriding a mayoral veto (whether the vote failed or succeeded) is subject to a motion for reconsideration. Any such motion for reconsideration must be made and acted upon no later than the next regular meeting of the Council or it is out of order. Any such motion for reconsideration may not be referred to any committee or to a subsequent meeting of the Council. The Council's initial consideration of overriding a mayoral veto is not subject to a motion to refer but must be acted upon initially at the meeting at which it is presented. (Cr. by ORD-15-00088, 9-11-15; Am. by ORD- [18-00027](#), 3-9-18)
- (3) Whenever objection is raised to a motion to reconsider on the grounds that a person's position has changed in reliance on the Council action, or something has been done that cannot be undone, clear and sufficient evidence of the change in position or other action shall be presented to the Common Council. The information or evidence shall be submitted by the person claiming such a change to the City Attorney, who shall provide it to the Common Council. (Cr. by ORD- [17-00064](#), 6-28-17)

2.22 - MEMBERS MAY FILE PROTESTS AGAINST COUNCIL ACTION.

Any member in the minority on any vote shall have the right to have the reasons for his or her dissent from or protest against, any action of the Common Council entered on the proceedings. Such reasons may be either stated orally after the result of the vote is announced or filed in writing with the Clerk and entered in the record of the Common Council. (Am. by Ord. 8161, 11-14-83; ORD-07-00194, 12-20-07)

2.23 - CLAIMS AGAINST THE CITY.

The City Attorney is authorized to settle claims, demands, and suits against the City up to and including the sum of twenty-five thousand dollars (\$25,000) per account, claim, demand or suit. No claim, demand, or suit against the City requiring payment in excess of twenty-five thousand dollars (\$25,000) shall be allowed until the same has been considered and reported upon by the City Attorney and approved by the Common Council. (Am. by Ord. 8749, 12-31-85; ORD-07-00194, 12-20-07)

2.24 - ORDINANCES.

- (1) No ordinance shall be acted upon on the same day on which it was introduced, unless suspension of the rules has been approved, according to Section 2.34 of the Madison General Ordinances, and action on the item has been publicly noticed as required by the open meetings law. (Am. by Ord. 8156, 11-14-83; Ord. 12,671, 8-18-00)
- (2) When the committee to which an ordinance has been referred reports such ordinance to the Council at a subsequent meeting, the ordinance shall stand for final action in accordance with the report of the committee. If the ordinance is modified by the committee, it will stand as a substitute if the sponsor of the ordinance so agrees; if the sponsor does not so agree, the committee report shall stand as an alternate ordinance, provided that such alternate or substitute is germane to the ordinance originally referred to such committee. (Am. by Ord. 8156, 11-14-83; ORD-07-00194, 12-20-07)
- (3) No ordinance shall relate to more than one subject, which shall be clearly expressed in its title, and no ordinance, or section thereof, shall be amended or repealed unless the new ordinance contains the title of the ordinance or section amended or repealed, and when practicable all ordinances shall be introduced as amendments to existing ordinances or sections thereof.
- (4) Any matter referred to more than one board, committee or commission shall have a lead referral. Non-lead referral bodies shall make recommendations that the lead referral will

consider. The recommendation of the lead referral usually will be presented to the Common Council as the recommended action, either in the form originally introduced or as a substitute or alternate. (Cr. by ORD-07-00194, 12-20-07)

2.25 - RESOLUTIONS.

- (1) No resolution, except for an honoring resolution, shall be acted upon on the same day on which it was introduced, unless suspension of the rules has been approved, according to Sec. 2.34, MGO, and action on the item has been publicly noticed as required by the open meetings law.
- (2) When the committee to which a resolution has been referred reports such resolution to the Council at a subsequent meeting, the resolution shall stand for final action in accordance with the report of the committee. If the resolution is modified by the committee, it will stand as a substitute if the sponsor of the resolution so agrees; if the sponsor does not so agree, the committee report shall stand as an alternate resolution, provided that such alternate or substitute is germane to the resolution originally referred to such committee.
- (3) Any matter referred to more than one board, committee or commission shall have a lead referral. Non-lead referral bodies shall make recommendations that the lead referral will consider. The recommendation of the lead referral usually will be presented to the Common Council as the recommended action, either in the form originally introduced or as a substitute or alternate.

(Am. by Ord. 8156, 11-14-83; Ord. 12,671, 8-18-00; ORD-07-00194, 12-20-07)

2.26 - MOTION TO RESCIND.

A motion to rescind an action of the Common Council will be considered only if notice of intent to make said motion had been given at the preceding regular Council meeting. The notice of said motion shall be in writing and shall be accompanied by a copy of the appropriate legislation effectuating such rescission. A motion to rescind without such notice will be considered only in an emergency situation as determined by the presiding officer and will only be adopted by a two-thirds ($\frac{2}{3}$) vote. A motion to rescind will not be considered after publication of the legislation sought to be rescinded. (Am. by Ord. 8156, 11-14-83; ORD-07-00194, 12-20-07)

2.27 - COUNCIL ACTION ON SOLITARY REPORTS.

- (1) As used in this section, a "Solitary Report" is a report presented to the Common Council that is not accompanied by a related request for legislative action, such as an ordinance, resolution, appropriation, claim, license, permit or other similar legislative action. A report that is accompanied only by a resolution adopting one of the actions set forth in subs (3)-(5) below is a Solitary Report.
- (2) When the Council receives a Solitary Report, the Council shall adopt, accept or place on file the report.
- (3) If the Council adopts the Solitary Report, such action means that the Council agrees with the report and that any policy recommendations therein are adopted as policy of the City, which the City and its agencies will be expected to follow.
- (4) If the Council accepts the Solitary Report, such action means that the Council agrees with the report. Any misnomer of a motion by the use of words such as "receive" or "agree to" will be considered acceptance of the report.
- (5) If the Council does not adopt or accept the Solitary Report, the report shall be placed on file.

(Sec. 2.27 Cr. by ORD-08-00072, 7-04-08)

2.28 - RESERVED FOR FUTURE USE.

(R. by ORD-07-00194, 12-20-07)

2.29 - PERSONS' RIGHT TO ADDRESS COMMON COUNCIL.

- (1) Except as hereinafter set forth, any person shall have the right to speak on any item of business that is on the agenda for Common Council action if he/she registers to speak on that item before the item comes up for action. Registration shall indicate the person's address.
- (2) Except for informational and public hearings, speakers shall be limited to a three-minute address unless the Common Council agrees by a two-thirds ($\frac{2}{3}$) vote to extend the time.
- (3) A speaker who requires an interpreter, either because of his/her limited English proficiency or because of a disability, may speak for six (6) minutes.
- (4) No person shall be permitted to speak on any matter when first introduced before the Common Council when the matter is scheduled to be referred and reported back at a later meeting. (Am. by ORD- [17-00109](#), 10-25-17)
- (5) No person shall submit a registration or appearance form for any meeting unless that person actually attends some portion of the meeting at which the registration or appearance is submitted, or personally delivers the form at the place of the meeting within thirty (30) minutes of the scheduled starting time of the meeting. This limitation does not apply to any person who is eligible to register with the City Clerk for automatic absentee balloting under Wis. Stat. § 6.86(2)(a).
- (6) The Council shall provide an Early Public Comment period at each Council meeting, prior to consideration of the consent agenda. Persons who have reasons to leave the Council meeting early, due to health, scheduling or child-care needs, may speak to any agenda item at that time. The Council shall pose questions to such early speakers before moving to the Consent Agenda. (Cr. by ORD-07-00128, 10-5-07; Am. by ORD-08-00115, 10-7-08)

(Am. by Ord. 8443, 10-12-84; Ord. 13,129, 8-28-02; ORD-06-00076, 6-30-06; ORD-07-00194, 12-20-07; ORD-17-00030, 3-8-17)

2.30 - PUBLIC HEARINGS.

- (1) In conducting a public hearing, the Common Council shall allow all interested parties an opportunity to speak on the subject matter of the hearing before submitting questions to any of the speakers.
- (2) Each speaker is limited to five (5) minutes, unless the Common Council agrees by a $\frac{2}{3}$ vote to extend the time, provided, that a speaker who requires an interpreter, either because of his/her limited English proficiency or because of a disability, may speak for ten (10) minutes.
- (3) At the beginning of the public hearing, the presiding officer shall request all subsequent speakers to remain in the Council Chambers until the conclusion of the public hearing so that they may be available for questioning by the Council members.

(Am. by Ord. 11,087, 12-6-94; ORD-05-00015, 2-15-05; ORD-07-00194, 12-20-07)

2.31 - NO PERSONS ALLOWED ON COUNCIL FLOOR EXCEPT MEMBERS OF COUNCIL.

No persons except members and officers of the Council or City Staff shall be allowed to come to the Council floor during the session of the Council without the permission of the presiding officer. The Council may designate certain seats in the rear of the Council Chambers for media. This section shall not apply to a child who is breastfeeding, nor shall it be interpreted to interfere with the right of breastfeeding in Council chambers, as protected by Wis. Stat. § 253.165 and Sec. 23.37, MGO. (Am. by Ord. 8156, 11-14-83; ORD-07-00194, 12-20-07; Am. by [ORD-18-00002](#), 1-10-18)

2.32 - ROBERTS RULES OF ORDER TO GOVERN COUNCIL.

In the absence of a standing rule the Council shall be governed by Roberts Rules of Order. (Am. by Ord. 8156, 11-14-83)

2.33 - TRANSACTION OF BUSINESS AT SPECIAL MEETINGS.

At special meetings of the Council, no business shall be transacted but that for which the meeting shall have been called. No business may be introduced from the floor at a special meeting. (Am. by Ord. 8156, 11-14-83; ORD-07-00194, 12-20-07)

2.34 - SUSPENSION OF RULES.

- (1) The assent of two-thirds ($\frac{2}{3}$) of all members of the Council shall be required to suspend, alter, or modify any of the rules in this Chapter for a given meeting. These rules also may be amended by ordinance. (Am. by Ord. 8156, 11-14-83; ORD-07-00194, 12-20-07)
- (2) When a member moves a suspension of the rules he or she shall be required to state the reason to which his/her motion is addressed. The presiding officer shall then put the question, "Is there any objection to the suspension of the rules in accordance with the motion?" If no such objection is made, the Clerk shall record a unanimous consent to the suspension of the rules, and the presiding officer shall then proceed to state the principal question. (Am. by Ord. 13,129, 8-28-02; ORD-14-00012, 1-14-14)

2.35 - PROCEEDINGS OF COUNCIL MEETINGS.

- (1) All regular meetings of the Common Council shall be recorded electronically.
- (2) The recordings shall be protected and maintained and may only be destroyed in conformance with the procedures of Section 3.70 entitled "Public Records" of the Madison General Ordinances. (Am. by Ord. 8156, 11-14-83; Ord. 13,129, 8-28-02)
- (3) These recordings shall be considered public records subject to inspection under Section 3.70 of the Madison General Ordinances. (Am. by Ord. 8156, 11-14-83)

2.36 - COUNCIL PROCEEDINGS.

As provided in Section 3.05 of these ordinances, the City Clerk shall be responsible for the publication, filing, indexing and safekeeping of all proceedings of the Common Council. As further provided in Section 3.70(2) of these ordinances, the City Clerk is the legal custodian of the records of the Common Council.

As required by Wis. Stat. § 62.09(8)(c), the Clerk shall submit all acts of the Council to the Mayor for his/her approval or disapproval. The Clerk shall submit the proceedings to the Mayor within seventy-two (72) hours of the conclusion of the Council meeting. (Cr. by Ord. 13,129, 8-28-02; Am. by ORD-12-00003, 1-10-12; ORD-13-00199, 11-26-13)

2.37 - RESERVED FOR FUTURE USE.

(R. by Ord. 12,581, 5-17-00)

2.38 - COMMON COUNCIL CONFIRMATION HEARING.

(Cr. by Ord. 4731, 9-23-74)

- (1) Appointments of managers pursuant to Sec. 3.54(9)(f), MGO, shall be submitted to the Common Council for confirmation. (Am. by Ord. 11,617, 6-13-96; Ord. 13,203, 12-10-02; ORD-07-00194, 12-20-07; ORD-14-00173, 12-10-14)
- (2) Action on the recommendation to confirm shall take place not less than ten (10) business days after submission of the recommendation to the Common Council. The Common Council shall place the matter on the agenda for a vote on the recommendation within thirty-one (31) days after the date of submission of the recommendation for confirmation. (Am. by Ord. 11,437, 12-4-95; Ord. 13,203, 12-10-02; ORD-07-00171, 11-29-07)
- (3) The Human Resources Director shall distribute all personnel data pertaining to such appointee, including all resumes, job applications or other appropriate information to the Clerk for distribution to all members of the Common Council by the deadline set forth in Sec. 2.05(3), MGO. (Am. by Ord. 11,580, 5-1-96; Ord. 13,203, 12-10-02; ORD-07-00194, 12-20-07)
- (4) Any person so appointed shall be present at the designated meeting to respond to all questions directed to such appointee by members of the Common Council and shall have the right to address members of the Common Council in attendance at such meeting. (Am. by Ord. 13,203, 12-10-02)
- (5) The Common Council may waive the requirements of Subsections (2), (3) and (4) in the event of reappointment of the incumbent. (Cr. by Ord. 9908, 12-13-89; Ord. 13,203, 12-10-02; ORD-07-00194, 12-20-07)

2.39 - INFORMATIONAL HEARINGS.

The Common Council, by motion, or the Common Council President may set any item, except those items for which a public hearing is required by operation of law, for an informational hearing to be held before the Common Council pursuant to Sec. 2.01(7), MGO. Speakers registered to speak shall be subject to the time limits set forth in Sec. 2.30, MGO. Upon the conclusion of the informational hearing the item shall be referred to a subsequent meeting for consideration and no action shall be taken on the item at the time of the informational hearing unless noticed and the Common Council suspends this rule. (Am. by Ord. 8156, 11-14-83; ORD-07-00194, 12-20-07; ORD-16-00105, 12-2-16)

2.40 - LOBBYING REGULATED.

- (1) Legislative Intent. The Common Council finds that it is in the public interest that the fullest opportunity be afforded to the people of Madison to petition their government and to express freely to City officials and employees their opinions on legislation and on all City policies and activities. The Common Council also recognizes the right of the people of Madison to know who seeks to influence the actions of their City government. The Council finds that, in order to preserve the integrity of the City's decision-making processes, it is necessary to establish a procedure whereby persons acting as lobbyists are required to provide to the public full information as to their identity, the identity of their principal, their expenditures and their lobbying activities. It is not the intent of this ordinance to discourage or limit the exercise of constitutional rights.

