

- (b) When a request for an advisory opinion is made, the name of the requester and the nature of the request may, at the requester's choice, be kept confidential. When confidentiality is requested, the Board shall hear and determine the request in closed session. The agenda for the meeting shall identify the session as a closed session to hear a request for a confidential opinion pursuant to this subdivision and Wis. Stat. §19.59. When confidentiality is requested, the report of the Board shall also be kept confidential, but the Board shall prepare a redacted summary of the report as a public document; however, if the requester requests in writing that the full report be made public, it shall become a part of the public record. If the requester makes public any portion of the opinion or report, all confidentiality is waived by the requester and the Board shall release the unredacted report.

(12) Complaints.

- (a) Any resident of the City may complain to the Ethics Board about the activity of any person or entity covered by this section pursuant to rules and procedures of the Ethics Board as approved by the Common Council. If a complaint is brought under this section against any member of the Ethics Board, other than the Common Council President or designee, the Common Council Organizational Committee shall hear the complaint, acting as the Ethics Board and following the same rules, procedures and precedents of the Ethics Board. If a complaint is brought under this section against the Common Council President or designee, a panel of 3 persons shall hear the complaint in the manner provided in this subdivision. The Mayor shall select one panel member, the Common Council shall select one panel member and those selected persons shall select the third panel member. Panel members shall serve without compensation. The persons so selected shall not be subject to Common Council confirmation notwithstanding any other ordinance to the contrary.
- (b) The Ethics Board, and the Common Council Organizational Committee and the panel described in (12)(a) above when acting as the Ethics Board, may issue subpoenas and administer oaths. Fees associated with the service of subpoenas shall be paid by the person requesting the subpoena.
- (c) No action may be taken on any complaint which is filed later than 12 months after a violation of this Ethics Code is alleged to have occurred.
- (13) Sanctions. Violation of any provisions of this code should raise conscientious questions for the incumbent concerned as to whether voluntary resignation or other action is indicated to promote the best interests of the City of Madison. If the Ethics Board determines that any person or entity has violated any provision of this code, the Board may, as part of its report to the Common Council, make any of the following recommendations:
- (a) In the case of an elected official, that the Common Council consider sanctioning, censuring, reprimanding or expelling the elected official;
- (b) In the case of a member of a board, committee or commission, that the Mayor or other appointing authority consider removing the member from the board, committee or commission, or otherwise sanctioning, censuring or reprimanding the member;
- (c) In the case of an employee, that the employee's appointing authority consider disciplining or discharging the employee;
- (d) As an alternative or in addition to the sanctions imposed herein, that any person or entity violating Sec. (5)(a)2. of this ordinance not be awarded any City contract, grant, loan or any other thing of value for a period of 12 months from the date of finding of the violation or that any such contract, grant, loan or things of value be terminated, repaid, forfeited or called in.

- (e) As an alternative or an addition to the sanctions imposed herein, that any person violating the provisions of this section shall be subject to a nonreimbursable forfeiture of not more than two thousand five hundred dollars (\$2,500) per violation in an action brought by the City in municipal court. Each day of a violation may be considered a separate offense.

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

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

- (a) No member of the Common Council shall give, offer or promise to give her or his vote or influence in favor of or against any measure or proposition pending or proposed to be introduced in the Common Council in consideration or upon condition that any other person elected to the same Common Council will give or will promise or agree to give her or his vote or influence in favor of or against any other measure or proposition pending or proposed to be introduced in such Common Council or shall give, offer or promise to give her or his vote or influence for or against any measure on condition that any other member will give her or his vote or influence in favor of any change in any other matter pending or proposed to be introduced in the Common Council.
- (b) No member of the Common Council shall give, offer or promise to give her or his vote or influence in favor of or against any measure or proposition pending or proposed to be introduced in the Common Council or that has already been passed by the Common Council, in consideration of or on condition that the Mayor approve, disapprove, veto or sign, or agree to approve, disapprove, veto or sign, any other measure or proposition pending or proposed to be introduced in the Common Council or that has already been passed by the Common Council or in consideration or upon condition that the Mayor nominate for appointment or appoint or remove any person to or from any office or position under the ordinances of this City.
- (c) Nothing in this Subsection shall be construed as prohibiting free discussion and deliberation upon any question pending before the Common Council by members thereof, privately or publicly, nor as prohibiting agreements by members to support any single measure pending, on condition that certain changes be made in such measure, nor as prohibiting agreements to compromise conflicting provisions of different measures.

(15) Severability. The provisions of this section are severable. If any provision of this section is held to be invalid or unconstitutional or if the application of any provision of this section to any person or circumstance is held to be invalid or unconstitutional, such holding shall not affect the other provisions or applications of this section which can be given effect without the invalid or unconstitutional provisions or applications. It is hereby declared to be the intent of the Common Council that this section would have been adopted had any invalid or unconstitutional provisions or applications not been included herein.

(16) Effective Date. This ordinance shall take effect upon publication except for the provision in Sec. 3.35(9)(c) relating to the timing of the filing of Statements of Interests by members of all boards, committees, commissions, sub-committees and ad hoc committees. That provision shall become effective upon publication but shall first be applicable to the affected persons at the time of her or his initial appointment, re-appointment or, for those serving at the time of publication of this ordinance, the first Tuesday in January following publication, whichever is earliest.

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

**3.36 BARGAINING AGREEMENTS.** Notwithstanding any other provision of the Madison General Ordinances to the contrary, ordinances and resolutions implementing the results of bargaining relative to wages, hours or conditions of employment, of any year shall not become effective for members of any bargaining unit engaged in bargaining with the City of Madison until agreement has been reached with the bargaining representative for said bargaining unit.

- (1) In the absence of agreement with the bargaining unit representative, those wages, hours and conditions of employment for the bargaining unit in effect for the previous year shall continue until an agreement has been reached.