
Disability Rights Commission

Contents

DISABILITY RIGHTS COMMISSION DOCUMENTS	2
PURPOSE OF THE MANUAL	2
MISSION OF THE DISABILITY RIGHTS COMMISSION	2
MEETING SCHEDULE	3
DISABILITY RIGHTS COMMISSION ROSTER	3
DUTIES AND DESCRIPTION OF THE DISABILITY RIGHTS COMMISSION	3
IMPORTANT DOCUMENTS.....	3
MEETING GROUND RULES	3
OPEN MEETINGS LAW.....	4
MADISON ETHICS CODE SIMPLIFIED	14
ROBERT’S RULES IN SHORT: A GUIDE TO RUNNING AN EFFECTIVE MEETING	19
DEPARTMENT OF CIVIL RIGHTS.....	25
DESCRIPTION OF THE DEPARTMENT OF CIVIL RIGHTS	25
COMMISSIONS STAFFED BY THE DEPARTMENT OF CIVIL RIGHTS.....	27
CITY OF MADISON ORGANIZATIONAL CHART.....	30
MADISON GENERAL ORDINANCES	31

DISABILITY RIGHTS COMMISSION DOCUMENTS

Purpose of the Manual

This manual has been developed by the staff of the Department of Civil Rights to provide the members of the Disability Rights Commission with vital information concerning their role, functions, and responsibilities with regard to the Commission.

This manual may also be used as a reference guide for Commissions. Commission members are encouraged to bring their Manual to Commission meetings.

Mission of the Disability Rights Commission

The Disability Rights Commission recommends policy to the Mayor, Common Council, and the Department of Civil Rights in all areas that affect people with disabilities and their families. The Commission studies and makes recommendations to all city departments/boards/committees & commissions on proposals to provide better access to facilities & services for people with disabilities & their families. The Commission monitors & reports violations of city ordinances and state laws pertaining to citizens w/ disabilities to the appropriate agency and solicits comments/suggestions from citizens & organized groups regarding the concerns of citizens with disabilities. Lastly, the Disability Rights Commission establishes close working relationships with other city boards/commissions & committees whose activities may affect people with disabilities.

8/13/2015: per ORD-15-00086, file id 39379, named changed to Disability Rights Commission.

Meeting Schedule

Board/Committee/Commission: Disability Rights Commission	
Contact Person: Jason Glozier, Disability Rights and Services Specialist	Dept: DCR
Phone Number: (608)266-6511	E-Mail Address: jglozier@cityofmadison.com

Meetings will be held on the fourth Thursday of every month. A more detailed schedule is available on <https://madison.legistar.com/Calendar.aspx>.

Disability Rights Commission Roster

Ald. Mark Clear
Term Expires: 04/16/2019

Kurt Siegel
Term Expires: 04/30/2020

Betty Hicks
Term Expires: 04/30/2019

Kristen E. Luppino Witzling
Term Expires: 04/30/2020

Bella A. Sobah
Term Expires: 04/30/2019

Jane Earl
Term Expires: 04/30/2020

Pamela Erlanger
Term Expires: 04/30/2020

Chairperson Jeffrey Buhandt
Term Expires: 04/30/2021

Annika M. Konrad
Term Expires: 04/30/2019

Kory S. Macy
Term Expires: 04/30/2019

Eric A. Koch
Term Expires: 04/30/2021

Chan M. Stroman
Term Expires: 04/30/2021

Duties and Description of the Disability Rights Commission

Section 39.04 Madison General Ordinance states:

- (1) Organization. There is hereby created a Disability Rights Commission. (Am. by Ord. 12,880, 8-24-01)
- (2) Membership. The Commission shall consist of 13 members. The Mayor, subject to confirmation by the Common Council, shall appoint 12 citizen members and one alderperson. Citizen members shall be residents of the City of Madison and shall be knowledgeable and sensitive to the service needs, rights, and responsibilities of citizens with disabilities. First priority for membership shall be given to people with disabilities, family members, and advocates. (Am. by ORD-05-00168, 11-8-05; ORD-07-00195, 12-20-07)
- (3) (a) Terms. All members shall serve terms of three years, commencing May 1, and expiring April 30, except that the term of the Alderperson member of the Commission shall expire with the expiration of their term as Alderperson. At the first regular Common Council meeting in April of each year, the Mayor shall appoint persons to fill terms which expire the

following May 1. The Common Council shall either reject or confirm the appointments. Should the Council reject any appointment, the Mayor shall submit an alternative appointment as soon as possible. All members shall serve until a successor is qualified and appointed. Vacancies shall be filled in the manner prescribed for original appointments but the vacancies shall be filled for the unexpired term only.

- (b) (Repealed by ORD-05-00168, 11-8-05)
(Am. by Ord. 10,978, 9-14-94; Ord. 12,880, 8-24-01)
 - (4) Duties. The Disability Rights Commission shall have the following responsibilities:
 - (a) Recommend policy to the Mayor, Common Council and Department of Civil Rights in all areas that affect people with disabilities and their families. (Am. by Ord. 10,498, Adopted 8-18-92; Am. by ORD-06-00078, 6-30-06)
 - (b) Study and make recommendations to all City departments, committees, and commissions on proposals to provide better access to facilities and services for people with disabilities and their families.
 - (c) The Commission shall monitor and report violations of city ordinances and state laws pertaining to citizens with disabilities to the appropriate agency.
 - (d) The Commission shall solicit comments and suggestions from citizens and organized groups regarding the concerns of citizens with disabilities.
 - (e) The Commission shall establish close working relationships with other City Boards, Commissions and Committees whose activities may affect people with disabilities. (Am. by Ord. 12,880, 8-24-01)
 - (5) Meetings. The Commission shall meet at least once each month and shall conduct its business in accordance with rules which it may establish.
 - (6) Executive Committee. Each year the Commission shall meet as soon after May 1 as possible to elect a Chair and Vice-Chair and such other officers as the Commission may determine. The Commission Chair shall appoint a Commission member as Chair of any other committees. The Executive Committee shall consist of all Commission officers, committee Chairs and other commission members as appointed by the Chair. The Executive Committee shall have responsibilities as assigned by the Commission. (Am. by Ord. 12,880, 8-24-01)
 - (7) Staff. The Commission shall receive staff services from the Department of Civil Rights. (Am. By Ord. 10,498, Adopted 8-18-92; ORD-06-00078, 6-30-06)
-

(Sec. 3.62 R. & Re-Cr. by Ord. 10,246, 4-26-91; Am. by Ord. 12,880, 8-24-01)

IMPORTANT DOCUMENTS

Meeting Ground Rules

Anyone who would like to request a reasonable modification of these rules may do so by making that request to CPD staff or to the CPD Chair before, during or after a meeting.

Meetings start precisely at 5:00 p.m. Members should be present by 4:55 p.m. Commission members should notify the Chair or staff if they are unable to attend, or if they will be late. Members should make every effort to arrive on time, as being late is disruptive and disrespectful to fellow commission members.

Members should limit their remarks to 3 minutes. If members have not made their point within the allotted time, they will have an opportunity to speak after all members have spoken on an issue.

Commission members will be asked to limit themselves to one question and one follow-up question per topic, and then allow other members to speak. If members still have questions, they may make additional inquiries only after everyone has had an opportunity to participate in the **discussion, if time permits.**

A commission member must be recognized by the chair in order to speak. Only one commission member should be speaking at a time. Members should refrain from having side conversations during meetings.

All members should feel comfortable expressing their thoughts and ideas.