(2) Definitions.

- (a) "Administrative action" means the proposal, drafting, development, consideration, or issuance of staff recommendations, whether those recommendations are required by ordinance, or requested by the Mayor or by a board, committee, commission or the Common Council. "Administrative action" does not include a purely ministerial action by a City official or employee and it does not include action related to an enforcement action commenced by a written order, a citation, or a summons and complaint.
- (b) "Agency" means any City department, division, board, commission, or committee.
- (c) "Business entity" means any organization or enterprise whether operated for profit or not for profit, including but not limited to a proprietorship, partnership, firm, business trust, joint venture, syndicate, corporation, cooperative, limited liability company or association. (Am. by ORD-05-00150, 10-12-05)
- (d) "Business owner" means a person that conducts commercial or other business operations (including non-profit activities). For purposes of the exemptions set forth in sub. (3)(i) of this ordinance, all individuals who are owners, employees, directors or officers of a business owner are entitled to the business owner's exemption when acting on behalf of the business owner. The exemptions contained in sub. (3)(i)1.a. of this ordinance shall only apply to business owners who own or lease real property located in the City of Madison which is used on a substantial and continuing basis for its operations, provided, however, that for any business owner with business locations both within and without the City of Madison, any employee qualifying for the above exemption must be employed at the Madison location. (Cr. by ORD-05-00150, 10-12-05)
- (e) "Covered City official" means the following officials of the City of Madison: elected officials, members of City of Madison boards, committees and commissions, individuals appointed by the Mayor and confirmed by the Common Council to boards, committees and commissions to represent the City of Madison, department, division, and unit heads, Deputy Mayors, Tax Incremental Financing Coordinator, and commissioned police officers holding the rank of lieutenant or above and commissioned fire department officers holding the rank of captain or above. On or before January 15 of each year, the City Clerk shall publish on-line at the City's website a list of all positions that are "Covered City officials," except for members of boards, committees and commissions. (Cr. by ORD-05-00150, 10-12-05; Am. by ORD-16-00105, 12-2-16)
- (f) "Design professionals" means architects, engineers, landscape architects, land surveyors or designer of engineering systems, licensed under Wis. Stat. ch. 443, geologists, soil scientists and hydrologists licensed under Wis. Stat. ch. 470, professional planners belonging to the American Institute of Certified Planners, cultural resource specialists as defined by the U.S. Secretary of Interior Professional Standards for Archeology and Historic Preservation, and photogrammetrists as certified by ASPRS, the Imaging and Geospatial Information Society. (Cr. by ORD-05-00150, 10-12-05)
- (g) "Independent contractor" means an individual who (i) is retained by a person located within the City of Madison for a service other than lobbying, (ii) is not an employee of the person, and (iii) is not an attorney, and (iv) does not hold himself or herself out to the public as engaged in the business of representing others for the purpose of lobbying. (Cr. by ORD-05-00150, 10-12-05)
- (h) "Legislative action" means the development, drafting, introduction, consideration, modification, adoption, rejection, review, enactment or defeat of any ordinance, resolution, amendment, report, nomination or other matter by the Common Council or by any board, committee or commission or committee or subcommittee thereof, or by a Common Council member acting in an official capacity. "Legislative action" also means the action of the mayor in approving or vetoing any ordinance or resolution, and the action of the mayor or any department, board, committee or commission or committee or subcommittee thereof in the development of a proposal for introduction to the Common Council.

- (i) "Lobbying" means the practice of attempting to influence legislative or administrative action by oral, written or electronic communication with any covered City official, and includes time spent in preparation for such communication and appearances at public hearings or meetings or service on a committee in which such preparation or communication occurs. The mere appearance and registration in support, opposition or for informational purposes at a public hearing, without speaking or engaging in any further lobbying communications, is not itself an act of lobbying; if the individual otherwise engages in lobbying activities requiring registration under this ordinance, such appearances may be lobbying. Attorneys and architects are not exempt from this ordinance. However, a certain limited area of actions taken by them are not considered lobbying: the term "lobbying" does not include actions by licensed attorneys, the performance of which is prohibited under Sec. 757.30, Wis. Stats., to persons not licensed as attorneys; it does not include the practice of architecture, as defined in Sec. 443.01(5), Wis. Stats., and forbidden to unregistered persons under Sec. 443.02(2), Wis. Stats. (Am. by ORD-05-00150, 10-12-05)
 - (j) "Lobbying communication" means an oral, written or electronic communication with any covered City official that attempts to influence legislative or administrative action, unless exempted under Subsection (3) of this ordinance. (Am. by ORD-05-00150, 10-12-05)
 - (k) "Lobbying expenditure" means an expenditure related to the performance of lobbying, whether received in the form of an advance or subsequent reimbursement. The term includes an expenditure for conducting research or for providing or using information, statistics, studies or analyses in communicating with a covered City official, that would that would not have been incurred but for lobbying. "Lobbying expenditure" also includes all expenditures required to be reported in sub. (10)(a)1.a. - e. (Am. by ORD-05-00150, 10-12-05)
 - (l) "Lobbyist" means an individual who is employed by a principal, or contracts for or receives economic consideration, other than reimbursement for actual expenses, from a principal and whose duties include lobbying on behalf of the principal, regardless of whether the individual's duties on behalf of a principal are or are not limited exclusively to lobbying. A public official acting in an official capacity on behalf of his/her governmental unit is not acting as a lobbyist.
 - (m) "Person" means an individual or business entity. "Person" shall also include recognized employee organizations, associations and representatives thereof. (Am. by ORD-05-00150, 10-12-05)
 - (n) "Principal" means any person who employs a lobbyist. If a business entity engages a lobbyist, no officer, employee, member, shareholder or partner of the business entity shall be considered a principal.
 - (o) "Relative" means a parent, grandparent, child, grandchild, brother, sister, parent-in-law, grandparent-in-law, brother-in-law, sister-in-law, uncle, aunt, nephew, niece, spouse, fiancé, fiancée, or registered domestic partner.
 - (p) "Reporting period" means each six month period from January 1 through June 30 and July 1 through December 31. (Am. by ORD-05-00150, 10-12-05)
 - (q) "Working day" means any day except Saturday, Sunday or a holiday designated in Sec. 1.01(10) of these ordinances.
- (3) Exemptions. This ordinance does not apply to the following activities:
- (a) Lobbying through communications media or by public addresses to audiences made up principally of persons other than City of Madison officials, except that lobbying communications for which expenditures are required to be reported under Sub. (10)(a)1.e. are not exempt.
 - (b) Except as provided in sub. (10)(a)1.e., news or feature reporting, paid advertising activities or editorial comment by working members of the press, and the publication or

dissemination thereof by a newspaper, book publisher, regularly published periodical, radio station or television station.

- (c) Requests by a member of the Common Council, or by a board, committee, or commission, for information from City employees and the furnishing of the requested information by City employees, acting in their official capacity.
- (d) Actions taken by a public official or employee acting in his/her official capacity.
(Am. by ORD-05-00150, 10-12-05)
- (e) Participation as a member of a City of Madison board, committee, commission, task force or similar body or a committee or subcommittee thereof, or participation as a member of any other board, committee, commission, task force or similar body that includes as a member thereof a City official appointed or designated as a member in his or her capacity as a City of Madison official. (Am. by ORD-05-00150, 10-12-05)
- (f) Requests by a City employee, acting in an official capacity, for information from any person and the furnishing of the information by that person. Requests by any person for information from a City employee and the furnishing of the information by that employee are also exempt.
- (g) Lobbying through communications which are specifically identified as services required to be furnished under a contract or tariff with the City; provided that such services are fully described in annual service reports submitted by the contractor to a City agency and made available for public inspection. (Cr. by Ord. 12,749, 1-22-01; Am. by ORD-05-00150, 10-12-05)
- (h) Any person acting as an unpaid volunteer. (Cr. by ORD-05-00150, 10-12-05)
- (i) Individual Right to Lobby.
 - 1. Except as set forth in subs. (3)(j) and (k) below, nothing in this ordinance may be applied so as to require registration or reporting or interfere with the right of any individual to engage in activities that might otherwise be considered lobbying:
 - a. By a business owner on behalf of his, her or its business; or
 - b. By any individual or business owner appearing before any covered City official where the person is appearing at the request of a covered City official or City employee for the sole purpose of responding to questions or requests for information from the covered City official or a City employee.
 - c. By an independent contractor provided that he or she does not make lobbying communications on more than five (5) days within a reporting period.
 - 2. Except as set forth in sub. (3)(k) below, nothing in this ordinance may be applied so as to require registration or reporting or interfere with the right of any individual to engage in activities that might otherwise be considered lobbying:
 - a. Solely on her or his own behalf; or
 - b. By communicating solely with a Council member who represents the district in which the individual resides, whether or not such communication is made on behalf of the individual or on behalf of another person; or
 - c. By a representative of the owner of an owner-occupied single family home or duplex, or of the owner of a lot on which the owner is to build an owner-occupied single family home or duplex, requesting a variance or other zoning change for improvements to the single family home or duplex or lot; or
 - d. By any person or his, her or its representative challenging a tax assessment before the Board of Review.

(Renumbered by Ord. 12,749, 1-2-01; Am. & Renumbered by ORD-05-00150, 10-12-05)

- (j) The exemptions in sub. (i)1. are not available to any of the following individuals:
1. Any individual holding himself or herself out to the public as engaged in the business of representing others for the purpose of lobbying.
 2. Any individual employed by a trade association or organization, any organization that has a membership of or is acting on behalf of two or more business entities, or any organization that has as a purpose advocacy on issues of public policy.
 3. Any individual employed by a business owner if one of his or her primary job duties is lobbying, provided, however, that it shall be conclusively established that lobbying is not one of an individual's primary job duties if he or she does not make lobbying communications on more than five (5) days within a reporting period.

(Cr. by ORD-05-00150, 10-12-05)

- (k) Provided that the City gives notice of the registration and reporting requirements under this Sec. 2.40 to the person seeking City assistance or approval, the exemptions in sub. (i)1. and 2. are not available with respect to any lobbying activities or expenditures incurred:
1. In seeking direct cash assistance from the City in the form of a loan, grant, TIF funding, or similar assistance (not including for this purpose the provision of goods or services directly to the City or a City agency) in an amount greater than ten thousand dollars (\$10,000) in a calendar year; or
 2. In seeking approval of any development or redevelopment as defined in Sec. 20.04(8) located within the City of Madison that is reasonably expected to include over 40,000 gross square feet in a non-residential building or buildings or ten (10) dwelling units.

(Cr. by ORD-05-00150, 10-12-05)

- (l) Design professionals providing the services within the definition of their profession, but only when preparing submittals requested for City approvals, when responding to questions of City staff or at public meetings, or when presenting information only to City staff or at a public meeting. (Cr. by ORD-05-00150, 10-12-05)
- (4) Prohibited Practices.
- (a) No lobbyist may:
1. Instigate legislative or administrative action for the purpose of obtaining employment in support or opposition to the action.
 2. Furnish to any City of Madison official or employee or candidate for City of Madison elective office, or to the official's or candidate's personal campaign committee:
 - a. Lodging.
 - b. Transportation.
 - c. Food, meals, beverages, money or any other thing of pecuniary value, except that a lobbyist may make a campaign contribution to a candidate for City elective office, or to the candidate's personal campaign committee.
 3. Contract to receive or receive compensation dependent in any manner upon the success or failure of any legislative or administrative action.

- (b) No principal may engage in the practices prohibited under paragraph (a)2. This subsection does not apply to the furnishing of transportation, lodging, food, meals, beverages or any other thing of pecuniary value which is also made available to the general public.
 - (c) This subsection does not apply to food, meals, beverages or entertainment provided by the Mayor when acting in an official capacity.
 - (d) This subsection does not apply to the furnishing of anything of pecuniary value by an individual who is a lobbyist or principal to a relative of the individual or an individual who resides in the same household as the individual, nor to the receipt of anything of pecuniary value by that relative or individual residing in the same household as the individual.
 - (e) Paragraph (a)2. does not apply to the furnishing of anything of pecuniary value by a lobbyist or principal to an employee of that lobbyist or principal who is a City official if the thing of pecuniary value is not in excess of that customarily provided by the employer to similarly situated employees and if the City official receives no compensation for her or his services other than reimbursement for actual and necessary expenses incurred in the performance of her or his duties, nor to the receipt of anything of pecuniary value by that City official under those circumstances.
 - (f) Paragraph (a)2. does not apply to the furnishing of educational or informational material by a lobbyist or principal to a City official or employee, or acceptance thereof by a City official or employee.
 - (g) Paragraph (a)2. does not apply to the furnishing or receipt of a reimbursement or payment for actual and reasonable expenses permitted under Sec. 3.35(6) of these ordinances.
- (5) Corrupt Means to Influence Legislation; Disclosure of Interest. No person having a pecuniary or other interest, or acting as the agent of any person in procuring or attempting to procure the passage or defeat of any measure before the Council, may attempt in any manner to influence any member of the Council for or against the measure, without first making known to the member the real and true interest she or he has in the measure, either personally or as such agent. No person may give, or agree to give, or offer to give anything of value to any person, for the service of such person or of any other person in procuring the passage or defeat of any measure before the Common Council upon the contingency or condition of the passage or defeat of the measure. No person may receive, or agree to receive anything of value for such service, upon such contingency or condition.
- (6) Registration.
- (a) Every lobbyist shall, within five (5) working days after the first lobbying communication made by the lobbyist, file with the City Clerk a registration statement specifying the lobbyist's name, business address, the general areas of legislative and administrative action which the lobbyist is attempting to influence, the names of any City agencies in which the lobbyist seeks to influence administrative action, and information sufficient to identify the principal who has hired the lobbyist and the nature and interest of the principal. The statement shall be signed by the lobbyist. The statement shall include:
 1. If the principal is an individual, the name and address of the individual's employer, if any, or the individual's principal place of business if self-employed, and a description of the business activity in which the individual or the individual's employer is engaged.
 2. If the principal is a business entity, a description of the business activity in which the principal is engaged and, in the case of a corporation, the name of its chief executive officer, in the case of a limited partnership, the name of its general partner, in the case of a manager-managed limited liability company, the name of its manager, in the case of a general partnership, limited liability partnership, or member-managed limited liability company, the names of the partners or members.
 3. If the principal is an industry, trade or professional association, a description of the industry, trade or profession which it represents, including a specific description of any

segment or portion of the industry, trade or profession which the association exclusively or primarily represents and the name of the chief executive officer and the approximate number of its members.

