



City of Madison

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

Agenda - Approved COMMON COUNCIL EXECUTIVE COMMITTEE

*Consider: Who benefits? Who is burdened?
Who does not have a voice at the table?
How can policymakers mitigate unintended consequences?*

Tuesday, October 28, 2025

4:30 PM

Hybrid: 201 City-County Building and via Virtual
Meeting
210 Martin Luther King, Jr. Blvd.

Note: Quorum of the Common Council may be present at this meeting

The City of Madison is holding the Common Council Executive Committee meeting in hybrid format.

Written Comments: You can send comments on agenda items to
CCEC@cityofmadison.com

Register for Public Comment:

- Register to speak at the meeting
- Register to answer questions
- Register in support or opposition of an agenda item (without speaking)

If you want to speak at this meeting you must register. You can register at <https://www.cityofmadison.com/MeetingRegistration>. When you register to speak, you will be sent an email with the information you will need to join the virtual meeting.

<https://media.cityofmadison.com/Mediasite/Showcase/madison-city-channel/Channel/common-council-executive-committee>.

Listen by Phone: (877) 853-5257 (Toll Free) Webinar ID: 894 9784 3737

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 at least three business days prior to the meeting.

Si necesita un intérprete, un traductor, materiales en formatos alternativos u otros arreglos para acceder a este servicio, actividad o programa, comuníquese al número de teléfono que figura a continuación tres días hábiles como mínimo antes de la reunión.

Yog hais tias koj xav tau ib tug neeg txhais lus, ib tug neeg txhais ntawv, cov ntawv ua lwm hom ntawv los sis lwm cov kev pab kom siv tau cov kev pab, cov kev ua ub no (activity) los sis qhov kev pab cuam, thov hu rau tus xov tooj hauv qab yam tsawg peb hnuv ua hauj lwm ua ntej yuav tuaj sib tham.

For accommodations, contact: Common Council Office, 608-266-4071,

CCEC@cityofmadison.com

Call to Order/Roll Call

Approval of Minutes

Draft minutes (10/7/25): <http://madison.legistar.com/Calendar.aspx>

Public Comment

1. [90562](#) Public Comment (10/28/25)

Disclosures and Recusals

Members of the body should make any required disclosures or recusals under the City's Ethics Code.

Items for Consideration

2. [90214](#) Amending various sections of the Madison General Ordinances to correct inconsistencies and improper references in the Madison General Ordinances, constituting a 2025 City Attorney Revisor's Ordinance.
Attachments: [90214 Body](#)
3. [88483](#) SUBSTITUTE: Amending Section 2.03 of the Madison General Ordinances related to alder vacancies, to add detail to the application process and information to be submitted by applicants to fill vacancies on the Common Council.
Attachments: [88483 Version 1](#)
4. [87483](#) SUBSTITUTE: Adopting the Updated Elected and Appointed Official Code of Ethical Conduct
Attachments: [PROPOSED: Updated Elected and Appointed Official Code of Ethical Conduct3](#)
[IN EFFECT: Elected and Appointed Official Code of Ethical Conduct Updated 7-](#)
[BPW Presentation Elected and Appointed Official Code of Ethical Conduct.pdf](#)
[Updated Presentation Elected and Appointed Official Code of Ethical Conduct.p](#)
[Updated 7-17-25 Elected and Appointed Official Code of Ethical Conduct.pdf](#)
[BCC Code of Conduct Feedback Notes.pdf](#)
[Draft for Discussion Code of Expected Conduct - Govindarajan Alternate.pdf](#)
[Public Comment re_ 87483.pdf](#)
[87483 V1.pdf](#)
[Updated Elected and Appointed Official Code of Conduct Substitute 102325.pdf](#)
5. [88520](#) Council Office Updates (2025-2026)

Attachments: [CCEC Chief of Staff Update 6-3-25.pdf](#)
[CCEC Chief of Staff Update 7-1-25.pdf](#)
[CCEC Chief of Staff Update 080525.pdf](#)
[CCEC Chief of Staff Update 091625.pdf](#)

6. [88519](#) Future Agenda Items (2025-2026)

Attachments: [Future Agenda Item Requests 2025-2026 updated 6-3-25.pdf](#)

Adjournment



City of Madison

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Master

File Number: 90562

File ID: 90562

File Type: Miscellaneous

Status: Public Comment

Version: 1

Reference:

Controlling Body: COMMON
COUNCIL
EXECUTIVE
COMMITTEE

File Created Date : 10/22/2025

File Name: Public Comment (10/28/25)

Final Action:

Title: Public Comment (10/28/25)

Notes:

Sponsors:

Effective Date:

Attachments:

Enactment Number:

Author:

Hearing Date:

Entered by: kkapusta-pofahl@cityofmadison.com

Published Date:

History of Legislative File

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
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Text of Legislative File 90562

Title

Public Comment (10/28/25)



City of Madison

City of Madison
Madison, WI 53703
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Master

File Number: 90214

File ID: 90214

File Type: Ordinance

Status: Report of Officer

Version: 1

Reference:

Controlling Body: COMMON
COUNCIL
EXECUTIVE
COMMITTEE

File Created Date : 10/01/2025

File Name: Revisor's Ordinance October 2025

Final Action:

Title: Amending various sections of the Madison General Ordinances to correct inconsistencies and improper references in the Madison General Ordinances, constituting a 2025 City Attorney Revisor's Ordinance.

Notes: 6973RevOrdOct2025

Sponsors: CITY ATTORNEY

Effective Date:

Attachments: 90214 Body

Enactment Number:

Author: Michael Haas

Hearing Date:

Entered by: mglaeser@cityofmadison.com

Published Date:

History of Legislative File

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	Attorney's Office	10/01/2025	Referred for Introduction				
	Action Text: This Ordinance was Referred for Introduction						
	Notes: Common Council Executive Committee (10/28/25), Common Council (10/28/25)						
1	COMMON COUNCIL	10/07/2025	Refer	COMMON COUNCIL EXECUTIVE COMMITTEE			Pass
	Action Text: A motion was made by Vidaver, seconded by Govindarajan, to Refer to the COMMON COUNCIL EXECUTIVE COMMITTEE. The motion passed by voice vote/other.						

Text of Legislative File 90214

Fiscal Note

No City appropriation required.

Title

Amending various sections of the Madison General Ordinances to correct inconsistencies and improper references in the Madison General Ordinances, constituting a 2025 City Attorney Revisor's Ordinance.

Body

DRAFTER'S ANALYSIS: This City Attorney Revisor's Ordinance corrects certain parts of the Madison General Ordinances (MGO), the City's code of ordinances.

The proposed changes in this ordinance are as follows:

- Section 2.37(6)(b) is amended to fix a grammatical error.
- Section 7.10(4) is amended to fix a grammatical error.
- Sections 21.20 is amended to fix a numbering issue.
- Sections 28.121-28.125 are repealed, as they have been previously moved to Chapter 21.
- Section 29.09(3)(b) is amended to fix a State Agency title.
- Section 32.04(12) is amended to fix a grammatical error.
- Section 38.12 is repealed following the Section sunset date in 2015.

Please see Legistar File No. 90214 in Attachments.

Legistar File No. 90214 Body

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- Sections 28.121-28.125 are repealed, as they have been previously moved to Chapter 21.
- Section 29.09(3)(b) is amended to fix a State Agency title.
- Section 32.04(12) is amended to fix a grammatical error.
- Section 38.12 is repealed following the Section sunset date in 2015.

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

1. Subdivision (b) of Subsection (6) entitled "Deliberations" of Section 2.37 entitled "Removal Hearings" of the Madison General Ordinances is amended as follows:

"(b) The hearing examiner shall recognize alders to speak on the question of removal in the order they enter the queue. Each alder may speak once for up to six minutes on the question ~~and of~~ removal. Discussion and debate shall be limited to the testimony and evidence presented at the hearing and the standards for removal. The hearing examiner may explain the legal standards related to removal and review the required process, and shall rule on any questions of whether statements made in deliberations are in order."

2. Subsection (4) of Section 7.10 entitled "Fugitive Dust" of the Madison General Ordinances is amended as follows:

"(4) Any person who violates this section for a first offense may be subject to a forfeiture of not less than fifty dollars (\$50) ~~æ nor~~ more than two thousand dollars (\$2000), any person who violates this section for a second offense may be subject to a forfeiture of not less than two hundred and fifty dollars (\$250) ~~æ nor~~ more than two thousand dollars (\$2000), any person who violates this section for a third and subsequent offense may be subject to a forfeiture of not less than five hundred dollars (\$500) ~~æ nor~~ more than two thousand dollars (\$2000). Each day of violation shall constitute a separate offense."

3. Section 21.20 entitled "Floodway District" of the Madison General Ordinances is renumbered to 21.205. The Office of the City Attorney is authorized to amend the section number where referenced elsewhere in the Ordinances.

"~~21.20~~ 205 FLOODWAY DISTRICT."

4. Section 28.121 entitled "Floodplain Overlay District" of the Madison General Ordinances is repealed.

5. Section 28.122 entitled "F1 Floodway District" of the Madison General Ordinances is repealed.

6. Section 28.123 entitled "F2 Flood Fringe District" of the Madison General Ordinances is repealed.

7. Section 28.124 entitled "F3 General Floodplain District" of the Madison General Ordinances is repealed.

8. Section 28.125 entitled "F4 Flood Storage District" of the Madison General Ordinances is repealed.

9. Paragraph 1 of Subdivision (b) entitled "Plan Review Fees" of Subsection (3) entitled "Fee Schedule" of Section 29.09 entitled "Fee Schedule" of the Madison General Ordinances is amended as follows:

"1. State Seal fee as charged by Department of Safety and ~~Special~~ Professional Services (DSPS)."

10. Subsection (12) entitled "Severability" of Section 32.04 entitled "Rent Abatement" of the Madison General Ordinances is amended as follows:

"(12) Severability. In the event that any section of this Ordinance shall be declared or judged by a court of competent jurisdiction to be ~~in-valid~~ invalid or unconstitutional, such adjudication shall in no manner affect the other sections of this Ordinance, which shall be in full force and effect as if the said section or said sections were not originally a part thereof. In addition, should enforcement of these ordinance provisions relating to rent abatement be temporarily or permanently stayed in whole or in part by judicial order or should any of said sections of this Ordinance be declared or judged invalid or unconstitutional by a court, the provisions of Sec. 32.06 of the Madison General Ordinances, entitled Rent Withholding, in force and effect on October 20, 1986, which relate to rent withholding procedures shall be immediately reinstated without further action by the Common Council."

11. Section 38.12 entitled "Habitually Intoxicated Persons" of the Madison General Ordinances is repealed.

Section 28.121 entitled "Floodplain Overlay District" of the Madison General Ordinances currently reads as follows:

"28.121 FLOODPLAIN OVERLAY DISTRICTS.

(1) Statement of Purpose.

Pursuant to Wis. Stat. § 62.23(7), this ordinance is intended to regulate floodplain development to:

- (a) Protect life, health, and property.
- (b) Minimize expenditures of public funds for flood control projects.
- (c) Minimize rescue and relief efforts undertaken at the expense of the taxpayers.
- (d) Minimize business interruptions and other economic disruptions.
- (e) Minimize damages to public facilities in the floodplains.
- (f) Minimize the occurrence of future flood blight areas in the floodplain.
- (g) Discourage the victimization of unwary land and homebuyers.
- (h) Prevent increases in flood heights that could increase flood damage and result in conflicts between property owners; and
- (i) Discourage development in the floodplain if there is any practicable alternative to locate the activity, use, or structure outside the floodplain.

(2) Areas to be Regulated.

This Subchapter regulates all areas that could be covered by the regional flood or base flood as shown on the Flood Insurance Rate Map (FIRM) or other maps approved by DNR. Base flood elevations are derived from the flood profiles in the Flood Insurance Study (FIS) and are shown as AE, A1-30, and AH Zones on the FIRM. Other regulatory zones are displayed as A and AO zones. Regional Flood Elevations (RFE) may be derived from other studies. If more than one map or revision is referenced, the most restrictive information shall apply.

(3) Establishment of Floodplain Zoning Districts.

The regional floodplain area is divided into four (4) districts as follows:

- (a) The F1 Floodway District (FW) is the channel of a river or stream and those portions of the floodplain adjoining the channel required to carry the regional floodwaters and are contained within AE zones as shown on the FIRM.
- (b) The F2 Flood Fringe District (FF) is that portion between the regional flood limits and the floodway and displayed as AE zones on the FIRM.
- (c) The F3 General Floodplain District (GFP) consists of those areas that may be covered by floodwater during the regional flood.
- (d) The F4 Flood Storage District (FSD) is that area of the floodplain where storage of floodwaters is calculated to reduce the regional flood discharge.

(4) Floodplain Maps.

See Sec. 28.022(3), Zoning Districts and Maps, for listing of floodplain maps and determination of floodplain boundaries.

(5) Removal of Lands From Floodplain.

Compliance with the provisions of this ordinance shall not be grounds for removing land from the floodplain unless it is filled at least two (2) feet above the regional or base flood elevation; the fill is contiguous to land outside the floodplain, and the map is amended using the procedures established for zoning map amendments in Sec. 28.182.

(6) Warning and Disclaimer of Liability.

The flood protection standards in this ordinance are based on engineering experience and scientific research. Larger floods may occur or the flood height may be increased by person-made or natural causes. This ordinance does not imply or guarantee that non-

floodplain areas or permitted floodplain use areas will be free from flooding and flood damages. Nor does this ordinance create liability on the part of, or a cause of action against, the City of Madison or any officer or employee thereof for any flood damage that may result from reliance on this ordinance.

(7) General Development Standards.

- (a) No development shall be allowed in floodplain areas which will:
 - 1. Obstruct flow, defined as development that blocks the conveyance of floodwaters by itself or with other development, causing any increase in the regional flood height; or
 - 2. Cause any increase in the regional flood height due to floodplain storage area lost.
- (b) Obstructions or increases greater than 0.00 foot may only be permitted if amendments are made to this ordinance, the official floodplain zoning maps, floodway lines, and water surface profiles.
- (c) The Zoning Administrator shall deny permits where it is determined that the proposed development will obstruct flow or cause any increase in the regional flood heights based on the adopted Flood Insurance Rate Map or other adopted map, unless amendments are made using the procedures established for zoning map amendments in Sec. 28.182.
- (d) All proposed building sites in subdivisions or new developments in flood prone areas shall be reasonably free from flooding. If a proposed building site is in a flood prone area, all new construction and substantial improvements shall be designed and anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads; be constructed with flood-resistant materials; be constructed to minimize flood damages; and to ensure that utility and mechanical is designed and/or located so as to prevent water from entering or accumulating within the equipment during conditions of flooding. Subdivisions and all new development shall be reviewed for compliance with the above standards. All proposals (including manufactured home parks) shall include regional flood elevation and floodway data.

(8) Watercourse Alterations.

No land use permit to alter or relocate a watercourse in a mapped floodplain shall be issued until the Zoning Administrator has notified in writing all adjacent municipalities, the Southern District Office of the DNR and the appropriate office of FEMA and required the applicant to secure all necessary state and federal permits. The standards of sub. (7) must be met and the flood-carrying capacity of any altered or relocated watercourse shall be maintained. As soon as practicable, but not later than six months after the date of the watercourse alteration or relocation, and pursuant to Sec. 28.182, the City shall apply for a Letter of Map Revision (LOMR) from FEMA. Any such alterations must be reviewed and approved by FEMA and the DNR through the LOMC process.

(9) Development Under Wis. Stat. chs. 30 and 31.

Development which requires a permit from the Department of Natural Resources, under Wis. Stat. chs. 30 and 31, such as docks, piers, wharves, bridges, culverts, dams and navigational aids, may be allowed provided the necessary local permits are obtained and necessary amendments are made to the floodplain zoning ordinance are made according to Sec. 28.182.

(10) Nonconforming Uses.

The existing lawful use of a structure or its accessory use that is not in conformity with the provisions of this ordinance may continue subject to the conditions set forth in Sec. 28.126(2).

(11) Compliance Required.

Unless specifically exempted by law, all cities, villages, towns and counties are required to comply with this ordinance and obtain all necessary permits. State agencies are required to comply if Wis. Stat. § 13.48(13) applies. The construction, reconstruction, maintenance and repair of state highways and bridges by the Wisconsin Department of Transportation is exempt when Wis. Stat. § 30.2022 applies.

(12) Floodproofing.

(a) To withstand flood velocities, forces, and other factors associated with the regional flood, floodproofing measures shall be designed that will protect the structure or development to the flood protection elevation and such measures shall either be certified by a registered professional engineer or architect, or meet or exceed the following standards:

1. A minimum of two (2) openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;
2. The bottom of all openings shall be no higher than one foot above grade; and
3. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

(b) All flood-proofing measures shall be designed to:

1. Withstand floor pressures, depths, velocities, uplift and impact forces and other regional flood factors.
2. Protect structures to the flood protection elevation.
3. Anchor structures to foundations to resist flotation and lateral movement; and
4. Minimize or eliminate infiltration of flood waters; and
5. Minimize or eliminate discharges into flood waters.

(c) Flood-proofing measures may include the following:

1. Installation of watertight doors, bulkheads and shutters.
2. Reinforcement of walls and floors to resist rupture or collapse caused by water pressure or floating debris.
3. Use of paints, membranes or mortars to reduce seepage of water through walls.
4. Addition of mass or weight to structures to prevent flotation.
5. Placement of essential utilities above the flood protection elevation.
6. Installation of pumping facilities and/or subsurface drainage systems to relieve foundation wall and basement floor pressures and to lower water levels in structures.
7. Construction of water supply wells and waste treatment systems to prevent the entry of flood waters.
8. Installation of cutoff valves on sewer lines or the elimination of gravity basement drains.

(13) Public or Private Campgrounds.