The Commission invites a wide variety of guests ranging from City staff, to representatives of community groups, to individual citizens; these individuals provide technical assistance and advice, and educate commission members on issues of concern to Madison's citizens with disabilities. Many of these individuals come on their own time to assist the Commission to fulfill its mission. It is essential that commission members welcome and respect our guests.

Open Meetings Law

I. The Open Meeting Law.

The Open Meeting statute is found in Secs. 19.81 - 19.98 of Wisconsin Statutes and Sec. 3.71(1) of the Madison General Ordinances (MGO). Additional open meeting regulations are contained in Administrative Procedure Memorandum 3-13.

II. What The Law Requires.

All meetings of all state and local governmental bodies must be held in a place reasonably accessible to the public, including persons with disabilities. In addition, all such meetings must be preceded by notice in the manner required by the statutes, and be open to all citizens, unless the law expressly allows for a closed meeting.

Even a closed session must be preceded by public notice, and must be initially convened in open session.

III. What Bodies Are “Governmental Bodies” And Covered by The Statute?

A A governmental body means a state or local agency, board, commission, committee, council, department or public body corporate and politic created by constitution, statute, ordinance, rule or order. This includes a resolution adopted by the Council and it also includes formal directives from the Mayor. A governmental or quasi-governmental corporation is a governmental body. The City of Madison has explicitly restricted the authority to create such bodies to the Mayor and the Common Council. Individual employees are not authorized to convene or create public bodies. See § 33.01(4) and 33.27(2), MGO.

A formally constituted subunit of any of the foregoing is also covered by the law. See Sec. 19.82(1), Wis. Stats.

B An opinion of the Attorney General explains the term “quasi-governmental corporation.” OAG 20-91, November 18, 1991. It includes private corporations created by governmental bodies such as the Madison Development Corporation. A more recent legal case expands upon the definition. Please consult with the Office of the City Attorney to determine whether the Open Meetings Laws apply to any particular corporation the City creates, supports, sponsors or maintains membership in.

C In order for a group to be a “governmental body,” the constitution, statute, ordinance, rule or order must confer some collective power on the group, and must define when that power exists. Collective power must be a power which individual members of the body do not possess.

D A subcommittee is a “governmental body” if it is “formally constituted” and if it meets the other criteria in paragraph A. For example, the Board of Estimates and the Common Council Organizational Committee are “formally constituted subunits” of the Common Council. Sometimes it can be hard to determine when a subcommittee is a “formally constituted subunit.” If you have questions, you should contact the Office of the City Attorney.

E Even if the collective power is only the power to give advice or make recommendations, that still constitutes collective power and a body which has that power is a “governmental body,” if it meets the other criteria.

IV. What Meetings Are Covered by The Open Meeting Law?

A The statute defines a meeting as “the convening of members of a governmental body for the purpose of exercising the responsibility, authority, power or duties delegated to or vested in the body.”

B A meeting takes place when two things happen:

1. There must be a purpose to engage in governmental business. That includes discussion, information gathering, or decision-making. Note: This element does not require the body take action on any agenda item.
 2. The number of members present must be sufficient to determine the parent body’s course of action regarding the proposal being discussed. Usually that means a quorum. If the body’s rules sometimes require a “super-majority” vote, such as two-thirds or three-fourths, then a gathering of less than half the members of a body
-
-

could constitute a meeting, if the gathering includes enough members to defeat some action that the body might take. This is called a negative quorum.

Negative Quorum Example:

Assume a public body has seven members. A quorum of that body would consist of four members. Now, if a meeting were held with only four members present it would take the votes of three members to pass any motions or items before that body. Thus, if any two members voted to oppose a motion or an item the motion/item would fail. Under this example, these two members would constitute a negative quorum. If these two members had gotten together beforehand and coordinated their actions they would have violated the Open Meetings Laws. However, if we change the example so that five members show up at the meeting, then the coordinated actions of those two members would not have violated the Open Meetings Laws. This is true because the number of affirmative votes need to either pass or defeat an item is precisely the same – it is three. Thus, the coordinated actions of these two committee members would not constitute a negative quorum.

This example demonstrates the difficulties inherent in determining whether a meeting of less than a quorum of membership constitutes a negative quorum. One never knows precisely what the magic number is until the actual meeting where the motion or item comes under consideration. This problem is called the “floating negative quorum.” However, the most prudent recommendation is that members avoid meeting in numbers that would constitute a negative quorum assuming that only a bare quorum of members is present at the full body’s meeting. If members have consulted prior to a meeting such that a negative quorum may have been created, the matter should be referred to another meeting.

- C A meeting does not occur when members gather together socially or by chance, as long as the gathering is not “intended to avoid requirements of the open meeting law.” When one-half or more of the members are present, the meeting is rebuttably presumed to be for the purpose of conducting a meeting.

Suppose, for example, that the Board of Public Works holds a 4th of July cookout at the home of a member, and more than half the members attend. If this gathering is not noticed as a “meeting,” and a challenger files suit, the Board has the burden to prove that the gathering was purely social. This can be done by showing that, for example, dress was informal, there were games, skits, music, fireworks, or other recreational activity and that Board business was not discussed.

“Chance” meetings can happen if the “governmental body” is very small. For example, if two members of the Board of Estimates are eating lunch, and two other members walk into the restaurant, catch their eye, and sit down at their table, a quorum of the Board is present. This is a “chance” gathering and not a “meeting.” If Board business is discussed, however, the defense of “chance” would be difficult to establish. Also, the same rebuttable presumption of a meeting will apply to these chance encounters.

- D Telephone conference calls are meetings if they involve enough members of the governmental body to determine the outcome of a matter. Agendas must specifically state which members are participating by phone. A speaker phone must be provided of sufficient quality that the public can follow the meeting.
-
-

- E Tours or site visits are meetings and must be noticed. The body does not have to provide transportation to press and public, but, if the body provides transportation to members, it should travel in groups of less than a quorum or refrain from discussing business until it arrives at the meeting site.
- F Problems can arise when a majority of members of one body attend a meeting of another body. This is a meeting covered by the statute if the members attend in order to exercise their responsibilities, including simply listening to information which they may later act upon or rely upon.

For example, if a quorum of the Urban Design Commission (UDC) decided to attend a meeting of the Plan Commission, because the Plan Commission was reviewing a UDC decision, the UDC should notice its attendance as a meeting.

For example, if a quorum of the Early Childhood Care and Education Board decided to attend a meeting of the Community Services Commission to discuss a budget issue, the Early Childhood Care and Education Board should notice its attendance as a meeting.

V. What is an Open Session?

- A An open session is a meeting which is held in a place reasonably accessible to members of the public and where all persons are permitted to attend. This does not mean that crowds must be allowed to enter when Fire Codes would be violated. The law is complied with when the body makes reasonable efforts to schedule its meeting in a place that will be accessible to the number of persons reasonably expected to attend. Controversial agenda items may require a body to hold its meeting in a larger facility than it does its regular meetings. Be aware that access to the room must be open throughout the meeting. This can be an issue when external entry doors to a building are locked during the course of an otherwise open meeting.
- B A telephone conference call is reasonably accessible to the public if there is a speaker phone at the meeting sites and room for members of the public and the press to have access to the speaker phone. The meeting's agenda must specifically identify the members who will be appearing via telephone.
- C Open meetings can be held at "quasi-public" facilities, if public meetings are regularly held there, but proper notice must be given and the location must be accessible to members of the public during the meeting. If there is any doubt about public access or accessibility, don't use the facility. It is preferable to use public buildings designed for public use.

