

## BCC Code of Conduct Feedback Notes

### Major Themes:

- Questions about how to formally refer to others under the Updated Code of Conduct.
  - BPW, BPC, EOC, ALRC
- Questions or comments about the yearly review of the Code of Conduct
  - MPLB, TC
- Similarly, questions or requests for training on the Updated Code of Conduct
  - MPLB, TC
- Questions about reporting procedures and if this can be clarified/expanded.
  - MPLB, EOC
- Multiple BCCs wanted more time to think about the Updated Code of Conduct and provide feedback. Some BCCs referred to a future meeting and others committed to following up with feedback.
- General appreciation and support for the Updated Code of Conduct, with minor additions or changes being requested.

### Notes From BCCs:

#### Board of Public Works: May 7, 2025

Feedback: Question about referring to City Staff by their title because they do not typically know their titles. Communication with media is one thing but communication with the general public is another. Wasn't sure how to handle the communication with the general public. Question about whether that is something that is in the BPW handbook or is it in the updated Code of Conduct?

Response: Chair saying that he has directly responded to the person once previously but wasn't sure if that was appropriate.

Second Response: This situation isn't directly addressed in the Code of Conduct, though it has a general approach that can be adopted. This is typically determined by practice or in the BCC handbook.

Question: Asking for guidance about responding to the general public when they reach out to BPW members.

Response: Committee staff would be best resource in this regard. Want to try and avoid Open Meetings violation.

Follow up Question: Would responding to an email and copying everyone on it is an open meetings violation.

## BCC Code of Conduct Feedback Notes

Response: Not in the City Attorney's Office so doesn't want to speak out of turn. Says it depends on the topic and what is in the email. Says that we are extra careful with alders and recommend caution. Offers to follow up on this.

Question: Disseminating between public information and proprietary information. Is there something in the Updated Code of Conduct that defines one versus another?

Response: No, not in this code.

Question: Have we ever gotten to the point of censuring an alder on the Common Council?

Response: Yes, December of 2024.

Question: Big issue of illegal quorums when previously served on the Common Council. Does this talk about illegal quorums?

Response: This code does not, though the Office of the City Attorney sends out information on this.

Question: When addressing people with their title and last names, is this just staff or is it extended to people on the same body? References differences between Plan Commission and Transportation and wonders if that should be considered. Concerned that people do not always know what others' titles are and may then resort to things like "Mr." and "Ms." and that can get tricky with assuming how people want to be addressed. Could people be encouraged to put that in their zoom name?

Response: Emphasis on informal conflict resolution. Thinks this makes sense. On the other hand, maybe there should be language that reassures that it is okay to seek a more formalized assistance as well.

Question: Is this a code or a policy? Says it is referred to both and wants some clarification to avoid confusion.

Question: Is there a similar process for censuring a BCC member?

Response: There are legal nuances but understanding is that the Council can remove someone from a Board for cause according to information in state law. The Mayor has different obligations and abilities as the Mayor can appoint and change that configuration. Not encountered a situation where we have been asked to see if a Board can remove a member themselves. Hunch that it would have some Mayor/Council involvement.

## BCC Code of Conduct Feedback Notes

### Plan Commission: May 12, 2025

Unanimous approval, no notable feedback beyond thanking Karen for presenting and alders chiming in.

### Landmarks Commission: May 19, 2025

No questions or comments beyond thanks to Karen and Alder Duncan explaining why it was before them.

### Madison Public Library Board Meeting: June 5, 2025

#### *Feedback:*

Want to discuss the dynamic between alders and BCC members as well for potential conflict.

Discussion about whether or not they feel comfortable voting tonight

Appreciate the point of order conversation in the updated Code of Conduct because public comment in other BCCs has gotten out of hand

Ask that the sexual harassment example list be applied judiciously due to people's use of humor, etc. Says that the list is rather exhaustive

#### *Questions:*

What was the history / lead up to the updated code of conduct?

What is the window for review of the updated Code of Conduct?

What is the purpose of the current requirement for the current Code of Conduct to be reviewed yearly by BCCs? Is there a specific date in which BCCs are supposed to review the Code of Conduct? Or is it up to the discretion of the Board on when to review it?

Want to know if the City would provide training on the Code of Conduct or if it would be up to BCCs?

Could there be an option for someone to report directly to the Department of Civil Rights? That way it can avoid situations where someone may be uncomfortable reporting to the Office of the Common Council due to alders.