Public or private campgrounds shall have low flood damage potential and shall meet the following provisions:

- (a) The campground is approved by the Department of Health Services;
 - (b) A land use permit for the campground is issued by the zoning administrator;
 - (c) The campground elevation in relation to the river system is such that a seventy-two (72) hour warning of an impending flood can be given to all campground occupants;
 - (d) There is an adequate flood warning procedure for the campground that offers the minimum notice required under this section to all persons in the campground. This procedure shall include a written agreement between the campground owner, the municipal emergency government coordinator and the chief law enforcement official which specifies the flood elevation at which evacuation shall occur, personnel responsible for monitoring flood elevations, types of warning systems to be used and the procedures for notifying at-risk parties, and the methods and personnel responsible for conducting the evacuation;
 - (e) This agreement shall be for no more than one (1) calendar year, at which time the agreement shall be reviewed and updated by the officials identified in sub. d to remain in compliance with all applicable regulations, including those of the state Department of Health Services and all other applicable regulations;
 - (f) Only camping units that are fully licensed, if required, and ready for highway use are allowed;
 - (g) The camping units shall not occupy any site in the campground for more than one hundred-eighty (180) consecutive days, at which time the camping unit must be removed from the floodplain for a minimum of twenty-four (24) hours;
 - (h) All camping units that remain on site for more than thirty (30) days shall be issued a limited authorization by the campground operator, a written copy of which is kept on file at the campground. Such authorization shall allow placement of a camping unit for a period not to exceed one hundred-eighty (180) days and shall ensure compliance with all the provisions of this section;
 - (i) The municipality shall monitor the limited authorizations issued by the campground operator to assure compliance with the terms of this section;
 - (j) All camping units that remain in place for more than one hundred-eighty (180) consecutive days must meet the applicable requirements in either Secs. 28.122, 28.123 or 28.124 for the floodplain district in which the structure is located;
 - (k) The campground shall have signs clearly posted at all entrances warning of the flood hazard and the procedures for evacuation when a flood warning is issued and;
 - (l) All service facilities, including but not limited to refuse collection, electrical service, gas lines, propane tanks, sewage systems and wells shall be properly anchored and placed at or floodproofed to the flood protection elevation.
- (14) Application Requirements for Permits and Zoning Certificates.
- (a) Site Development Plan. Within the Floodplain Districts, all permit applications shall include a site development plan drawn to scale and containing the following information:
 - 1. Name and address of the applicant, property owner, and contractor.
 - 2. Legal description, proposed use, and whether the development is new construction or a modification.
 - 3. Location, dimensions, area and elevation of the lot.
 - 4. Location of the ordinary high-water mark of any abutting navigable waterways.
 - 5. Location of any structures with distances measured from the lot lines and center line of all abutting streets highways.

6. Location of any existing or proposed on-site sewage systems or private water supply systems.
7. Location and elevation of existing or future access roads.
8. Location of floodplain and floodway limits on the property as determined from the official floodplain zoning maps.
9. The elevation of the lowest floor of proposed buildings and any fill using North American Vertical Datum (NAVD).
10. Data sufficient to determine the regional flood elevation in NAVD at the location of the development and to determine whether or not the requirements of the Floodway District or the Flood Fringe District apply.
11. Data sufficient to determine if the proposed development will cause either an obstruction to flow or an increase in regional flood height or discharge according to Sec. 28.121(7). This may include any of the information noted in Sec. 28.122(3).

(b) Hydraulic and Hydrologic Studies to Analyze Developments. All hydraulic and hydrologic studies shall be completed under the direct supervision of a professional engineer registered in the State. The study contractor shall be responsible for the technical adequacy of the study. All studies shall be reviewed and approved by the Department

1. Zone A Floodplains.

a. Hydrology.

- i. The appropriate method shall be based on the standards in Wis. Admin. Code ch. NR 116.07(3), *Hydrologic Analysis: Determination of Regional Flood Discharge*.

b. Hydraulic Modeling.

The regional flood elevation shall be based on the standards in Wis. Admin. Code ch. NR 116.07(4), *Hydraulic Analysis: Determination of Regional Flood Elevation* and the following:

- i. Determination of the required limits of the hydraulic model shall be based on detailed study information for downstream structures (dam, bridge, culvert) to determine adequate starting WSEL for the study.
- ii. Channel sections must be surveyed.
- iii. Minimum four (4) foot contour data in the overbanks shall be used for the development of cross section overbank and floodplain mapping.
- iv. A maximum distance of five hundred (500) feet between cross sections is allowed in developed areas with additional intermediate cross sections required at transitions in channel bottom slope including a survey of the channel at each location.
- v. The most current version of HEC-RAS shall be used.
- vi. A survey of bridge and culvert openings and the top of road is required at each structure.
- vii. Additional cross sections are required at the downstream and upstream limits of the proposed development and any

necessary intermediate locations based on the length of the reach if greater than five hundred (500) feet.

- viii. Standard accepted engineering practices shall be used when assigning parameters for the base model such as flow, Manning's N values, expansion and contraction coefficients or effective flow limits. The base model shall be calibrated to past flooding data such as high water marks to determine the reasonableness of the model results. If no historical data is available, adequate justification shall be provided for any parameters outside standard accepted engineering practices.
- ix. The model must extend past the upstream limit of the difference in the existing and proposed flood profiles in order to provide a tie-in to existing studies. The height difference between the proposed flood profile and the existing study profiles shall be no more than 0.00 feet.

c. Mapping.

A work map of the reach studied shall be provided, showing all cross section locations, floodway/floodplain limits based on best available topographic data, geographic limits of the proposed development and whether the proposed development is located in the floodway.

- i. If the proposed development is located outside of the floodway, then it is determined to have no impact on the regional flood elevation.
- ii. If any part of the proposed development is in the floodway, it must be added to the base model to show the difference between existing and proposed conditions. The study must ensure that all coefficients remain the same as in the existing model, unless adequate justification based on standard accepted engineering practices is provided.

2. Zone AE Floodplains.

a. Hydrology.

If the proposed hydrology will change the existing study, the appropriate method to be used shall be based on ch. NR 116.07(3), Wis. Admin. Code, *Hydrologic Analysis: Determination of Regional Flood Discharge*.

- b. Hydraulic Model. The regional flood elevation shall be based on the standards in Wis. Admin. Code ch. NR 116.07(4), *Hydraulic Analysis: Determination of Regional Flood Elevation* and the following:

i. Duplicate Effective Model.

The effective model shall be reproduced to ensure correct transference of the model data and to allow integration of the revised data to provide a continuous FIS model upstream and downstream of the revised reach. If data from the effective model is available, models shall be generated that duplicate the FIS profiles and the elevations

shown in the Floodway Data Table in the FIS report to within 0.1 foot.

ii. Corrected Effective Model.

The Corrected Effective Model shall not include any person-made physical changes since the effective model date, but shall import the model into the most current version of HEC-RAS for Department review.

iii. Existing (Pre-Project Conditions) Model.

The Existing Model shall be required to support conclusions about the actual impacts of the project associated with the Revised (Post-Project) Model or to establish more up-to-date models on which to base the Revised (Post-Project) Model.

iv. Revised (Post-Project Conditions) Model.

The Revised (Post-Project Conditions) Model shall incorporate the Existing Model and any proposed changes to the topography caused by the proposed development. This model shall reflect proposed conditions.

v. All changes to the Duplicate Effective Model and subsequent models must be supported by certified topographic information, bridge plans, construction plans and survey notes.

vi. Changes to the hydraulic models shall be limited to the stream reach for which the revision is being requested. Cross sections upstream and downstream of the revised reach shall be identical to those in the effective model and result in water surface elevations and top widths computed by the revised models matching those in the effective models upstream and downstream of the revised reach as required. The Effective Model shall not be truncated.

c. Mapping.

Maps and associated engineering data shall be submitted to the Department for review which meet the following conditions:

- i. Consistency between the revised hydraulic models, the revised floodplain and floodway delineations, the revised flood profiles, topographic work map, annotated FIRMs and/or Flood Boundary Floodway Maps (FBFMs), construction plans, bridge plans.
- ii. Certified topographic map of suitable scale, contour interval, and a planimetric map showing the applicable items. If a digital version of the map is available, it may be submitted in order that the FIRM may be more easily revised.
- iii. Annotated FIRM panel showing the revised 1% and 0.2% annual chance floodplains and floodway boundaries.
- iv. If an annotated FIRM and/or FBFM and digital mapping data (GIS or CADD) are used then all supporting documentation or metadata must be included with the data submission along with the Universal Transverse Mercator

- (UTM) projection and State Plane Coordinate System in accordance with FEMA mapping specifications.
- v. The revised floodplain boundaries shall tie into the effective floodplain boundaries.
 - vi. All cross sections from the effective model shall be labeled in accordance with the effective map and a cross section lookup table shall be included to relate to the model input numbering scheme.
 - vii. Both the current and proposed floodways shall be shown on the map.
 - viii. The stream centerline, or profile baseline used to measure stream distances in the model shall be visible on the map.

Section 28.122 entitled “F1 Floodway District” of the Madison General Ordinances currently reads as follows:

“28.122 F1 FLOODWAY DISTRICT.

(1) Applicability.

The provisions of this section shall apply to all floodway areas on the floodplain zoning maps and to those portions of the F3 General Floodplain District determined to be in the floodway area.

(2) Permitted Uses.

The following open space uses are permitted in the F1 Floodway District:

- (a) Agricultural uses, including general farming, pasture, grazing, outdoor plant nurseries, horticulture, viticulture, and wild crop harvesting.
- (b) Nonstructural industrial and commercial uses, including parking and loading areas and airport landing strips.
- (c) Nonstructural recreational uses, including golf course, tennis courts, driving ranges, archery ranges, picnic grounds, boat launching ramps, swimming areas, parks, wildlife and nature preserves, game farms, fish hatcheries, shooting trap and skeet activities, hunting and fishing areas, and hiking and horseback riding trails.
- (d) Uses or structures accessory to open space uses or classified as historic structures.
- (e) Public utilities, streets, and bridges.
- (f) Extraction or deposition of sand, gravel or other materials.
- (g) Functionally water-dependent uses, such as docks, piers or wharves, dams, flowage areas, culverts, navigational aids and river crossings of transmission lines, and pipelines that comply within Wis. Stats. chs. 30 and 31.

(3) Standards for Developments in Floodway.

(a) General.

- 1. Any development in the floodway shall comply with the provisions of Section 28.121(7) and have a low flood damage potential.
- 2. Applicants shall provide the following data for the Zoning Administrator to determine the effects of the proposal according to Sec. 28.121(7)(a) and (b):

- a. A cross-section elevation view of the proposal, perpendicular to the watercourse, indicating whether the proposed development will obstruct flow; or
 - b. An analysis calculating the effects of this proposal on regional flood height.
 3. The Zoning Administrator shall deny the permit application if the project will cause any increase in the flood elevations upstream or downstream based on the data submitted for Subparagraph 2.b. above.
- (b) Structures. Structures accessory to permitted open space uses, classified as historical areas, or functionally dependent on a waterfront location, may be allowed by permit, providing the structures meet all of the following criteria:
 1. Not designed for human habitation and do not have a high flood damage potential and is constructed to minimize flood damage;
 2. Shall have a minimum of two openings on different walls having a total net area not less than one square inch for every square foot of enclosed area, at the bottom of all such openings being no higher than one foot above grade. The openings shall be equipped with screens, louvers, or other coverings or other devices provided they permit the automatic entry and exit of floodwaters;
 3. Must be anchored to resist flotation, collapse, and lateral movement; and
 4. Mechanical and utility equipment must be elevated or flood proofed to or above the flood protection elevation.
- (c) Public Utilities, Streets, and Bridges. Public utilities, streets and bridges may be allowed by permit, provided that:
 1. Adequate flood-proofing measures are provided to the flood protection elevation; and
 2. Construction meets the standards in Sec. 28.121(7)(a) and (b).
- (d) Fills or Deposition of Materials.

Fills or deposition of materials may be allowed by permit, provided that:

 1. The requirements of Sec. 28.121(7)(a) and (b) are met.
 2. No material is deposited in navigable waters unless a permit has been granted by the Department of Natural Resources pursuant to Wis. Stat. ch. 30, and a permit pursuant to 33 U.S.C. 1344 has been issued, if applicable, and all other requirements have been met.
 3. The fill or other materials will be protected against erosion by riprap, vegetative cover, sheet piling or bulkheading sufficient to prevent erosion; and
 4. The fill is not classified as a solid or hazardous material.
- (4) Prohibited Uses.

All uses not listed as permitted uses in sub. (2) above are prohibited with the floodway district and in the floodway portion of the general floodplain district including the following uses:

 - (a) The storage of any material that is buoyant, flammable, explosive, or injurious to property, water quality, or human, animal, plant, fish or other aquatic life.
 - (b) Any uses not in harmony with or which may be detrimental to uses permitted in the adjoining districts.

- (c) All private or public sewage systems, except portable latrines that are removed prior to flooding, and systems associated with public recreational areas and Wisconsin Department of Natural Resources approved campgrounds, that meet the applicable provisions of Wis. Admin. Code ch. SPS 383.
- (d) All public or private wells which are used to obtain potable water, except those for recreational areas that meet the requirements of local ordinances and Wis. Admin. Code chs. NR 811 and NR 812.
- (e) All solid and hazardous waste disposal sites.
- (f) All wastewater treatment ponds or facilities, except those permitted under Wis. Admin. Code § NR 110.15(3)(b).
- (g) All sanitary sewer or water lines except those to service existing or proposed development located outside the floodway which complies with the regulation for the floodplain area occupied.
- (h) Habitable structures, structures with high flood damage potential, or those not associated with permanent open-space uses.

Section 28.123 entitled "F2 Flood Fringe District" of the Madison General Ordinances currently reads as follows:

"28.123 F2 FLOOD FRINGE DISTRICT.

(1) Applicability.

The provisions of this section shall apply to all areas within the F2 Flood Fringe District and to those portions of the F3 General Floodplain District determined to be in the flood fringe area. The F2 Flood Fringe District shall also include the A-zones so designated on the floodplain zoning district maps and for which floodways are delineated and mapped.

(2) Permitted Uses.

The following uses are permitted in the F2 Flood Fringe District and to those portions of the F3 General Floodplain District determined to be in the flood fringe area: Any building, structure or use otherwise allowed as permitted or conditional uses in the underlying primary zoning district, except for mobile home parks and solid waste disposal sites.

(3) Standards for Development in Flood Fringe.

All of the provisions of Sec. 28.121(7)(a) and (b) shall apply in addition to the following requirements according to the use requested. Any existing structure in the flood fringe must meet the requirements of Sec. 28.126.

- (a) Residential Uses. Any structure or building used for human habitation, including a manufactured home, which is to be erected, newly-constructed, reconstructed, altered, or moved into the flood fringe area shall meet or exceed the following standards. Any existing structure in the flood fringe must meet the requirements of Sec. 28.126.

- 1. The elevation of the lowest floor shall be placed on fill at or above the flood protection elevation (which is a point two feet above the regional flood elevation) except where Subparagraph 2. below is applicable. The fill elevation shall be one foot or more above the regional flood elevation extending at least fifteen (15) feet beyond the limits of the structure. The DNR may authorize other flood-proofing measures where existing streets or sewer lines are at elevations which make compliance impractical, provided the Board of Appeals grants a variance due to dimensional restrictions.

2. The basement or crawlway floor may be placed at the regional flood elevation provided it is flood-proofed to the flood protection elevation. No permit or variance shall allow any floor, basement or crawlway below the regional flood elevation.
 3. Contiguous dry land access, as a vehicle access route above regional flood elevation, shall be provided from a structure or building to land which is outside of the floodplain except as provided in sub. 4.
 4. In developments where existing street or sewer line elevations make compliance with sub. 3 impractical, the municipality may permit new development and substantial improvements where roads are below the regional flood elevation, if:
 - a. The municipality has written assurance from police, fire, and emergency services that rescue and relief will be provided to the structure(s) by wheeled vehicles during a regional flood event; or
 - b. The municipality has a DNR-approved emergency evacuation plan.
- (b) Accessory Structures or Uses.
Accessory structures shall be constructed on fill with the lowest floor at or above the Regional Flood Elevation.
- (c) Commercial Uses. Any commercial structure or building which is to be erected, constructed, reconstructed, altered or moved into the flood fringe shall meet the requirements for residential uses above. Storage yards, surface parking lots and such uses may be at lower elevations, subject to the requirements of subparagraph e. below provided an adequate warning system exists to protect life and property.
- (d) Manufacturing and Industrial Uses. Any manufacturing or industrial structure or building which is to be erected, constructed, reconstructed, altered or moved into the flood fringe shall have the lowest floor elevated to or above the flood protection elevation or meet the floodproofing standards in Sec. 28.121(12). Subject to the requirements in subparagraph (e) below, storage yards, surface parking lots and other such uses may be placed at lower elevations if an adequate warning system exists to protect life and property.
- (e) Storage or Processing of Materials. The storage or processing of materials that are buoyant, flammable, explosive, or injurious to property, water quality or human, animal, plant, fish or aquatic life, shall be stored at or above the flood protection elevation for the particular area or flood-proofed. Adequate measures shall be taken to ensure that such materials will not enter the water body during flooding.
- (f) Public Utilities, Streets and Bridges. All utilities, streets and bridges shall be designed to be compatible with the local comprehensive floodplain development plans and:
1. When failure or interruption of public utilities, streets and bridges would result in danger to the public health or safety or where such facilities are essential to the orderly functioning of the area, construction or repair of such facilities shall only be permitted if they are designed to comply with Sec. 28.121(12).
 2. Minor roads or nonessential utilities may be constructed at lower elevations providing they withstand flood forces to the regional flood elevation.

- (g) Sewage Systems. All sewage disposal systems shall be designed to minimize or eliminate infiltration of flood water into the system, flood-proofed pursuant to Sec. 28.121(12) to the flood protection elevation and shall meet the applicable provisions of all local ordinances and Wis. Adm. Code ch. SPS 383.
- (h) Wells. All public or private wells shall be designed to minimize or eliminate infiltration of flood water into the system, flood-proofed pursuant to Sec. 28.121(12) and shall meet the applicable provisions of Wis. Adm. Code chs. NR 811 and 812.
- (i) Solid Waste Disposal Sites. Disposal of solid or hazardous waste is prohibited in flood fringe areas.
- (j) Deposition of Materials. Any deposited material must meet all the provisions of this ordinance.
- (k) Manufactured Homes.
 - 1. Owners or operators of all manufactured home parks and subdivisions shall provide adequate surface drainage to minimize flood damage, and prepare, secure approval and file an excavation plan, indicating vehicular access and escape routes, with local emergency management authorities.
 - 2. In existing manufactured home parks, all new homes, replacement homes on existing pads, and substantially improved homes shall:
 - a. Have the lowest floor elevated to the flood protection elevation; and
 - b. Be anchored so they do not float, collapse or move laterally during a flood.
 - 3. Outside of existing manufactured home parks, including manufactured home parks and all single units outside of existing parks, all new, replacement and substantially improved manufactured homes shall meet the requirements for residential uses in para. (3)(a) above.
- (l) Mobile Recreational Vehicles.