4. If the principal is not an individual, business entity or industry, trade or professional association, a statement of the principal's nature and purposes, including a description of any industry, trade, profession or other group with a common interest which the principal primarily represents or from which its membership or financial support is primarily derived and the approximate number of its members.
5. Each proposed legislative or administrative action in connection with which the lobbyist has made or intends to make a lobbying communication during the period to which the registration applies. The proposed legislative or administrative action is sufficiently identified if it is sufficient to permit a person to ascertain without extraordinary diligence:
 - a. the specific item of legislative or administrative action or private sector business or other activity which the effort is intended to affect and how it is intended to be affected;
 - b. the industries, trades, or professions, or segments or portions thereof, that would be principally affected by the effort;
 - c. in the case of an appropriation, the City program or person for which the appropriation is proposed and the approximate amount, if known; and
 - d. such additional information as the Clerk deems necessary for compliance with this Subsection.

- (b) The registration shall expire on December 31 of each year. If all lobbying by the lobbyist which is not exempt under Subsection (3) ceases, the City Clerk shall terminate the lobbyist's registration and any authorizations under Subsection (7) as of the day after the lobbyist files a statement of cessation and expense statements under Subsection (10) for the period covering all dates on which the lobbyist was registered.
- (c) Each lobbyist registered under this section shall, before a lobbyist attempts to influence legislative or administrative action in any general area or City agency not previously filed with the City Clerk, provide written notice to the City Clerk of the specific area or agency in which the lobbyist will attempt to influence legislative or administrative action. Such notice is sufficient if it complies with Subsection (6)(a)5., above.
- (d) Every person who appears before any board, committee, or commission or before the Common Council, shall indicate on a form supplied by the City Clerk whether s/he is a registered lobbyist; whether s/he represents a person or organization other than herself or himself; whether s/he is being paid or expects to be paid for the representation; the name, address and telephone number of the person s/he represents; his/her relationship (ownership, employment, etc.) to the person or organization s/he represents; whether her/his appearance is incidental to paid other duties for this person or organization; and whether she or he understands the duty of a lobbyist to register with the City Clerk. No person shall submit a registration or appearance form for any meeting unless that person actually attends some portion of the meeting at which the registration or appearance is submitted, or personally delivers the form at the place of the meeting within thirty (30) minutes of the scheduled starting time of the meeting. This limitation does not apply to any person who is eligible to register with the City Clerk for automatic absentee balloting under sec. 6.86(2)(a), Wis. Stats. (Am. by ORD-06-00076, 6-30-06)

(Subsec. (6) Am. by ORD-05-00150, 10-12-05)

- (7) Lobbyist Authorization . At the time of registration under this ordinance, a lobbyist or principal shall cause to be filed with the City Clerk a written authorization for the lobbyist to represent the

principal, signed by or on behalf of the principal on such forms as the City Clerk shall direct. Such authorization shall include the lobbyist's name, current mailing address, business telephone number and whether the lobbyist is an employee of the principal. (Am. by ORD-05-00150, 10-12-05)

- (8) Restrictions on Lobbying. Except as authorized under Subsection (3), no person may engage in lobbying as a lobbyist unless the person has complied with the registration requirements under Subsection (6)(a) and the authorization under Subsection (7) has been filed. (Am. by ORD-05-00150, 10-12-05)

- (9) Identification of Legislative and Administrative Proposals.

Except as authorized under Subsection (3), no person may engage in lobbying as a lobbyist unless, no later than the end of the fifth working day after the lobbyist makes a lobbying communication with respect to a legislative proposal or proposed administrative action not previously identified by the principal under Subsection (6)(a)5. or reported under this section during the period for which the principal is registered, the lobbyist reports to the City Clerk in such manner as the Clerk may prescribe, each proposed legislative or administrative action in connection with which the lobbyist has made or intends to make a lobbying communication. Such report is sufficient if it complies with Subsection (6)(a)5., above. With respect to a lobbying communication relating to the capital or operating budget, the principal shall further identify from among topics provided by the Clerk the topic or topics of its lobbying communications, if any. (Am. by ORD-05-00150, 10-12-05)

- (10) Expense Statement on Behalf of Principal.

- (a) Statement. Every principal who makes expenditures or incurs obligations in an aggregate amount exceeding \$1,000 in any reporting period for the purpose of engaging in lobbying which is not exempt under Subsection (3) shall, for the remainder of that calendar year, file with the City Clerk an expense statement covering each preceding reporting period. Every registered principal who does not make expenditures or incur obligations in an aggregate amount exceeding \$1,000 in any reporting period for the purpose of engaging in lobbying which is not exempt under Subsection (3) shall, file with the City Clerk a statement indicating that expenditures and obligations for the reporting period did not exceed \$1,000. Such statement shall be filed on or before July 31 and January 31. The statement shall be signed under the penalty for making false statements provided in Subsection (13)(c), by the lobbyist, if so authorized by the principal, or by the principal. The statement shall contain the following information:

1. The aggregate total amount of lobbying expenditures made and obligations incurred for lobbying activities by the principal and all lobbyists for the principal, excluding lobbying expenditures and obligations for the principal's clerical employees and lobbying expenditures and obligations specified in Paragraphs 2. and 4. below. With respect to expenditures and obligations included in the amount reported under this paragraph:
 - a. Lobbying expenditures made and obligations incurred for lobbying shall include compensation to lobbyists for lobbying, whether in cash or in kind, and reimbursements to lobbyists and to the principal or officers or employees of the principal for lobbying or expenses.
 - b. Except as provided in Subparagraph c., lobbying expenditures made and obligations incurred in preparing for lobbying shall be included in the aggregate total.
 - c. A reasonable estimate of lobbying expenditures made and obligations incurred for conducting, compiling or preparing research, information, statistics, studies or analyses used in lobbying shall be included in the aggregate total. Lobbying expenditures and obligations shall not be reported under this paragraph if the use in lobbying occurs more than three (3) years after the completion of the research

- or the compilation or preparation of the information, statistics, studies or analyses. If the research, information, statistics, studies or analyses are used by the principal both for lobbying and for purposes other than lobbying, the principal shall allocate the lobbying expenditures and obligations among the purposes for which the research, information, statistics, studies or analyses are used and include the portion allocated to lobbying in the aggregate total.
- d. Lobbying expenditures made and obligations incurred for providing or using research, information, statistics, studies or analyses in lobbying shall be included in the aggregate total.
 - e. Lobbying expenditures made and obligations incurred for paid advertising and any other activities conducted for the purpose of urging members of the general public to attempt to influence City of Madison legislative or administrative action shall be included in the aggregate total.
2. If a lobbyist is an employee, officer or director of a principal and the lobbyist is paid a salary or given consideration other than reimbursement of expenses, the aggregate total amount of lobbying expenditures made or obligations incurred by the principal for office space, utilities, supplies and compensation of employees who are utilized in preparing for lobbying communications. Any lobbying expenditures made or obligations incurred for the office overhead costs which are included in the amount reported under Subdivision (a)1. shall not be included in the amounts reported under this Subdivision (a).
 3. The principal's expense report shall include a record disclosing each lobbying communication. The record shall be supplied on a form provided by the City Clerk and shall include identification of each covered City official contacted, the number of times each official received a lobbying communication, the subject of each communication, and the identity of the lobbyist who made the communication.
 4. The total lobbying expenditures made and obligations incurred for personal travel and living expenses.

(Subsec. (a) Am. by ORD-05-00150, 10-12-05; ORD-07-00113, 9-22-07)

(b) Estimates.

1. If the principal compensates or reimburses a lobbyist or employee both for lobbying activities or expenses which are not exempt under Subsection (3) above and for other activities or expenses, for the purposes of Subdivision (a)1. a. or f., the lobbyist or principal may estimate and report the portion of the compensation or reimbursement paid for nonexempt lobbying activities or expenses.
2. Any reasonable estimate or allocation made in good faith under Subdivision (a)1.c. or 3. of this subsection fulfills the requirements of this subsection.

(c) Exempt Activities. Lobbying expenditures made and obligations incurred for activities identified under Subsection (3)(a)-(f) are not required to be reported under Subsection (10)(a), regardless of whether the principal or a lobbyist for the principal also engages in lobbying activities which are not identified in Subsection (3)(a)-(f).

(d) Reports by Lobbyist. A lobbyist whose activities and expenditures are required to be reported by a principal under Subsection (10)(a) shall provide to the principal information which the principal determines is needed to prepare the statement. The principal shall file a copy of the information, signed by the lobbyist under the penalty for making false statements provided in Subsection (13)(c) with the City Clerk at the time of filing the statement under Subsection (10)(a).

- (e) Records. Each principal and each lobbyist engaged by a principal shall obtain, organize and preserve all accounts, bills, receipts, books, papers and other documents necessary to substantiate the expense statement for three (3) years after the date of filing the expense statement. A principal may permit its authorized lobbyist to maintain any of the records identified in this subsection on its behalf.
- (f) Suspension for Failure to File a Complete Expense Statement. If a principal, or a lobbyist if authorized to file on behalf of the principal, fails to timely file a complete expense statement under this Subsection, the City Clerk may suspend the privilege of any lobbyist to lobby. Upon failure of a principal to file the required expense statement, the Clerk shall mail written notices to the principal and to any lobbyist for whom a written authorization has been filed under Subsection (7) to act as a lobbyist for the principal informing them that unless the principal files the delinquent statement with ten (10) business days after the date of mailing of the notices, no lobbyist may lobby on behalf of the principal. The privilege of any lobbyist to lobby on behalf of the principal shall be restored immediately upon the filing of the delinquent statement. The notices shall be sent by certified mail to the last-known addresses of the principal and lobbyist. Any principal or lobbyist who is aggrieved by a suspension of lobbying privileges under this subsection may request a hearing under Section 9.49 of these ordinances regarding the suspension. (Am. by ORD-05-00150, 10-112-05)

(11) Duties of the City Clerk.

- (a) The Clerk shall prescribe forms and instructions for preparing and filing registration applications under Subsection (6) and the statement required under Subsection (10).
- (b) At the time of initial registration and re-registration, the City Clerk shall provide the lobbyist with a copy of the City's lobbyist law and any related material which the Clerk determines will serve the purposes of this ordinance. (Am. by ORD-05-00150, 10-12-05)
- (c) Statements required under this section to be filed with the City Clerk shall be preserved for a period of three (3) years from the date of filing, shall constitute part of the public records of his or her office, and shall be open to public inspection.
- (d) The Clerk shall compile and make available information filed under this ordinance in ways designed to facilitate access to the information.
- (e) Any person who believes a violation has occurred may file a written complaint form with the City Clerk who shall refer the matter to the City Attorney. (Am. by ORD-05-00150, 10-12-05)
- (f) The City Clerk, in consultation with the Organizational Development and Training Unit, shall conduct semi-annual training workshops concerning this ordinance. (Cr. by O RD-05-00150, 10-12-05)

(12) Duties of the City Attorney.

- (a) The City Attorney shall participate in the workshops conducted by the City Clerk.

(Am. by ORD-05-00150, 10-12-05)

- (b) Upon receipt of a referral from the City Clerk, the City Attorney shall review alleged violations of this section to determine whether the allegation has merit. The City Attorney may summarily dismiss any allegation which s/he finds to be without merit.
- (c) If the City Attorney believes an allegation has merit, s/he shall prepare and file a complaint in Municipal Court. The complaint shall identify the provision of this ordinance alleged to be violated.

- (d) No later than April 1 of each year, the City Attorney shall file a report with the Mayor and the Common Council concerning actions s/he has taken under this section and the disposition of those actions, including a summary of its determinations.
 - (e) The City Attorney may commence a civil action to require forfeitures for any violation of this section.
- (13) Duty to Cooperate . Principals and lobbyists are required to keep and maintain legible copies of all accounts, bills, receipts, books, papers and other documents necessary to substantiate any expense statement and other required filings under this ordinance. Such records shall be maintained for a period of not less than three (3) years after the filing of such expense statements or other required filings. Such records or other information requested in relation to any investigation under this ordinance shall be provided to the City Attorney within fifteen (15) days of a request by the City Attorney for the production of such records. (Cr. by ORD-05-00150, 10-12-05)
- (14) Penalties .
- (a) Any lobbyist who violates any provision of this ordinance may be required to forfeit not more than \$5,000.
 - (b) Any principal who violates any provision of this ordinance may be required to forfeit not more than \$1,000.
 - (c) Any person who files or causes to be filed a falsified statement under sub. (10) may be required to forfeit not more than \$1,000 in addition to any forfeiture imposed under any other provision of this ordinance.
 - (d) Any principal, lobbyist or other individual acting on behalf of a principal who files a statement under subs. (7), (9), or (10) which he or she does not believe to be true may be required to forfeit not more than \$1,000 in addition to any forfeiture imposed under any other provision of this ordinance.

(Am. & Renumbered by ORD-05-00150, 10-12-05)

- (15) Severability . The provisions of any part of this section are severable. If any provision or subsection hereof or the application thereof to any person or circumstances is held invalid, the other provisions, subsections and applications of such ordinance to other persons or circumstances shall not be affected thereby. It is declared to be the intent of this section that the same would have been adopted had such invalid provisions, if any, not been included. (Renumbered by ORD-05-00150, 10-12-05)

(Sec. 2.40 Cr. by Ord. 12,675, 9-25-00; Am. by ORD-05-00150, 10-12-05)

2.41 - ORGANIZATIONS MAKING INDEPENDENT DISBURSEMENTS.

- (1) Declaration of Policy . The Common Council finds and declares that our democratic system of government can be maintained only if the electorate is informed. It further finds that excessive spending on campaigns for public office jeopardizes the integrity of elections. It is desirable to encourage the broadest possible participation in financing campaigns by all citizens and to enable candidates to have an equal opportunity to present their programs to the voters. One of the most important sources of information to the voters is available through the campaign finance reporting system. Campaign reports provide information which aids the public in fully understanding the public positions taken by a candidate or political organization. When the true source of support or extent of support is not fully disclosed, or when a candidate becomes overly dependent upon large private contributors, the democratic process is subjected to a potential corrupting influence. The Common Council therefore finds that the City of Madison has a compelling interest in designing a system for fully disclosing contributions and disbursements

made on behalf of every candidate for public office, and in placing reasonable limitations on such activities. Such a system must make readily available to the voters complete information as to who is supporting or opposing which candidate or cause and to what extent, whether directly or indirectly. This Section 2.41 is intended to serve the public purpose of stimulating vigorous campaigns on a fair and equal basis and to provide for a better informed electorate.