## BCC Code of Conduct Feedback Notes

### Board of Parks Commissioners: June 11, 2025

Question: Can you confirm this new policy would apply to Board of Parks Commissioners since they are appointed? Then, the requirement that you refer to staff by their title or formal salutation, how does that work with respect to virtual meetings where we put full name and pronouns but not titles? Would we refer to someone as a Ms. or Mr., etc?

Answer: Requires a little bit of homework to ensure people have everyone's titles, etc. Some BCCs already call everyone Commissioner \_\_\_\_ or something similar. Could have first time referring to someone as using formal name and ensuing ones using informal.

Response: Says they can learn to pronounce everyone's last name and title.

Response: Would be great if Commissioners can get a cheat sheet with everyone's title and last name. Also generally thought this was a great reminder of the Code of Conduct.

Response: Agree that having a list of potential speakers with their names and titles would be great. Will miss being informal but appreciates the intent behind it.

Question: When will this be in effect?

Answer: Scheduled to come back to the Council on August 5<sup>th</sup>. Have a feeling that the Council will be thinking about tweaks as we move through this. This will be communicated to BCC staff so they are aware.

Question: Will this also apply to subcommittees?

Answer: Yes, this will apply to all elected and appointed officials, including subcommittee members.

Question: In a meeting where all members know each other and there are no public registrants, do you only need to refer to person by their title when referring to staff?

Answer: Becomes a little challenging and can be a little awkward, so this feedback is good food for thought in developing this and what the titles look like.

### Transportation Commission: June 25, 2025

*Pre-meeting emails:*

(1)

I spent quite a bit of time reviewing the materials on the Updated Elected and Appointed Official Code of Ethical Conduct. I apologize for sending you these comments so close to the TC meeting, but I wasn't aware of this item until Monday. And to further complicate things, we lost power for several hours Monday night. So, I am behind on a number of things.

Much thought and work has gone into creating the updated Code, which is really appreciated. These are excellent reminders for members of the CC and members of BCCs.

I often connect with staff on an item prior to the TC meeting, so I thought I would share some observations. As background, I acquired my eye for detail in my job as a Senior Credit Officer and Risk Manager for a bank. I used to draft policies, guidelines and procedures, and implement them as well. I also reviewed complex legal documents for consistency and accuracy. Many people find this attention to detail annoying – I hope you don't! 😊 I included sections from the updated Code for reference, to try and make it easier to follow.

TC special rules allow the Chair to make comments after others have made their comments. However, I don't plan on sharing all of this at TC – especially the technical comments.

I plan to mention something shown on slide 2 of your deck: “BCC’s are required by resolution to put the code on their agenda annually for discussion.”

- I had to search to find the resolution from 1/3/23 which includes the language: “BE IT FURTHER RESOLVED that each City Board, Commission, and Committee shall discuss the Code of Ethical Conduct as an item on its agenda annually.”
- I believe it would be helpful to have this included in the Code. It would make it easier for folks to find; and it would clearly set the expectations for BCCs in the Code.
- Language something like “Each BCC shall discuss this policy as an item on its agenda annually” could be placed right after the section on p. 4 which reads: “Elected or appointed City officials, upon entering office or being appointed as a BCC member, shall be provided a copy of this policy and shall acknowledge receipt. Failure to acknowledge receipt does not exempt an individual from the requirements of this policy.”
- Is the staff for each BCC supposed to be reminding us to discuss the Code at our BCC annually? It's really hard for BCC members to keep track of everything that goes through the Common Council. I scan the Council agenda for each meeting, but I don't catch everything.
- I cannot recall TC having this Code on its agenda in 2023 or 2024. TC members may ask about this, as they may not recall having seen this on the agenda either. At least we can count the 6/25/25 TC as the annual discussion for 2025.

## BCC Code of Conduct Feedback Notes

- I plan to add the annual discussion of the Code to our TC Annual Work Plan, so TC has that reminder in place.

In the third paragraph on p. 2, it indicates: “Council and BCC members should refer to staff by their title or formal salutation followed by the individual’s last name in public meetings when first introduced.”

- TC members may comment on this.
- We have a group of managers we work with often and know well – and I know their titles. I am not certain if all TC members know their titles.
- Some of the other staff that appear before us are better known by name and generally what they do, but often not by title. Titles are included in the minutes, which we don’t see until the next meeting.
- I would be happy to try and do this; however, I don’t always even know the names of presenters until they attend TC. When they introduce themselves, they often give their name and their job function – but not their actual title. And it can be hard to know how to properly pronounce some names, so I think people avoid it if they can. They figure it’s better to skip the name than make a mistake and not get their name right.
- I believe it’s very important to follow the rules. However, in this case it would often not seem possible unless first facilitated by staff. I just want to make you are aware that this would not be easy for us to do, except for the better known City staff with commonly known titles (like the City Attorney or Director of Transportation). So, I see logistical issues with implementing this part of the proposed updated Code.