All mobile recreational vehicles that are on site for one hundred-eighty (180) consecutive days or more or are not fully licensed and ready for highway use shall meet the elevation and anchoring requirements in (k)2. and 3. above. A mobile recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick-disconnect utilities and security devices and has no permanently attached additions.”

Section 28.124 entitled “F3 General Floodplain District” of the Madison General Ordinances currently reads as follows:

“28.124 F3 GENERAL FLOODPLAIN DISTRICT.

- (1) Applicability.

The F3 General Floodplain District consists of the land which has been or may be hereafter covered by flood water during the regional flood and encompasses both the F1 Floodway and F2 Flood Fringe Districts. The provisions of this district shall apply to all floodplains mapped as A, AO or AH zones.
- (2) Permitted Uses.

The following uses are permitted in the F3 General Flood Plain District, provided a determination shall be made as to what portion of the floodplain is within the floodway or flood fringe as provided in Sec. 28.124(4):

- (a) Uses permitted in the F1 Floodway District are permitted in that portion determined to be within the floodway.
- (b) Uses permitted in the F2 Flood Fringe District are permitted in that portion determined to be within the flood fringe.

(3) Standards for Development.

Once it is determined according to Subdivision (4) below that a proposed use is located within a floodway, the provisions of Subsection 28.122 above shall apply. Once determined that the proposed use is located within the flood fringe, the provisions of Subsection 28.123 above shall apply. The rest of this subchapter applies to either district.

- (a) In AO/AH zones the structure's lowest floor must meet one of the conditions listed below whichever is higher:
 - 1. At or above the flood protection elevation; or
 - 2. Two (2) feet above the highest adjacent grade around the structure; or
 - 3. The depth as shown on the FIRM.
- (b) In AO/AH zones, provide plans showing adequate drainage paths to guide floodwaters around structures.

(4) Determining Floodway and Flood Fringe.

Upon receiving an application for development within the general floodplain district, the Zoning Administrator shall:

- (a) Require the applicant to submit, at the time of application, two (2) copies of an aerial photograph, or a plan which accurately locates the proposed development with respect to the general floodplain district limits, stream channel, and existing floodplain developments, together with all pertinent information such as the nature of the proposal, legal description of the property, fill limits and elevations, building floor elevations and flood-proofing measures, and the flood zone as shown on the FIRM.
- (b) Require the applicant to furnish any of the following additional information as is deemed necessary by the DNR for evaluation of the effects of the proposal upon flood height and flood flows, regional flood elevation, and to determine the boundaries of the floodway:
 - 1. A hydrologic and hydraulic study as specified in Sec. 28.121(14)(b).
 - 2. Plan (surface view) showing: elevations or contours of the ground; pertinent structure, fill or storage elevations; size, location and spatial layout of all proposed and existing structures on the site; location and elevations of streets, water supply, and sanitary facilities; soil types and other pertinent information.
 - 3. Specifications for building construction and materials, flood-proofing, filling, dredging, channel improvement, storage of materials, water supply and sanitary facilities."

Section 28.125 entitled "F4 Flood Storage District" of the Madison General Ordinances currently reads as follows:

“28.125 F4 FLOOD STORAGE DISTRICT.

(1) Applicability.

The F4 Flood Storage District consists of that portion of the floodplain where storage of floodwaters has been taken into account and is relied upon to reduce the regional flood discharge. The district protects the flood storage areas and assures that any development in the storage areas will not decrease the effective flood storage capacity, which would cause higher floodplain elevations. The provisions of this section shall apply to all areas within the F4 Flood Storage District as shown on the Dane County Flood Storage Maps.

(2) Standards for Development in Flood Storage District.

In addition to the Standards for development in Sec. 28.123(3), the following standards shall apply.

- (a) Development in a flood storage district shall not cause an increase greater than 0.00 of a foot in the height of the regional flood.
- (b) No development shall be allowed that would remove flood storage volume, unless an equal volume of storage, as defined by the predevelopment ground surface and the regional flood elevation, shall be provided in the immediate area of the proposed development to compensate for the volume of storage which is lost (compensatory storage). Excavation below the groundwater table is not considered to provide an equal volume of storage.
- (c) No area in the floodplain may be removed from the flood storage district unless it can be shown that the area has been filled to the flood protection elevation and is contiguous to other lands lying outside the floodplain.
- (d) If compensatory storage cannot be provided, the area may not be developed unless the entire area zoned as flood storage district is rezoned to the flood fringe district. At such time, the floodplain study and map for the waterway shall be revised to revert to the higher regional flood discharge calculated without floodplain storage.

(3) Permitted Uses.

Any use allowed as permitted or conditional uses in the Madison Zoning Ordinance, except for mobile home parks and solid waste disposal sites.

Section 38.12 entitled “Habitually Intoxicated Persons” of the Madison General Ordinances currently reads as follows:

“38.12 HABITUALLY INTOXICATED PERSONS.

- (1) Declaration of Policy. Wis. Stat. § 125.12(2)3. provides procedures for the suspension, revocation or nonrenewal of a retail alcohol beverage license, when the licensee "has sold or given away alcohol beverages to known habitual drunkards." A person who is habitually intoxicated may lack self-control as to the use of alcohol beverages and use such beverages to the extent that their health is substantially impaired or endangered and their social or economic functioning is substantially disrupted. Such conduct is dangerous to the individual and to others. It is in the interest of the health, welfare and safety of the residents of the City of Madison to prohibit the harmful conduct of habitually intoxicated persons, and it is a reasonable exercise of the City's police powers to enforce those provisions of state law that prohibit a retailer from selling alcohol beverages to these habitually intoxicated persons.
- (2) Definition of a Known Habitually Intoxicated Person. A Known Habitually Intoxicated Person is a person who, within the past one hundred eighty (180) days:

- (a) Has been convicted of six (6) or more civil or criminal offenses, in which the police reports or other evidence indicate that the police officer who made the arrest determined, based upon the training and experience of the officer, that the person was under the influence of alcohol at the time of the commission of the offense, or
 - (b) Has been transported and admitted six (6) or more times to an approved public treatment facility under conditions where the person appeared to be incapacitated by alcohol and in need of emergency treatment, or
 - (c) Has been subject to any combination of arrests and convictions under sub. (1) and admissions to an approved public alcohol treatment facility under sub. (2), that equals or exceeds six (6) times.
 - (d) Where a person from the same incident has been both convicted of a civil or criminal offense, as defined in sub. a., and has been admitted to an approved public alcohol treatment facility under sub. b., both the arrest and the admission may be counted separately for the calculation provided in sub c.
 - (e) A person may voluntarily request that their name be added to the list of Known Habitually Intoxicated Persons. Such a request shall be made in writing and shall be submitted to the Madison Police Department.
- (3) Maintenance of List.
- (a) The Madison Police Department shall maintain a list of Known Habitually Intoxicated Persons and shall, in its judgment, determine the format and content of the list. The Department shall periodically review the format of the list. Whenever the Department determines that a person meets the definition of a Known Habitually Intoxicated Person, as provided in sub. (2), the Department shall cause the name of that person to be placed on said list, as provided in this Section, along with a photograph of the person, which reasonably represents the likeness of the person.
 - (b) Petition for Removal. If one hundred and eighty (180) days have passed from the time the name of a person has been placed on the list, and the person has not either been convicted of an offense under sub. (2)(a), or has not been admitted to an approved public alcohol treatment facility during that one hundred eighty (180) day period, that person may petition the Madison Police Department to remove their name from the list, pursuant to this Section, by filing a written request with the City Clerk, stating that they qualify for removal from the list. Upon verification that within the past one hundred eighty (180) days the person has not either been convicted of an offense under sub. (2)(a), or has not been admitted to an approved public alcohol treatment facility during that one hundred eighty (180) day period, the Madison Police Department shall remove the name of the person from the list.
 - (c) Removal by Police Department. On or about January 1 of each year, the Madison Police Department shall review the list of Known Habitually Intoxicated Persons and shall remove the names of all persons who during the prior six (6) months, has not been convicted of an offense under sub. (2)(a) and who has not been transmitted to an approved public alcohol treatment facility by the Department.
- (4) Notice. When the Madison Police Department determines that a person meets the definition of a Known Habitually Intoxicated Person, the Department shall provide the person with a written notice, prepared by the Department, that their name will be placed on the list of Known Habitually Intoxicated Persons. The notice shall inform the person of their right to appeal the determination of the Department as provided in sub. (5). The Department shall keep a record of the date and time that the person was provided with such written notice.

(5) Appeals.

- (a) A person who has been informed in writing by the Madison Police Department that their name will be placed on the list of Known Habitually Intoxicated Persons, may appeal the determination of the Department by filing a written objection with the City Clerk within 5 (five) business days of receiving the notice from the Department. The content of an appeal shall be liberally construed so that, as long as the person appealing provides timely written notice that states that they object to being placed on the list of Known Habitually Intoxicated Persons, the appeal shall be deemed to be in proper form.
 - (b) Hearing Examiner. The Chair of the Alcohol License Review Committee, or their designee, shall serve as Hearing Examiner for Appeals under this Section, and shall have the authority to conduct hearings upon the filing of a written objection as provided under sub. (5)(a).
 - (c) Authority of Hearing Examiner. The hearing examiner shall have the authority to administer oaths and shall be responsible for the fair, orderly and impartial conduct of the hearing and the preservation of the exhibits and record therein.
 - (d) Procedure. All proceedings and testimony shall be recorded on tape. A copy of the tape recordings shall be supplied to anyone requesting the same at the requester's expense. If either party requests a stenographic recording and transcription, the hearing examiner shall make the necessary arrangements, but the expense shall be borne by the requesting party.
 - (e) Standard of Proof. In the hearing, the Madison Police Department shall have the burden of proving to a reasonable certainty by the greater weight of the credible evidence, i.e. by the preponderance of the evidence, that the person has been convicted of six (6) or more civil or criminal offenses, where the police reports or other evidence indicate that the person was under the influence of alcohol at the time of the commission of the offense; or that the person has been transported and admitted six (6) or more times to an approved public treatment facility under conditions where the person appeared to be incapacitated by alcohol and in need of emergency treatment; or has been subject to any combination of convictions and admissions that equals or exceeds six (6) times. If after the hearing, the hearing examiner finds that there is not a preponderance of evidence of any combination of six (6) convictions or admissions, as provided in sub. (2), the hearing examiner shall enter an order granting the appeal and the Department shall remove the person's name from the list of Known Habitually Intoxicated Persons. If after the hearing, the hearing examiner finds that there is a preponderance of the evidence that the person has been subject to any combination of six (6) or more convictions or admissions, the hearing examiner shall deny the appeal and the Department shall retain the person's name on the list of Known Habitually Intoxicated Persons.
 - (f) Finality of Appeal. All orders of the Hearing Examiner shall be final administrative determinations and shall be subject to review in court as by law may be provided. Any party to the proceeding may seek review thereof within thirty (30) days of service by mail of the final determination of the Hearing Examiner. In addition, written notice of any request for judicial review shall be given by the party seeking review to all parties who appeared at the proceeding before the Hearing Examiner, with said notice to be sent by first class mail to each party's last known address. The institution of the proceeding for judicial review shall not stay the decision and order of the Hearing Examiner; however, the reviewing court may order a stay upon such terms as it deems proper.
- (6) Distribution of List. The Alcohol Policy Administrator shall distribute the list of Known Habitually Intoxicated Persons to each retail Class "A" or "Class A" alcohol beverage licensee in the City on a semi-annual basis. If the position of Alcohol Policy Administrator

is vacant, the Mayor shall designate a member of the Mayor's staff to distribute the list under this subsection.

- (7) Retailers Prohibited. It shall be unlawful for any Class "A" or "Class A" retail establishment or any person employed by a Class "A" or "Class A" retail establishment, to sell, dispense or give away alcohol beverages to a person whose name and photograph appears on the list of Known Habitually Intoxicated Persons. If the Alcohol Policy Administrator has provided a copy of the most current list to the licensee, at the address of the licensee as listed by the Madison City Clerk, it shall not be a defense that the licensee did not have a copy of the most current list.
 - (a) If a licensee has no prior convictions for violations of sub (7), and has not previously received a warning, the Madison Police Department shall formally warn the licensee that any future violations will result in issuance of a citation. The Madison Police Department shall be responsible for maintaining a list of those licensees who have received warnings under this subsection.
- (8) Nothing in this section shall be construed to limit a licensee's or permittee's duties under Sec. 38.04(1), MGO.
- (9) Review. The Alcohol License Review Committee shall annually review Section 32.12 to determine the efficacy of the Section in deterring alcohol consumption by habitually intoxicated persons.
- (10) Sunset. Section 32.12 shall expire on July 13, 2015, unless extended by the Common Council prior to the expiration date."



City of Madison

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

Master

File Number: 88483

File ID: 88483

File Type: Ordinance

Status: Report of Officer

Version: 2

Reference:

Controlling Body: COMMON
COUNCIL
EXECUTIVE
COMMITTEE

File Created Date : 05/27/2025

File Name: Signature Requirement for Alder Vacancies

Final Action:

Title: SUBSTITUTE: Amending Section 2.03 of the Madison General Ordinances related to alder vacancies, to add detail to the application process and information to be submitted by applicants to fill vacancies on the Common Council.

Notes: 6966VacancySignatures

Sponsors: MGR Govindarajan And Regina M. Vidaver

Effective Date:

Attachments: 88483 Version 1

Enactment Number:

Author: Michael Haas

Hearing Date:

Entered by: mglaeser@cityofmadison.com

Published Date:

History of Legislative File

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	Attorney's Office	05/27/2025	Referred for Introduction				
	Action Text: This Ordinance was Referred for Introduction						
	Notes: Common Council Executive Committee (7/1/25), Common Council (7/1/25)						
1	COMMON COUNCIL	06/03/2025	Referred	COMMON COUNCIL EXECUTIVE COMMITTEE			
	Action Text: This Ordinance was Referred to the COMMON COUNCIL EXECUTIVE COMMITTEE						
1	COMMON COUNCIL EXECUTIVE COMMITTEE	07/01/2025	RECOMMEND TO COUNCIL TO RE-REFER - REPORT OF OFFICER				Pass
	Action Text: A motion was made by Govindarajan, seconded by Lankella, to RECOMMEND TO COUNCIL TO RE-REFER - REPORT OF OFFICER to the 8/5/25 Common Council Executive Committee meeting and the 8/5/25 Common Council meeting. The motion passed by voice vote/other.						
	Notes: Recommended re-referral to the Common Council Executive Committee (8/5/25) and Common Council (8/5/25)						
1	COMMON COUNCIL	07/01/2025	Re-refer	COMMON COUNCIL EXECUTIVE COMMITTEE			Pass

Action Text: A motion was made by Vidaver, seconded by Govindarajan, to Re-refer to the COMMON COUNCIL EXECUTIVE COMMITTEE. The motion passed by voice vote/other.				
1	COMMON COUNCIL EXECUTIVE COMMITTEE	08/05/2025	RECOMMEND TO COUNCIL TO RE-REFER - REPORT OF OFFICER	Pass
Action Text: A motion was made by Lankella, seconded by Guequierre, to RECOMMEND TO COUNCIL TO RE-REFER - REPORT OF OFFICER. to the 9/16/2025 CCEC and 9/16/25 Council meeting. The motion passed by voice vote/other.				
1	COMMON COUNCIL	08/05/2025	Re-refer COMMON COUNCIL EXECUTIVE COMMITTEE	Pass
Action Text: A motion was made by Govindarajan, seconded by Guequierre, to Re-refer to the COMMON COUNCIL EXECUTIVE COMMITTEE. The motion passed by voice vote/other.				
1	COMMON COUNCIL EXECUTIVE COMMITTEE	09/16/2025	RECOMMEND TO COUNCIL TO RE-REFER - REPORT OF OFFICER	Pass
Action Text: A motion was made by Govindarajan, seconded by Lankella, to recommend to adopt the substitute. After discussion, a motion was made by Govindarajan, seconded by Guequierre, to RECOMMEND TO COUNCIL TO RE-REFER - REPORT OF OFFICER to the 10/28/25 Common Council Executive Committee meeting and the 10/28/25 Common Council meeting. The motion passed by voice vote/other.				
Notes: Recommend to re-refer to the 10/28/25 CCEC meeting and 10/28/25 Council meeting.				
1	COMMON COUNCIL	09/16/2025	Re-refer COMMON COUNCIL EXECUTIVE COMMITTEE	Pass
Action Text: A motion was made by Vidaver, seconded by Govindarajan, to Re-refer to the COMMON COUNCIL EXECUTIVE COMMITTEE. The motion passed by voice vote/other.				
Notes: Common Council Executive Committee (10/28/25), Common Council (10/28/25)				

Text of Legislative File 88483

Fiscal Note

Implementing the ordinance will require staff time to create the petition document, review petitions, and process challenges. Fiscal impacts are anticipated to be minimal and would be absorbed in the Clerk's office personnel budget. No appropriation is required.

Title

SUBSTITUTE: Amending Section 2.03 of the Madison General Ordinances related to alder vacancies, to add detail to the application process and information to be submitted by applicants to fill vacancies on the Common Council.

Body

DRAFTER'S ANALYSIS: This ordinance requires applicants to fill a Common Council vacancy to submit a petition containing the names, addresses and signatures of at least 20 electors of the district which has the vacancy. Currently, applicants must submit an application containing the information required by MGO 2.03. This ordinance would require the City Clerk to create a petition document and to review the names and signatures submitted by applicants to determine sufficiency of the signatures, process any challenges to the signatures, and determine whether applicants have qualified to proceed to review by the Common Council Executive Committee.