- (2) Definitions. The following definitions shall apply in the interpretations and the enforcement of this ordinance:

"Communication" means any printed advertisement, billboard, handbill, sample ballot, television or radio advertisement, telephone call, e-mail, internet posting, and any other form of communication that may be utilized for a political purpose.

"Contribution" has the meaning given in Wis. Stat. § 11.01(6), as applied to elections for Madison Mayor, Alderperson or Municipal Judge or for municipal referendums held pursuant to Wis. Stat. § 9.20, except that Wis. Stat. § 11.01(6)(a)1. is adopted as follows:

A gift, subscription, loan, advance, or deposit of money or anything of value, except a loan of money by a commercial lending institution made by the institution in accordance with applicable laws and regulations in the ordinary course of business, used for political purposes. In this subdivision "anything of value" means a thing of merchantable value.

"Contributions for political purposes" as used in subs. (10), (11) and (12) of the Section 2.41 means contributions made to

- (a) a candidate for Madison Mayor, Alderperson, or Municipal Judge or for municipal referendums held pursuant to Wis. Stat. § 9.20 or
- (b) a political committee or
- (c) an individual who makes contributions to a candidate or political committee or incurs obligations or makes disbursements used for political purposes in a race for Madison Mayor, Alderperson, or Municipal Judge or for municipal referendums held pursuant to Wis. Stat. § 9.20.

"Designated depository account" means a depository account specifically established by an organization to receive contributions and from which to make independent disbursements.

"Disbursement" has the meaning given in Wis. Stat. § 11.01 (7), as applied to elections for Madison Mayor, Alderperson or Municipal Judge.

"Incurred obligation" has the meaning given in Wis. Stat. § 11.01 (11), as applied to elections for Madison Mayor, Alderperson, or Municipal Judge or for municipal referendums held pursuant to Wis. Stat. § 9.20.

"Independent" means the absence of acting in cooperation or consultation with any candidate or authorized committee of a candidate who is supported or opposed, and is not made in concert with, or at the request or suggestion of, any candidate or any agent or authorized committee of a candidate who is supported or opposed.

"Organization" means any person and organizations specified in sub. (2) of this section, but does not include an individual, committee, or political group subject to registration under Wis. Stat. §§ 11.05 and 11.23.

"Person" includes the meaning given in Wis. Stat. § 990.01 (26).

"Political committee" means every committee which is formed primarily to influence elections for Madison Mayor, Alderperson, or Municipal Judge or for municipal referendums held pursuant to Wis. Stat. § 9.20 or which is under the control of a candidate for Madison Mayor, Alderperson, or Municipal Judge or for municipal referendums held pursuant to Wis. Stat. § 9.20.

- (3) A corporation, or association organized under Wis. Stat. chs. 185 or 193, or an organization recognized under Sections 501(c)(4), (c)(5), (c)(6) of the Internal Revenue Code, is a person

- and qualifies as an organization that is not prohibited by Wis. Stat. § 11.38 (1) (a) 1., from making independent disbursements until such time as a court having jurisdiction in the State of Wisconsin rules that a corporation, or association organized under Wis. Stat. chs. 185 or 193, or an organization recognized under Sections 501(c)(4), (c)(5), (c)(6) of the Internal Revenue Code, may constitutionally be restricted from making an independent disbursement.
- (4) Upon accepting contributions made for, incurring obligations for, or making an independent disbursement exceeding twenty-five dollars (\$25) in aggregate during a calendar year, an organization supporting or opposing any candidate for Madison Mayor, Alderperson, or Municipal Judge or for municipal referendums held pursuant to Wis. Stat. § 9.20 shall establish a designated depository account in the name of the organization. Any contributions to and all disbursements of the organization shall be deposited in and disbursed from this designated depository account. The organization shall select a treasurer for the designated depository account and no disbursement may be made or obligation incurred by or on behalf of an organization without the authorization of the treasurer or designated agents. The organization shall register with the City Clerk.
 - (5) The organization shall file a registration statement with the City Clerk and it shall include, where applicable:
 - (a) The name, street address, and mailing address of the organization.
 - (b) The name and mailing address of the treasurer for the designated depository account of the organization and any other custodian of books and accounts for the designated depository account.
 - (c) The name, mailing address, and position of other principal officers of the organization, including officers and members of the finance committee, if any.
 - (d) The name, street address, mailing address, and account number of the designated depository account.
 - (e) A signature of the treasurer for the designated depository account of the organization and a certification that all information contained in the registration statement is true, correct and complete.
 - (6) The organization shall comply with Wis. Stat. § 11.05 (5), and notify the City Clerk within ten (10) days of any change in information previously submitted in a statement of registration.
 - (7) An organization making independent disbursements shall file the oath for independent disbursements required by Wis. Stat. § 11.06 (7).
 - (8) An organization receiving contributions for independent disbursements or making independent disbursements shall file periodic reports as provided Wis. Stat. §§ 11.06, 11.12, 11.19, and 11.20, and include all contributions received for independent disbursements, incurred obligations for independent disbursements, and independent disbursements made. When applicable, an organization shall also file periodic reports as provided in Wis. Stat. § 11.513.
 - (9) An organization making independent disbursements shall comply with the requirements of Wis. Stat. §§ 11.30 (1) and (2) (a) and (d), and include an attribution identifying the organization paying for any communication, arising out of independent disbursements on behalf of or in opposition to candidates, with the following words: "Paid for by" followed by the name of the organization and the name of the treasurer or other authorized agent of the organization followed by "Not authorized by any candidate or candidate's agent or committee."
 - (10) Scope of Regulated Activity; Election of Candidates. Individuals other than candidates and persons other than political committees are subject to the applicable requirements of Wis. Stat. ch. 11, when they:
 - (a) Make contributions or disbursements for political purposes in a race for Madison Mayor, Alderperson, or Municipal Judge or for municipal referendums held pursuant to Wis. Stat. § 9.20, or

- (b) Make contributions to any person at the request or with the authorization of a candidate or political committee in a race for Madison Mayor, Alderperson, or Municipal Judge or for municipal referendums held pursuant to Wis. Stat. § 9.20, or
 - (c) Make a communication for a political purpose in a race for Madison Mayor, Alderperson, or Municipal Judge or for municipal referendums held pursuant to Wis. Stat. § 9.20.
- (11) A communication is for a "political purpose" if either of the following applies:
- (a) The communication contains terms such as the following or their functional equivalents with reference to a clearly identified candidate and unambiguously relates to the campaign of that candidate:
 - 1. "Vote for;"
 - 2. "Elect;"
 - 3. "Support;"
 - 4. "Cast your ballot for;"
 - 5. "Smith for Mayor;"
 - 6. "Vote against;"
 - 7. "Defeat;" or
 - 8. "Reject."
 - (b) The communication is susceptible of no reasonable interpretation other than as an appeal to vote for or against a specific candidate in a race for Madison Mayor, Alderperson, or Municipal Judge or for municipal referendums held pursuant to Wis. Stat. § 9.20. A communication is susceptible of no other reasonable interpretation if it is made during the period beginning on the sixtieth (60th) day preceding a special, or spring election in a race for Madison Mayor, Alderperson, or Municipal Judge or for municipal referendums held pursuant to Wis. Stat. § 9.20 and ending on the date of that election or during the period beginning on the thirtieth (30th) day preceding a primary election and ending on the date of that election and that includes a reference to or depiction of a clearly identified candidate in a race for Madison Mayor, Alderperson, or Municipal Judge or for municipal referendums held pursuant to Wis. Stat. § 9.20 and:
 - 1. Refers to the personal qualities, character, or fitness of that candidate;
 - 2. Supports or condemns that candidate's position or stance on issues; or
 - 3. Supports or condemns that candidate's public record.
- (12) Consistent with Wis. Stat. § 11.05 (2), nothing in sub. (1), (2), or (3) should be construed as requiring registration and reporting, under Wis. Stat. §§ 11.05 and 11.06, of an individual whose only activity is the making of contributions.
- (13) Penalty.
- Any person who violates any provision of this section or fails to comply with any of its requirements shall, upon conviction, be subject to forfeiture of not more than five hundred dollars (\$500). (Each day of violation or non-compliance shall be considered a separate offense.)

(Sec. 2.41 Cr. by ORD-13-00154, 9-26-13)

(EDITOR'S NOTE: Due to the ruling in Wisconsin Right to Life, Inc., v. Barland, 751 F. 3d 804 (2014), Sec. 2.41, MGO, is not enforceable in its current form.)

3.35 - CODE OF ETHICS.

- (1) Declaration of Policy. The proper operation of democratic government requires that public officials and employees be independent, impartial, and responsible to the people; that government decisions and policy be made in the proper channels of the governmental structure; that public office not be used for personal gain; and that the public have confidence in the integrity of its government. In recognition of these goals, there is hereby established a Code of Ethics for all City of Madison officials and employees. The purpose of this Code is to establish guidelines for ethical standards of conduct for all such officials and employees, to set forth those acts or actions that conflict with the best interests of the City and conflict with or are incompatible with the proper discharge of duties and required independence of judgment, and to direct disclosure by such officials and employees of private financial or personal interests in matters affecting the City. The provisions and purpose of this Code and such rules and regulations as may be established are hereby declared to be in the best interests of the City of Madison.
- (2) Definitions. As used in this section:
 - (a) "Anything of value" means any money or property, favor, service, payment, advance, forbearance, loan, or promise of future employment, but does not include compensation and expenses paid by the City, money or items which are permitted and reported under Sec. 3.35(6), political contributions which are reported under Wis. Stat. ch. 11, or hospitality extended for a purpose unrelated to City business by a person other than an organization.
 - (b) "Associated," when used with reference to an organization, includes any organization in which an individual or a member of her or his immediate family is a director or officer or owns or controls, directly or indirectly, and severally or in the aggregate, at least two percent (2%) of the outstanding equity. Notwithstanding the foregoing, an elected official or employee who is appointed by the Mayor or approved by the Council to serve as an officer or board member of a private non-profit organization, or a public committee or board, does so in his/her official capacity as a representative of the City of Madison and, as such, is not "associated" with the private or public organization. (Am. by Ord. 12,371, 5-6-99; Renum. by ORD-07-00048, 4-12-07; Am. by ORD-13-00124, 7-10-13)
 - (c) "Economic interest" or "financial interest" means a business or cause in which a person or her or his immediate family member has a concern, responsibility, share, right or title in the ownership of property in a commercial or financial undertaking which relates to the source, production, distribution or use of the person's or immediate family member's income, wealth or goods, including debts, or which affects or is apt to affect the welfare or the material resources of the person or immediate family member.
 - (d) "Immediate family" means 1. An individual's spouse or designated family or registered domestic partner, or 2. An individual's relative by marriage, lineal descent or adoption who receives, directly or indirectly, more than one-half of her or his support from the individual or from whom the individual receives, directly or indirectly, more than one-half of her or his support.
 - (e) "Organization" means any public or private, profit or non-profit, religious, educational, charitable or political organization or entity but does not include governmental bodies.
 - (f) "Personal interest" means any interest greater than nominal, direct or indirect, arising from blood, marriage, adoption, guardianship or designated family or registered domestic partner relations or from close business, political or other associations.
- (3) Application. This section applies to the following persons:
 - (a) Elected officials of the City;
 - (b) All employees of the City;

- (c) All members of City boards, committees, commissions, subcommittees and ad hoc committees.

Wherever the word "incumbent" appears in this section, it shall mean all those included in subdivisions (3)(a), (b), (c).

- (4) Responsibility of Public Office. Incumbents are agents of public purpose and hold office for the benefit of the public. They are bound to uphold the Constitution of the United States and the Constitution of this State and to carry out impartially the laws of the nation, state, and municipality. They are bound to discharge faithfully the duties of their office regardless of personal considerations, recognizing that the public interest must be their primary concern. Incumbents shall adhere to the rules of work and performance established as the standard for their positions by the appropriate authority. They shall not exceed their authority or breach the law or ask others to do so, and shall work in full cooperation with others unless prohibited from so doing by law or by officially recognized confidentiality of their work. Any complaint alleging only a violation of this subsection (4) of the Ethics Code is not within the jurisdiction of the Ethics Board unless the complaint includes allegations demonstrating that another body (a court, administrative agency, or similar entity with authority to do so) has made a final determination that the respondent has violated a provision of law. If such a final determination is shown, the Ethics Board will not rehear the underlying facts related to the legal violation, but may determine whether such violation also violates this subsection or any other part of the Ethics Code. (Am. by ORD-17-00031, 3-8-17)

- (5) Standards of Conduct.

- (a) 1. Use of Office or Position. No incumbent may use or attempt to use her or his position or office to obtain financial gain or anything of value or any advantage, privilege or treatment for the private benefit of herself or himself or her or his immediate family, or for an organization with which she or he is associated. This paragraph does not prohibit an incumbent from using the title or prestige of her or his office to obtain campaign contributions that are permitted and reported as required by Wis. Stat. ch. 11.
2. Influence and Reward. No person or entity may offer or give to an incumbent or member of an incumbent's immediate family, directly or indirectly, and no incumbent may solicit or accept from any person or entity, directly or indirectly, anything of value if it could reasonably be expected to influence the incumbent's vote, official actions or judgment, or could reasonably be considered as a reward for any official action or inaction on her or his part.

This subsection 2. does not prohibit an incumbent from soliciting donations from third parties provided that:

- a. The funds are to be used for a City project or for a conference to be held within the City;
- b. The solicitation has been approved by a resolution of the Common Council;
- c. The entity receiving the funds is not an entity with which the incumbent is associated; and
- d. A report of the amount and date of contribution and contributor for all donations for the project or conference is filed with the City Clerk within six (6) months of the receipt of the donation.

