



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, November 26, 2024

4:30 PM

Via Virtual Meeting

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 virtual format.

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

2. **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.

3. **Watch the Meeting:** If you would like to join the meeting as an observer, please visit

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

4. **Listen by Phone:**

(877) 853-5257 (Toll Free)

Webinar ID: 863 4181 7639

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 pib 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 meeting minutes (10/29/24): <http://madison.legistar.com/Calendar.aspx>

PUBLIC COMMENT

1. [86266](#) Public Comment (11/26/24)

DISCLOSURES AND RECUSALS

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

ITEMS FOR CONSIDERATION

2. [86265](#) Overview of Procedures for Censure or Removal of an Alder
Attachments: [Memo re hearing procedures 11.22.24.pdf](#)
[SPECIAL REMOVAL HEARING - DRAFT2-11222024.pdf](#)
3. [78125](#) Future Agenda Items
Attachments: [Future Agenda Items updated 8-30-23.pdf](#)
[Future Agenda Items updated 9-19-23.pdf](#)
[Future Agenda Items updated 9-29-23.pdf](#)
[Future Agenda Items updated 10-10-23.pdf](#)
[Future Agenda Items updated 11-30-23.pdf](#)
[Future Agenda Items updated 2-7-24.pdf](#)
[Future Agenda Items updated 6-26-24.pdf](#)
[Future Agenda Items updated 10-21-24.pdf](#)

ADJOURNMENT



City of Madison

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Master

File Number: 86266

File ID: 86266

File Type: Public Comment

Status: Public Comment

Version: 1

Reference:

Controlling Body: COMMON
COUNCIL
EXECUTIVE
COMMITTEE

File Created Date : 11/22/2024

File Name: Public Comment (11/26/24)

Final Action:

Title: Public Comment (11/26/24)

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 86266

Title

Public Comment (11/26/24)



City of Madison

City of Madison
Madison, WI 53703
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Master

File Number: 86265

File ID: 86265

File Type: Miscellaneous

Status: In Committee

Version: 1

Reference:

Controlling Body: COMMON
COUNCIL
EXECUTIVE
COMMITTEE

File Created Date : 11/22/2024

File Name: Overview of Procedures for Censure or Removal of
an Alder

Final Action:

Title: Overview of Procedures for Censure or Removal of an Alder

Notes:

Sponsors:

Effective Date:

Attachments: Memo re hearing procedures 11.22.24.pdf, SPECIAL
REMOVAL HEARING - DRAFT2-11222024.pdf

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Text of Legislative File 86265

Title

Overview of Procedures for Censure or Removal of an Alder



Office of the City Attorney

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PARALEGAL

Ryan M. Riley

MEMORANDUM

TO: Common Council Executive Committee

FROM: City Attorney Michael Haas

DATE: November 22, 2024

RE: Procedures for Removal Hearing

The attached document outlines detailed steps the Council may take if a complaint is received seeking to remove an alder from the Council. The standards and process for removal are established in Wis. Stat. §§ 17.12 and 17.16. The statutes outline some of the basic requirements to ensure due process and the attached document describes a more detailed step-by-step process that the Council can consider. This memorandum does not address the standard for removal of an alder which is a finding of cause, defined as “inefficiency, neglect of duty, official misconduct, or malfeasance in office.” Wis. Stat. 17.001.

The Council has adopted a Code of Conduct which establishes standards of conduct for alders, including anti-discrimination and anti-harassment provisions contained in APM 3-5. The attached draft procedures are a continuation of the effort to clarify options for the Council to regulate and address the behavior of its members. If CCEC believes it would be helpful to codify the attached procedures, we can incorporate them into an ordinance amendment so that the Council does not need to develop hearing procedures if they are necessary in the future.

Please let me know if you have any questions.