The SUBSTITUTE removes the proposed requirement to submit a petition containing elector signatures and adds some details related to the application process and information to be

submitted by applicants for vacant alder positions. The Substitute establishes timelines for the Common Council Office to publicize the application process and for submitting application materials for review by the Council. The Substitute also removes the special provision for filling an alder vacancy that occurs between the first Tuesday of January and the Spring Election. Finally, the Substitute adds clarifying language regarding the notice responsibilities that transfer to the President and then the appointed alder as a result of an alder vacancy.

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

1. Section 2.03 entitled "Procedure to Fill Vacancies on the Common Council" of the Madison General Ordinances is amended as follows:

"2.03 PROCEDURE TO FILL VACANCIES ON THE COMMON COUNCIL.

- (1) The Common Council Executive Committee shall routinely review and modify the procedure to fill aldermanic vacancies, to be facilitated by 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) Public social media handles.
 - (fg) Biographical or professional resume including education, work, neighborhood, and civic experience,
 - (gh) A statement on why the applicant wishes to serve,
 - (hi) A statement of what the applicant wants to accomplish,
 - (ij) 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.
- (3) Within ten (10) business days of an vacancy taking effect, the Common Council Office shall publicize notice of the vacancy and instructions for interested residents to file an application. The application period shall close on a date determined by the President, but shall remain open for not less than ten (10) business days, excluding any city holidays and election dates. 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. The Common Council Office shall post all application materials provided by the applicants in the Legislative Information website no less than five (5) business days before the Executive Committee meeting, which if held in person or hybrid shall take place in the aldermanic district the vacancy has occurred. 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.
- (4) The Common Council shall appoint and confirm the recommended candidate, or appoint and confirm another candidate from among the applicants.
- (5) If a vacancy occurs after November 15th of the first year of an alder's term, the appointed and confirmed candidate shall serve until an alderperson is elected pursuant to sec. 17.23(1), Wis. Stats. and is qualified. If a vacancy occurs on or prior to November 15th of the first year of an alder's term, the appointed and confirmed candidate shall serve

until an alderperson is elected at a special election scheduled on the same day as the Spring Election of the following year.

(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 until the vacancy is filled. Upon appointment and confirmation, such rights shall transfer to the interim alder. The Common Council Chief of Staff shall provide the interim alder with a list of any rights previously exercised by the President during the vacancy period. 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).

~~(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."~~

EDITOR'S NOTE:

TITLE

SUBSTITUTE: Creating Section 2.035 Amending Section 2.03 of the Madison General Ordinances related to requiring elector signatures with application to fill vacancy alder vacancies add detail to the application process and information to be submitted by applicants to fill vacancies on the Common Council.



City of Madison

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

Master

File Number: 88483

File ID: 88483

File Type: Ordinance

Status: Council New
Business

Version: 1

Reference:

Controlling Body: Attorney's Office

File Created Date : 05/27/2025

File Name: Signature Requirement for Alder Vacancies

Final Action:

Title: Creating Section 2.035 of the Madison General Ordinances related to requiring elector signatures with application to fill vacancy on the Common Council.

Notes: 6966VacancySignatures

Sponsors: MGR Govindarajan

Effective Date:

Attachments:

Enactment Number:

Author: Michael Haas

Hearing Date:

Entered by: mglaeser@cityofmadison.com

Published Date:

History of Legislative File

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	Attorney's Office	05/27/2025	Referred for Introduction				
Action Text: This Ordinance was Referred for Introduction							
Notes: Common Council Executive Committee (7/1/25), Common Council (7/1/25)							

Text of Legislative File 88483

Fiscal Note

[Enter Fiscal Note Here]

Title

Creating Section 2.035 of the Madison General Ordinances related to requiring elector signatures with application to fill vacancy on the Common Council.

Body

DRAFTER'S ANALYSIS: This ordinance requires applicants to fill a Common Council vacancy to submit a petition containing the names, addresses and signatures of at least 20 electors of the district which has the vacancy. Currently, applicants must submit an application containing the information required by MGO 2.03. This ordinance would require the City Clerk to create a petition document and to review the names and signatures submitted by applicants to determine sufficiency of the signatures, process any challenges to the signatures, and determine whether applicants have qualified to proceed to review by the Common Council Executive Committee.

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

1. Section 2.035 entitled "Signature Requirement for Applicants to Alder Vacancy" of the Madison General Ordinances is created to read as follows:

"2.035 SIGNATURE REQUIREMENT FOR APPLICANTS TO ALDER VACANCY

- (1) Prior to submission of applications to the Common Council Executive Committee under MGO 2.03, applicants to fill a vacancy on the Common Council shall submit a petition supporting their application. The petition shall contain the signatures of at least 20 and no more than 40 electors of the district with the vacancy. Only one signature per applicant for the same vacancy is valid. In addition to their signature, in order for the signature to be valid, each signer of a petition shall legibly print their name in a space provided next to his or her signature and shall list their municipality of residence for voting purposes, the street and number, if any, on which the signer resides, and the date of signing. All signers on each petition shall reside in the jurisdiction or district which the applicant named on the paper will represent, if appointed.
- (2) Each petition shall have substantially the following words printed at the top:

I, the undersigned, request that the name of *(insert applicant's first and last name)*, residing at *(insert applicant's street address)* be considered for appointment to *(insert district number)* District Alder. I am eligible to vote in the *(name of jurisdiction or district in which applicant seeks office)*. I have not signed the petition of any other applicant for the same vacancy.
- (3) Each applicant shall include their mailing address on their petition. The certification of a qualified circulator stating their residence with street and number, if any, shall appear at the bottom of each petition page, stating that they personally circulated the petition paper and personally obtained each of the signatures; they know the signers are electors of the aldermanic district; they know the individuals signed the paper with full knowledge of its content; they know their respective residences given; they know each signer signed on the date stated opposite their name; and that the circulator is a qualified elector of this state, or if not a qualified elector of this state, is a U.S. citizen age 18 or older who, if he or she were a resident of this state, would not be disqualified from voting under in the State of Wisconsin; and that they are aware that falsifying the certification is punishable under Wis Stat. s. 12.13(3)(a). The circulator shall indicate the date that they make the certification next to their signature. The certification may be made by the applicant or any qualified circulator.
- (4) The City Clerk shall create and make available petition forms which may be used by applicants to comply with this section.
- (5) Applicants shall submit completed petitions to the City Clerk on or before the date established by the Common Council Executive Committee. The Clerk shall review all submitted signatures, up to the maximum number permitted, to determine the facial sufficiency of the petitions filed. Where circumstances and the time for review permit, the Clerk may consult maps, directories and other extrinsic evidence to ascertain the correctness and sufficiency of information on a petition. The City Clerk shall certify the names of applicants who have submitted at least 20 valid signatures to the Common Council Executive Committee. If an applicant submits a petition with more than the maximum number of required signatures prescribed under sub. (1), but the Clerk determines that the maximum number of required signatures does not result in a sufficient number of valid signatures, the Clerk shall review the additional signatures to the extent necessary to determine whether the applicant has collected a sufficient number of valid signatures.
- (6) The City Clerk shall review all petitions submitted by applicants and process any challenges

using the standards and procedures established by Chapter EL 2 of the Wisconsin Administrative Code including, but not limited to the following:

- (a) Any information which appears on a petition is entitled to a presumption of validity. Notwithstanding any other provision of this chapter, errors in information contained in a petition, committed by either a signer or a circulator, may be corrected by an affidavit of the circulator, an affidavit of the applicant, or an affidavit of a person who signed the petition. The person giving the correcting affidavit shall have personal knowledge of the correct information and the correcting affidavit shall be filed with the City Clerk not later than three calendar days after the deadline for submission of the petition.
- (b) Where any required item of information on a petition is incomplete, the City Clerk shall accept the information as complete if there has been substantial compliance with the law.
- (c) The City Clerk shall accept petitions which contain biographical data or advertising for the applicant. The disclaimer specified in Wis. Stat. s. 11.1303 (2) is not required on any petition.
- (d) An elector shall sign their own name unless unable to do so because of physical disability. An elector unable to sign because of physical disability shall be present when another person signs on behalf of the disabled elector and shall specifically authorize the signing.
- (e) A person may not sign for their spouse, or for any other person, even when they have been given a power of attorney by that person, unless subsection (6)(d) applies.
- (f) A complete address, including municipality of residence for voting purposes, and the street and number, if any, of the residence, (or a postal address if it is located in the jurisdiction that the applicant seeks to represent), shall be listed for each signature on a petition.
- (g) A signature shall be counted when identical residential information or dates for different electors are indicated by ditto marks.
- (h) No signature on a petition shall be counted unless the elector who circulated the petition completes and signs the certificate of circulator and does so after, not before, the petition is circulated. No signature may be counted when the residency of the circulator cannot be determined by the information given on the petition.
- (i) An individual signature on a petition may not be counted when any of the following occur:
 - 1. The date of the signature is missing, unless the date can be determined by reference to the dates of other signatures on the paper.
 - 2. The signature is dated after the date of certification contained in the certificate of circulator.
 - 3. The address of the signer is missing or incomplete, unless residency can be determined by the information provided on the petition.
 - 4. The signature is that of an individual who is not 18 years of age at the time the petition is signed.
 - 5. The signature is that of an individual who has been adjudicated not to be a qualified elector on the grounds of incompetency or limited competency as provided in s. 6.03 (3), Wis. Stats., or is that of an individual who was not, for any other reason, a qualified elector at the time of signing the petition.
- (j) After a petition has been filed, no signature may be added or removed. After a petition has been signed, but before it has been filed, a signature may be removed by the circulator. The death of a signer after a petition has been signed

does not invalidate the signature.

- (7) The City Clerk shall review any verified complaint concerning the sufficiency of a petition submitted by an applicant. The Clerk shall apply the standards in subsection (6) to determine the sufficiency of petitions, including consulting extrinsic sources of evidence under subsection
- (8) Any challenge to the sufficiency of a petition shall be made by verified complaint, filed with the City Clerk. The complaint may be filed electronically. The Clerk shall deliver a copy of the challenge in person, by mail, or by electronic mail to the challenged applicant within 24 hours of the filing of the challenge complaint. Any challenge to the sufficiency of a petition shall be filed within 3 calendar days after the filing deadline for the challenged petition. The challenge shall be established by affidavit, or other supporting evidence, demonstrating a failure to comply with this section or other legal requirements.
- (9) The response to a challenge to a petition shall be filed, by the applicant challenged, within 3 calendar days of the filing of the challenge and shall be verified. The response may be filed in person, by mail or by electronic mail. After the deadline for filing a response to a challenge, the City Clerk shall decide the challenge.
- (10) The burden is on the challenger to establish any insufficiency. If the challenger establishes that the information on the petition is insufficient, the burden is on the challenged applicant to establish its sufficiency. The invalidity or disqualification of one or more signatures on a petition shall not affect the validity of any other signatures on that paper.
- (11) If a challenger establishes that an elector signed the petition of an applicant more than once or signed the petitions of more than one applicant for the same vacancy, the 2nd and subsequent signatures may not be counted. The burden of proving that the second and subsequent signatures are that of the same person and are invalid is on the challenger.
- (12) If a challenger establishes that the date of a signature, or the address of the signer, is not valid, the signature may not be counted.
- (13) The City Clerk shall examine any evidence offered by the parties when reviewing a complaint challenging the sufficiency of the petition of an applicant. The burden of proof applicable to establishing or rebutting a challenge is clear and convincing evidence.
- (14) Where it is alleged that the signer or circulator of a petition does not reside in the district in which the applicant seeks office, the challenger may attempt to establish the geographical location of an address indicated on a petition by providing district maps, or by providing a statement from a postmaster or other public official."



City of Madison

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

Master

File Number: 87483

File ID: 87483

File Type: Resolution

Status: Items Referred

Version: 2

Reference:

Controlling Body: COMMON
COUNCIL
EXECUTIVE
COMMITTEE

File Created Date : 03/05/2025

File Name: Adopting the Updated Elected and Appointed Official
Code of Ethical Conduct

Final Action:

Title: SUBSTITUTE: Adopting the Updated Elected and Appointed Official Code of
Ethical Conduct

Notes:

Sponsors: Bill Tishler And MGR Govindarajan

Effective Date:

Attachments: PROPOSED: Updated Elected and Appointed
Official Code of Ethical Conduct3.pdf, IN EFFECT:
Elected and Appointed Official Code of Ethical
Conduct Updated 7-2-24.pdf, BPW Presentation
Elected and Appointed Official Code of Ethical
Conduct.pdf, Updated Presentation Elected and
Appointed Official Code of Ethical Conduct.pdf,
Updated 7-17-25 Elected and Appointed Official
Code of Ethical Conduct.pdf, BCC Code of Conduct
Feedback Notes.pdf, Draft for Discussion Code of
Expected Conduct - Govindarajan Alternate.pdf,
Public Comment re_ 87483.pdf, 87483 V1.pdf,
Updated Elected and Appointed Official Code of
Conduct Substitute 102325.pdf

Enactment Number:

Author: Alder Nasra Wehelie

Hearing Date:

Entered by: kkapusta-pofahl@cityofmadison.com

Published Date:

History of Legislative File

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	Council Office	03/05/2025	Referred for Introduction				
	Action Text: This Resolution was Referred for Introduction						
	Notes: Common Council Executive Committee (3/25/25), Common Council (3/25/25)						
1	COMMON COUNCIL	03/11/2025	Refer	COMMON COUNCIL EXECUTIVE COMMITTEE			Pass

Action Text: A motion was made by Figueroa Cole, seconded by Duncan, to Refer to the COMMON COUNCIL EXECUTIVE COMMITTEE,. The motion passed by the following vote:

Notes: Additional Referrals to Board Of Public Works (5/7/25), Plan Commission (5/12/25), Board Of Park Commissioners (5/14/25), Landmarks Commission (5/19/25), Madison Public Library Board (6/5/25), Equal Opportunities Commission (6/12/25), Police Civilian Oversight Board (6/18/25), Transportation Commission (6/25/25), Affirmative Action Commission (7/3/25), Economic Development Committee (7/10/25), Alcohol License Review Committee (7/16/25), Disability Rights Commission (7/24/25), Common Council (8/5/25)

Ayes: 16 Michael E. Verveer; Regina M. Vidaver; Marsha A. Rummel; Nikki Conklin; Yannette Figueroa Cole; Bill Tishler; Tag Evers; Isadore Knox Jr.; Dina Nina Martinez-Rutherford; Jael Currie; Sabrina V. Madison; Charles Myadze; John P. Guequierre; John W. Duncan; Juliana R. Bennettand Derek Field

Noes: 2 MGR Govindarajanand Barbara Harrington-McKinney

Excused: 2 Nasra Wehelieand Amani Latimer Burris

Non Voting: 1 Satya V. Rhodes-Conway

1	COMMON COUNCIL EXECUTIVE COMMITTEE	03/12/2025	Referred	BOARD OF PUBLIC WORKS	
	Action Text: This Resolution was Referred to the BOARD OF PUBLIC WORKS				
1	COMMON COUNCIL EXECUTIVE COMMITTEE	03/12/2025	Referred	PLAN COMMISSION	05/12/2025
	Action Text: This Resolution was Referred to the PLAN COMMISSION				
1	COMMON COUNCIL EXECUTIVE COMMITTEE	03/12/2025	Referred	BOARD OF PARK COMMISSIONER S	06/11/2025
	Action Text: This Resolution was Referred to the BOARD OF PARK COMMISSIONERS				
1	COMMON COUNCIL EXECUTIVE COMMITTEE	03/12/2025	Referred	LANDMARKS COMMISSION	05/19/2025
	Action Text: This Resolution was Referred to the LANDMARKS COMMISSION				
1	COMMON COUNCIL EXECUTIVE COMMITTEE	03/12/2025	Referred	MADISON PUBLIC LIBRARY BOARD	06/05/2025
	Action Text: This Resolution was Referred to the MADISON PUBLIC LIBRARY BOARD				
1	COMMON COUNCIL EXECUTIVE COMMITTEE	03/12/2025	Referred	EQUAL OPPORTUNITIES COMMISSION	
	Action Text: This Resolution was Referred to the EQUAL OPPORTUNITIES COMMISSION				
1	COMMON COUNCIL EXECUTIVE COMMITTEE	03/12/2025	Referred	POLICE CIVILIAN OVERSIGHT BOARD	
	Action Text: This Resolution was Referred to the POLICE CIVILIAN OVERSIGHT BOARD				
1	COMMON COUNCIL EXECUTIVE COMMITTEE	03/12/2025	Referred	TRANSPORTATI ON COMMISSION	06/25/2025
	Action Text: This Resolution was Referred to the TRANSPORTATION COMMISSION				
1	COMMON COUNCIL EXECUTIVE COMMITTEE	03/12/2025	Referred	ALCOHOL LICENSE REVIEW COMMITTEE	07/16/2025
	Action Text: This Resolution was Referred to the ALCOHOL LICENSE REVIEW COMMITTEE				
1	COMMON COUNCIL EXECUTIVE COMMITTEE	03/12/2025	Referred	ECONOMIC DEVELOPMENT COMMITTEE	07/16/2025
	Action Text: This Resolution was Referred to the ECONOMIC DEVELOPMENT COMMITTEE				

1	COMMON COUNCIL EXECUTIVE COMMITTEE	03/12/2025	Referred	AFFIRMATIVE ACTION COMMISSION	09/04/2025	
	Action Text: This Resolution was Referred to the AFFIRMATIVE ACTION COMMISSION					
1	COMMON COUNCIL EXECUTIVE COMMITTEE	03/12/2025	Referred	DISABILITY RIGHTS COMMISSION	08/28/2025	
	Action Text: This Resolution was Referred to the DISABILITY RIGHTS COMMISSION					
1	ALCOHOL LICENSE REVIEW COMMITTEE	03/19/2025	Table			Pass
	Action Text: A motion was made by Verveer, seconded by Barushok, to Table. The motion passed by voice vote/other.					
1	ALCOHOL LICENSE REVIEW COMMITTEE	03/19/2025	Take Off The Table			Pass
	Action Text: A motion was made by Barushok, seconded by Verveer, to Take Off The Table. The motion passed by voice vote/other.					
1	ALCOHOL LICENSE REVIEW COMMITTEE	03/19/2025	Re-refer	ALCOHOL LICENSE REVIEW COMMITTEE	07/16/2025	Pass
	Action Text: A motion was made by Verveer, seconded by Barushok, to Re-refer to the ALCOHOL LICENSE REVIEW COMMITTEE. The motion passed by voice vote/other.					
1	BOARD OF PUBLIC WORKS	05/07/2025	Return to Lead with the Recommendation for Approval	Council Office		Pass
	Action Text: A motion was made by Ald. Guequierre, seconded by Williams, to Return to Lead with the Recommendation for Approval to the Council Office. The motion passed by voice vote/other.					
1	PLAN COMMISSION	05/12/2025	Return to Lead with the Recommendation for Approval	COMMON COUNCIL EXECUTIVE COMMITTEE		Pass
	Action Text: A motion was made by Guequierre, seconded by Heck, to Return to Lead with the Recommendation for Approval to the COMMON COUNCIL EXECUTIVE COMMITTEE. The motion passed by voice vote/other.					
1	LANDMARKS COMMISSION	05/19/2025	Return to Lead with the Following Recommendation(s)	COMMON COUNCIL EXECUTIVE COMMITTEE		
	Action Text: This Resolution was Returned to Lead with no comments from the commission.					
	Notes: The commission had no comments on the document.					
1	MADISON PUBLIC LIBRARY BOARD	06/05/2025	Return to Lead with the Recommendation for Approval	COMMON COUNCIL EXECUTIVE COMMITTEE		Pass
	Action Text: A motion was made by DeChant, seconded by Lovelace III, to Return to Lead with the Recommendation for Approval to the COMMON COUNCIL EXECUTIVE COMMITTEE. The motion passed by voice vote/other.					
1	BOARD OF PARK COMMISSIONERS	06/11/2025	Return to Lead with the Recommendation for Approval	COMMON COUNCIL EXECUTIVE COMMITTEE		Pass
	Action Text: Common Council Chief of Staff Kapusta-Pofahl gave an overview of the updated policy. This applies to both Park Commission and subcommittees.					
	Motion made by Harrington, seconded by McDonald, to RETURN TO LEAD WITH THE RECOMMENDATION FOR APPROVAL TO THE COMMON COUNCIL EXECUTIVE COMMITTEE.					
	Motion passed by voice vote/other.					