(Sec. 3.35(5)(a)2. Am. by ORD-10-00105, 11-23-10)

3. Limitations on Actions. Except as otherwise provided in paragraph 4, no incumbent may:

- a. Take any official action affecting, directly or indirectly, a matter in which she or he, a member of her or his immediate family, or an organization with which she or he is associated has a financial or personal interest;
 - b. Use her or his office or position in a way that produces or assists in the production of a benefit, direct or indirect, for her or him, a member of her or his immediate family either separately or together, or an organization with which the incumbent or her or his immediate family member is associated.
4. Paragraph 3. does not prohibit an incumbent from taking any action concerning the lawful payment of salaries or employee benefits or reimbursement of actual and necessary expenses, or prohibit an incumbent from taking official action with respect to any proposal to create, modify, or repeal a City ordinance, resolution or matter benefiting the public.

(b) Privilege and Advantage .

1. No incumbent shall request or permit the use of City-owned vehicles, equipment, materials, or property for personal convenience or profit, or for that of another, except when the same are available to the public generally or except where otherwise authorized by the Common Council. No incumbent shall grant any privilege, anything of value, special consideration, treatment or advantage to any person beyond that which is available to every other person except as may be specifically provided for by law.
2. The use of City equipment and property including City-owned vehicles, cameras, projectors, audio systems, copy machines, fax machines, computers, telephones, software and uniforms is prohibited for both partisan and non-partisan political activity. Use of City property which is available and accessible to the general public is not considered a violation of this ordinance, nor is it a violation for an incumbent to use photographs existing before the first date that nomination papers may be circulated and taken during the regular course of the incumbent's duties. For the purposes of this paragraph (b)2., political activity has the meaning found in Section 3.35(8), MGO.
3. No City employee shall use or allow the use of City equipment or property, including vehicles, cameras, projectors, audio systems, copy machines, fax machines, computers, telephones, software, and uniforms, to engage in, organize, or conduct a grass-roots campaign to lobby any incumbent on any matter pending before the City. No City employee, while on duty for the City, shall engage in, organize, or conduct a grass-roots campaign to lobby any incumbent on any matter pending before the City, nor shall any incumbent direct an employee to do so. By resolution, the Council may waive this prohibition as to specific employees or for a specific matter.

As used in this section:

- a. "Lobby" has the meaning in Section 2.40(2)(i), MGO, except it applies to any incumbent, not just covered officials.
- b. "City employee" does not include elected officials.

(Am. by ORD-10-00094, 9-27-10; ORD-11-00122, 9-12-11; Am. by [ORD-18-00078](#), 8-3-18)

- (c) Outside Employment . No incumbent shall engage in or accept employment or render service whether compensated or uncompensated when such employment or service would impair or reasonably appear to impair her or his independence of judgment or action in the performance of official duties.
- (d) Disclosure of Information . No incumbent may intentionally use or disclose information gained in the course of or by reason of her or his official position or activities in any way that could result in the receipt of anything of value for herself or himself, for a member of

her or his immediate family, or for any other person or entity if the information has not been communicated to the public or is not a public record.

- (e) Contracts or Leases. No incumbent, member of an incumbent's immediate family, nor any organization in which the incumbent or a member of her or his immediate family owns or controls at least 2% of the outstanding equity, or indebtedness, or voting rights may enter into any contract or lease involving a payment or payments of more than \$3,000 within a 12-month period, in whole or in part derived from funds administered by the City, unless the incumbent has first made written disclosure of the nature and extent of such relationship or interest to the Common Council and to the department acting for the City in regard to such contract or lease. Any contract or lease entered into in violation of this provision may be voided by the City in an action commenced within 3 years of the date on which the Common Council, or the department or incumbent acting for the City in regard to the allocation of City funds from which such payment is derived, knew or should have known that a violation of this subsection had occurred. Nothing in this provision affects the application of Wis. Stat. § 946.13, or subsequent amendments of that section relating to an incumbent's activity concerning a direct or indirect financial interest in a proposed City contract.
- (f) Disclosure and Disqualification.
 1. An elected official who has or whose immediate family member has a financial or personal interest in any matter coming before the Common Council shall disclose on the records of the Common Council the nature and extent of such interest. This provision shall not apply if the elected official disqualifies herself or himself from participating in discussion of the matter and from voting on it. An elected official shall disqualify herself or himself from discussing and voting if the matter under consideration involves her or his immediate family member's financial or personal interests to the extent that such interests conflict or appear to conflict with her or his official duties or would impair or reasonably be expected to impair her or his independence of judgment or actions.
 2. Any other incumbent who has or whose immediate family member has a financial or personal interest in a matter coming before the Common Council or any board, committee, commission, sub-committee or ad hoc committee, and who participates in discussions with or gives an official opinion to such body, shall disclose on the records of such body the nature and extent of such interest. This provision shall not apply if the incumbent disqualifies herself or himself from participating in discussion of the matter and from voting on it.
 3. In the event a member of a City board, committee or commission is required to disqualify herself or himself from participating or voting on a matter which comes for official action before the board, committee or commission of which she or he is a member and a member of the board, committee or commission requests the disqualified member to leave the room that member shall physically absent herself or himself from that portion of the meeting involving discussion, deliberations or votes related to that matter, and the minutes of the meeting shall reflect her or his absence.
- (g) Receipt of Anything of Value. No incumbent may receive and retain any transportation, meals, entertainment, fee, food, beverage, or reimbursement therefore, nor any honoraria, service fee or contract payment or anything of value except in accord with Sec. 3.35(6).
- (h) Representing Private Interests.
 1. No elected official shall appear on behalf of private interests with or without compensation before any City entity nor represent private interests in any action or proceeding against the City. No member of any board, committee or commission of the City shall appear on behalf of private interests with or without compensation before the board, committee or commission of which she or he is a member nor represent private interests in any action or proceeding against the City which involves,

is related to or arises out of the work or jurisdiction of the board, committee or commission of which she or he is a member or negotiate with any incumbent in connection with any such matter. No employee of the City shall appear on behalf of private interests with or without compensation before any entity for or with which they work nor appear on behalf of private interests, with or without compensation, in any action or proceeding against the City.

2. These provisions shall not apply to the appearance of any such incumbent when subpoenaed as a witness by a party involved in litigation which may also involve the City nor to employee representatives of a certified labor organization representing any group of City employees.
3. An elected official may appear before any City entity and confer with any incumbent on any matter in the course of her or his duties as a representative of the electorate or in the performance of public or civic obligations, however, she or he shall not accept any compensation therefore.

(i) Post-Employment/Appointment Restrictions .

1. No former Mayor, for twelve (12) months following the date on which she or he leaves office may appear, with or without compensation, on behalf of any person or entity, before any City entity or confer or negotiate with any incumbent on any matter which may reasonably be expected to come before any City entity for official action. During such period, no former Mayor may engage in lobbying under Sec. 2.40, MGO.
2. No former alderperson, for twelve (12) months following the date on which she or he leaves office may appear, with or without compensation, on behalf of any person or entity, before any board, committee or commission or before the Common Council or negotiate with any incumbent on any matter which may reasonably be expected to come before such board, committee or commission or the Common Council for official action. During such period, no former alderperson may engage in lobbying under Sec. 2.40, MGO.
3. No former permanent City employee, for twelve (12) months following the date on which she or he leaves City employment, may appear, with or without compensation, on behalf of any person or entity, before any City entity for or with which they formerly worked or negotiate with any current employee of such entity on any matter which may reasonably be expected to come before such City entity for official action. This provision does not apply to former employees or former elected officials seeking employment by the City. During such period, no former City employee may engage in lobbying under Sec. 2.40, MGO, before any City entity for or with which they formerly worked.
4. No former member of a City board, committee or commission, for twelve (12) months following the date on which her or his membership ends, may appear, with or without compensation, on behalf of any person or entity, before the board, committee or commission of which she or he was a member or negotiate with any incumbent on any matter which may reasonably be expected to come before such board, committee or commission for official action. During such period, no former member of a City board, committee or commission shall engage in lobbying under Sec. 2.40, MGO, before the board, committee or commission of which she or he was a member or on any matter reasonably expected to come before such board, committee or commission.
5. No former incumbent, for 12 months following the termination of her or his incumbency, may appear, with or without compensation, on behalf of any person or entity, with regard to any matter which was under the former incumbent's responsibility within 12 months prior to the termination of her or his incumbency or in which the former incumbent participated personally and substantially within 12 months of the termination of her or his incumbency before any City entity or negotiate with any

incumbent in connection with any judicial or quasi-judicial proceeding, application, contract, claim, charge or matter which may give rise to a judicial or quasi-judicial proceeding.

6. Nothing in this subdivision shall prohibit a former incumbent:
 - a. From representing herself or himself before any City entity in relation to a non-commercial personal undertaking at any time, or
 - b. From appearing before any City entity solely on her or his own behalf and without compensation to express her or his views on a policy matter.

(Am. by ORD-13-00130, 7-26-13; ORD-14-00013, 1-14-14)

- (j) Inquiries Permitted. This subsection does not prohibit an elected official from making inquiries for information on behalf of a person or organization if she or he receives no compensation therefore beyond the City salary and other compensation or reimbursement to which the elected official is entitled by law.
 - (k) Employee Restrictions. No employee of the City shall engage in non-City related activities for which compensation is received to such an extent as to interfere with the proper performance of the duties and responsibilities of her or his official position.
- (6) Honoraria, Fees and Expenses.
- (a) During her or his term, no elected official or member of any board, committee or commission shall receive and retain anything of value unless the activity or occasion for which it is given did not arise from her or his use of the City's time, information, facilities, equipment, services or supplies not generally available to all residents of the City or from the recipient's holding or having held her or his position and was paid for a purpose unrelated to legislation, policies or issues being considered by or affecting the City.
 - (b) During her or his term, no elected official or member of any board, committee or commission shall receive and retain from the City or on behalf of the City transportation, lodging, meals, food or beverage, or reimbursement therefore unless the same were incurred or received primarily for the benefit of the City and not primarily for her or his private benefit or that of any other person.
 - (c) During her or his term, no elected official or member of any board, committee or commission shall receive and retain honoraria such as money or anything of value other than commemorative or other items of nominal value for or in recognition of activities related to or arising from their City roles or positions. Such persons may accept and retain from persons or entities other than the City the cost or reimbursement of actual and reasonable expenses related to such activities whether or not such activities arise from their City roles or positions, except that elected officials may not receive and retain any such payments from a lobbyist or from a business or organization or local government that employs a lobbyist.
 - (d) Employees may not use time provided under Sec. 3.32(4) for purposes of outside employment. (Am. by ORD-14-00173, 12-10-14)
 - (e) Employees may not receive and retain anything of value unless the employment or activity for which it is given does not arise from the employee's use of the City's time, information, facilities, equipment, services or supplies not generally available to all residents of the City. Employees shall not receive and retain from the City or on behalf of the City transportation, lodging, meals, food or beverage, or reimbursement therefore, unless the same were incurred or received primarily for the benefit of the City, and not primarily for her or his private benefit, or that of any other person.

Employees shall not receive and retain honoraria, such as money or anything of value, other than commemorative or other items of nominal value for, or in recognition of activities related to, or arising from their City roles or positions. Employees may accept and retain from persons or entities other than the City the cost or reimbursement of actual and reasonable expenses related to such activities, whether or not such activities arise from their City roles or positions.

When employees perform or provide services for persons or entities other than the City which services arise from their City employment or from the employee's holding her or his position, and the employee's compensation and expenses related thereto are paid for or reimbursed by the City, all monies received by the employee therefore shall be paid promptly to the City Treasurer.

This subdivision shall not apply to City Police Officers or Firefighters certified as emergency medical technicians hired while off department scheduled hours in accord with departmental policies and procedures or approved contracts.

- (f) Elected officials may receive and retain from a political committee under Wis. Stat. ch. 11, transportation, lodging, meals, food or beverages, or reimbursement therefore or payment or reimbursement of costs permitted and reported in accordance with Wis. Stat. ch. 11.
- (g) If an incumbent receives anything of value not authorized by this subsection, the incumbent shall not retain it but shall deposit the money or the equivalent cash value of anything of value with the City Treasurer or return the payment or thing to the payor or giver.
- (h) Whenever an incumbent receives anything of value permitted by this Subsection (6) from or has any fee or expense waived, prepaid or reduced by a person or entity other than the City in connection with her or his official duties, she or he shall, within ten (10) days of the occurrence file a report with the City Clerk and the Finance Director on forms provided by the Clerk. (Am. by ORD-11-00060, 4-7-11)
- (i) If a third party, other than the City, is authorized to pay for any expenses, including food, travel or lodging, incurred by any incumbent under this subsection, such payments shall be reported to the Finance Director within ten (10) days of the occurrence. The incumbent shall pay to the City or the third party the amount that such reported value exceeds the City's normal travel reimbursement policies. (Cr. by ORD-11-00060, 4-7-11)

(7) Fair and Equal Treatment.

- (a) Any person who is a candidate for City employment who canvasses or contacts any member of the Common Council, an appointing authority, or any person involved in the screening or examination of applicants outside scheduled procedures, in order to obtain preferential consideration in connection with any appointment to any City position, shall be disqualified from appointment. This provision shall apply to all candidates whether or not currently employed by the City.
- (b) No person shall receive preferential treatment in the selection process or be appointed to or hired for or promoted in a City position nor be denied appointment, employment or promotion because she or he is a member of an incumbent's immediate family. No incumbent shall use her or his position to bring about the appointment, employment or promotion of a member of her or his immediate family.
- (c) No incumbent shall participate in any final decision in any employment matter involving an employee who is a member of her or his immediate family.
- (d) No incumbent shall give any advantage or preferential treatment to any person in the selection process. (Cr. by Ord. 12,917, 11-23-01; Renum. by ORD-07-00048, 4-12-07)
- (e) For the purposes of this subsection only, "immediate family" means the incumbent's spouse, domestic or designated family partner, child by blood or adoption, spouse's or partner's child, fiancé or fiancée, sibling, parent, parent-in-law, brother- or sister-in-law,

uncle, aunt, niece, nephew or the spouse or partner thereof, grandparent or grandparent-in-law.

(8) Political Activity.