In the first paragraph on p. 3 it says: “In an instance where a member of the public addressing the body strays from the topic under consideration, exceeds their allotted speaking time, or exhibits behavior or language a Council or BCC member finds inappropriate, they may call point of order and request the issue be addressed.”

- I am firmly supportive of the last two, but I have not seen the need for the first: “strays from the topic under consideration.”
- I and other TC members have always been flexible when listening to comments from the public. This is also true of other BCCs on which I have served over the years.
- TC has an item on each of our agendas for topics not on the current agenda. Sometimes people get confused and they think what they are talking about is under a different agenda item – when it’s sort of related but not really the topic. We just listen and take note of their comments. Since the public could register under our item #1 – and speak to us regarding items not on the agenda – we try and stay flexible.
- Registrants may stray a bit, but we figure it’s their 3 minutes and they must see how it relates to the topic.
- As the Code points out, I think we should be very tolerant, since many residents are not very familiar with the process of speaking at the CC or at a BCC.

## BCC Code of Conduct Feedback Notes

- There may be an excellent reason for including this in the policy, I just wanted to give you my experience.

Following are some technical comments.

- On p. 1 at the end of the first paragraph it reads: “Individuals with a wide variety of backgrounds, personalities, values, opinions, lived experiences and goals participate in the democratic process in Madison, whether on the Council, on a board, commission, or committee, or providing public comment at a Council meeting or City event.” Does a member of the public making comments to a BCC fall under “City event?” Otherwise, should it be added? Elsewhere in the policy there is much discussion about members of the public speaking at the CC or at a BCC.
- On p. 1 in the beginning of the second paragraph it reads: “It is vital to recognize that all Council members and BCC members.” However, “BCC” is not defined until p. 2 in the beginning of the third paragraph: “Council members and members of boards, commissions, and committees (BCCs).” Typically, you would see it defined first before you start using “BCC.”
- On p. 2 at the bottom of the page it reads: “speaking in front of the Council or a committee.” Should “committee” be “BCC?”

(2)

Much thought and work has gone into creating the updated Code, which is really appreciated. These are excellent reminders for members of the CC and members of BCCs.

On slide 2 of your deck it mentions: “BCC’s are required by resolution to put the code on their agenda annually for discussion.”

- I found the resolution from 1/3/23 which includes the language: “BE IT FURTHER RESOLVED that each City Board, Commission, and Committee shall discuss the Code of Ethical Conduct as an item on its agenda annually.”
- I believe it would be helpful to have this requirement for an annual discussion at all BCCs included in the Code. It would make it easier for folks to find; and it would clearly set the expectations for BCCs in the Code.
- Language something like “Each BCC shall discuss this policy as an item on its agenda annually” could be placed right after the section on p. 4 which reads: “Elected or appointed City officials, upon entering office or being appointed as a BCC member, shall be provided a copy of this policy and shall acknowledge receipt. Failure to acknowledge receipt does not exempt an individual from the requirements of this policy.”
- TC will be scheduling this annual discussion of the Code of Ethical Conduct by adding it to its Annual Work Plan. Updated Annual Work Plan has been prepared for review and approval at the next TC meeting.

## BCC Code of Conduct Feedback Notes

- In addition, since new BCC members should become familiar with this Code, “Elected and Appointed Official Code of Ethical Conduct” is proposed for addition to the TC Handbook section on Orientation and Training for Transportation Commissioners. Updated TC Handbook has been prepared for review and approval at the next TC meeting. We also plan to add a link to the Elected and Appointed Official Code of Ethical Conduct on the Member Training and Information page of the TC website.

In the third paragraph on p. 2, it indicates: “Council and BCC members should refer to staff by their title or formal salutation followed by the individual’s last name in public meetings when first introduced.”

- I believe it’s very important to follow the rules. However, unless staff helps facilitate this process, it might not be easy for BCC members to do. It’s easy to know the Mayor’s title, the City Attorney’s title, the Director of Transportation’s title, etc. It’s not so easy to know the correct titles for all staff. I see potential logistical issues with implementing this part of the proposed updated Code.
- TC has a group of managers we work with often and know well. While I am familiar with their titles, I am not certain if all TC members know their titles. Some of the other staff that appear before TC are known by name and generally what they do, but usually not by title. Titles are included in the minutes, which we don’t see until the next meeting.