1	TRANSPORTATION COMMISSION	06/25/2025	Return to Lead with the Recommendation for Approval	COMMON COUNCIL EXECUTIVE COMMITTEE	Pass
	Action Text: Common Council Chief of Staff Karen Kapusta-Pofahl provided verbal reports and was available for questions.				
	Olson moved to Return to Lead with the Recommendation for Approval, seconded by Webber. The motion passed by voice vote/other.				
	After this item, the meeting went to ITEM 3.				
1	ECONOMIC DEVELOPMENT COMMITTEE	07/16/2025	Return to Lead with the Following Recommendation(s)	COMMON COUNCIL	
	Action Text: Duncan gave an overview of the Code of Ethical Conduct followed by questions and comments from members. A motion was made by Bulgrin seconded by Liggon to return to lead with the recommendation to adopt with the following recommendations:				
	1. That it stay a living document				
	2. That it is made available to the public				
	The motion passed unanimously by voice vote. Madison was absent at the time of the vote.				
	Notes: A motion was made by Bulgrin seconded by Liggon to return to lead with the recommendation to adopt with the following recommendations:				
	1. That it stay a living document				
	2. That it is made available to the public				
	The motion passed unanimously by voice vote. Madison was absent at the time of the vote.				
1	ALCOHOL LICENSE REVIEW COMMITTEE	07/16/2025	Return to Lead with the Recommendation for Approval	COMMON COUNCIL	Pass
	Action Text: A motion was made by Farley, seconded by Carter, to Return to Lead with the Recommendation for Approval to the COMMON COUNCIL. The motion passed by voice vote/other. Figueroa Cole abstains.				
	Recommendation to Add terminology regarding culture and speaking to members of the media.				
	Notes: Add terminology regarding culture and speaking to members of the media.				
1	COMMON COUNCIL	08/05/2025	Re-refer	COMMON COUNCIL EXECUTIVE COMMITTEE	Pass
	Action Text: A motion was made by Govindarajan, seconded by Guequierre, to Re-refer to the COMMON COUNCIL EXECUTIVE COMMITTEE. The motion passed by voice vote/other.				
1	EQUAL OPPORTUNITIES COMMISSION	08/14/2025	Return to Lead with the Recommendation for Common Council to Adopt		Pass
	Action Text: Commissioner Klebba made a motion to approve two with general changes; 1. define the acronym BCC and be clear in the language when referring to appointed official and BCC member and make corrections throughout the document and 2. provide a clear link to the City of Madison website for public civilians to review the Alder's Code of Conduct to make complaints on Alder's behavior and lack of conduct. It was seconded by Commissioner Ketcham. The vote was unanimous.				
	Notes: Return to Lead with Recommendation for Common Council to Adopt Commissioner Klebba made a motion to approve two with general changes; 1. define the acronym BCC and be clear in the language when referring to appointed official and BCC member and make corrections throughout the document and 2. provide a clear link to the City of Madison website for public civilians to review the Alder's Code of Conduct to make complaints on Alder's behavior and lack of conduct. It was seconded by Commissioner Ketcham. The vote was unanimous.				
1	POLICE CIVILIAN OVERSIGHT BOARD	08/20/2025	Return to Lead with the Recommendation for Common Council to Adopt	COMMON COUNCIL EXECUTIVE COMMITTEE	Pass

Action Text: A motion was made by Rearick, seconded by Calmese, to Return to Lead with the Recommendation for Common Council to Adopt. The motion passed unanimously.

1	DISABILITY RIGHTS COMMISSION	08/28/2025	Return to Lead with the Following Recommendation(s)	COMMON COUNCIL EXECUTIVE COMMITTEE
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Action Text: Kapusta-Pofahl led the discussion.

Feedback submitted via email -

- Wendi: I felt that it was fairly straightforward and I don't have any changes.
- Nakia: I was impressed by the ethics code's presentation. I do have a concern pertaining to the reversal of unethical behaviors from non-appointed and non-elected politicians. How can we ensure that we will not be bullied, harassed, and targeted by people who think we have money or can provide them with favors. In addition, what can stop someone or groups of people from telling lies on appointed and elected officials to get them removed from their seats or in trouble with the law? How can we ensure that we are protected?
- Kathleen: Changes to the Code of Conduct should never be taken lightly or done hastily as they need to be done thoughtfully and as a response to the changing times and needs of the city, not only as a reaction to a particular incident. The proposed changes are clearly meant to foster a safe and respectful environment to conduct the important work of the city. Having heard the presentation and read the proposed updates to the Code of Ethical Conduct again I can say that I support these changes.

Notes: Disability Rights Commission considered file 87483 at the meeting of August 28, 2025. No action was taken.

1	AFFIRMATIVE ACTION COMMISSION	09/04/2025	Return to Lead with the Following Recommendation(s)	COMMON COUNCIL EXECUTIVE COMMITTEE
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Action Text: Alder Duncan presented the proposed changes.

A motion was made by Commissioner Moze, seconded by Commissioner Mathews, to approve the revisions to the code of conduct. The motion passed by voice/other.

Notes: A motion was made by Commissioner Moze, seconded by Commissioner Mathews, to approve the revisions to the code of conduct. The motion passed by voice/other.

1	COMMON COUNCIL EXECUTIVE COMMITTEE	09/16/2025	RECOMMEND TO COUNCIL TO RE-REFER - REPORT OF OFFICER	Pass
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Action Text: A motion was made by Tishler, seconded by Govindarajan, to RECOMMEND TO COUNCIL TO RE-REFER - REPORT OF OFFICER to the 10/28/25 Common Council Executive Committee meeting and the 11/25/25 Common Council meeting. The motion passed by voice vote/other.

Notes: Recommend to re-refer to the 10/28/25 CCEC meeting and the 11/25/25 Council meeting.

1	COMMON COUNCIL	10/07/2025	Re-refer	COMMON COUNCIL EXECUTIVE COMMITTEE	Pass
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Action Text: A motion was made by Vidaver, seconded by Govindarajan, to Re-refer to the COMMON COUNCIL EXECUTIVE COMMITTEE. The motion passed by voice vote/other.

Text of Legislative File 87483

Fiscal Note

No City appropriation required.

Title

SUBSTITUTE: Adopting the Updated Elected and Appointed Official Code of ~~Ethical~~ Conduct

Body

WHEREAS, the City of Madison's vision is Inclusive, Innovative, and Thriving; and,

WHEREAS, the City of Madison is committed to equity, diversity, inclusion, equal employment and participatory government for all; and,

WHEREAS, the goal of our policy is for City work and meeting environments to be inclusive, equitable, and free of harassment, discrimination, and retaliation; and,

WHEREAS, we expect all members of the Common Council, the Mayor, and members of City Boards, Commissions, and Committees to treat their colleagues, City employees and members of the public in a welcoming, inclusive, fair, respectful, and equitable manner; and,

WHEREAS, in 2023, the Common Council passed RES-23-0000 adopting the Elected and Appointed Official Code of Ethical Conduct; and,

WHEREAS, in 2024, the Common Council passed RES-24-00450 adopting the Sexual Harassment Appendix to the Elected and Appointed Official Code of Ethical Conduct; and,

WHEREAS, the Updated Elected and Appointed Official Code of ~~Ethical~~ Conduct includes additional guidance on expected interactions between officials and members of the public, City staff, and the media; and,

WHEREAS, the Updated Elected and Appointed Official Code of ~~Ethical~~ Conduct also includes the procedure for censure of an alder for violation of the Code;

NOW, THEREFORE, BE IT RESOLVED that the Madison Common Council adopts the Updated Elected and Appointed Official Code of ~~Ethical~~ Conduct.

Elected and Appointed Official Code of Ethical Conduct (Updated)

The City of Madison and its elected and appointed officials (alders, mayor, and City board, commission, or committee members) share a commitment to ethical conduct and service to the city and its residents. In alignment with the City of Madison vision to be inclusive, innovative, and thriving, and its mission to provide the highest quality of service for our residents and visitors, City elected and appointed officials shall maintain the utmost standards of personal integrity, trustfulness, honesty, and fairness in carrying out their public duties, avoid any improprieties in their roles as public servants, comply with all applicable laws, and never use their position to bully, harass, or abuse others. 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.

It is vital to recognize that all Council members and BCC members choose to serve in public office and, therefore, have the obligation to preserve and protect the well-being of the community and its residents. In all cases, this common goal should be acknowledged, and elected and appointed officials must recognize that certain behavior is counterproductive, while other behavior will lead to success. Elected and appointed officials are expected to demonstrate, both publicly and privately, their honesty and integrity, and to be an example of appropriate and ethical conduct.

This Code is designed to communicate the expectation that City elected and appointed officials shall treat members of the public, City staff, and each other with respect and courtesy at all times. This policy is intended to promote an inclusive and positive work environment and working relationships and prevent unlawful discrimination.

Elected and Appointed Official Expected Conduct

This policy applies to all elected and appointed City officials and applies to any conduct or interaction that occurs at the workplace and at any location or on any platform that can be reasonably regarded as an extension of the workplace, including but not limited to the use of a telephone, voicemail, text messages, video meeting, and/or any social media or online platforms. City staff members, including department and division heads, are governed by [APM 3-5](#) and [APM 2-33](#).

City elected and appointed officials, in the performance of their duties, shall create and maintain a welcoming, respectful, and inclusive work environment and shall not engage in abusive, violent, bullying, harassing, discriminatory or other threatening or intimidating behavior or language. Bullying, harassment of, or discrimination against any person on the basis of any [City protected class](#)* status or statuses is expressly prohibited.

- **Bullying** is repeated, unwanted, aggressive physical or verbal behavior which hurts another individual, physically, mentally, or emotionally.

- **Harassment** is repeated or egregious unwelcome, intimidating, hostile or offensive actions, words, jokes or comments based on any protected class status or statuses.
- **Discrimination** is unfair treatment of an individual or members of a group based on their protected class status.

Bullying, harassment, and discrimination are demeaning to others and undermine the integrity of relationships. In the event that these shared objectives are not met, effort shall be taken to notify the individuals of the substance of the issue so that they can resolve it. Self-correction or informal resolution between parties in a timely manner is strongly encouraged, with formal sanctions only as a rare and last option if informal communication and resolution is unsuccessful.

Elected and Appointed Official Conduct with City Staff

Governance of the City relies on the cooperative efforts of elected and appointed officials who set and recommend policy and the City staff who implement and administer the Council's policies. Therefore, every effort should be made to be cooperative and show mutual respect for the contributions made by each other for the good of the community.

Council members and members of boards, commissions, and committees (BCCs) shall treat all staff as professionals. Clear, honest communication that respects the abilities, experience, and dignity of each individual is expected. Poor behavior toward staff is not acceptable. 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.

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.

Elected and appointed officials shall not attempt to unethically influence or coerce City staff concerning either their actions or recommendations to Council.

Nothing in this section shall be construed, however, as prohibiting the Council or a BCC while in session from fully and freely discussing with or suggesting to Department Heads or City employees anything pertaining to City affairs or the interests of the City.

Elected and Appointed Official Conduct Toward Participants in Public Meetings

Making the public feel welcome is an important part of the democratic process and a City strategic objective is to increase desired public participation and diverse viewpoints. For many residents, speaking in front of the Council or a committee is a new and difficult experience. Elected and appointed officials are expected to treat members of the public with care and respect during public meetings by committing full attention to

the speakers or any materials relevant to the topic at hand. Questions directed to members of the public testifying should seek to clarify or expand information, not to insult or interrogate. All elected and appointed officials should convey to the public their respect and appreciation for the public's participation, input, and opinions. 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.

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. Council or BCC members should not discuss personnel issues or other matters regarding individual City staff in the media.

Enforcement

Formal sanctions include formal censure by the Common Council or committee of one of its members, removal of a committee member from the body, or, in limited cases pursuant to [Wis. Stat. § 17.001](#), removal of a Common Council member from office. Per state statute, alders and appointees to BCCs can only be removed by a vote of the Council for cause, meaning "inefficiency, neglect of duty, official misconduct or malfeasance in office."

Points of Order During Meetings

Violations of this Policy, when made during a chaired public meeting, may be noted promptly after their occurrence by raising a point of order and stating the violation or concern. The Council President or Chair of the meeting shall rule on the point of order, which does not need a second and is not debatable. The Chair's decision shall stand unless challenged and reversed by a majority vote of the members present and voting as an open session of the Common Council or BCC.

Communication and Reconciliation Between Council or BCC Members

Any Council or BCC member who feels a violation of this Policy has occurred during or outside of a public meeting may raise the issue privately with the other relevant member. Attempts should be made to resolve any issue in a professional, private manner. If unsuccessful, either member may ask for the assistance of the Common Council Chief of Staff or other appropriate City staff in mediating the issue or conflict.

Censure – Complaint Process and Action by Common Council

If the matter remains unresolved, the complaining Alder, City employee or community member may file a sworn written complaint with the City Clerk. The Clerk shall provide a copy of the complaint to the party alleged to be in violation. The Clerk shall provide a copy of the complaint to the Department of Civil Rights and Human Resources for review and possible further investigation or mediation, which will then provide a report on their findings to the Common Council Executive Committee.

Complaints shall first be heard by the Common Council Executive Committee, giving each party to the dispute the opportunity to be heard. If the Common Council Executive Committee, by a majority vote, so recommends, a Censure resolution shall be prepared by the City Attorney stating the findings as directed by the Committee.

If the Censure resolution is sponsored by at least two Alders, it shall be considered by the Common Council. Censure shall only be made upon a majority vote of the entire Common Council.

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.

The City shall offer trainings and other supports to promote an inclusive and welcoming environment and provide elected and appointed officials with resources to assist them in resolving any issues that may arise.

Please refer to [MGO 3.35 Code of Ethics](#) for regulations on additional aspects of conduct, such as conflicts of interest, use of public office, political activity, and receiving gifts and favors.

*City protected classes: age, arrest record, citizenship status, color, conviction record, credit history, disability, domestic partners, familial status, gender identity, genetic identity, HIV status, homelessness, less than honorable discharge from military, marital status, military/veteran status, national origin/ancestry, non-religious, physical appearance, political beliefs, race, religion, sex, sexual orientation, source of income, student status, unemployment, use or non-use of lawful products off the employer's premises during non-work hours

Appendix A

If a person has experienced or witnessed sexual harassment by an alder or member of a City board, commission or committee while such official is on City business, whether on or off City premises, including at City-sponsored events or other events which the alder or appointed individual attends in their official capacity, the Council encourages the following steps:

- If the person feels comfortable and safe, the person can address the matter informally with the alder or appointed individual.
- The person can report the matter to another alder; the alder will connect the person with the Common Council Chief of Staff.
- The person can contact the Council Chief of Staff; the Chief of Staff will connect the person with the appropriate personnel to report their claim.

Prohibited Conduct:

Examples of actions that could constitute sexual harassment include, but are not limited to:

- Preferential treatment in return for submitting to or engaging in sexual conduct
- Making derogatory or demeaning comments about someone's sexual orientation or gender identity (including but not limited to consistently misgendering an individual)
- Name-calling or using slurs with a gender/sexual connotation
- Making sexual comments about appearance, clothing or body parts
- Rating a person's sexuality
- Asking for sex or sexual conduct
- Asking a person for dates in a coercive manner, or repeatedly asking for a date after having been turned down
- Staring in a sexually suggestive manner
- Unwelcome touching, including pinching, patting, rubbing, or purposefully brushing up against a person, making inappropriate sexual gestures
- Unwelcome sharing of sexual or lewd anecdotes or jokes
- Unwelcome sending of sexually suggestive communications in any format
- Sharing or displaying sexually inappropriate images or videos in any format not necessary for work purposes
- Attempted or actual sexual assault

Reporting:

A person who feels that they have been harassed by an alder or an appointed individual while acting in their official capacity may report the matter to the organizer of the event or relevant meeting authority or the Council Office Chief of Staff. The organizer of the event or the meeting authority will be expected to take appropriate action by its applicable policies, regulations, and rules and shall notify the Council Office Chief of Staff.