- (a) No employee while on duty or on official City business shall, for the apparent purpose of influencing the outcome of any referendum, or improving the chance of election of a person seeking elective office:
 - 1. Wear or display any campaign material.
 - 2. Distribute any campaign literature.
 - 3. Solicit, receive or give subscriptions, contributions or service for any candidate or referendum position.
 - 4. Actively campaign for any candidate or any referendum position.
- (b) No employee while on duty or other official City business or off duty shall in any way coerce or attempt to coerce subscriptions, contributions or service from subordinate employees in support of a political party or a candidate for elective office or for or against a referendum position, or retaliate against or reward an employee for refraining from participating in any political activity. No employee on or off duty shall use her or his title or position or indicia thereof in any elective political activity.
- (c) This subsection does not apply to a response by a legal custodian or subordinate of the custodian to a request to locate, reproduce or inspect a record under Wis. Stat. § 19.35, if the request is processed in the same manner as the custodian or subordinate response to other requests to locate, reproduce or inspect a record under such section or to an employee providing other information within the knowledge of the employee by virtue of her or his City position if such information is made equally available upon request to any other person.
- (d) Police officers and firefighters shall observe the applicable rules of the Police and Fire Departments relating to political activity.
- (e) No elected official or candidate for a City elected office shall promise an appointment to any municipal position as an apparent reward for any political activity.
- (f) Pursuant to 5 USC sec. 1502, employees whose positions are federally funded in whole or in part may not be candidates in partisan elections without first being granted an unpaid leave of absence.

(9) Disclosure of Interests.

- (a) Definitions. The following definitions apply in this subsection relating to Disclosure of Interests:
 - 1. "Appointed official" means any officer of the City of Madison appointed pursuant to the authority set forth in Wis. Stat. § 62.09, and shall include all City of Madison Department and Division Heads, but shall exclude election officials.
 - 2. "Candidate for elective office of the City of Madison" means any person who files nomination papers and a declaration under Wis. Stat. § 8.10, for the purpose of appearing on the ballot for election to an office of the City of Madison or any person nominated for a City office in an election through the write-in process and who files a declaration pursuant to Wis. Stat. § 8.10.
 - 3. "Elected official" means all officers of the City of Madison established pursuant to the provisions of Wis. Stat. § 62.09, or its authority, who are elected by the voters.
 - 4. "Immediate family" has the same meaning as defined in Sec. 3.35(2)(d).

5. "Statement of Interests" means the factual statement filed pursuant to the provisions of this subsection which contains the information set forth in Subdivision (9)(g). (Am. by ORD-15-00116, 10-28-15)

(b) Disclosure of Interests; By Whom Required.

The following shall file a Statement of Interests as provided in this subdivision:

1. Elected and appointed officials;
2. Compensated and uncompensated members of all boards, committees, commissions, subcommittees and ad hoc committees unless any demonstrate to the Ethics Board that they are not involved in the regulation of economic activity, or the expenditure or granting of funds, or the entry by the city into contracts;
3. Deputy Mayors; (Am. by ORD-16-00105, 12-2-16)
4. Candidates for elective office of the City of Madison;
5. All other City employees other than clerical staff who are involved on behalf of the City:
 - a. In negotiations relating to the sale or acquisition of personal property or real estate; or
 - b. In negotiations relating to economic development projects; or
 - c. In the appraisal or assessment of property for tax purposes; or
 - d. In regulation of activities pursuant to state or federal law or city ordinance or in enforcement of state or federal laws or city ordinances. (Am. by ORD-11-00121, 9-12-11)
6. Notwithstanding any provision to the contrary, commissioned police personnel otherwise required to file the Statement of Interests shall not be required to file the Statement due to the unique need to protect the safety of such personnel and their families and the requirement that all such personnel are bound to adhere to the provisions of the Madison Police Department Manual of Policy, Regulations and Procedures.
7. If any employee required to file a Statement of Interest form under this ordinance fails to do so, the Clerk shall send a notice of such failure to the employee and to the City Attorney. If the Statement of Interest form is not filed within 10 days of the date of the notice, the City Attorney is authorized to bring an action on behalf of the City in Municipal Court seeking the penalties set out in Sec. 3.35(13)(e) of this ordinance without prior consideration or report by the Ethics Board. (Cr. by ORD-10-00047, 5-12-10)

(c) Statement of Interests, When To File. All persons who file nomination papers for an elective office of the City of Madison shall at the time of filing of such nomination papers also file a Statement of Interests with the City Clerk. The Clerk shall omit the name of any candidate from an election ballot who fails to disclose her or his interests in accordance with the requirement of this subsection. The Clerk shall notify by registered mail any candidate whose name is to be omitted from a ballot as soon as practicable after the decision is made to omit the name.

Persons to be appointed to City boards, committees, commissions, subcommittees and ad hoc committees shall file the Statement with the City Clerk at least 10 business days before their names are submitted to the Common Council for confirmation. The Clerk shall provide a copy of the Statement to the Common Council with the submission of the name for confirmation. The Common Council shall not confirm the appointment of any nominee who has failed timely to file the Statement.

Employees who are appointed or reappointed to their positions subject to confirmation by the Common Council shall file the Statement with the City Clerk at least 10 business days before their appointments or reappointments are submitted to the Common Council for confirmation. All other employees who are required to file the Statement shall file the Statement with the City Clerk within 10 business days after they begin work as City employees.

- (d) Annual Filing . Each person required to file the Statement shall annually file an updated Statement with the Clerk no later than the first Tuesday in January of each year, except that this provision shall not apply to candidates for elected office who have filed the Statement with their nomination papers pursuant to subdivision (9)(c) of this section.
- (e) Amending the Statement of Interests .
 - 1. If, after filing the Statement, the filer becomes aware of errors or omissions in the original Statement, she or he, as soon as possible, shall attach an Amendment to her or his original Statement to reflect accurately the required disclosures.
 - 2. If, after filing the Statement, any elected official or department or division head or deputy mayor becomes aware of any change in the information contained in her or his current Statement, she or he shall amend, as soon as possible, her or his Statement to reflect accurately the change. This paragraph shall be effective on October 1, 1999.

(Am. by Ord. 12,442, 8-6-99; Renum. by ORD-07-00048, 4-12-07; Am. by ORD-16-00105, 12-2-16)

- (f) Any amendment to the Statement which is filed after the filing of a complaint against the person required to file shall not be a defense to the complaint, but the Ethics Board may, in its discretion, consider the amendment as mitigating circumstances.
- (g) Form of Statement . The person filing any Statement of Interests required under this subsection shall file such Statement on the form approved by the Ethics Board and provided by the City Clerk, and shall supply the following information:
 - 1. Persons required to file under Secs. 3.35(9)(b)1., 2., and 4. shall supply the name and address of the filer and the City office held or sought. Persons required to file under Secs. 3.35(9)(b)3. and 5. (i.e. city employees) shall provide the name of the filer and the position of City employment. Pursuant to Wis. Stat. § 19.36(10), City employees are not required to provide their home addresses, home electronic email addresses, home telephone numbers or social security numbers on the Statement of Interest form. Additionally, persons required to file under Secs. 3.35(9)(b)1., 2., and 4. need not provide a home address or home telephone number if the filer or immediate family member is the petitioner in an action seeking a restraining order or other court order to prohibit a person from having contact with the filer or immediate family member, or if such an order is in effect at the time of filing, and the filer has a reasonable belief that disclosure of such address would pose a safety risk.
 - 2. The name and address of all employers and positions of employment held as of the date the statement is filed.
 - 3. The identity of every organization of which she or he or any adult member of her or his immediate family is an officer or director and the identity of every organization of which she or he or any member of her or his immediate family owns or controls, directly or indirectly, severally or in the aggregate, at least two percent (2%) of the outstanding equity; provided, however, that membership only in an organization need not be disclosed and that no identification need be made of any organization which is organized and operated primarily to influence voting at an election including support for or opposition to an individual's present or future candidacy or to a present or future referendum.

4. The name of any creditor to whom she or he or a member of her or his immediate family owes ten thousand dollars (\$10,000) or more, except for credit card debt, student loans, health-related indebtedness, and mortgages on the principal residence of the person filing or of a member of her or his immediate family.
5. The identity of all real estate within Dane County in which the person filing or any member of her or his immediate family has a direct or indirect interest, other than the filer's primary or principal residence. If a person required to file under Secs. 3.35(9)(b)2., 3., or 5. or his/her immediate family member is the petitioner in an action seeking a restraining order or other court order to prohibit a person from having contact with the filer or the immediate family member, or if such an order is in effect at the time of filing, the filer need not disclose the identity of such real estate on the Statement of Interests form if the filer has a reasonable belief that such disclosure would pose a safety risk. Instead, the identity of any such real estate shall be disclosed on a separate form created for that purpose, which will be maintained on file by the person receiving the form and not made available on the internet, as follows:
 - a. Persons required to file under Secs. 3.35(9)(b)3. and 5. (i.e. city employees); to the employee's department head.
 - b. If the filer is required to file under Sec. 3.35(9)(b)2., to the head of the department that staffs the committee, subcommittee, board or commission on which the filer serves.
6. The identity of any person or entity not disclosed under sub. (h), owning or controlling any real estate within Dane County in which the person filing or any member of her or his immediate family has a direct or indirect interest.

(Sec. 3.35(9)(g) Am. by ORD-12-00026, 3-14-12)

- (h) In addition, all elected officials, candidates for local offices and employees who are required to file shall also disclose the identity of all stocks, bonds, debentures, other forms of debt obligations of any corporation or other business or entity collectively in excess of \$8,000 held by her or him or her or his immediate family, except mutual funds, personal checking accounts, time deposit accounts, or other savings or retirement fund accounts held by any financial institution, the United States Government, any City-approved deferred compensation program, the Wisconsin Retirement Fund or any other organization maintaining such debt obligation as part of a public employee retirement fund.
- (i)
 1. The Clerk shall send Statement of Interests forms to known filers and a filing reminder to all City department heads and staff of all boards, committees and commissions at least forty-five (45) days before the filing deadline. Staff to all boards, commissions and committees shall place the Statement of Interest form completion on the agenda for the next meetings of the board, commission or committee and shall seek to have all members complete and file the Statement of Interest.
 2. The Clerk shall notify any person who fails to timely file the required Statement of Interests. The Clerk shall also notify the appropriate staff of the failure to file by any member of the board, commission or committee. Upon receipt of such notice, the member is no longer allowed to participate in or vote on any matter before the body, but may be counted toward a quorum if necessary to conduct business. If the member fills out a Statement of Interest form prior to the revocation of appointment by the Common Council set out below, the member is automatically reinstated. The Statement of Interest shall promptly be filed with the Clerk.
 3. The Clerk shall report to the Common Council the name of any member of any board, committee, commission, subcommittee or ad hoc committee who has not filed the Statement within 10 days of the mailing of the Clerk's notice. A copy of the report shall be sent to the appropriate staff of the body on which the member serves. The

Common Council shall, at the second meeting after introduction of the Clerk's report, revoke the appointment of any such member who has not filed the required disclosure statement by the time of such Council meeting. (Am. by ORD-05-00167, 11-8-05; Renum. by ORD-07-00048, 4-12-07; Am. by ORD-13-00004, 1-15-13)

- (j) For any bodies that include appointees of governmental units other than the City of Madison, and such appointees are required by the laws or regulations of that other governmental unit to file a disclosure substantially similar to the Statement of Interest required by this ordinance, the requirements of this ordinance are fulfilled if such appointees file with the Clerk a copy of the disclosure mandated by the other governmental unit. (Cr. by ORD-10-00047, 5-12-10)
- (10) Ethics Board.
- (a) There is hereby created an Ethics Board to consist of members who shall serve without compensation from the City.
 - (b) The membership of the Ethics Board shall consist of 4 resident members, 1 representative of the Mayor; the Common Council president or her/his designee who shall be an alderperson; and 1 representative of organized labor. The City Attorney shall provide necessary staff assistance to the Board, shall serve as its secretary, but shall not vote. The City Attorney shall furnish the Board whatever legal assistance necessary in the carrying out of its functions. (Am. by Ord, 13,762, 1-5-05; Renum. by ORD-07-00048, 4-12-07; Am. by ORD-17-00030, 3-8-17)
 - (c) The members of the Ethics Board shall be appointed by the Mayor, subject to confirmation by the Common Council. The term of any aldermanic member appointed to the Board shall expire with the expiration of her or his term as alderperson. Terms of office of other members of the Ethics Board shall be 3 years except that when the initial appointments are made, 2 of the members shall be appointed for 1 year, 2 others for 2 years, and the remaining 3 for 3 years.

The members of the Ethics Board as of the adoption of this ordinance are reappointed and reconfirmed to serve their terms or remaining parts of their terms for which each was most recently appointed.
 - (d) The Ethics Board shall elect its own chair and vice-chair and shall develop written rules of procedure which shall be submitted to the Mayor and Common Council for approval.
 - (e) The Ethics Board may make recommendations with respect to amendments to this Code of Ethics Ordinance.
- (11) Advisory Opinions.
- (a) When an incumbent or a candidate for City elected office has doubt as to the applicability of a provision of this code to a particular situation in which she or he is or may become involved or definitions of terms used in the code, she or he should apply to the Ethics Board for an advisory opinion and be guided by that opinion when given. The applicant shall have the opportunity to present her or his interpretation of the facts at issue and of the applicable provision(s) of the code before such advisory decision is made. It is prima facie evidence of intent to comply with this section when a person refers a matter to the Ethics Board and abides by the advisory opinion, if the material facts are as stated in the opinion request.
 - (b) When a request for an advisory opinion is made, the name of the requester and the nature of the request may, at the requester's choice, be kept confidential. When confidentiality is requested, the Board shall hear and determine the request in closed session. The agenda for the meeting shall identify the session as a closed session to hear a request for a confidential opinion pursuant to this subdivision and Wis. Stat. §19.59. When confidentiality is requested, the report of the Board shall also be kept confidential, but the Board shall prepare a redacted summary of the report as a public document; however, if the requester

requests in writing that the full report be made public, it shall become a part of the public record. If the requester makes public any portion of the opinion or report, all confidentiality is waived by the requester and the Board shall release the unredacted report.

(12) Complaints.