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- On p. 2 at the bottom of the page it reads: “speaking in front of the Council or a committee.” Should “committee” be “BCC?”

### *Feedback at TC Meeting*

Question: What is the intent for having the Code of Conduct on the agenda on a yearly basis?

Answer: This is the standing policy today. This serves as a training or discussion opportunity for each BCC to talk about things that may be relevant and refamiliarize. Currently don't have a required training for BCC members so, in the meantime, this sort of serves the purpose of that.

Response: Would like to see some sort of training around the Code of Conduct for BCC members.

Feedback: Thinks an addition should be made that says that each BCC should discuss this policy as an item on the agenda in addition to getting it when you are appointed or elected.

### Equal Opportunities Commission: July 10, 2025

#### *Feedback at the EOC Meeting*

Feedback: How do we address each other on the Commission? EOC is much more informal than other BCCs. However, do like addressing staff by their formal title. Same with alders. Think the portion about media is important. Does not believe that EOC should discuss personnel issues so appreciates having this point outlined as well. One small issue is that the PDF refers to the protected classes and refers to the Affirmative Action ordinance, not the Equal Opportunities ordinance. This hyperlinks to a list of protected classes but does not include the full list of equal opportunities.

## BCC Code of Conduct Feedback Notes

Feedback: Wants to wait to make a decision. Grateful for this effort and thinks it is a long time coming.

Question: If we do refer this to the next meeting in August, would that prevent our input in the final Common Council consideration or review?

Answer: It will not. Will be able to incorporate additional feedback at the next meeting. Would be happy to return in the case that they refer it.

Question: Why is there a difference in the protected classes between Affirmative Action ordinance versus the EOC ordinance.

Answer: Going to take a look and see. That is the current existing Code of Conduct. Will let the alders know that this is something they can consider (adding a second hyperlink).

Feedback/Questions: Reporting chart is not clear. Wants more clarity in who they can report to. Should there be a form? What protections are there for the person reporting? [audio a bit unclear here, so I don't think I got every comment] Again reiterates desire to refer it to next EOC.

Answer: Helpful for notetaking purposes if you can refer to where you are discussing. Believe the reporting structure referenced above was from the current Code of Conduct.

Feedback: Focused primarily on what proposals and what issues would impact EOC.

Feedback: In the proposed one, want a stronger reporting structure. Will reach out directly to Karen.

### *Feedback Received After EOC Meeting*

Public portal/landing page with information about the Code and a way for the public to submit complaints online

Anonymous reporting feature

Retaliation protections for complainants (public, alders, etc)

Should Code be in ordinance instead of resolution/policy?

Prohibit alcohol and other drugs while carrying out City business

## BCC Code of Conduct Feedback Notes

Send a press release about updates to Code and where to apply (public awareness)

Instructions for public about what happens after a complaint is filed

Equal Opportunities Commission: August 14, 2025

*Feedback at the EOC Meeting*

Want BCC as a term to be defined early in the document

Inconsistent language between appointed official and BCC member

Want this to live in a clear space on the City of Madison's website

*Feedback before and after the EOC Meeting*

The Code refers to the AAO, but the footnote describes the protected classes. The AAO has only 10 protected classes. Most of these classes cited in the Code are in the EOO, of which 3 are missing:

- the fact that the person declines to disclose their social security number
- status as a victim of domestic abuse, sexual assault, or stalking
- receipt of rental assistance

and of which 3 don't appear to be in the MGO anywhere:

- use or nonuse of lawful products off the employer's premises during non-work hours
- HIV status,
- military/veteran status,

Which set of protected classes are we working with? Does it agree with the MGO?

Then there is editing of the document for clarity. Would it be appropriate for me to suggest editing of the text? Most of this involves using "appointed official" and "BCC member" interchangeably.

BCC – define this term at beginning of document,

Elected and Appointed Official Conduct Toward Participants in Public Meetings

- inconsistent language: appointed vs. BCC member.

## BCC Code of Conduct Feedback Notes

Elected Official Conduct with the Media When communicating with the media, elected and appointed officials should clearly differentiate between personal opinions and the official position of the City. Until a vote on any issue is taken, Council members' positions are merely their own

- include appointed official/BCC members?

Elected Official Conduct with the Media When communicating with the media, elected and appointed officials should clearly

- BCC members?

Censure – Complaint Process and Action by Common Council If the matter remains unresolved, the complaining Alder, City employee or community member

- should this include BCC members/appointed officials?

it'd be great to clarify which ordinance's protected classes are referred to in the Code document. The link on page 1, para 5 goes to the AAO, which does not agree with the list in the footnote on p. 4. Maybe that link should go to the EOO.