Examples of appropriate action may include, but are not limited to:

- Requesting the perpetrator to stop the offending behavior immediately
- Conveying the complaint to the Council Office Chief of Staff

The Council Office Chief of Staff will connect the individual reporting the conduct with the Department of Civil Rights, Human Resources, and the City Attorney. After talking to the

complainant and, if different, the person who was the alleged subject of the sexual harassment, the Department of Civil Rights, the Human Resources Department, and the City Attorney will decide if an investigation or referral to any other agency is needed. Any action taken as a result of an investigation shall be under the applicable Federal, State or City law or applicable City procedure.

Debriefing:

If the Department of Civil Rights, Human Resources, and the City Attorney complete an investigation upon completion of their investigation they shall debrief the complainant, the respondent, the Council President and the Council Office Chief of Staff on the findings of the investigation.

Release of Summary of Findings or Related Documents:

After consideration of safety-related concerns and confidentiality needs related to the investigation, the Common Council President may issue a public summary of findings.

The City will ensure compliance with Wisconsin's Public Records Laws in release of any required documents, redacting such information as required by law.

Retaliation:

Threats, intimidation, or any other form of retaliation against a person who has made a complaint or provided information supporting a complaint are prohibited. An alder or appointed individual or any other entity responsible for Council events will take any reasonable and appropriate action to prevent and respond to retaliation per its applicable policy, regulations, and rules.

Elected and Appointed Official Code of Ethical Conduct

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- **Bullying** is repeated, unwanted, aggressive physical or verbal behavior which hurts another individual, physically, mentally, or emotionally.
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- **Discrimination** is unfair treatment of an individual or members of a group based on their protected class status.

Bullying, harassment, and discrimination are demeaning to others and undermine the integrity of relationships. In the event that these shared objectives are not met, effort shall be taken to notify the individuals of the substance of the issue so that they can resolve it. Self-correction or informal resolution between parties in a timely manner is strongly encouraged, with formal sanctions only as a rare and last option if informal communication and resolution is unsuccessful. Formal sanctions include formal censure by the Common Council or committee of one of its members, removal of a committee member from the body, or, in limited cases pursuant to [Wis. Stat. § 17.001](#), removal of a Common Council member from office. Per state statute, alders and appointees to BCCs

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Elected and Appointed Official Code of Ethical Conduct

Dr. Karen Kapusta-Pofahl

Common Council Chief of Staff

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Existing Policy: Elected and Appointed Official Code of Ethical Conduct and Sexual Harassment Appendix

Elected and Appointed Official Code of Ethical Conduct adopted by the Council in January of 2023

Sexual Harassment Appendix adopted by Council in July of 2024

Code seeks to provide shared expectations and guidelines for elected and appointed officials, including members of City boards, commissions, and committees

BCCs are required by resolution to put the code on their agenda annually for discussion

FYI: City staff are governed by APMs (Administrative Procedure Memoranda), including APM 3-5 and APM 2-33

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Provides expectation
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Prohibits bullying,
harassment (including
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Encourages informal
conflict resolution

Describes process for
reporting and
investigating sexual
harassment complaints

Outlines possible
sanctions for violation



Seeking BPW Recommendation on Proposed Changes

Referrals: Board of Public Works, Board of Park Commissioners, Landmarks Commission, Madison Public Library Board, Equal Opportunities Commission, Police Civilian Oversight Board, Transportation Commission, Affirmative Action Commission, Economic Development Committee, Alcohol License Review Committee, Disability Rights Commission

New: Additional General Expected Conduct Language

- 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.
- It is vital to recognize that all Council members and BCC members choose to serve in public office and, therefore, have the obligation to preserve and protect the well-being of the community and its residents.
- Governance of the City relies on the cooperative efforts of elected and appointed officials who set and recommend policy and the City staff who implement and administer the Council's policies. Therefore, every effort should be made to be cooperative and show mutual respect for the contributions made by each other for the good of the community.

New: Conduct Toward City Staff

- 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.
- 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.

New: Conduct Toward Members of the Public

- Elected and appointed officials are expected to treat members of the public with care and respect during public meetings by committing full attention to the speakers or any materials relevant to the topic at hand.
- Questions directed to members of the public testifying should seek to clarify or expand information, not to insult or interrogate.
- All elected and appointed officials should convey to the public their respect and appreciation for the public's participation, input, and opinions.

New: Conduct Toward 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.
- Council or BCC members should not discuss personnel issues or other matters regarding individual City staff in the media.

New: Guidance on Using Point of Order

- 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.
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- The Chair's decision shall stand unless challenged and reversed by a majority vote of the members present and voting as an open session of the Common Council or BCC.

New: Conflict Resolution

- Any Council or BCC member who feels a violation of this policy has occurred during or outside of a public meeting may raise the issue privately with the other relevant member.
- If unsuccessful, either member may ask for the assistance of the Common Council Chief of Staff or other appropriate City staff in mediating the issue or conflict.

New: Process for Council Censure of an Alder

- If the matter remains unresolved, the complaining alder, City employee or community member may file a sworn written complaint with the City Clerk. The Clerk shall provide a copy of the complaint to the party alleged to be in violation. The Clerk shall provide a copy of the complaint to the Department of Civil Rights and Human Resources for review and possible further investigation or mediation, which will then provide a report on their findings to the Common Council Executive Committee.
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Discussion Questions for BPW Members



In your experience as a BCC member, what are the most common conduct-related challenges in committee meetings?



Are there any topics related to members of boards, commissions, and committees that you would like covered in this policy?



Do you have any questions or comments about the existing policy?



Thank you!



Elected and Appointed Official Code of Ethical Conduct

Dr. Karen Kapusta-Pofahl

Common Council Chief of Staff

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Elected and Appointed Official Code of Ethical Conduct



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Existing Policy

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Encourages informal conflict resolution

Describes process for reporting and investigating sexual harassment complaints

Outlines possible sanctions for violation

Seeking Recommendations



Referrals

Board of Public Works, Plan Commission, Board of Park Commissioners, Landmarks Commission, Madison Public Library Board, Equal Opportunities Commission, Police Civilian Oversight Board, Transportation Commission, Affirmative Action Commission, Economic Development Committee, Alcohol License Review Committee, Disability Rights Commission

Proposed Additional General Expected Conduct Language

Including:

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- [E]very effort should be made to be cooperative and show mutual respect for the contributions made by each other for the good of the community.

Proposed

Conduct Toward City Staff

Including:

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Proposed

Conduct Toward Members of the Public

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- Any Council or BCC member who feels a violation of this policy has occurred during or outside of a public meeting may raise the issue privately with the other relevant member.
- If unsuccessful, either member may ask for the assistance of the Common Council Chief of Staff or other appropriate City staff in mediating the issue or conflict.

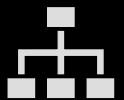
Proposed Process for Council Censure of an Alder

- If the matter remains unresolved, the complaining alder, City employee or community member may file a sworn written complaint with the City Clerk. The Clerk shall provide a copy of the complaint to the party alleged to be in violation. The Clerk shall provide a copy of the complaint to the Department of Civil Rights and Human Resources for review and possible further investigation or mediation, which will then provide a report on their findings to the Common Council Executive Committee.
- Complaints shall first be heard by the Common Council Executive Committee, giving each party to the dispute the opportunity to be heard. If the Common Council Executive Committee, by a majority vote, so recommends, a Censure resolution shall be prepared by the City Attorney stating the findings as directed by the Committee.
- If the Censure resolution is sponsored by at least two alders, it shall be considered by the Common Council. Censure shall only be made upon a majority vote of the entire Common Council.

Discussion Questions



In your experience as a BCC member, what are the most common conduct-related challenges in committee meetings?



Are there any topics related to members of boards, commissions, and committees that you would like covered in this policy?



Do you have any questions or comments about the existing policy?



Thank you!

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 5th. 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.

- 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.

- 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.

- 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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- I have seen the need for the last two, but I have not observed the need for the first: “strays from the topic under consideration.”
- 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 to speak under item #1 – regarding items not on the agenda – we try and stay flexible.
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- 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 “BCC” defined first before you start using just “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?”

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

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

BCC Code of Conduct Feedback Notes

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.

Elected and Appointed Official Code of Expected Conduct

Proposed Revision, Govindarajan Alternate

Purpose and Guiding Principles

The City of Madison and its elected and appointed officials, including the mayor, alders, and members of City boards, commissions, and committees (“BCC”), share a fundamental responsibility to serve the community with integrity, respect, and accountability. Guided by the City’s vision of being inclusive, innovative, and thriving, and its mission to provide exceptional service to residents and visitors alike, officials are expected to uphold the highest standards of ethical behavior in all aspects of public service.

The City’s democratic process depends on participation from individuals with diverse backgrounds, perspectives, and experiences. To sustain public confidence and ensure effective governance, City elected and appointed officials must conduct themselves with honesty, fairness, and civility, avoiding impropriety and refraining from any behavior that undermines trust in public service.

Scope

The Code of Expected Conduct applies to all elected and appointed City officials. It governs any conduct or interaction that occurs in the workplace or in any setting reasonably considered an extension of the workplace, including but not limited to communications via telephone, voicemail, text message, video conferencing, social media, or other online platforms.

Standards of Expected Conduct

City elected and appointed officials shall create and maintain a welcoming, respectful, and inclusive environment in the performance of their duties. They shall not engage in abusive, violent, bullying, harassing, discriminatory, or other threatening or intimidating behavior or language.

- **Bullying** is repeated, unwanted, aggressive physical or verbal behavior which hurts another individual, physically, mentally, or emotionally
- **Harassment** is repeated or egregious unwelcome, intimidating, hostile or offensive actions, words, jokes, or comments based on any [city protected class status or statuses](#)¹.

¹ City protected classes: age, arrest record, citizenship status, color, conviction record, credit history, disability, domestic partners, familial status, gender identity, genetic identity, HIV status, homelessness, less than honorable discharge from military, marital status, military/veteran status, national origin/ancestry, non-religious, physical appearance, political beliefs, race, religion, sex, sexual orientation, source of income, student status, unemployment, use or non-use of lawful products off the employer’s premises during non-work hours

- **Discrimination** is unfair treatment of an individual or members of a group based on their protected class status.

Bullying, harassment, and discrimination diminish public trust, damage relationships, and hinder effective governance. When concerns arise, individuals are encouraged to seek timely, respectful resolution. Informal resolution and self-correction should be pursued whenever possible; formal action may be taken when other approaches are unsuccessful.

Conduct with City Staff

The effective governance of the City depends on the collaboration between elected and appointed officials who set policy and the City staff who implement it. Mutual respect, professionalism, and clear communication are essential to this relationship.

- City elected and appointed officials shall treat all staff as professionals and demonstrate respect for their expertise, experience, and contributions.
- Communication should be clear, honest, and professional
- Concerns about employee behavior or performance must be raised privately and professionally with the employee's direct supervisor. If unresolved, concerns may be referred to the Human Resources Director. Personnel matters shall not be made public or gossiped about.

Nothing in this section prohibits open discussion of City affairs by the Common Council or a BCC in a duly convened meeting.

Conduct Toward Participants in Public Meetings

Public participation is a cornerstone of democracy. Elected and appointed officials play a key role in fostering an environment where all individuals feel welcome to engage.

- City elected and appointed officials shall treat members of the public with respect and attentiveness during public meetings.
- Questions to speakers should be used to seek clarification or expand on information, not to demean or interrogate.
- City elected and appointed officials should express appreciation for public input and ensure that meeting environments remain orderly and inclusive.
- If a participant strays from the topic, exceeds allotted time, or uses inappropriate language, any Common Council or BCC member may request the issue be addressed using appropriate parliamentary procedures.

Conduct with the Media and Press

When speaking with the media, elected and appointed officials must:

- Identify when they are speaking in their official role and avoid misrepresenting City actions or decisions.
- When speaking in a personal capacity, officials should make clear that their views are their own and not those of the City, while ensuring such statements do not undermine public trust or create a perception of acting in an official capacity. This is to avoid misrepresentation, not limiting opinions of officials.
- Avoid discussing personnel matters or the performance of individual staff members.

- Ensure statements do not misrepresent City policy or undermine public trust in City governance.

Enforcement and Accountability

Violations of this Code of Expected Conduct may result in formal sanctions, including:

- **Censure** by the Common Council or a BCC.
- **Removal** of a BCC member from their body by the appointing authority, or the Common Council for cause.
- **Removal from office** of a Common Council member in accordance with Wis. Stat. § 17.001 for cause (inefficiency, neglect of duty, official misconduct, or malfeasance in office).

Points of Order During Meetings

Violations occurring during a public meeting may be addressed by raising a point of order. The Chair shall rule on the point of order, subject to challenge and reversal by a majority of the members present.

Communication and Reconciliation

Outside of meetings, City elected and appointed officials who believe a violation has occurred should first attempt to resolve the matter privately and professionally. If unresolved, either party may seek assistance from the Common Council Chief of Staff or appropriate City personnel for mediation.

Complaint and Censure Process

If informal efforts fail, a sworn written complaint may be filed with the City Clerk. Complaints will be reviewed by the Department of Civil Rights and Human Resources, which may provide recommendations to the Common Council President, Common Council Vice President and the Mayor.

Any alder or BCC member may draft and introduce a censure resolution on the agenda, however such a resolution must be sponsored by at least two members for a vote to be in order. Adoption of a censure requires a majority vote of all Common Council or BCC members.

Implementation

All elected and appointed City officials will receive the Code of Expected Conduct upon taking office and must acknowledge its receipt. Lack of acknowledgment does not exempt an official from its requirements. Anytime the Code of Expected Conduct is amended, the updated version shall be emailed to all city elected and appointed officials.

The City will provide ongoing training and resources to support compliance with the Code of Expected Conduct and to promote an inclusive, respectful, and effective City government.

Officials are also subject to the City's **Code of Ethics (MGO 3.35)**, which governs conflicts of interest, use of public office, political activity, and the acceptance of gifts or favors.

Appendix A – Sexual Harassment Complaints

If a person has experienced or witnessed sexual harassment by an alder or member of a City boards, commissions or committees while such official is on City business, whether on or off City premises, including at City-sponsored events or other events which the alder or appointed individual attends in their official capacity, the common Council encourages the following steps:

- If the person feels comfortable and safe, the person can address the matter informally with the alder or appointed individual.
- The person can report the matter to another alder; the alder will connect the person with the Common Council Chief of Staff.
- The person can contact the Common Council Chief of Staff; the Chief of Staff will connect the person with the appropriate personnel to report their claim.

Prohibited Conduct Examples

Examples of actions that could constitute sexual harassment include, but are not limited to:

- Preferential treatment in return for submitting to or engaging in sexual conduct
- Making derogatory or demeaning comments about someone's sexual orientation or gender identity (including but not limited to consistently misgendering an individual)
- Name-calling or using slurs with a gender/sexual connotation
- Making sexual comments about appearance, clothing or body parts
- Rating a person's sexuality
- Asking for sex or sexual conduct
- Asking a person for dates in a coercive manner, or repeatedly asking for a date after having been turned down
- Staring in a sexually suggestive manner
- Unwelcome touching, including pinching, patting, rubbing, or purposefully brushing up against a person, making inappropriate sexual gestures
- Unwelcome sharing of sexual or lewd anecdotes or jokes
- Unwelcome sending of sexually suggestive communications in any format
- Sharing or displaying sexually inappropriate images or videos in any format not necessary for work purposes
- Attempted or actual sexual assault

Reporting and Investigation

A person who feels that they have been harassed by an alder or an appointed individual while acting in their official capacity may report the matter to the organizer of the event or relevant meeting authority or the Common Council Office Chief of Staff. The organizer of the event or the meeting authority will be expected to take appropriate action by its applicable policies, regulations, and rules and shall notify the Common Council Office Chief of Staff.

Examples of appropriate action may include, but are not limited to:

- Requesting the perpetrator to stop the offending behavior immediately
- Conveying the complaint to the Common Council Office Chief of Staff

The Common Council Office Chief of Staff will connect the individual reporting the conduct with the Department of Civil Rights, Human Resources, and the City Attorney. After talking to the complainant and, if different, the person who was the alleged subject of the sexual harassment, the Department of Civil Rights, the Human Resources Department, and the City Attorney will decide if an investigation or referral to any other agency is needed. Any action taken as a result of an investigation shall be under the applicable Federal, State or City law or applicable City procedure.

Debriefing

If the Department of Civil Rights, Human Resources, and the City Attorney complete an investigation upon completion of their investigation they shall debrief the complainant, the respondent, the Common Council President and the Common Council Office Chief of Staff on the findings of the investigation.

Release of Summary of Findings or Related Documents

After consideration of safety-related concerns and confidentiality needs related to the investigation, the Common Council President may issue a public summary of findings.

The City will ensure compliance with Wisconsin's Public Records Laws in release of any required documents, redacting such information as required by law.

Retaliation

Threats, intimidation, or any other form of retaliation against a person who has made a complaint or provided information supporting a complaint are prohibited. An alder or appointed individual or any other entity responsible for Common Council events will take any reasonable and appropriate action to prevent and respond to retaliation per its applicable policy, regulations, and rules.

From: [Travis Robert Austin](#)
To: [Common Council Executive Committee](#)
Subject: Missed Public Comment re: 87483
Date: Friday, September 19, 2025 4:43:06 PM

You don't often get email from travis.austin@chrr.wisc.edu. [Learn why this is important](#)

Caution: This email was sent from an external source. Avoid unknown links and attachments.