- (a) Any resident of the City may complain to the Ethics Board about the activity of any person or entity covered by this section pursuant to rules and procedures of the Ethics Board as approved by the Common Council. If a complaint is brought under this section against any member of the Ethics Board, other than the Common Council President or designee, the Common Council Executive Committee shall hear the complaint, acting as the Ethics Board and following the same rules, procedures and precedents of the Ethics Board. If a complaint is brought under this section against the Common Council President or designee, a panel of 3 persons shall hear the complaint in the manner provided in this subdivision. The Mayor shall select one panel member, the Common Council shall select one panel member and those selected persons shall select the third panel member. Panel members shall serve without compensation. The persons so selected shall not be subject to Common Council confirmation notwithstanding any other ordinance to the contrary. (Am. by ORD-16-00079, Pub. 9-15-16, Eff. 4-18-17)
- (b) The Ethics Board, and the Common Council Executive Committee and the panel described in (12)(a) above when acting as the Ethics Board, may issue subpoenas and administer oaths. Fees associated with the service of subpoenas shall be paid by the person requesting the subpoena. (Am. by ORD-16-00079, Pub. 9-15-16, Eff. 4-18-17)
- (c) No action may be taken on any complaint which is filed later than 12 months after a violation of this Ethics Code is alleged to have occurred.
- (d) If a complaint is filed against a managerial employee (Comp Group 21) or a member of a City board, commission or committee, a copy of the complaint shall also be forwarded to the Mayor. (Cr. by ORD-17-00031, 3-8-17)

(13) Sanctions. Violation of any provisions of this code should raise conscientious questions for the incumbent concerned as to whether voluntary resignation or other action is indicated to promote the best interests of the City of Madison. If the Ethics Board determines that any person or entity has violated any provision of this code, the Board may, as part of its report to the Common Council, make any of the following recommendations:

- (a) In the case of an elected official, that the Common Council consider sanctioning, censuring, reprimanding or expelling the elected official;
- (b) In the case of a member of a board, committee or commission, that the Mayor or other appointing authority consider removing the member from the board, committee or commission, or otherwise sanctioning, censuring or reprimanding the member;
- (c) In the case of an employee, that the employee's appointing authority consider disciplining or discharging the employee;
- (d) As an alternative or in addition to the sanctions imposed herein, that any person or entity violating Sec. (5)(a)2. of this ordinance not be awarded any City contract, grant, loan or any other thing of value for a period of 12 months from the date of finding of the violation or that any such contract, grant, loan or things of value be terminated, repaid, forfeited or called in.
- (e) As an alternative or an addition to the sanctions imposed herein, that any person violating the provisions of this section shall be subject to a nonreimbursable forfeiture of not more than two thousand five hundred dollars (\$2,500) per violation in an action brought by the City in Municipal Court. Each day of a violation may be considered a separate offense.

(Sec. 3.35(13) Am. by ORD-10-00072, 7-27-10)

(14) Logrolling Prohibited; Executive Favor; Freedom of Debate.

- (a) No member of the Common Council shall give, offer or promise to give her or his vote or influence in favor of or against any measure or proposition pending or proposed to be introduced in the Common Council in consideration or upon condition that any other person elected to the same Common Council will give or will promise or agree to give her or his vote or influence in favor of or against any other measure or proposition pending or proposed to be introduced in such Common Council or shall give, offer or promise to give her or his vote or influence for or against any measure on condition that any other member will give her or his vote or influence in favor of any change in any other matter pending or proposed to be introduced in the Common Council.
 - (b) No member of the Common Council shall give, offer or promise to give her or his vote or influence in favor of or against any measure or proposition pending or proposed to be introduced in the Common Council or that has already been passed by the Common Council, in consideration of or on condition that the Mayor approve, disapprove, veto or sign, or agree to approve, disapprove, veto or sign, any other measure or proposition pending or proposed to be introduced in the Common Council or that has already been passed by the Common Council or in consideration or upon condition that the Mayor nominate for appointment or appoint or remove any person to or from any office or position under the ordinances of this City.
 - (c) Nothing in this Subsection shall be construed as prohibiting free discussion and deliberation upon any question pending before the Common Council by members thereof, privately or publicly, nor as prohibiting agreements by members to support any single measure pending, on condition that certain changes be made in such measure, nor as prohibiting agreements to compromise conflicting provisions of different measures.
- (15) Severability. The provisions of this section are severable. If any provision of this section is held to be invalid or unconstitutional or if the application of any provision of this section to any person or circumstance is held to be invalid or unconstitutional, such holding shall not affect the other provisions or applications of this section which can be given effect without the invalid or unconstitutional provisions or applications. It is hereby declared to be the intent of the Common Council that this section would have been adopted had any invalid or unconstitutional provisions or applications not been included herein.
- (16) Effective Date. This ordinance shall take effect upon publication except for the provision in Sec. 3.35(9)(c) relating to the timing of the filing of Statements of Interests by members of all boards, committees, commissions, sub-committees and ad hoc committees. That provision shall become effective upon publication but shall first be applicable to the affected persons at the time of her or his initial appointment, re-appointment or, for those serving at the time of publication of this ordinance, the first Tuesday in January following publication, whichever is earliest.

(Renum. by ORD-07-00048, 4-12-07); (Sec. 3.47 Am. by Ord. 12,243, Adopted 10-20-98)

OPEN MEETINGS & PUBLIC RECORD LAWS (links to City Attorney's webpages)

- [Open Meetings Law](#)
- [Public Records](#)
- [Roberts Rules of Order](#)

CITIZEN COMPLAINTS

- Responding to Citizen Complaints

Responding to Citizen Complaints

Residents often contact an alder when they have a problem, whether it involves a land use matter, a barking dog or a pothole.

Frequently Asked Constituent Questions

This webpage was created to assist alders in answering some of the most frequently asked questions you may receive from your constituents.

<http://www.cityofmadison.com/Council/councilMembers/FAQ.cfm>

If you find that the person is not satisfied with your answer, please don't hesitate to send them to the appropriate staff person for resolution of their problem. If you are unsure which staff person to contact within the city, call the Common Council Office staff and we will be able to assist you.

City of Madison On-Line Report a Problem Website

The City of Madison website can also be accessed by residents to report a problem or request a city service: <http://www.cityofmadison.com/reportaproblem>

This site is for **Non-Emergency** issues only. The reports submitted help city staff identify maintenance items noted in normal operations. If the maintenance item is an Emergency condition, please call 911 or for emergency water issues please call the Madison Water Utility at (608) 266-4665, 24hrs/day.

EXAMPLES OF ALDER DOCUMENTS

- Meeting Notices
 - Liquor License (District 6)
 - Development Project (District 20)
- Meeting Attendance Record Sheet
 - Neighborhood Meeting (District 12)
- Newsletters
 - Neighborhood Newsletter Postcard on Website (District 7)
 - Neighborhood Newsletter on Website / Mailed to Defined Areas (District 14)
- Phone Log
 - Sample (District 11)

Dear Neighbor,

Please join me for a neighborhood meeting where we will hear about Austin Carl's proposal to open Canopy at 924 Williamson Street, formerly Prism, and his application for a Visual & Performing Arts License and a Class B Liquor & Beer License. Canopy would be a coffee shop with food service during the day and a bar/nightclub with live entertainment such as bands and DJs at night. Mr. Carl also plans to remodel the upstairs into a classroom area where people could take dance, fitness, and other classes. He also intends to add an outside patio. The estimated capacity of the establishment is 375, and the proposed hours of operations are 8am-12am Sunday through Tuesday; 8am-1am on Wednesday; and 8am-2am Thursday-Saturday. The Alcohol License Review Committee will consider his application at its January 15 meeting. The proposal will also require a Conditional Use Permit due to the use as a nightclub.

Wednesday, January 8, 2020 - 7:15 p.m.
Wil-Mar Neighborhood Center, Yahara Room - 953 Jenifer Street

I look forward to seeing you on the 8th.

Marsha Rummel
Aldersperson, Sixth District
district6@cityofmadison.com
608-772-4555

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NEIGHBORHOOD MEETING

**Proposed Multi-Use Building at 5802 Raymond Road
Wednesday, November 6, 2019 | 6:30 p.m.
Good Shepherd Lutheran Church - Peterson Hall
5701 Raymond Road**

Common Wealth Development is proposing to build an 11-unit, three-story apartment building with commercial space at 5802 Raymond Road (vacant lot next to Meadowridge Shopping Center). Representatives will present information on their proposal to neighbors.

Neighbors are invited to provide input at this meeting, voice any concerns and ask questions about the proposed project.

Questions or comments? Contact:

**Ald. Christian Albouras, District 20
(608) 358-8387 | district20@cityofmadison.com**

Subscribe to District 20 updates at www.cityofmadison.com/council/district20

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Subscribe to District 20 updates at www.cityofmadison.com/council/district20

NEIGHBORHOOD MEETING

**Proposed Multi-Use Building at 5802 Raymond Road
Wednesday, November 6, 2019 | 6:30 p.m.
Good Shepherd Lutheran Church - Peterson Hall
5701 Raymond Road**

Common Wealth Development is proposing to build an 11-unit, three-story apartment building with commercial space at 5802 Raymond Road (vacant lot next to Meadowridge Shopping Center). Representatives will present information on their proposal to neighbors.

Neighbors are invited to provide input at this meeting, voice any concerns and ask questions about the proposed project.

Questions or comments? Contact:

**Ald. Christian Albouras, District 20
(608) 358-8387 | district20@cityofmadison.com**

Subscribe to District 20 updates at www.cityofmadison.com/council/district20



Ald. Christian Albouras, District 20
Office of the Common Council
210 Martin Luther King, Jr. Blvd., Rm. 417
Madison, WI 53703

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A message from your Alder.....

District 7 Neighbors,

Please visit my City website at www.cityofmadison.com/council/district7 for my District 7 Newsletter with updates regarding important district and City issues:

- ◆ An update on crime activity and police actions.
- ◆ What happened in the City budget/other City issues.
- ◆ Local and City development projects and initiatives.
- ◆ Current and future road construction highlights.
- ◆ And more....

As always, please contact me at district7@cityofmadison.com or 235-9868 if you have any questions, concerns or feedback. You can sign up for district updates on the website above as well.

Don't forget about "Report a Problem" on the City's website home page to report most issues and get answers to frequently asked questions and problems.



Ald. Steve King, District 7
Madison Common Council

A message from your Alder.....

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Ald. Steve King, District 7
Madison Common Council

A message from your Alder.....

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Ald. Steve King, District 7
Madison Common Council

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ALD. SHERI CARTER

DISTRICT 14

News

DECEMBER 2016

PAGE 1

Declared Snow Emergency Rules

- A Declared Snow Emergency is when snow accumulates to 3" or more and all the streets in the downtown Snow Emergency Zone must be plowed.
- When this occurs, people who park in the Snow Emergency Zone must abide by the alternate side parking rules for a minimum of the next two nights.
- A Snow Emergency is declared whenever it becomes necessary to plow ALL residential streets.
- A Snow Emergency will always be declared prior to 9 p.m. if it is to take effect that night.
- If conditions warrant, a Snow Emergency can be extended beyond the 48 hours.
- A Snow Emergency is a Citywide policy.

THERE HAS BEEN A LOT OF COMINGS AND GOINGS IN THE MPD SOUTH DISTRICT

- Neighborhood Police Officer (NPO) Beckfield served the Bridge Lake Point Waunona neighborhood; he was part of the Community Policing Team. Officer Beckfield brings a wealth of experience in community building/engaging and more to the Arbor Hills/Leopold neighborhoods.
- New NPO Amanda Analla, replaced Officer Mike Alvarez in the Bram's Addition/Burr Oaks neighborhoods.
- Officer Amelia Levett, formerly the NPO for Burr Oaks neighborhood, is now the Neighborhood Resource Officer.

Dear Neighbors,

This year has been filled with challenges, changes and achievements for District 14.

In May 2016, the Madison College District board directed college administrators to identify an expanded facility to serve South Madison and the surrounding area. Madison College hosted three community forums in the beginning of December to discuss how the college would engage the South Madison community in the planning of the facility and the development of academic programs. I will share the results from the community forums on my Updates page when they become available, www.cityofmadison.com/district14/updates.

Every resident in the city wants to live in a safe neighborhood. We all have been affected by the shots fired this year. The Madison Police Department Gang Unit and Violent Crime Unit continue to work diligently in reducing this uptick in violence. I am working with both Captain John Patterson, and NPO Scott Beckfield, to bring together the rental property owners/management companies to discuss and implement best practices in securing their property, screening, and providing a safe environment for their tenants. Furthermore, we will be working with area businesses to promote safe practices for their employees and patrons. Finally, we will be working with the City to look at options to reduce repeated criminal activity on targeted streets.

The City of Madison and Dane County have services that connect with individuals at risk. Here are a few of the programs available and I have supported; Dane County Restorative Court, Dane County Neighborhood Intervention Program, Restorative Justice Program, Check-Off the Box campaign, and others. The City of Madison approved \$400,000 in the 2017 budget for organizations whose focus is to mentor people at risk of recidivism, risk of violent criminal behavior, and adding a peer support coach initiative. We have all heard that it takes a village but I feel that it takes many of us to be a hero to those who are searching for a better way. In addition, the Office of Community Services received \$150,000 for their Emerging Neighborhoods grant program. We don't have a magic wand to eliminate everything at once, but Senator Ted Kennedy said it best: "For all those whose cares have been our concern, the work goes on, the cause endures, the hope still lives, and the dream shall never die."

The proposal for relocating the Bridge Lake Point Waunona Neighborhood Center to 2230 West Broadway development using tax increment financing is not allowable under State law per the City's legal staff. It is safe to say that this final decision regarding funding was unexpected. Therefore, I will be holding a neighborhood meeting in January 2017 to have an open discussion regarding options for the Center in its current location, and West Broadway project.

- » The 12 townhouse units slated for the 1917 Lake Point Drive will not be built. The neighborhood center will remain at 1917 Lake Point Drive.
- » Movin' Out (project developer of West Broadway property) will need to return to the Urban Design and Plan Commissions for approval of their redesigned project which will include 3,000-3,500 square feet of commercial space required by the Wisconsin Housing Economic Development Authority (WHEDA) next year.

Be Safe, Alder Sheri Carter

Budget Update

The Common Council deliberated the 2017 Capital and Operating budgets on November 14 and 15, 2016. Capital budget focuses on infrastructure improvements (roads, heavy equipment, and buildings). Operating budget focuses on salaries for staff. The Council passed the Capital budget in the amount of \$360 million and the Operating budget in the amount of \$300 million. Mayor Paul Soglin signed the 2017 budget on November 16, 2016.

HERE ARE THE MAJOR ITEMS IN THE 2017 BUDGET

The Midtown Police Station: This item has been added and removed from the budget over the last few years. This year the Common Council voted for the project. However, the Council will closely monitor its progress to ensure that it moves along in a timely manner.

Madison Municipal Building (MMB): Also known as the Old Post Office, and originally erected as the U.S. Post Office and Federal Courthouse in 1927-1929. The renovation of the MMB is projected to be \$23 million. There was a concerted effort to postpone it for a year; however, it was too late in the process. The majority of the employees working in the MMB have already moved out to newly leased space. Delaying the project would not save the City any money, because the work will still need to be done.