VI. Meeting Sessions Must Be Made Accessible to Persons With Disabilities.

Title 2 of the Americans With Disabilities Act requires local governments to "furnish appropriate auxiliary aids where necessary to afford an individual with disabilities an equal opportunity to participate in, and enjoy the benefits of, a service, program, or activity conducted by a public entity." See 28 CFR Sec. 35.160(b). The explanatory portion of the regulations suggests that ". . . when . . . information being communicated is complex or exchanged for a lengthy period of time (e.g. a meeting) or where the hearing-impaired applicant or participant is not skilled in spoken or

written language . . . a sign language interpreter may be appropriate.” Executive Order 13166 may require language interpreters/translators if a significant number of limited English proficient persons are anticipated to attend. Check with the Department of Civil Rights and the Office of the City Attorney.

VII. What Are The Requirements of Public Notice?

A Special Requirements.

Governmental bodies that are governed by specific statutes, such as the Board of Review, the Plan Commission and others, must comply with the notice requirements of those statutes.

B Content Requirements.

The notice must specify the time, date, place, and subject matter of a meeting including subjects intended for consideration at any closed session you are planning. APM 3-13 requires that agendas be posted as official notice of meetings. The agenda should list specific items for discussion. The items must be identified with such specificity that a reasonable person interested in that topic will know that it will be a matter before that body. Don't use vague phrases like "new business", "old business", etc. If a closed session is planned, the notice should include the specific subject matter of the closed session. It should also cite the specific statutory exemption which permits the closed session. Consult with the Office of the City Attorney whenever you are contemplating a closed session.

C Who Must be Notified.

The notice must be provided to the public, to the official newspaper, and to those news media which have filed a written request for such notice. Notice to the public is accomplished when an agenda is posted in a place that is reasonably accessible to the public. The City Clerk is responsible for posting notices to the City's official bulletin board. Meeting agendas should be e-mailed to the City Clerk at "CL Meetings" to be posted properly. Committee chairs and staff should see to it that records show that notice was given.

D Timing.

Notice must be given 24 hours in advance of a meeting unless such notice is impossible or impracticable. That is almost never the case. In no case, ever, may a meeting be held without at least 2 hours notice. Two-hour notice is not advisable. Meeting the burden of proof to demonstrate that 24 hour notice was impossible or impracticable is invariably more work than postponing the meeting would be.

Each open session must have a separate notice. It is helpful to publish an annual meeting schedule, but this schedule does not take the place of separate meeting notices.

E Can You Discuss Subjects Which Do Not Appear on The Published Agenda?

Some bodies use a catch-all agenda item such as “other matters authorized by law.” This is illegal. Don’t use a catch-all item. Late-breaking events may either be noticed by an amended notice with at least 2 hours notice or put off until the next meeting. They should be put off unless there is a compelling reason to act.

F Can a Body Go Into Closed Session When The Meeting Notice Makes no Reference to a Closed Session?

This is permissible if the body has convened in open session on proper notice, taken a vote as required to close the session, and if the subject of the closed session is a permissible subject for a closed session. After such a closed session, the body may not reconvene in open session for 12 hours. This should be done only if the closed session was not contemplated at the time the notice for the open session was given. It should be avoided, if possible. If it is necessary to do this, the item calling for a closed session should be moved to the end of the agenda.

G Subunit Exemption.

The statute provides one exception to the notice requirement for all meetings of subcommittees. A subunit of a parent body may meet during the meeting of the parent body, during a recess of the parent body’s meeting, or directly after the parent body’s meeting to discuss or act on matters that were the subject of the meeting of the parent body. This is only permissible when the presiding officer of the parent body announces the time, place and subject matter of a committee or subcommittee meeting in advance, at the meeting of the parent body. See Sec. 19.84(6), Wis. Stats.

VIII. When Can Governmental Bodies Meet In Closed Session?

Doubts about whether a meeting should be open or closed must be resolved in favor of openness. Please consult with the Office of the City Attorney if you have any questions on the propriety of meeting in closed session.

A. Judicial or Quasi-Judicial Deliberations.

A governmental body, after it has held a judicial or quasi-judicial trial or hearing, may deliberate in closed session. See Sec. 19.85(1)(a), Wis. Stats. Deliberating in closed session is not mandatory, and some committees and commissions prefer to deliberate in open session. The Board of Review is forbidden by statute to deliberate in closed session.

B. Discipline and Licensing.

When a governmental body considers dismissal, demotion, discipline, or licensing of a public employee or officer, or a person licensed by the governing body, and when the body investigates charges against such person, the body may act in closed session. The public employee or officer or licensed person must be given actual notice of any evidentiary hearing which may be held prior to final action and must also be notified of any meeting at which final action may be taken. This notice must contain a statement informing the person that she/he may demand that the meeting be held in open session. See Sec. 19.85(1)(b).

Sometimes testimony at such a hearing or meeting is about more than one person and it could happen that only one person would request that the meeting be held in open session. In that case, the portion of the meeting affecting a person who does not request open session can be closed.

C. Compensation and Evaluation.

It is permissible to close meetings when the employment, promotion, compensation or performance evaluation data of any specific public employee subject to the jurisdiction of the particular governmental body is being considered. See Sec. 19.85(1)(c), Wis. Stats. This section does not apply to considerations of more global employment topics such as the establishment of general work rules or general pay schedules.

D. Crime Prevention.

When governmental bodies consider strategy for crime detection or prevention, the meeting may be closed. See Sec. 19.85(1)(d), Wis. Stats.

E. Competitive or Bargaining Reasons.

A meeting may be closed when a governmental body deliberates about negotiations, or actually negotiates, for purchase of public property, investment of public funds, or conducts any other specific public business, whenever competitive or bargaining reasons require a closed session. See Sec. 19.85(1)(e), Wis. Stats.

F. Personnel Matters.

A meeting may not be closed just because the subject has something to do with personnel matters. The meeting may be closed if the body is considering financial, medical, social or personal histories or disciplinary data of specific persons, preliminary consideration of specific personnel problems or the investigation of charges against specific persons (except as provided in VIII.B. above), where the information, if discussed in public, would be likely to have a substantial adverse effect on the reputation of the person involved. See Sec. 19.85(1)(f), Wis. Stats.

G. Conferring With Legal Counsel.

The governmental body may close a meeting to confer with its legal counsel when counsel either orally or in writing advises the body on strategy with respect to current or likely litigation. See Sec. 19.85(1)(g), Wis. Stats.

IX. How Should You Conduct a Closed Session?

A. Procedure For Convening Into Closed Session.

Governmental bodies must convene in open session before going into closed session.

1. Motion.

There must be a motion, and a second, to convene in closed session. A vote must be taken and a vote must be recorded in minutes which are kept. The motion

must be carried by a majority vote. See Sec. 19.85(1), Wis. Stats. Strict compliance with the recording requirement is not necessary if the vote to convene in closed session is unanimous and the presiding officer notes, and the minutes record, the unanimous vote.

2. Announcement.

Before a vote is taken on the motion to close the session, the presiding officer must publicly announce the nature of the business to be considered and the specific statutory exception under which the closed session is authorized. The minutes should record this announcement. See Sec. 19.85(1), Wis. Stats. It's good practice for the staff to write or type the motion for the chair to use.

Example 1: I move that the Plan Commission go into closed session so that it can confer with the City Attorney about the case of XYZ v. Madison, under Sec. 19.85(1)(f), Wis. Stats.