Hello,

My name is Travis Austin. I'm a Master of Public Affairs student at UW-Madison and a member of the City of Madison Ethics Board. The views I'm expressing here are my own and not an official position of the City Ethics Board. I was registered to speak earlier this week on Legistar file 87483 - Adopting the Updated Elected and Appointed Official Code of Ethical Conduct; however, the CCEC decided to re-refer the item due to a lack of time before the Common Council meeting that was starting at 6:30. I wanted to provide what I would have been my comments in person had that item been discussed:

I wanted to state my support for the Govindarajan Alternate that is being proposed for discussion. The structure and wording of the Alternate best help to clarify a distinction between MGO 3.35 and the Code of Conduct. When I initially read the first proposed update, there was still some confusion on how to draw a distinction between the Code of Conduct and MGO 3.35. I am also wholly in support of the changes that are proposed to capture and clearly define more forms of conduct than what is currently present in the Code of Conduct.

This confusion was present earlier this year, when former Alder Myadze filed ethics complaints that contained many allegations that did not appear to fall under MGO 3.35, but likely the code of conduct. While Alder Myadze chose to withdraw his complaints at the jurisdictional meeting, there was one aspect of the complaints that, had we gotten to a discussion of jurisdiction, I might have been inclined to take up. Improper use of the official City Blog was one allegation that I likely would have voted to give jurisdiction for, as it is a resource that is not available to the general public. If an alder were to request an advisory opinion from the Ethics Board, I would welcome that consideration and discussion of the proper use of that resource. I would also welcome the chance for the Ethics Board to give feedback on the Code of Conduct at our next meeting. The Ethics Board has a meeting scheduled for late October.

When it comes to the enforcement of the Code of Conduct, I would like to suggest an alternative enforcement mechanism for your consideration. Under its current structure, the Common Council Executive Committee hears complaints that cannot be resolved by other means. Currently, the Ethics

Board meets very infrequently to address MGO 3.35 complaints, and the likelihood that a complaint under the Code of Conduct would require a hearing is also fairly low. Violations of the Code of Conduct that require a hearing could be tense, heated, or controversial. It could be effective to seek guidance and recommendations from an outside body like the Ethics Board, rather than the Common Council Executive Committee holding a hearing. The Ethics Board is more insulated from political tensions and could make its considerations insulated from those tensions. It is also just as valid to keep the jurisdiction of the Ethics Board narrow, only dealing with financial conflicts and conflicts of interest, so the Ethics Board can maintain select expertise on those types of violations. The decision on which method of enforcement is the best course of action will be up to you; each has pros and cons that should be weighed and considered.

I welcome any discussion Alders might wish to have regarding either the Code of Conduct or an advisory opinion regarding the use of the City Blog.

Thanks,
Travis Austin



City of Madison

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

Master

File Number: 87483

File ID: 87483

File Type: Resolution

Status: Items Referred

Version: 1

Reference:

Controlling Body: COMMON
COUNCIL
EXECUTIVE
COMMITTEE

File Created Date : 03/05/2025

File Name: Adopting the Updated Elected and Appointed Official
Code of Ethical Conduct

Final Action:

Title: Adopting the Updated Elected and Appointed Official Code of Ethical Conduct

Notes:

Sponsors: Bill Tishler

Effective Date:

Attachments: PROPOSED: Updated Elected and Appointed
Official Code of Ethical Conduct3.pdf, IN EFFECT:
Elected and Appointed Official Code of Ethical
Conduct Updated 7-2-24.pdf, BPW Presentation
Elected and Appointed Official Code of Ethical
Conduct.pdf, Updated Presentation Elected and
Appointed Official Code of Ethical Conduct.pdf,
Updated 7-17-25 Elected and Appointed Official
Code of Ethical Conduct.pdf, BCC Code of Conduct
Feedback Notes.pdf, Draft for Discussion Code of
Expected Conduct - Govindarajan Alternate.pdf,
Public Comment re_ 87483.pdf

Enactment Number:

Author: Alder Nasra Wehelie

Hearing Date:

Entered by: kkapusta-pofahl@cityofmadison.com

Published Date:

History of Legislative File

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	Council Office	03/05/2025	Referred for Introduction				
	Action Text: This Resolution was Referred for Introduction						
	Notes: Common Council Executive Committee (3/25/25), Common Council (3/25/25)						
1	COMMON COUNCIL	03/11/2025	Refer	COMMON COUNCIL EXECUTIVE COMMITTEE			Pass
	Action Text: A motion was made by Figueroa Cole, seconded by Duncan, to Refer to the COMMON COUNCIL EXECUTIVE COMMITTEE,. The motion passed by the following vote:						
	Notes: Additional Referrals to Board Of Public Works (5/7/25), Plan Commission (5/12/25), Board Of Park Commissioners (5/14/25), Landmarks Commission						

(5/19/25), Madison Public Library Board (6/5/25), Equal Opportunities Commission (6/12/25), Police Civilian Oversight Board (6/18/25), Transportation Commission (6/25/25), Affirmative Action Commission (7/3/25), Economic Development Committee (7/10/25), Alcohol License Review Committee (7/16/25), Disability Rights Commission (7/24/25), Common Council (8/5/25)

Ayes: 16 Michael E. Verveer; Regina M. Vidaver; Marsha A. Rummel; Nikki Conklin; Yannette Figueroa Cole; Bill Tishler; Tag Evers; Isadore Knox Jr.; Dina Nina Martinez-Rutherford; Jael Currie; Sabrina V. Madison; Charles Myadze; John P. Guequierre; John W. Duncan; Juliana R. Bennett and Derek Field

Noes: 2 MGR Govindarajan and Barbara Harrington-McKinney

Excused: 2 Nasra Wehelie and Amani Latimer Burris

Non Voting: 1 Satya V. Rhodes-Conway

1	COMMON COUNCIL EXECUTIVE COMMITTEE	03/12/2025	Referred	BOARD OF PUBLIC WORKS	
	Action Text: This Resolution was Referred to the BOARD OF PUBLIC WORKS				
1	COMMON COUNCIL EXECUTIVE COMMITTEE	03/12/2025	Referred	PLAN COMMISSION	05/12/2025
	Action Text: This Resolution was Referred to the PLAN COMMISSION				
1	COMMON COUNCIL EXECUTIVE COMMITTEE	03/12/2025	Referred	BOARD OF PARK COMMISSIONER S	06/11/2025
	Action Text: This Resolution was Referred to the BOARD OF PARK COMMISSIONERS				
1	COMMON COUNCIL EXECUTIVE COMMITTEE	03/12/2025	Referred	LANDMARKS COMMISSION	05/19/2025
	Action Text: This Resolution was Referred to the LANDMARKS COMMISSION				
1	COMMON COUNCIL EXECUTIVE COMMITTEE	03/12/2025	Referred	MADISON PUBLIC LIBRARY BOARD	06/05/2025
	Action Text: This Resolution was Referred to the MADISON PUBLIC LIBRARY BOARD				
1	COMMON COUNCIL EXECUTIVE COMMITTEE	03/12/2025	Referred	EQUAL OPPORTUNITIES COMMISSION	
	Action Text: This Resolution was Referred to the EQUAL OPPORTUNITIES COMMISSION				
1	COMMON COUNCIL EXECUTIVE COMMITTEE	03/12/2025	Referred	POLICE CIVILIAN OVERSIGHT BOARD	
	Action Text: This Resolution was Referred to the POLICE CIVILIAN OVERSIGHT BOARD				
1	COMMON COUNCIL EXECUTIVE COMMITTEE	03/12/2025	Referred	TRANSPORTATI ON COMMISSION	06/25/2025
	Action Text: This Resolution was Referred to the TRANSPORTATION COMMISSION				
1	COMMON COUNCIL EXECUTIVE COMMITTEE	03/12/2025	Referred	ALCOHOL LICENSE REVIEW COMMITTEE	07/16/2025
	Action Text: This Resolution was Referred to the ALCOHOL LICENSE REVIEW COMMITTEE				
1	COMMON COUNCIL EXECUTIVE COMMITTEE	03/12/2025	Referred	ECONOMIC DEVELOPMENT COMMITTEE	07/16/2025
	Action Text: This Resolution was Referred to the ECONOMIC DEVELOPMENT COMMITTEE				
1	COMMON COUNCIL EXECUTIVE COMMITTEE	03/12/2025	Referred	AFFIRMATIVE ACTION COMMISSION	09/04/2025
	Action Text: This Resolution was Referred to the AFFIRMATIVE ACTION COMMISSION				

1	COMMON COUNCIL EXECUTIVE COMMITTEE	03/12/2025	Referred	DISABILITY RIGHTS COMMISSION	08/28/2025	
	Action Text: This Resolution was Referred to the DISABILITY RIGHTS COMMISSION					
1	ALCOHOL LICENSE REVIEW COMMITTEE	03/19/2025	Table			Pass
	Action Text: A motion was made by Verveer, seconded by Barushok, to Table. The motion passed by voice vote/other.					
1	ALCOHOL LICENSE REVIEW COMMITTEE	03/19/2025	Take Off The Table			Pass
	Action Text: A motion was made by Barushok, seconded by Verveer, to Take Off The Table. The motion passed by voice vote/other.					
1	ALCOHOL LICENSE REVIEW COMMITTEE	03/19/2025	Re-refer	ALCOHOL LICENSE REVIEW COMMITTEE	07/16/2025	Pass
	Action Text: A motion was made by Verveer, seconded by Barushok, to Re-refer to the ALCOHOL LICENSE REVIEW COMMITTEE. The motion passed by voice vote/other.					
1	BOARD OF PUBLIC WORKS	05/07/2025	Return to Lead with the Recommendation for Approval	Council Office		Pass
	Action Text: A motion was made by Ald. Guequierre, seconded by Williams, to Return to Lead with the Recommendation for Approval to the Council Office. The motion passed by voice vote/other.					
1	PLAN COMMISSION	05/12/2025	Return to Lead with the Recommendation for Approval	COMMON COUNCIL EXECUTIVE COMMITTEE		Pass
	Action Text: A motion was made by Guequierre, seconded by Heck, to Return to Lead with the Recommendation for Approval to the COMMON COUNCIL EXECUTIVE COMMITTEE. The motion passed by voice vote/other.					
1	LANDMARKS COMMISSION	05/19/2025	Return to Lead with the Following Recommendation(s)	COMMON COUNCIL EXECUTIVE COMMITTEE		
	Action Text: This Resolution was Returned to Lead with no comments from the commission.					
	Notes: The commission had no comments on the document.					
1	MADISON PUBLIC LIBRARY BOARD	06/05/2025	Return to Lead with the Recommendation for Approval	COMMON COUNCIL EXECUTIVE COMMITTEE		Pass
	Action Text: A motion was made by DeChant, seconded by Lovelace III, to Return to Lead with the Recommendation for Approval to the COMMON COUNCIL EXECUTIVE COMMITTEE. The motion passed by voice vote/other.					
1	BOARD OF PARK COMMISSIONERS	06/11/2025	Return to Lead with the Recommendation for Approval	COMMON COUNCIL EXECUTIVE COMMITTEE		Pass
	Action Text: Common Council Chief of Staff Kapusta-Pofahl gave an overview of the updated policy. This applies to both Park Commission and subcommittees.					
	Motion made by Harrington, seconded by McDonald, to RETURN TO LEAD WITH THE RECOMMENDATION FOR APPROVAL TO THE COMMON COUNCIL EXECUTIVE COMMITTEE.					
	Motion passed by voice vote/other.					
1	TRANSPORTATION COMMISSION	06/25/2025	Return to Lead with the Recommendation for Approval	COMMON COUNCIL EXECUTIVE COMMITTEE		Pass

Action Text: Common Council Chief of Staff Karen Kapusta-Pofahl provided verbal reports and was available for questions.

Olson moved to Return to Lead with the Recommendation for Approval, seconded by Webber. The motion passed by voice vote/other.

After this item, the meeting went to ITEM 3.

- | | | | | | |
|---|---|------------|--|---|------|
| 1 | ECONOMIC
DEVELOPMENT
COMMITTEE | 07/16/2025 | Return to Lead with
the Following
Recommendation(s) | COMMON
COUNCIL | |
| | Action Text: Duncan gave an overview of the Code of Ethical Conduct followed by questions and comments from members. A motion was made by Bulgrin seconded by Liggon to return to lead with the recommendation to adopt with the following recommendations: | | | | |
| | 1. That it stay a living document | | | | |
| | 2. That it is made available to the public | | | | |
| | The motion passed unanimously by voice vote. Madison was absent at the time of the vote. | | | | |
| | Notes: A motion was made by Bulgrin seconded by Liggon to return to lead with the recommendation to adopt with the following recommendations: | | | | |
| | 1. That it stay a living document | | | | |
| | 2. That it is made available to the public | | | | |
| | The motion passed unanimously by voice vote. Madison was absent at the time of the vote. | | | | |
| 1 | ALCOHOL LICENSE
REVIEW COMMITTEE | 07/16/2025 | Return to Lead with
the
Recommendation for
Approval | COMMON
COUNCIL | Pass |
| | Action Text: A motion was made by Farley, seconded by Carter, to Return to Lead with the Recommendation for Approval to the COMMON COUNCIL. The motion passed by voice vote/other. Figueroa Cole abstains. | | | | |
| | Recommendation to Add terminology regarding culture and speaking to members of the media. | | | | |
| | Notes: Add terminology regarding culture and speaking to members of the media. | | | | |
| 1 | COMMON COUNCIL | 08/05/2025 | Re-refer | COMMON
COUNCIL
EXECUTIVE
COMMITTEE | Pass |
| | Action Text: A motion was made by Govindarajan, seconded by Guequierre, to Re-refer to the COMMON COUNCIL EXECUTIVE COMMITTEE. The motion passed by voice vote/other. | | | | |
| 1 | EQUAL
OPPORTUNITIES
COMMISSION | 08/14/2025 | Return to Lead with
the
Recommendation for
Common Council to
Adopt | | Pass |
| | Action Text: Commissioner Klebba made a motion to approve two with general changes; 1. define the acronym BCC and be clear in the language when referring to appointed official and BCC member and make corrections throughout the document and 2. provide a clear link to the City of Madison website for public civilians to review the Alder's Code of Conduct to make complaints on Alder's behavior and lack of conduct. It was seconded by Commissioner Ketcham. The vote was unanimous. | | | | |
| | Return to Lead with Recommendation for Common Council to Adopt | | | | |
| | Notes: Commissioner Klebba made a motion to approve two with general changes; 1. define the acronym BCC and be clear in the language when referring to appointed official and BCC member and make corrections throughout the document and 2. provide a clear link to the City of Madison website for public civilians to review the Alder's Code of Conduct to make complaints on Alder's behavior and lack of conduct. It was seconded by Commissioner Ketcham. The vote was unanimous. | | | | |
| 1 | POLICE CIVILIAN
OVERSIGHT BOARD | 08/20/2025 | Return to Lead with
the
Recommendation for
Common Council to
Adopt | COMMON
COUNCIL
EXECUTIVE
COMMITTEE | Pass |
| | Action Text: A motion was made by Rearick, seconded by Calmese, to Return to Lead with the Recommendation for Common Council to Adopt. The motion passed unanimously. | | | | |

1	DISABILITY RIGHTS COMMISSION	08/28/2025	Return to Lead with the Following Recommendation(s)	COMMON COUNCIL EXECUTIVE COMMITTEE	
	Action Text: Kapusta-Pofahl led the discussion. Feedback submitted via email - • Wendi: I felt that it was fairly straightforward and I don't have any changes. • Nakia: I was impressed by the ethics code's presentation. I do have a concern pertaining to the reversal of unethical behaviors from non-appointed and non-elected politicians. How can we ensure that we will not be bullied, harassed, and targeted by people who think we have money or can provide them with favors. In addition, what can stop someone or groups of people from telling lies on appointed and elected officials to get them removed from their seats or in trouble with the law? How can we ensure that we are protected? • Kathleen: Changes to the Code of Conduct should never be taken lightly or done hastily as they need to be done thoughtfully and as a response to the changing times and needs of the city, not only as a reaction to a particular incident. The proposed changes are clearly meant to foster a safe and respectful environment to conduct the important work of the city. Having heard the presentation and read the proposed updates to the Code of Ethical Conduct again I can say that I support these changes. Notes: Disability Rights Commission considered file 87483 at the meeting of August 28, 2025. No action was taken.				
1	AFFIRMATIVE ACTION COMMISSION	09/04/2025	Return to Lead with the Following Recommendation(s)	COMMON COUNCIL EXECUTIVE COMMITTEE	
	Action Text: Alder Duncan presented the proposed changes. A motion was made by Commissioner Moze, seconded by Commissioner Mathews, to approve the revisions to the code of conduct. The motion passed by voice/other. Notes: A motion was made by Commissioner Moze, seconded by Commissioner Mathews, to approve the revisions to the code of conduct. The motion passed by voice/other.				
1	COMMON COUNCIL EXECUTIVE COMMITTEE	09/16/2025	RECOMMEND TO COUNCIL TO RE-REFER - REPORT OF OFFICER		Pass
	Action Text: A motion was made by Tishler, seconded by Govindarajan, to RECOMMEND TO COUNCIL TO RE-REFER - REPORT OF OFFICER to the 10/28/25 Common Council Executive Committee meeting and the 11/25/25 Common Council meeting. The motion passed by voice vote/other. Notes: Recommend to re-refer to the 10/28/25 CCEC meeting and the 11/25/25 Council meeting.				
1	COMMON COUNCIL	10/07/2025	Re-refer	COMMON COUNCIL EXECUTIVE COMMITTEE	Pass
	Action Text: A motion was made by Vidaver, seconded by Govindarajan, to Re-refer to the COMMON COUNCIL EXECUTIVE COMMITTEE. The motion passed by voice vote/other.				

Text of Legislative File 87483

Fiscal Note

No City appropriation required.