Public Market: There are many residents who believe in this project, and would like to see it move forward. Mayor Soglin proposed spending about \$1.5 million this year and \$13 million next year on this project. In 2015, Alder Ahrens added an amendment that required future spending by the City to be matched on a 2:1 basis with federal or private spending. However, this was not included in this budget. Before moving forward, the Public Market needs to be viable and must incorporate a mechanism to raise funds and become sustainable.

Redevelopments in District 14 Update

Fields Auto purchased the Badger Bowl property located in the Moorland-Rimrock & Indian Springs neighborhood. Fields will be relocating their dealership from Seybold Road to Rimrock Road location. If everything works out, Fields plans to open in the spring of 2018. Fields Auto was founded in Evanston, IL in 1971. Fields opened the Seybold Road location in 2006, and while remaining a family-owned and operated business, has grown to over 30 locations.

Mad City Mitsubishi Motors purchased the Expo Inn (910 Ann Street) located in the Burr Oaks neighborhood to relocate their dealership from Nob Hill Drive. Mad City was founded in 1999 by Pat McNamar and Steve Ganser. They will begin demolition later this year with construction starting next year. They plan on opening in the summer of 2017.

MIG, LLC will embark on a second office campus named Landmark Oaks. MIG is on track to start the project in February 2017. The campus will be an approximately 11,000 square foot office building, and will be an economic boost to the Arbor Hills/Central Beltline corridor by adding well over 100 jobs to the area.

Dunkin' Donuts will be moving into the space next door to Firehouse Subs at 1401 Emil Street across from PDQ. This will be their third location in the City. They plan on opening sometime in 2017.

Burger King located at the corner of Badger Road and South Park Street will be going through a major renovation next year.



Holiday Tree Collection

The Streets Division will collect holiday trees for recycling. Each neighborhood will receive two collections. You may also bring your trees to our drop-off sites. **Collection could be delayed due to winter weather.** Snow and ice operations have priority over tree collection.

HOLIDAY TREE COLLECTION RULES

All trees are chipped at the curb. To avoid damage to our equipment, we ask that you follow these guidelines:

- » Place trees at the street edge only.
- » Remove and discard tree bags.
- » Remove all tree stands, ornaments, lights and other metal objects.
- » Trees that are not properly prepared will NOT be collected.

HOLIDAY TREE DROP-OFF SITES

The sites open winter hours are Monday - Friday, 7:30 a.m.-3 p.m. You may also bring your trees to our drop-off sites at:

- » **West:** 1501 W. Badger Rd.
- » **East:** 4602 Sycamore Ave

- » Round One begins on **Wednesday, January 4, 2017**
- » Round Two begins on **Tuesday, January 17, 2017**

Have your tree out on the above dates to ensure collection. It takes us 8 to 10 working days to complete a round of collection.

City of Madison Parks Division Update

The Parks Division will continue their ash tree removal and tree replacement in all parks.

Park Improvements slated for 2016/2017:

- » Baxter Park – playground improvement to begin in 2017
- » Esther Beach Park – improvement started in 2016
- » Penn Park – shelter, playground and field improvements to begin in 2017

2016 Parks Division completed projects:

- » Bowman Park - landscape improvement
- » Goodman Park - rain garden installation
- » Quann Dog Park - paving the south entrance, and standard double gated entrance vestibule
- » Rimrock Park - basketball court and playground improvement
- » Waunona Park - playground improvement
- » Wingra Creek Parkway - shoreline restoration landscaping

2015 Parks Division completed projects:

- » Aldo Leopold Park - basketball court, path and playground improvement
- » Arbor Hills Park - playground improvements
- » Badger Park - playground improvement
- » Bowman Park - field lighting improvement
- » Highland Manor Storm Shelter - landscaping and playground improvement

The Future of Recycling has Come to the South of Madison

by Bryan Johnson, Streets Division, Recycling Coordinator/Public Information Officer

Since 2011, the Streets Division has been piloting a program to recycle food waste. Yes, all the vegetable peelings, bones, egg shells, coffee grounds, and spoiled leftovers can be recycled with this special program.

All of our food waste can be diverted from the landfill and transformed into valuable compost to be used on gardens and farms. And in the future, with the right technology and enough investment, we could even take that food waste and make electricity or maybe even fuel for our trucks plus compost.

In October 2016, letters were sent out to select residents to join the Streets Division's organics/food waste recycling program. Those who joined received a third curbside cart for their food waste and a small pail to carry the food waste from your kitchen to the curbside cart in your garage. Then a separate collection truck comes around on your refuse collection day and dumps the food waste, and it is hauled away to a composter for finishing.



Sound like something you would like to join? Email streets@cityofmadison.com or call (608) 267-2626.

Right now, we can only service those that live in the area shown on the map, but in time as the program grows we will be able to incorporate other neighborhoods. To stay up to date on the program, sign up for the organics newsletter on the Organics section of the Streets Division website, www.cityofmadison.com/streets/organics.



Town of Madison Annexation Update

In 2003, former Mayor Sue Bauman and other municipalities decided a quarter of the Town would go to Fitchburg and the rest to the City of Madison by 2022. In August 2016, Mayor Paul Soglin sent a correspondence to Jim Campbell, Town of Madison Chairman, offering to speed up the annexation to December 2016 or early 2017. This is six years earlier than the original 2003 agreement.

In August, after receipt of the correspondence from both Mayors, the Town of Madison's Board appointed a work group to evaluate all issues related to potential early annexation of the Town. It is important for the Town Board to acquire input from the Town stakeholders, employees, taxpayers, residents and business owners. In addition, the Town Board will need to look into any contractual and other obligations that weigh into the discussion.

The Town of Madison held a listening session on September 27, 2016 for their residents, business owners, and anyone interested in the annexation. The work group, which is made up of Town of Madison department heads, will report back to the Town Board by January 16, 2017 with the outcomes of the evaluation and possible recommendations.



ALD SHERI CARTER DISTRICT 14
 OFFICE OF THE COMMON COUNCIL
 210 MARTIN LUTHER KING JR BLVD RM 417
 MADISON WI 53703

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Government Contacts

WISCONSIN STATE LEGISLATORS

- Wisconsin State Senate: District 26
 Senator Fred Riser: (608) 266-1627
 sen.riser@legis.state.wi.us
- Wisconsin State Assembly: District 76
 Rep. Terese Berceau: (608) 266-3784
 rep.berceau@legis.state.wi.us

CITY OF MADISON

- Alderman Sheri Carter, District 14
 Council Office: (608) 266-4071
 district14@cityofmadison.com
 www.cityofmadison.com/council/district14
- Alderman Sara Eskrich, District 13
 Council Office: (608) 266-4071
 district13@cityofmadison.com
 www.cityofmadison.com/council/district13

Madison Police Department South District
 (608) 266-5395, Hours: 8:00 a.m. to 4:00 p.m.

- Non-Emergency: (608) 266-4275**
- Captain John Patterson: (608) 267-8687
 jpatterson@cityofmadison.com
 - Lt. June Groehler: (608) 266-6560
 jgroehler@cityofmadison.com
 - NPO Scott Beckfield: (608) 209-9529 (Arbor Hills and Leopold)
 abeckfield@cityofmadison.com
 - NPO Amanda Analla: (608) 513-7914 (Bram's Addition and Burr Oaks)
 aanalla@cityofmadison.com
 - NPO Kimberly Alan: (608) 577-5726 (Bayview and Brittingham), kalan@cityofmadison.com
 - Officer Amelia Levett: (608) 438-2647 (Neighborhood Resource Officer)
 alevett@cityofmadison.com

Madison Fire Department
 Chief Steven Davis, (608) 266-6564
 sdavis@cityofmadison.com

TOWN OF MADISON

Jim Campbell, Chairman
 campbell@town.madison.wi.us

Town Hall
 (608) 210-7260, M-F, 8:00 a.m. to 3:30 p.m.

Town of Madison Police Department
 (608) 210-7262, M-F, 8:00 a.m. to 3:30 p.m.
 - Chief Scott T. Gregory: (608) 210-7226
 gregorys@town.madison.wi.us

Non-Emergency: (608) 255-2345

DANE COUNTY

Dane County Zoning, (608) 266-9083

Elected Officials

- Supervisor Richard Kilmer-District 4
 (608) 251-3171
 kilmer.richard@countyofdane.com
- Supervisor Shelia Stubbs-District 23
 (608) 345-6961
 stubbs@countyofdane.com
- Supervisor Dorothy Krause-District 27
 (608) 271-7532
 krause.dorothy@countyofdane.com

City of Madison Quick Reference List

- Animal Control Officer (608) 255-2345
- Building Permit & Fees (608) 266-4558
- Parking Tickets (608) 266-4170
- Police, Non-Emergency (608) 266-4275
- Pool (608) 264-9292
- Council Meeting Info (608) 266-4601
- Garbage & Refuse Collection
 - East (608) 246-4532
 - West (608) 266-4681
- GRAFFITI HOTLINE (608) 246-4532**
- Licenses, Bartender, Beer,
 - Food, Drink & Liquor (608) 266-4601
- Park Reservations (608) 266-4711
- Parking Permits (608) 266-4761
- Public Safety Com. Ctr (608) 255-2345
- Real Estate Tax Assessments. . . (608) 266-4531
- Real Estate Tax Payments (608) 267-4771
- Snow Removal
 - East (608) 246-4532
 - West (608) 266-4681
- Speeder's Hotline (608) 266-4624
- Voter Registration (608) 266-4601
- Zoning (608) 266-4551

GOVERNMENT WEBSITES

- City of Madison, www.cityofmadison.com
- Dane County, www.countyofdane.com
- Town of Madison, www.town.madison.wi.us
- State of Wisconsin, www.wisconsin.gov

PHONE LOG

DATES FROM _____ TO _____

Page # _____

	Date	From/To	Name/Address	Phone (day)	Phone (evening)	Issue	Action Needed	Action *
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* Actions: X = Completed O = no call back needed LM = Left Message

MEDIA RELATIONS

- Basic Steps to Handle Media Relations



Basic Steps to Handle Media Relations

By John Woodruff

Below are a few tips from the perspective of a former reporter who specialized in municipal affairs. Newly elected city and town officials may find some of these points handy when learning to deal with curious reporters. Veteran officials may find a suggestion for polishing up on meeting with the media or public and may want to add a few points of their own.

- **Know your audience.**

You have two audiences when talking to a reporter: The media person in front of you and the home audience. Make sure the primary audience, that reporter, understands what you are saying so the ultimate audience— your constituents and the person reading the newspaper, watching television or listening to radio—receives your message correctly. Get to know the reporters, their editors and, in broadcast journalism, news directors and broadcast reporters. Your becoming acquainted with reporters and their supervisors in non-crisis situations can go a long way in dealing with the media in times of stressful news events.

- **Use plain English; avoid jargon and acronyms.**

Avoid 25-cent words when 5-cent words will do. "Abide until the lactating ruminant quadrupeds retrovert to their permanent domicile" should be "Wait until the cows come home." You may know that a PUD isn't a new dog breed or an LHA isn't a social disease or that TQM is more about keeping quality than something to drink with lunch, but does the little lady sitting at home watching or reading the news know that? Avoid acronyms, pronounce the full names or spell them out in news releases.

- **Prepare for the interview.**

Know your facts, the information you will release. Supplementing what you say with charts, news releases (or simply written facts and figures about which you speak) or other visual aids enhances clarity and understanding. Business cards even help keep names and titles correct. Have ideas ready for photographers and television cameras to illustrate what you say. (If you need a sales tax for a city garage, better streets and a new fire truck, show or tell of the crowded, dilapidated garage, pot holes or torn up streets and the worn out or antiquated truck; better still, show the architect's drawings of the completed garage.)

- **Speak and write in the active voice; be positive.**

"The garbage won't be picked up by the city until after Christmas," should be "The city will pick up your garbage the day after Christmas." Not "Street paving won't begin until spring," but "Street paving will begin in the spring." Not "Don't walk on the grass," but "Please use the sidewalks."

- **News releases need the five Ws and maybe the H.**

News releases need to answer Who, What, When, Where, Why and sometimes How. Use the active voice (Not "The report was issued that ...," but "The City Council reported ...") and non-sexist language. (Not firemen, but fire fighters, not policemen but police officers or police. Not "Ask a council member his opinion," but "Ask a council member for his or her opinion" or "Ask a council member's opinion.") Keep sentences and paragraphs short. Double or triple space news releases.

In the interview

- **Listen to the question; understand it.**

Rephrase the question if in doubt.

- **Be comfortable with silence.**

Keep quiet when you have answered the question. Watch those ad libs. That one off-hand remark will become the sound bite on television and the quote taken out of context in the newspaper, and it may not be your intended message.

- **Stay in charge.**

Watch for the loaded and leading questions, the false premise. You don't have to respond in the way a misleading question is asked. Look at interviews as marketing opportunities to sell your point of view. Know the message and come back to it repeatedly. (Have you watched presidential debates and interviews and other professionally run campaigns and seen how the candidates sometimes rephrased questions and then responded?)

- **Understand types of information.**

Off-the-record. Information NOT to be used by a reporter;

Background. Relayed by a reporter from his general knowledge and without attribution.

Not-for-attribution. May be used but that the source "asked not be identified."

The best advice is to avoid any of these three types. Speak openly and on-the-record at all times.

Common courtesies smooth relations with the media.

- **Be available.**
- **Leave phone numbers with reporter(s).**
- **Return reporters' calls.** Even to say you won't have the information until such and such time.
- **Remember deadlines.** They differ for broadcast reporters, for daily newspapers and weekly newspapers.
- **Read, learn, know the *Freedom of Information Act (25-19-101-109)*.**
- **Avoid arguing the definition of news or asking to read a reporter's story.** But do offer to be available for questions when the reporter starts writing or preparing the broadcast. Your goal is to ensure that the reporter understands your message for the reading, listening, watching audiences.
- **Tell the truth and be yourself.** The reporter wants **your** perspective.

John Woodruff, communications coordinator and City & Town editor, was a municipal reporter for the former Arkansas Gazette from 1969 through its demise in October 1991, and previously was a reporter for the Courier-Journal, Louisville, Ky., and a reporter and photographer, Northwest Arkansas Times. He earned his master's in journalism from Northwestern University, Evanston, Ill., and his BA from the University of Arkansas, Fayetteville.