



Legislation Details (With Text)

**File #:** 30154      **Version:** 2      **Name:** Incumbent  
**Type:** Ordinance      **Status:** Passed  
**File created:** 5/14/2013      **In control:** COMMON COUNCIL ORGANIZATIONAL COMMITTEE (ended 4/2017)  
**On agenda:** 7/16/2013      **Final action:** 7/16/2013  
**Enactment date:** 7/27/2013      **Enactment #:** ORD-13-00130

**Title:** SUBSTITUTE Amending Section 3.35(5)(i)6. of the Madison General Ordinances to permit a former incumbent to appear before a city body under certain circumstances to express their views on a policy matter.

**Sponsors:** Mark Clear, Shiva Bidar, Matthew J. Phair, Sue Ellingson, Michael E. Verveer, Steve King, David Ahrens, Marsha A. Rummel, Anita Weier, Paul E. Skidmore, Scott J. Resnick

**Indexes:**

**Code sections:**

**Attachments:** 1. Version 1

Date	Ver.	Action By	Action	Result
7/16/2013	2	COMMON COUNCIL	Adopt	Pass
7/2/2013	2	COMMON COUNCIL ORGANIZATIONAL COMMITTEE (ended 4/2017)	RECOMMEND TO COUNCIL TO ADOPT - REPORT OF OFFICER	Pass
6/4/2013	1	ETHICS BOARD	Return to Lead with the Following Recommendation(s)	Pass
5/21/2013	1	COMMON COUNCIL ORGANIZATIONAL COMMITTEE (ended 4/2017)	Refer	
5/21/2013	1	COMMON COUNCIL	Referred	
5/14/2013	1	Attorney's Office/Approval Group	Referred for Introduction	

**Fiscal Note**

No expenditure is required.

**Title**

SUBSTITUTE Amending Section 3.35(5)(i)6. of the Madison General Ordinances to permit a former incumbent to appear before a city body under certain circumstances to express their views on a policy matter.

**Body**

DRAFTER'S ANALYSIS: This proposal addresses restrictions in the ethics code on former incumbents who wish to appear before a city board or committee. Currently, Sec. 3.35(5)(i)6., MGO, permits a former incumbent to represent herself or himself before any city entity "in relation to a non-commercial personal undertaking" during the 12-month period following the incumbent leaving office or employment. The Office of the City Attorney has interpreted this provision as permitting a former incumbent to appear on their own behalf for a personal matter, such as a zoning change for the former incumbent's home. But the Office of the City Attorney believes that in its current form, this provision does not permit a former incumbent from advocating on policy issues, during the 12-month post employment period. The proposal will permit a former incumbent to appear before a City board, committee or the Common Council, solely on their own behalf and without compensation, to express their personal views on a policy matter.

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

Paragraph 6. of Subdivision (i) entitled "Post-Employment/Appointment Restrictions" of Subsection (5) entitled "Standards of Conduct" of Section 3.35 entitled "Code of Ethics" of the Madison General Ordinances is amended to read as follows:

- "6. Nothing in this subdivision shall prohibit a former incumbent:
- a. ~~f~~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."