Title

Adopting the Updated Elected and Appointed Official Code of Ethical Conduct

Body

WHEREAS, the City of Madison's vision is Inclusive, Innovative, and Thriving; and,

WHEREAS, the City of Madison is committed to equity, diversity, inclusion, equal employment and participatory government for all; and,

WHEREAS, the goal of our policy is for City work and meeting environments to be inclusive, equitable, and free of harassment, discrimination, and retaliation; and,

WHEREAS, we expect all members of the Common Council, the Mayor, and members of City Boards, Commissions, and Committees to treat their colleagues, City employees and members of the public in a welcoming, inclusive, fair, respectful, and equitable manner; and,

WHEREAS, in 2023, the Common Council passed RES-23-0000 adopting the Elected and Appointed Official Code of Ethical Conduct; and,

WHEREAS, in 2024, the Common Council passed RES-24-00450 adopting the Sexual Harassment Appendix to the Elected and Appointed Official Code of Ethical Conduct; and,

WHEREAS, the Updated Elected and Appointed Official Code of Ethical Conduct includes additional guidance on expected interactions between officials and members of the public, City staff, and the media; and,

WHEREAS, the Updated Elected and Appointed Official Code of Ethical Conduct also includes the procedure for censure of an alder for violation of the Code;

NOW, THEREFORE, BE IT RESOLVED that the Madison Common Council adopts the Updated Elected and Appointed Official Code of Ethical Conduct.

Elected and Appointed Official Code of Conduct

Purpose and Guiding Principles

The City of Madison and its elected and appointed officials, including the mayor, alders, and members of City boards, commissions, and committees (“BCCs”), share a fundamental responsibility to serve the community with integrity, dignity, and accountability. Guided by the City’s vision of being inclusive, innovative, and thriving, and its mission to provide exceptional service to residents and visitors alike, officials are expected to uphold the highest standards of ethical behavior in all aspects of public service.

The City’s democratic process depends on participation from individuals with diverse backgrounds, perspectives, and experiences. To sustain public confidence and ensure effective governance, City elected and appointed officials must conduct themselves with honesty, fairness, and civility, while avoiding impropriety and refraining from any behavior that undermines trust in public service.

Scope

The Code of Conduct applies to all elected and appointed City officials. It governs any conduct or interaction that occurs while the official is doing City business, whether on or off City premises, including at City-sponsored events or other events which the alder or BCC member attends in their official capacity. It governs any conduct in the workplace or in any setting reasonably considered an extension of the workplace, including but not limited to communications via telephone, voicemail, text message, video conferencing, social media, or other online platforms.

Implementation

All elected and appointed City officials will receive the Code of Conduct upon taking office and sign to acknowledge its receipt. Lack of signature does not exempt an official from its requirements. Any time the Code of Conduct is amended, the updated version shall be emailed to all City elected and appointed officials.

The City will provide ongoing training and resources to support compliance with the Code of Conduct and to promote an inclusive and effective City government.

Standards of Expected Conduct

City elected and appointed officials shall create and maintain a welcoming, courteous and inclusive environment in the performance of their duties. They shall not engage in abusive, violent, bullying, harassing, discriminatory, or other threatening or intimidating behavior or language.

- **Bullying** is repeated, unwanted, aggressive physical or verbal behavior which hurts another individual, physically, mentally, or emotionally.
- **Harassment** is repeated or egregious unwelcome, intimidating, hostile or offensive actions, words, jokes, or comments based on any City protected class status or statuses referenced in the [Madison General Ordinances](#) or Administrative Procedure Memorandum (APM) [3-5](#).

- **Discrimination** is unfair treatment of an individual or members of a group based on their protected City protected class status or statuses as referenced in the [Madison General Ordinances](#) or Administrative Procedure Memorandum (APM) [3-5](#).

Bullying, harassment, and discrimination diminish public trust, damage relationships, and hinder effective governance.

Conduct Toward City Staff

Effective governance of the City depends on the collaboration between the elected and appointed officials who set policy and the City staff who implement it. Mutual respect, professionalism, and clear communication are essential to this relationship.

- City elected and appointed officials shall treat all staff as professionals with valuable expertise, experience, and contributions.
- Communication should be clear, honest, and measured.
- Concerns about staff behavior or performance must be raised privately and professionally with the staff member's direct supervisor. If unresolved, concerns may be referred to the relevant agency director or the Human Resources Director. Personnel matters shall not be discussed in public forums.

Nothing in this section prohibits discussion of City affairs by the Common Council or a BCC in a duly-convened meeting.

Conduct Toward Participants in Public Meetings

Public participation is a cornerstone of democracy. Elected and appointed officials play a key role in fostering an environment where all individuals feel welcome to engage.

- City elected and appointed officials shall treat members of the public with attentiveness during public meetings.
- Questions to members of the public should be used to seek clarification or expand on information, not to demean or interrogate.
- City elected and appointed officials should express appreciation for public input and ensure that meeting environments remain orderly and inclusive.
- If a participant strays from the topic, exceeds allotted time, or uses inappropriate language, any Common Council or BCC member may request the issue be addressed using appropriate parliamentary procedures.

Points of Order During Meetings

Violations occurring during a public meeting may be addressed by raising a point of order. The Chair shall rule on the point of order, subject to challenge and reversal by a majority of the members present.

Conduct Toward the Media and Press

When speaking with the media, elected and appointed officials must ensure statements do not misrepresent City policy or undermine public trust in City governance.

- Identify when they are speaking in their official role and avoid misrepresenting City actions or decisions.
- When speaking in a personal capacity, officials should make clear that their views are their own and not those of the City, while ensuring such statements do

not undermine public trust or create a perception of acting in an official capacity. This is to avoid misrepresentation, not limiting opinions of officials.

- Avoid discussing personnel matters or the performance of individual staff members with the media or press.

Sexual Harassment Complaints

If a person experiences or witnesses sexual harassment by an alder or member of a City BCC while such official is on City business, whether on or off City premises, including at City-sponsored events or other events which the alder or appointed individual attends in their official capacity, the Common Council encourages the following steps:

- If the person feels comfortable and safe, the person can address the matter informally with the alder or appointed individual.
- The person can report the matter to another alder; the alder will connect the person with the Common Council Chief of Staff, who will then connect the person with the appropriate personnel to file the complaint.
- The person can contact the Common Council Chief of Staff; the Chief of Staff will connect the person with the appropriate personnel to report their claim.

Prohibited Conduct Examples

Examples of actions that could constitute sexual harassment include, but are not limited to:

- Preferential treatment in return for submitting to or engaging in sexual conduct
- Making derogatory or demeaning comments about someone's sexual orientation or gender identity (including but not limited to consistently misgendering an individual)
- Name-calling or using slurs with a gender/sexual connotation
- Making sexual comments about appearance, clothing or body parts
- Rating a person's sexuality
- Asking for sex or sexual conduct
- Asking a person for dates in a coercive manner, or repeatedly asking for a date after having been turned down
- Staring in a sexually suggestive manner
- Unwelcome touching, including pinching, patting, rubbing, or purposefully brushing up against a person, making inappropriate sexual gestures
- Unwelcome sharing of sexual or lewd anecdotes or jokes
- Unwelcome sending of sexually suggestive communications in any format
- Sharing or displaying sexually inappropriate images or videos in any format not necessary for work purposes
- Attempted or actual sexual assault

Enforcement and Accountability

Communication, Informal Resolution and Reconciliation

When concerns arise, individuals are encouraged to seek timely and collegial resolution. Informal resolution and self-correction should be pursued whenever possible; formal action may be taken when other approaches are unsuccessful or inappropriate.

City elected and appointed officials who believe a violation has occurred should first attempt to resolve the matter privately and professionally. If unresolved, either party may

seek assistance from the Common Council Chief of Staff or other appropriate City personnel to connect them with available resources or options for next steps.

Formal Sanctions

Violations of the Elected and Appointed Official Code of Conduct may result in formal sanctions, including:

- **Censure** by the Common Council or a BCC.
- **Removal of a BCC member from their body** by the appointing authority, or by the Common Council for cause.
- **Removal from office** of a Common Council member in accordance with Wis. Stat. § 17.001 for cause (inefficiency, neglect of duty, official misconduct, or malfeasance in office).

Censure Process

Any alder may draft and introduce a censure resolution regarding a Code of Conduct violation on the Common Council agenda, however such a resolution must be sponsored by at least two members for a vote to be in order. Adoption of a censure for a Code of Conduct violation requires a majority vote of the Common Council.

BCC members may censure a member of their body by making a motion to censure that individual. Such motion may be accompanied by a censure statement in a form equivalent to a Council resolution which, if passed, would be attached to the BCC minutes. If the motion receives a second, the BCC then votes on the motion. In this case as well, adoption of a motion to censure an individual requires a majority vote of the BCC members.

Complaint Reporting and Investigation

A person who feels that the Code of Conduct has been violated by an alder or an appointed individual while acting in their official capacity, and who has attempted informal resolution without success or determined that informal resolution is not appropriate, may report the matter to the organizer of the event or relevant meeting authority or the Common Council Chief of Staff. The organizer of the event or the meeting authority will be expected to take appropriate action by its applicable policies, regulations, and rules and shall notify the Common Council Chief of Staff.

Examples of appropriate action may include, but are not limited to:

- Requesting that the perpetrator stop the offending behavior immediately
- Indicating the behavior is unwelcome
- Conveying a complaint to the Common Council Chief of Staff

The Common Council Chief of Staff will connect the individual reporting the conduct with appropriate personnel in the Department of Civil Rights, Human Resources Department, and the City Attorney's Office. After talking to the complainant and, if different, the person who was the alleged subject of the Code of Conduct violation, the Department of Civil Rights, the Human Resources Department, and the City Attorney will decide if an internal investigation or referral to an outside investigator is needed. Any action taken as a result of an investigation shall be under the applicable Federal, State or City law or applicable City procedure.

Debriefing

Upon completion of the investigation, and, in the case of an outside investigation, after being briefed by the outside counsel, the Department of Civil Rights, Human Resources, and the City Attorney shall debrief the complainant, the respondent, the Common Council President and the Common Council Chief of Staff on the findings of the investigation.

Release of Summary of Findings or Related Documents

After consideration of safety-related concerns and confidentiality needs related to the investigation, the Common Council President may issue a public summary of findings.

The City will ensure compliance with Wisconsin's Public Records Laws in release of any required documents, redacting such information as required by law.

Retaliation Prohibited

Threats, intimidation, or any other form of retaliation against a person who has made a complaint or provided information supporting a complaint are prohibited. An alder or appointed individual or any other entity responsible for Common Council or BCC events will take any reasonable and appropriate action to prevent and respond to retaliation per its applicable policy, regulations, and rules.



City of Madison

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

Master

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Controlling Body: COMMON
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Final Action:

Title: Council Office Updates (2025-2026)

Notes:

Sponsors:

Effective Date:

Attachments: CCEC Chief of Staff Update 6-3-25.pdf, CCEC Chief of Staff Update 7-1-25.pdf, CCEC Chief of Staff Update 080525.pdf, CCEC Chief of Staff Update 091625.pdf

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Text of Legislative File 88520

Title

Council Office Updates (2025-2026)

Council Chief of Staff Update

6/3/25

Upcoming Staff Out-of-Office

6/3-6/4: Lorissa out

6/6: Debbie out

6/13: Liz out

6/16 (afternoon): Liz out

6/18 (afternoon): Liz out

6/20: Isaac out; Liz out

6/25-6/26: Isaac out

Reminders & Tips

June 19: City Offices Closed

Project Updates

All-Alder Retreat: Close to confirming the final date. Doodle poll with the finalists is in your inbox.

BCC Staff Training Updates: Along with Organizational Development and the Attorney's Office, we are working on reviewing and updating BCC staff training materials as part of an ongoing effort to bolster BCC support.

RESJI Training: I will be coordinating with the City Equity and Social Justice Manager (kristy kumar) to provide a training for alders on the RESJ (Racial Equity and Social Justice) Initiative and the equity analysis process this fall.

Council Chief of Staff Update

7/1/25

Upcoming Staff Out-of-Office

7/2-7/3: Isaac out
7/3-7/8: Debbie out
7/30: Karen out
8/6-8/8: Karen out

Reminders & Tips

July 4: City Offices Closed

City Website Accessibility-How Alders Can Help

We are legally required to make City public facing web content accessible. This is due to a [federal ruling](#). At this time, alders can assist by avoiding ALL CAPS when writing their blog posts. We know that content coming from agencies may contain all caps, so this ask is focused on the content you write yourself, or draft content that you are given and can easily modify before posting. If you'd like to learn more about best practices to keep in mind while blogging, there are [several resources and articles](#) available on EmployeeNet (access with your City login). Here are some examples of all caps in some recent blogs that caught the attention of the software (Siteimprove) that the City is using to help staff identify issues (highlighted in red below).

Press Release: Avoid Flash Flooded Areas *posted June 24, 2025*

PRESS RELEASE COPY

:Heavy Rain Continues, Urban Flash Flooding Expected, Avoid Flash Flooded Areas“The next few days are expected to have multiple, brief but heavy storm events which may result in urban flash flooding of roadways. If you...

4506 and 4514 Verona Road-Plan Commission Public Hearing *posted June 20, 2025*

Monday, June 23, 2025 @5:30pmLocationThis meeting is being held virtually.Watch Online

Category: [Notices](#)

STOP THE VIOLENCE SAVE THE CHILDREN-Meadowood *posted June 18, 2025*

SIXTH ANNUAL STOP THE VIOLENCE SAVE THE CHILDREN COMMUNITY

SUPPERThe event will be held inside Good Shepherd Church tonight

Project Updates

AASPIRE Intern

Our AASPIRE intern, Ella, is hard at work assisting with policy research and community engagement. She will be in the chambers tonight between 6 and 6:30 with the Clerk's

Council Chief of Staff Update

7/1/25

Office interns collecting videos for the Pass the Phone Challenge. She is in the CCB on Tuesdays and Thursdays, so please stop by to meet her.

Council Office Budget Request

Please refer to the [7/1/25 CCEC agenda](#) for [links to the proposed budget request](#). If you aren't able to attend CCEC today, please watch the recording or contact me to find out more about our agency operating budget request.

Annual Workplan

Now that staggered terms are in effect and there will be alder elections every year, the Council Office has an opportunity to create an annual workplan that maps out the large projects that occur throughout the year. For a sneak peak, come to the Council Office conference room to review the notes on the whiteboard.

All-Alder Retreat: Being Public: Navigating the Spectrum of Disagreement and Conflict as Elected Officials Facilitated by Abha Thakkar, Mosaic LLC. Saturday, September 13, from 9-2 at the Parks Office. Lunch from Melly Mel's (including vegetarian and vegan options).

City Training Opportunities

The [on-demand training portal](#) has a number of additional trainings on topics that may be of interest, including Giving & Receiving Feedback, How to Run Effective Meetings, Customer De-Escalation, and an orientation to the Equitable Hiring Plan (formerly the Equitable Hiring Tool).

Conflict Management

Description: Increase your self-awareness regarding our common styles to approaching and navigating conflict. July 9, 10:00 – 11:30 am, Virtual

Sparkling Growth

Description: Sparking Growth is a training focused on exploring topics like grief, the window of tolerance, and strategies to foster balance and mental health. Join us for this interactive session where we will explore components of mental health and will practice skills to assist with emotional regulation and balance. Leave the space with practical tools and knowledge to foster your wellbeing at home and workplace. August 12, 1:30 – 3:00 pm, Virtual

Council Chief of Staff Update

8/5/25

Upcoming Staff Out-of-Office

8/6-8/8: Karen out

8/22: Isaac out

8/25: Liz out

8/28: Liz out

August TBD Debbie out

Sept 1: City Offices Closed

Reminders & Tips

All-Alder Retreat on Saturday, September 13. Being Public: Navigating the Spectrum of Disagreement and Conflict as Elected Officials Facilitated by Abha Thakkar, Mosaic LLC. Lunch from Melly Mel's (including beef, chicken, vegetarian, and vegan options).

Common Council Discussion on Tuesday, September 30. Topic: Purpose-Built Men's Shelter. 6:00 p.m. CCB 201.

Register for the [YWCA Racial Justice Summit](#). Deadline is 8/29/25.

City Website Accessibility-How Alders Can Help

We are legally required to make City public facing web content accessible by April of 2026. This is due to a [federal ruling](#). At this time, alders can assist by **avoiding ALL CAPS** when writing their blog posts. We know that content coming from agencies may contain all caps, so this ask is focused on the content you write yourself, or draft content that you are given and can easily modify before posting. If you'd like to learn more about best practices to keep in mind while blogging, there are [several resources and articles](#) available on EmployeeNet (access with your City login). Here are some examples of all caps in some recent blogs that caught the attention of the software (Siteimprove) that the City is using to help staff identify issues (highlighted in red below).

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Council Chief of Staff Update

8/5/25

Plain Language and Effective Communication

Description: How you communicate and the language you use can serve to build positive and lasting relationships, help people understand your message, and help people make informed decisions. In this session, you will learn tools to increase understanding and engagement as well as to disrupt power dynamics in language. Learn how language can foster inclusion and how to navigate communication challenges. We will also review the ADA's effective communication requirements for public entities. August 19, 10-11:30 a.m., virtual.

Council Chief of Staff Update

9/16/25

Upcoming Staff Out-of-Office

9/19-9/29: Debbie out

9/29-10/7: Lorissa out

10/1-10/3: Isaac out at Emerging Local Government Leaders (ELGL) Conference

Reminders & Tips

Common Council Discussion on Tuesday, September 30. Topic: Purpose-Built Men's Shelter. 6:00 p.m. in CCB 201 and via virtual meeting.

Equity and Social Justice Division Training

Equity and Social Justice Division staff have requested an opportunity to provide the alders with an interactive training with the team's guiding principles and experiential-based learning for equity work at the City. I'll be sending out a poll soon to identify dates in November and December.

City Website Accessibility-How Alders Can Help

We are legally required to make City public-facing web content accessible by April of 2026. This is due to a [federal ruling](#). At this time, alders can assist by:

- **Adding alt text descriptions** to any images you use in your blog
- **Writing out the information** from event flyers into the text of your blog post
- **Avoiding ALL CAPS** when writing your blog posts

If you'd like to learn more about best practices to keep in mind while blogging, there are [several resources and articles](#) available on EmployeeNet (access with your City login).

More information will be coming as we are updated.



City of Madison

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Text of Legislative File 88519

Title

Future Agenda Items (2025-2026)

Future Agenda Item Requests 2025-2026

Council meeting ending times (Ald. Lankella-added 6/3/25)
Alder committee appointments (Ald. Tishler-added 6/3/25)
Reducing size of Council (Pres. Vidaver-added 6/3/25)