Example 2: I move that the Library Board go into closed session, under Sec. 19.85(1)(e), Wis. Stats., to confer with the Director of Labor Relations about bargaining with library employees.

Example 3: I move that the ABC Commission go into closed session, under Sec. 19.85(1)(f), Wis. Stats. to discuss allegations of embezzlement by an employee.

B. Who May Attend a Closed Session?

Attendance at a closed session is limited to members of the body, necessary staff and other officers, such as the clerk and the attorney, and other persons whose presence is necessary to conduct the business. If the closed meeting is a meeting of a subcommittee, members of the parent committee must be allowed to attend the closed session, unless the parent committee has rules which provide otherwise.

C. What Goes on at Closed Sessions?

Once the governmental body has convened in closed session, it may discuss or consider only those subject matters specifically included in the announced reason for the closed session.

A body should vote in open session unless doing so would be contrary to the reasons for going into closed session.

If voting is an integral part of the closed deliberations, the body may vote in closed session.

D. Records of the Proceedings of Closed Sessions.

While the open meeting statute does not require that bodies keep minutes of their meetings, Sec. 33.01, M.G.O., requires minutes. Specific statutes concerning certain bodies also require that records be kept. See, for example, Sec. 62.13(1), Wis. Stats., which requires the Board of Police and Fire Commissioners to keep a record of its proceedings, and Sec. 62.14(5), Wis. Stats, which requires the Board of Public Works to do the same. All motions and roll call votes, whether in closed or open session, must be recorded and preserved, and open to public inspection to the extent required by the public records law.

If a record is kept of discussion and debate during the closed session, the record does not have to be disclosed under the public records statute, as long as the reason for convening in closed session continues to apply. The record of the motion or motions and the roll call vote has to be made public.

Once the underlying purpose for the closed session ceases, the records of the meeting must be provided to any person requesting access. For example, if the sale of public property was discussed in closed session, for the purpose of obtaining a competitive price, the need for confidentiality ceases when the purchase is complete.

The Office of the City Attorney advises against taping closed sessions.

X. Secret Ballots, Votes and Records.

A Secret ballot may not be used to determine any election or decision, except the election of a body's own officers. Unless the statute requires voting by written ballot or by a roll call vote, voting may be by voice vote or by a show of hands unless a member demands a written ballot or a roll call vote.

XI. Use of Recording Equipment.

A Government body must make a reasonable effort to accommodate any person desiring to record, film or photograph a meeting. Such recording or filming is not to be allowed to interfere with the conduct of the meeting.

XII. How is the Open Meeting Law Enforced?

A Prosecution.

Violations will be prosecuted by the Attorney General, the District Attorney, or an individual citizen.

B What is the Penalty?

Members of a governmental body who knowingly attend a meeting in violation of the open meeting law or otherwise violate the open meeting law by some act or omission are subject to paying a forfeiture of between \$25 and \$300. This is a personal liability and the municipality is not permitted to reimburse the member.

C Actions May be Voided.

Any action taken at a meeting held in violation of the open meeting law is voidable if the public interest in enforcing the provisions of the law is greater than the public interest in upholding the action. Only a court has the authority to void the action of a body.

XIII. Suggestions For Avoiding Liability.

A A member of a body who believes that the purpose stated for the motion to close a meeting is not legally sufficient, should vote against the motion.

- B At the beginning of the meeting, the presiding officer could ask the staff whether or not proper notice has been given for the meeting. If it is not clear that proper notice has been given, the meeting can then be rescheduled.
- C If you have a question about substantive reasons for closing meetings, procedures, or notice requirements, call the Office of the City Attorney and ask for advice.

Updated June, 2012

Michael P. May, City Attorney
Roger A. Allen, Assistant City Attorney



Madison Ethics Code Simplified

The goal of the **Simplified Code** is to describe the City of Madison Ethics Code in everyday language. It is not intended to be a substitute for the Code. **Anyone who is uncertain whether a particular action (or inaction) may be a violation of the Code, or who believes that a violation of the Code has occurred, should obtain a copy of the Code and/or seek the advice of the City Attorney's Office or the City of Madison Ethics Board.**

WHAT IS THE MADISON ETHICS CODE?

The Code spells out ethical standards of conduct intended to foster public trust and promote confidence in the integrity of government by avoiding the appearance of self-interest, personal gain or benefit. The Code also requires written disclosures by most City elected officials, employees and appointees regarding their private financial or personal interests in matters that may affect the City. (Page 3 of the Simplified Code discusses this obligation in greater detail). The Ethics Code is found in Section 3.35 of the Madison General Ordinances (MGO).

WHY HAVE A CODE?

The Madison Ethics Code establishes guidelines to ensure that City elected officials, employees, and appointees (a) act impartially, responsibly and independently, (b) make decisions and policies through proper channels of City governmental structure, and (c) serve the public interest rather than some private interest.

The major areas of responsibility and accountability spelled out in the Code include:

- Disclosure of conflicts of interest and possible disqualification from subsequent action
- Use of office for private gain
- Disclosures of confidential or privileged information
- Receipt of gifts and favors
- Incompatible employment
- Restrictions after leaving office or appointment.

By enacting a Code of Ethics, the City recognizes that certain responsibilities accompany public office or public position. These responsibilities address the need for City officials, employees, and appointees to discharge their duties in the public interest, uphold the U.S. and State Constitutions, and carry out the laws of the nation, state, and municipality with impartiality and fairness and without regard to their private interests.

TO WHOM DOES THE CODE APPLY?

The Code applies to all elected City officials, employees and appointed members of City boards, committee and commissions (including sub-committees and ad hoc committees). The Code often uses the word “**incumbent**” to mean individuals in any of these categories. The Code may also refer to an incumbent’s “**immediate family.**” For these and other definitions, please consult Section 3.35(2) MGO.

In certain circumstances citizens who interact with City employees and officials may also be subject to the Ethic Code’s standards of conduct. For instance, the Code prohibits the offering of gifts, or special favors as a reward or in exchange for some official action. The Code also prohibits an incumbent from accepting such gifts or rewards. This is an example how the Code offers guidance to both officials and citizens alike.

WHAT OBLIGATIONS DOES THE CODE IMPOSE?

I. Financial Disclosure on Statements of Interest

The Code requires incumbents to file annually a Statement of Interests describing their private financial or personal interests in matters that may affect the conduct of City business. Disclosure of these interests is required to assure the public of the impartiality of those who make decisions on the public’s behalf.

Who must file? The filing requirement extends to all elected officials and members of boards, committees, commissions, unless they can demonstrate to the Ethics Board that they are **not** involved in the (a) regulation of economic activity, (b) expenditure or granting of public funds, or (c) entry into City contracts.

Disclosure forms must also be completed by City employees who work on behalf of the City (a) negotiating; the sale or acquisition of property or real estate, (b) overseeing economic development projects, (c) assessing or appraising property for tax purposes, or (d) enforcing City ordinances or state laws. Since Madison police officers are covered by their own departmental policies and disclosure requirements and need to have their identity protected from public disclosure, police officers are exempt from filing a Statement of Interest.

Candidates for elective public office must also file a Statement of Interest with the City Clerk at the same time as nomination papers are filed. Failure to file a Statement of Interest may result in the City Clerk removing the candidate’s name from the ballot.

Failure to file: Failure of a City employee to file a Statement of Interest in a timely manner may result in the withholding of salary and other compensation. Failure to file may also prevent an appointee from being confirmed by the Common Council.