### Economic Development Committee: July 16, 2025

Feedback: Should hold vendors to the same code of conduct. Believes this is well written and makes sense for BCC members to sign it on a yearly basis to signal that they are aware of it and will abide by it.

Question: Was there a critical incident that inspired this?

Answer: Not on Council when initial piece was put together. Then in 2023 alders decided to create a team to update it, inspired by how Council members should treat and speak to each other. Then in 2024 there was a discussion about sexual harassment and prompted the 2024 edits. Then the new edits are not necessarily inspired by anything, as far as the alder can tell.

Second Answer: While 99% of interactions have been positive, there had been negative interactions between elected officials and City staff that inspired the initial portion.

Question: Was the draft itself using a template so that it followed a certain framework? Or was it a collected thoughts from a group of people?

Answer: Understanding is that the original Code of Conduct was developed with help from City Attorney's Office using references from other Wisconsin municipalities. Edits have also been inspired by other Wisconsin municipalities.

## BCC Code of Conduct Feedback Notes

Feedback: No conduct related challenges observed in EDC meetings.

Feedback: Second that. Though there can be times where power dynamics can emerge between alders, staff, BCC members, the public. Think prevention is always good. Believe this being an expectation is a good thing.

Feedback: Important that this continues to be a living document and not necessarily defined by the most recent incident. Wants this to be a living document.

Question: Will the Updated Code of Conduct be available publicly? That way people interested in becoming an elected official or appointed member of a BCC can see what is expected of them.

### Alcohol License Review Committee: July 16, 2025

Feedback: Wants to see a reference towards derogatory statements regarding culture. Example of an alder saying “You people are always crying about something.” Appreciate everything else in the Updated Code of Conduct but would like to see that specific example included. Question the governing authority of CCEC rather than going to either Civil Rights for mediation or the Ethics Commission. Just food for thought on that. Appreciate the part about the media, but there needs to also be respect for constituents when talking to the media.

Question: Question about referring to officials by their title and last name. How to avoid making assumptions about gender identity when you don’t know how to pronounce their last name or what their title is?

Answer: This has been a common question. Think best thing to do is have committee staff help you with that. Staff should be able to reach out to relevant staff to know their title and how to pronounce their last name. After that, you are free to use their first names.

### Disability Rights Commission: July 24, 2025

Feedback: Think it all seems pretty straightforward. Especially being welcoming to community members. Think DRC has set a high bar for that.

Feedback: First amendment issue about not sharing your opinion with the media.

Feedback: Want to give people more time to process this information.

### Police Civilian Oversight Board: August 20, 2025

## BCC Code of Conduct Feedback Notes

Feedback: Appreciate the effort to codify this and feel like it is straightforward

### Disability Rights Commission: August 28, 2025

Hope that this is a continuous process and want this document to be continually reflected upon.

Appreciate the work that was done on it.

Think it is pretty straightforward.

Must uplift the vulnerability of being in this position while being disabled

### BCC Staff Feedback

There is a lack of clarity regarding what actions will be taken if an official violates APM 3-5 or APM 2-33. Will they be automatically removed? I think this should be clearly stated rather than left open for interpretation.

“Council and BCC members should refer to staff by their title or formal salutation followed by the individual’s last name in public meetings when first introduced.”

- I appreciate the intention here. I also want to acknowledge that many City of Madison staff have long and complicated titles that are difficult to remember. I would like to avoid a BCC member choosing not to introduce a city staff because they can’t remember their full title.
- There are also a variety of different type of public meetings. For ranging from formal presentations where this seems appropriate, to community events where staff may or may not be directly involved with the event. I’m imagining, say attending Parks Alive or a Library event and a BCC member might introduce me as Rebecca who works for Department of Civil Rights or Rebecca who does Disability work for the City. Would this be permissible?

All employee performance issues shall be forwarded to the Mayor, the Human Resources Director or the employee’s Department/Division Head through professional, private correspondence or conversation.

- Can this be re-ordered? Department/Division Head, Human Resources, or the Mayor. Listing the Mayor first seems unduly influential.

I would also like to see clarification regarding limiting requests of City staff during non-work hours. I am connected with BCC members via social media and some have my personal cell. Occasionally, I receive inquiries or work-related requests outside of work hours. I generally ask folks to email my city email so I can respond during the work week, but I would appreciate

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clarifying that City staff are not expected to respond to work related requests during non-work hours and these should be limited to urgent matters only.