Amendments and changes: If a filer becomes aware of errors or omissions in the original Statement, he/she *must* file an amended version as quickly as possible. Moreover, elected officials, City employees who head departments or divisions and mayoral assistants *must also*

report any changes on their Statement as soon as possible. Statement of Interest forms and instructions are available from the City Clerk.

II. Standards of Conduct

The following overview of the Code's standards of conduct is not intended to be definitive. The Code should be consulted for a complete description of its obligations and prohibitions.

Use of office or position: The Code states that no *incumbent* may use his/her position or office to obtain financial gain or anything of value or any advantage, privilege, or treatment for the private benefit of the incumbent, his/her immediate family, or an organization with which the incumbent is associated. Nor may an incumbent take any official action in a matter that may affect a family member or association in which he/she may have a personal or financial interest.

Disclosure and disqualification: The Code states that any incumbent who has a financial or personal interest in a matter coming before the Common Council or any board, committee or commission must **disclose** the nature and extent of such interest and if necessary, **disqualify** himself/herself from discussing and voting on the matter.

Influence and reward: The Code states that no incumbent may solicit or accept (directly or indirectly) anything of value that could reasonably be expected to influence a vote, official action or judgment or be considered a reward for any official action or inaction.

Privileges and advantages: The Code prohibits the use of City-owned vehicles, equipment, materials or property for personal convenience or profit, except as authorized by the Common Council or when such things are available to the public generally.

Outside employment: The Code prohibits incumbents from accepting outside employment and/or service (paid or unpaid) that would impair (or reasonably appear to impair) independence of judgment or action in the performance of official duties.

Disclosure of information: The Code prohibits the intentional use or disclosure of privileged information that could result in anything of value for the incumbent, his/her immediate family or for any other person or entity, unless the information has already been communicated to the general public or is a public record.

Cooling off period for incumbents: The Code places certain restrictions on the activities of former incumbents for **twelve months** after leaving office, employment or appointment. For instance, restrictions limit former incumbents from appearing before and/or negotiating with his/her former entity, office, board, committee or commission for a **one year** period. Such restrictions apply whether or not the former incumbent is paid for his/her services.

Receipt of anything of value: The Code prohibits incumbents from receiving or keeping any transportation, meals, beverage, entertainment, fees, honoraria or anything of value except in accordance with the standards of conduct contained in the Code. The Code is very explicit about

what may and may not be accepted by *incumbents* in the performance of their duties and in outside activities. Incumbents who may be affected by such regulations should review the Code.

Nepotism and equal treatment: Favoritism and special treatment in hiring and promotion based on family and special relationships shall not be allowed.

Contract or leases: The Code places limitations on City contracts or leases (involving more than \$3000 per year) with any incumbent, his/her immediate family, or any organization in which the *incumbent* owns or controls at least 2% of the outstanding equity. Before accepting such a contract or lease, the incumbent must disclose in writing to the City Clerk the nature and extent of his/her interest in said contract or lease. In turn, the City Clerk will advise the Common Council about the disclosure at the time a vote on the contract or lease is considered.

See also City Attorney Michael May's Opinion on Conflict of Interest 007-003 found in the appendices of this Manual.

III. Appointment of City Employees to a non-City Board or Committee

When a City employee is appointed **by the mayor** to a non-City board or committee, that employee is obligated to represent the interests of the City and act with independence of judgment. Careful consideration should be given prior to the appointment to ensure that such individuals do not have a conflict of interest that would be incompatible with the proper discharge of their City duties and have the necessary independence of judgment in representing the City's interest.

IV. Political Activities

The Madison Ethics Code prohibits any City employee, during work hours or while on official business, from:

- wearing or displaying campaign material
- distributing campaign literature
- soliciting or receiving political contributions or
- actively campaigning for any candidate or referendum

WHAT IS THE ETHICS BOARD?

The City of Madison appoints an Ethics Board to answer questions, render opinions, and hear complaints on matters concerning the Code. The Board has seven members: four citizen members, one representative of the Mayor, the Common Council President (or designated alderperson), and one representative of organized labor. All members of the Board are appointed by the Mayor and confirmed by the Common Council.

The Ethics Board elects its own chair and vice-chair and develops written rules of procedures that are approved by the Mayor and the Common Council. The Human Resources Director provides staff support to the Board, and the City Attorney furnishes the Board with legal assistance.

HOW DOES THE BOARD BECOME INVOLVED IN A MATTER?

Advisory Opinions: When an incumbent or candidate for a City elected office is uncertain about the Code's application, he/she may ask the Ethics Board for an advisory opinion and use that opinion as a guide. The individual will have an opportunity to present the facts at issue and state why the Code may or may not apply to a particular situation at hand. When the individual follows the Board's advice, it is considered evidence of his/her intent to comply with the Code. If the applicant desires the request for advice and the Board's opinion to remain confidential, the Board will meet in closed session, and only an anonymous summary of its opinion will be made public.

Complaints: Any resident of the City may complain in writing to the Ethics Board about the activity or conduct of any person covered by the Code; however, that complaint must be filed within 12 months of the time the violation is alleged to have occurred. (The person making the complaint must be present at the time the complaint is brought before the Ethics Board.) The Board may issue subpoenas and administer oaths during the course of the proceeding. The procedure that the Board follows is based on rules and procedures that have been established by the Board and approved by the Common Council.

Copies of the Madison Ethics Code may be obtained from the Office of the City Attorney in Madison, Wisconsin.

The Procedures Manual may be obtained from the Office of the City Attorney in Madison, Wisconsin.

Robert's Rules in Short: A Guide to Running an Effective Meeting

**By Michael P. May, Office of the City Attorney, Madison, Wisconsin
Updated November 2015**

"Where there is no law, but every man does what is right in his own eyes,
there is the least of real liberty." – Henry M. Robert.

Importance of Rules to an Effective Meeting:

While groups sometimes proceed informally or by consensus, it is generally accepted that deliberative bodies operate much more effectively when they follow known rules of procedure.

In most instances and except as changed by the deliberative body, the rules to be followed are **Robert's Rules of Order Newly Revised** (hereinafter referred to as RR). These rules were first established by General Henry M. Robert in 1876. The latest edition of RR is the 11th edition.

A complete copy of RR runs nearly 700 pages. Even abridged versions, which are quite useful, often run 200 pages. This manual will be much shorter.

RR defines the role of the chair, of members of the body, and establishes rules of procedure. These rules have been crafted and adjusted over the years to assist in effective meetings, and to balance carefully the rights of the majority to act and the rights of the minority to be heard, and in some cases, prevent action.

Proper Notice and Agenda For a Meeting:

While RR require that there be an order of business for a meeting, the major law governing notice and agenda for meetings is the Wisconsin Open Meetings Law, Sec. 19.81, et seq. and Sec. 3.71, MGO. This manual is not a complete analysis of the Open Meetings Law, but those conducting a meeting should know some of the basic rules. They are:

1. All meetings must be preceded by adequate notice. This is generally 24 hours, although it may be two hours in the case of an emergency. The giving of the notice should be coordinated through the City Clerk's Office.
 2. The notice must include all items to be taken up at the meeting in such a manner as to apprise the public of the nature of the public business. Broad items such as "Report of the Chair" should be avoided.
 3. Except for meetings that provide for public comment, there can be no discussion of any item not on the agenda. Nor can there be action on any item not on the agenda. A "Public Comment" section allows the public to talk about anything, and the board may question them, but no further action or discussion is allowed. 1
-

4. There may be action on any item on the agenda, unless the agenda explicitly states something to the effect of "for information only - no action."
5. Special rules govern when a body may go into closed session. Consult the Office of the City Attorney for procedures.

Special Procedures, Chapter 2, MGO:

The Madison Common Council has a body of standing rules set out in Chapter 2, MGO. In addition, every board or commission has the right to adopt its own rules of procedure. Sec. 33.01(4)(b), MGO. To the extent there are not specific rules, Robert's Rules of Order are to be applied.

This manual will not review all of the provisions in Chapter 2 of the Standing Rules of the Common Council. In a number of instances, those rules simply adopt a provision of RR. However, some key rules are:

Sec. 2.04, Order of Business. This sets out the normal order of business for the council, which may be modified by a suspension of the rules on a two-thirds vote. It often is modified.

Sec. 2.05, Introduction of Business. Generally, any item to be taken up by the Council must first be introduced at a prior Council meeting, referred to an appropriate committee, board, or commission, and taken up no earlier than the next succeeding Council meeting. There are a number of exceptions to this and the Council may suspend these rules in order to act immediately.

Sec. 2.18, Majority Vote of All Members Required. The Council operates on a "Rule of 11." It takes 11 votes to pass a measure, regardless of how many members vote or are attending the meeting. This is not the same rule as applies to boards or commissions, see Sec. 33.01(3), MGO.

It should be noted that under the Council's operations, a report of a board or commission will contain recommendations. In almost all instances, this report and the recommendations contained therein become the main motion on the floor when an alder moves the adoption of the report.

Robert's Rules of Order / Common Motions

This section will summarize some of the provisions of RR.

- A. Proceed by Motion. The most basic element of RR is that matters come before the body by motion. An alder makes a motion simply by saying "I move that _____" or "Move adoption of _____, " or "Move referral of _____," or "I move to amend __." It is not the form of the motion, but the substance of it which governs.
 - B. Role of the Chair. It is the obligation of the Chair to run an orderly meeting. Members of the body are not to speak until they have been recognized by the Chair. Except for a limited class of motions, a member may not interrupt another member when they have the floor. The Chair also rules on any votes and rules on any questions of proper procedure. In the event of a disruption in the meeting, the Chair may call on the sergeant at arms or others to return the meeting to order.
-
-

Generally, under RR, the Chair does not participate in debate or unless the chair's vote affects the outcome of the motion. Some committees have changed this by rule to always allow the chair to vote.

C. Types of Motions. Under RR, motions generally fall into one of four classes. These are:

1. The Main Motion: This is the matter that is before the body at that moment. Nearly all other motions bear some relation to the main motion.
2. Subsidiary Motions: These are a series of motions which propose to do something to or with the main motion. Examples include amendment, referral, laying on the table, calling the question. These motions are all subject to an order of precedence which will be discussed below.

Note that what is the "main motion" for application of the rules of precedence may change during the course of consideration of a matter. For example, if the main motion is to adopt a resolution, and a member offers a subsidiary motion to amend the resolution, the proposal for amendment becomes the main motion for purposes of consideration of the order of precedence of other motions. That is, the motion to amend is subject to further amendment, referral, laying on the table, etc. It is only when that motion has been disposed of that the motion to adopt is then back before the body for consideration.

3. Incidental Motions: Incidental motions relate to the pending matter, but generally relate to it in a procedural way such that the incidental motion must be dealt with before the body may return to either the main or subsidiary motion before it. Incidental motions take precedence over whatever motion is before the body, and in some instances, may be made when the mover does not have the floor. Examples of incidental motions are a point of order or procedure, appeal of a ruling on a point of order or procedure, a point of information, call for a roll call (division of the assembly), or a suspension of the rules.
4. Privileged Motions: These are very few motions that take precedence over all other motions. They include motion to recess, question of privilege, and a motion to adjourn.

D. Common Motions. An almost limitless number of motions may be made. RR lists at least 84 potential motions. This section will discuss some common motions; the reader is also referred to the accompanying "cheat sheet" attached as an appendix to this manual.

1. Adjourn: To end the meeting. Not debatable.
 2. Adoption: This is to adopt the matter before the body.
 3. Amendment: To modify the main motion before the body.
 4. Division of Assembly / Roll Call: A call for division is the same as calling for a roll call vote. Any member may do this and the motion need not be seconded; it is simply granted when asked for. It is not debatable.
-
-

5. Division of the Question / Separation: This is a request to have separate votes on different paragraphs or portions of the proposal before the body. It is not debatable, but does require a second.
 6. Lay on the Table / Take off the Table: This is a motion to temporarily defer consideration of a matter and then to ask that the matter be taken up again. It is often used, when, for some reason, a member of the assembly or some information necessary for consideration is temporarily unavailable. Motions to lay on the table or take off the table are not debatable. The motion is often made simply as a motion to "table." The motion should not be used if the intent is essentially to kill a proposal.
 7. Place on File/Postpone Indefinitely: This is a common motion used in proceedings of the Madison Common Council and is the equivalent of a motion to postpone or defer indefinitely. This is the motion to be used if the intent is to not adopt the matter before the Council, without explicitly voting it down.
 8. Point of Information: This is an incidental motion in which a member of the assembly desires some information prior to proceeding to a vote on the matter before the body. It does not require a second and no vote is actually taken on the point of information. A member simply says "I rise to a point of information" or "Point of Information?" It is proper when another has the floor.
 9. Point of Order or Procedure: This is another incidental motion and again is not subject to a second or a debate. It raises a question about the procedure being followed by the body. The ruling on the Point of Procedure is committed to the Chair of the body. If a member of the body disagrees with the ruling, they may appeal the ruling of the Chair to the full body. An appeal does require a second, and a majority of the body must disagree with the Chair's ruling for it to be reversed.
 10. Point of Privilege: This is one of the privileged motions, and again does not require a second, nor is it debatable. This normally relates to some personal matter or something relating to the operation of the body, such as a room that is too hot, too cold, too loud, some confidential information which should not be discussed before the body, etc.
 11. Previous Question: This is a motion requesting that the body immediately vote on whatever matter is otherwise before it; it cuts off debate and proceeds to an immediate vote. The motion can be made either by "calling the question", "moving the previous question," or simply stating "Question." The motion requires a second and is non-debatable and requires a two-thirds vote.
 12. Recess. The motion asks that the body take a short break. The length of time of the recess should be established. This is a privileged motion, in that it takes precedence over almost all other pending motions. It requires a second, it is not debatable, and requires a majority vote.
 13. Reconsideration: A motion for reconsideration asks that the body reconsider something it has already acted upon. It must be made either at the same meeting
-
-

at which the matter was considered, or at the next succeeding meeting. Once made, the motion may be referred to a later meeting. In order to act on the motion for reconsideration, either the original matter or the motion on the matter must be on the official agenda of the meeting to comply with the Open Meetings law. Common Council members are referred to the "Point of Order" memorandum from the Office of City Attorney, dated July 13, 2004.

A motion to reconsider may only be made by a member who voted on the winning side of the prior question. This normally will be a member in the majority, but if a matter fails because it does not reach the required majority, it may be that the motion for reconsideration may be made by a member who actually is less than a majority. For example, if a matter needing a 2/3 vote falls one vote short of 2/3, reconsideration may only be moved by a member of the minority. If the motion to reconsider is approved, the prior proposal is then again before the body.

14. Motion to Refer/Commit: This is a subsidiary motion which asks that a matter be referred to another body, or to another meeting of the same body. Called a motion to commit in RR.
 15. Suspension of the Rules: This is an incidental motion because it relates to the manner in which the body will take up an issue. It requires a two-thirds majority, but is not debatable.
- E. Debate. Once a debatable motion is before the body, members of the body proceed to debate. In both the making of motions and in debating the motions, members should wait to be recognized by the Chair. The standing rules of the Common Council limit the number of times and length of time that a member of the body may participate in debate.
- F. Unanimous Consent. Asking for unanimous consent is a quick way to dispose of noncontroversial items. The Common Council does this by proposing a "consent agenda" near the beginning of every meeting. Items that no member of the body objects to are disposed of by unanimous approval. The Chair may ask for unanimous consent, or a member may ask for it on any pending matter. The Chair may do this by asking: "Is there any objection to recording a unanimous vote on item _____?"

Precedence of Motions

Some common motions are listed in descending order of precedence, that is, a motion is not in order if it has a higher number than the pending matter.

Undeatable Motions

Undeatable Motions

1. Adjourn
-

2. Recess
3. Question of Privilege
4. Lay on the Table
5. Previous Question
6. Limit or Extend Debate

Debatable Motions

7. Postpone to a Definite Time
8. Refer or Commit
9. Amend
10. Postpone Indefinitely / Place on File
11. Main Motion

Incidental Motions (e.g., Point of Order, Point of Information, Suspend the Rules, Division of the Assembly or of the Question) normally take precedence over whatever matter is pending.

"Cheat Sheet" for Robert's Rules						
Motion	In Order When Another has the Floor?	Second Required?	Debatable?	Amendable?	Vote Required for Adoption	Can be reconsidered?
Main Motion	N	Y	Y	Y	Majority unless other spec'd by Bylaws	Y
Adjournment	N	Y	N	Y	Majority	N
Recess (no question before the body)	N	Y	N	Y	Majority	N
Recess (question before the body)	N	Y	Y	Y	Majority	N
Accept Report	N	Y	Y	Y	Majority	Y
Amend Pending Motion	N	Y	If motion to be amended is debatable	Y	Majority	Y



Amend an Amendment of Pending Motion	N	Y	See above	N	Majority	Y
Change from Agenda to Take a Matter out of Order	N	Y	N	N	Two-thirds	N
Limit Debate Previous Question / Question	N	Y	N	Y	Two-thirds	Yes, but not if vote taken on pending motion.
Limit Debate or extend limits for duration of meeting	N	Y	Y	Y	Two-thirds	Y
Division of Assembly (Roll Call)	Y	N	N	N	Demand by a single member compels division	N
Division of Ques/ Motion	N	Y	N	Y	Majority	N
Point of Information	Y	N	N	N	Vote is not taken	N
Point of Order / Procedure	Y	N	N	N	Vote is not taken	N
Lay on Table	N	Y	N	N	Majority	N
Take from Table	N	Y	N	N	Majority	N
Suspend the Rules as applied to rules of order or, take motion out of order	N	Y	N	N	Two-thirds	N
Refer (Commit)	N	Y	Y	N	Majority	Neg. vote only

DEPARTMENT OF CIVIL RIGHTS

Description of the Department of Civil Rights

Department of Civil Rights

The Department of Civil Rights (DCR) is created by Section 39 of the Madison General Ordinances. The DCR shall be managed and directed by a Department Director. The DCR is responsible for management, development and implementation of Secs. 39.02, 39.03, 39.04,

3+.05, and 39.06 of the Madison General Ordinances. The DCR is responsible for ensuring that the rights of all people are respected and that all persons are given the equal opportunities to succeed based upon their personal merits. To this end, the DCR is created to vigorously pursue the policies and principles embodied in this Chapter both within the City as an employer and within the City as a community of people who respect the rights and the contributions of every community member.

Director of the Department of Civil Rights

The position of the Director of the Department of Civil Rights as it becomes vacant shall be filled according to M.G.O. Sec. 3.38(6)(f). The Mayor shall consider the recommendation of the Disability Rights Commission, the Equal Opportunities Commission and the Affirmative Action Commission in the selection of the Director. The Director shall be a person who possesses demonstrated experience in the promotion of civil rights, equal opportunities and affirmative action for all persons. The Director shall perform duties and exercise authority in accordance with City Ordinances, State and Federal statutes together with such additional duties as the Mayor and/or Common Council may from time to time prescribe. The Equal Opportunity Division Head, the Affirmative Action Division Head and the Disability Rights and Services Program Coordinator are to perform any duties assigned by these ordinances under supervision, direction and control of the Director of the Department of Civil Rights. The Director of Civil Rights shall have the overall responsibility and authority for implementing and promoting Chapter 39 of the Madison General Ordinances.

Affirmative Action Division

The Division of Affirmative Action shall be managed and directed by a Division Head. The Affirmative Action Division Head shall report to, be supervised by and perform the duties of their office under the control of the Director of the Department of Civil Rights and shall be responsible for the implementation of M.G.O. Sec. 39.02, the City's Affirmative Action Ordinance. The Director of the Department of Civil Rights may designate the Affirmative Action Division Head to serve as an ex-officio non-voting member of the Affirmative Action Commission. The Division Head shall have a background of demonstrated commitment to the policies embodied in this ordinance. In performing his/her duties, the Division Head may delegate their authority to a subordinate employee within the division.

Disability Rights and Services Program Coordinator

There is hereby created the position of Disability Rights and Services Program Coordinator who shall work under the supervision of the Director of the Department of Civil Rights. This person shall assist the Director of the Department of Civil Rights in carrying out their responsibilities under M.G.O. Sec. 39.05, shall serve as staff to the Disability Rights Commission, and shall perform such other duties as the Director of the Department of Civil Rights may direct.

Equal Opportunities Division

The Division of Equal Opportunities shall be managed and directed by a Division Head. The Equal Opportunities Division Head shall report to and be supervised by and perform the duties of their office under the control of the Director of the Department of Civil Rights. They shall be responsible for the implementation of sec. 39.03, M.G.O., the Madison Equal Opportunities Ordinance. The Director of the Department of Civil Rights may designate the Equal

Opportunities Division Head as an ex-officio, non-voting member of the Madison Equal Opportunities Commission. The Division Head shall have a background demonstrative of a commitment to the policies set forth in M.G.O. Sec. 39.03, the Madison Equal Opportunities Ordinance. In performing their duties, the Division Head may delegate their authority to a subordinate employee within the division.

Vision

We see the City of Madison as a dynamic place, where the inherent worth of each individual is esteemed and fostered, enabling them to reach their full potential.

Mission

The City of Madison's Department of Civil Rights, as a catalyst for change, strives to improve the quality of life for all people. We promote equality and the prevention and elimination of discrimination through education and enforcement.

Values

- Integrity
- Compassion
- Equality
- Courage

Commissions Staffed by the Department of Civil Rights

Affirmative Action Commission

The Affirmative Action Commission consists of nine members appointed by the Mayor. The members are appointed from the entire City and at no time does the total number of women, persons with disabilities, and ethnic minority members constitute less than a majority. These members, who are not compensated, are committed to the extension of equal employment opportunities and representative of the affected and/or under-represented groups of the Madison community.

This commission's responsibilities include, but are not limited to:

- Reviewing, approving and recommending City-wide affirmative action goals and timetables as proposed by the Director of Affirmative Action
 - Disseminating information to educate the people of the City of Madison to a greater understanding and practice of Affirmative Action Employment for all affected or underrepresented groups
 - Making specific recommendations to the Common Council to bring all appropriate ordinances into conformity with the policies of Madison General Ordinance 39.02 if necessary.
-

Disability Rights Commission

Disability Rights Commission, pursuant to City Ordinance 39.04, consists of 13 people: one Common Council member, and 12 citizen members. All members must be residents of the City of Madison and be knowledgeable and sensitive to the service needs, rights and responsibilities of citizens with disabilities. First priority for membership is given to people with disabilities, family members (of individuals with disabilities), and advocates.

The Disability Rights Commission's responsibilities include, but are not limited to:

- Recommending policy to the Mayor, Common Council and Department of Civil Rights in all areas that affect people with disabilities and their families
- Studying and making recommendations to all City departments, committees and commissions on proposals to provide better access to facilities and services for people with disabilities and their families
- The Commission shall solicit comments and suggestions from citizens and organized groups regarding the concerns of citizens with disabilities.

Equal Opportunities Commission (EOC)

The Equal Opportunities Commission is composed of 13 voting members, at least one and no more than two of which shall be members of the Common Council.

The Commission:

- Studies the existence, character, causes and extent of the denial of equal opportunity because of sex, race, religion, color, national origin or ancestry, age, disability, marital status, source of income, arrest or conviction record, less than honorable discharge from the military, physical appearance, sexual orientation, domestic partnership, familial status, political beliefs, retaliation, Social Security Number, or the fact that a person is student
- Formulates policy regarding processing of complaints of discrimination in employment, housing, public accommodations, city facilities & credit
- Formulates policy
- Reviews cases on appeal from decisions issued by EOC Hearing Examiner and appeals of administrative dismissals issued by the Equal Opportunities Division Manager on complaints filed under M.G.O. Section 39.03, the Equal Opportunities Ordinance.

EOC Employment Committee

The EOC Employment Committee assists the Madison Equal Opportunities Commission in fulfilling its mission of enabling all individuals to live and work free of employment discrimination.

This is accomplished by:

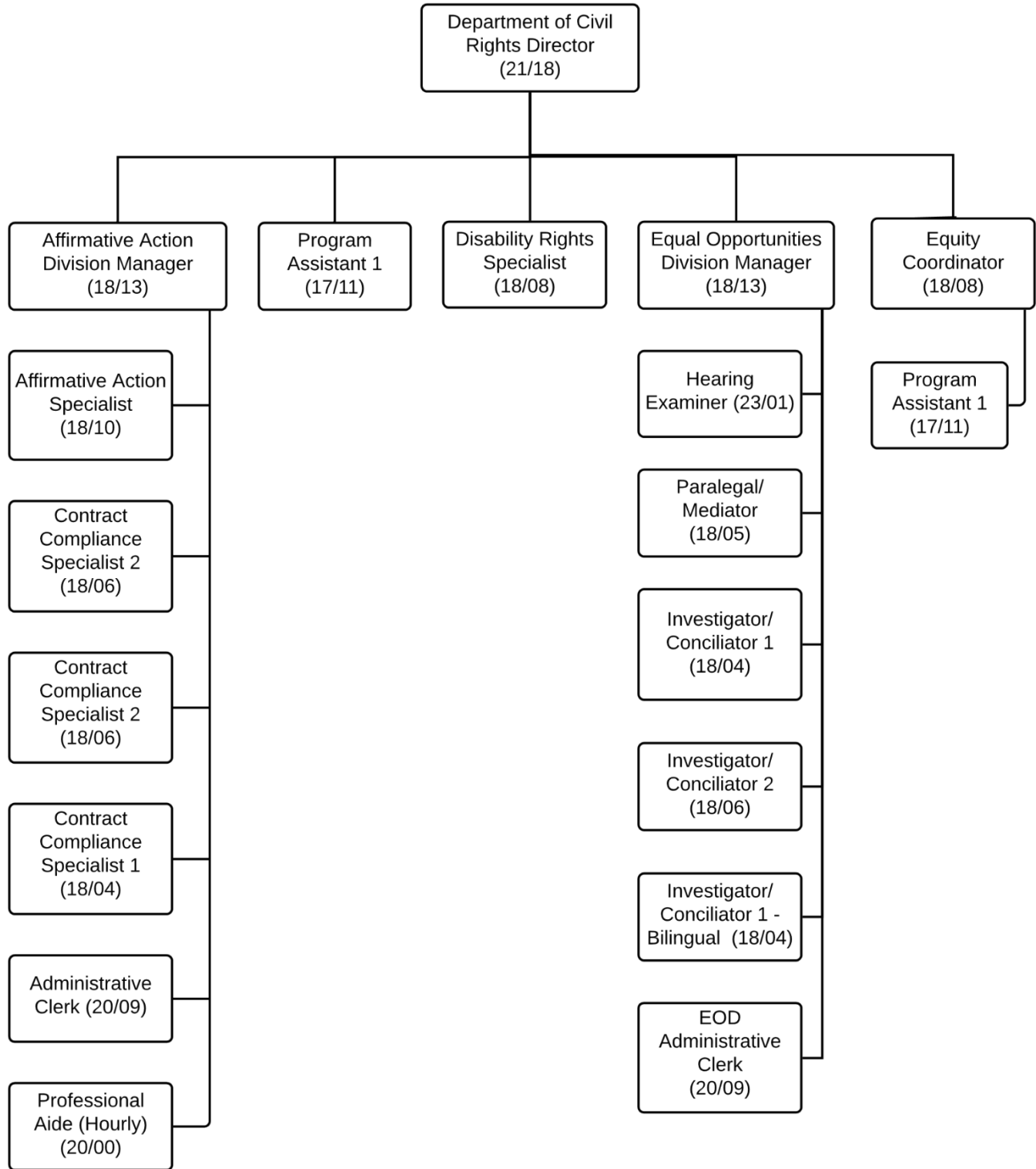
- Acting as an advisor on fair employment issues
- Developing and supporting the community's understanding of and commitment to fair employment
- Developing and supporting the community's understanding of and commitment to the value of diversity in the workplace

The Committee is made up of employer representatives and advocacy agency representatives. This provides a unique mix of perspectives on employment issues and approaches to address inequality, discrimination and diversity in the workplace.

Rev. Dr. Martin Luther King, Jr. Humanitarian Award Committee

The Rev. Dr. Martin Luther King, Jr. Humanitarian Award Committee identifies individuals within the Madison Community who have made outstanding and significant contributions in the spirit of **brotherhood, sisterhood,** and harmony towards making our city an ideal place in which to live. Awards are presented each year during the annual Martin Luther King, Jr. Celebration.

City of Madison Organizational Chart



View staff names, contact information, and position descriptions at <http://www.cityofmadison.com/Council/councilMembers/resourceGuide.cfm>.



Madison General Ordinances

Department of Civil Rights – Affirmative Action Related Ordinances

- 39.01 Director of the Department of Civil Rights
- 39.02 Affirmative Action and Contract Compliance Ordinance
- 4.20 Living Wage
- 4.23 Prevailing Wage
- 23.01 Regulating of Public Works

Department of Civil Rights Related Ordinances

- 39.03 Equal Opportunities Ordinance
 - 39.04 Disability Rights Commission
 - 39.05 Non-Discrimination Based on Disability in City Facilities and City Assisted Programs and Activities
 - 39.06 Rev. Dr. Martin Luther King Jr. Humanitarian Award Commission
-