SPECIAL MEETING REMOVAL HEARING PROCEDURE - DRAFT

Why: The purpose is to determine whether to remove an Alder for cause. If the Alder resigns before the hearing, then the hearing is not needed. If the Council votes in favor of removal, the Alder cannot file to fill the vacancy created by the removal. However, the removed Alder may run for the next term.

Hearing Pre-Requisites:

1. Hearings are initiated by written, verified charges (signed affidavit) brought by a resident taxpayer of the City of Madison against an Alder.
2. The complaint is filed with the City Clerk.
3. A hearing is required if verified charges are filed.
4. A resolution to schedule a hearing may contain the following provisions and requires a majority vote:
 - a. Date of the hearing, including additional dates if required.
 - b. Authorization to hire a stenographer to transcribe the proceedings.
 - c. Authorization to hire a hearing examiner to preside over the Special Meeting. The City Attorney may assist the hearing examiner.
 - d. Specify whether the complainant is required to execute a bond of \$1,000 as security towards payment for hearing costs if ordered.
 - e. Fiscal Note with cost estimates and budget source.
5. Collect the \$1,000 bond if required by the hearing resolution.
6. A copy of the charges and written notice of the time and place for the hearing is given to the Alder-respondent by delivery in person or by mail at least 20 days before the hearing.
7. The Alder-respondent may file a verified answer (signed affidavit) within 10 days of service of the complaint.

Hearing Proceedings Order:

The Council Chambers or other hearing room shall be arranged to provide a table for the Complainant and a table for the Alder-respondent and their respective attorneys in the first row facing the hearing examiner. Members of the Council shall be seated behind the parties during the hearing. Following the hearing, alders shall be seated in their regular seating arrangement during deliberations and voting on any motions.

The Hearing Examiner will conduct the hearing as follows:

A. Complainant

1. The hearing examiner or stenographer swears in the Complainant.
2. Complainant or their attorney presents their case first.
3. The burden of proof falls on the Complainant.
4. Complainant can call witnesses to testify who are sworn in by the hearing examiner or stenographer.
5. Complainant may submit exhibits or evidence to the hearing examiner which may be viewed by other alders upon request of an alder at the conclusion of the hearing.
6. The Alder-respondent or their lawyer may ask the complainant and witnesses questions during cross-examination.
7. At the conclusion of testimony of each witness, other alders may pass any questions on to the hearing examiner to be posed to the witness. The hearing examiner may combine and rephrase submitted questions for clarity and to avoid repetition.

B. Alder-Respondent

1. The hearing examiner or stenographer swears in the Alder-respondent.

SPECIAL MEETING REMOVAL HEARING PROCEDURE - DRAFT

2. The Alder-respondent or their attorney presents their case.
 3. The Alder-respondent can call witnesses to testify who are sworn in by the hearing examiner or stenographer.
 4. The Alder-respondent may submit exhibits or evidence to the hearing examiner which may be viewed by other alders upon request of an alder at the conclusion of the hearing.
 5. At the conclusion of testimony of each witness, other alders may pass any questions on to the hearing examiner to be posed to the witness. The hearing examiner may combine and rephrase submitted questions for clarity and to avoid repetition.
- C. All Witnesses:** No person may be excused from testifying because the testimony may incriminate them but no person who testifies may be prosecuted for or on account of testifying except for perjury.
- D. Rebuttal by Complainant:** The Complainant may present rebuttal testimony and evidence in response to evidence submitted by the Alder-respondent pursuant to the steps outlined in section A above.
- E. Closing Statements and Deliberations:** The hearing examiner will first allow the Complainant an opportunity to present a closing statement and then will allow the Alder-respondent the same opportunity. After the hearing closes, the Council may take a recess to allow alders to consider the evidence and organize their thoughts. Deliberations will be conducted as follows:
1. The hearing examiner will recognize alders to speak on the question of removal in the order they enter the queue (in the room/on Zoom).
 2. Each Alder may speak once for up to six minutes on the question of removal. Discussion and debate shall be limited to the testimony and evidence presented at the hearing.
 3. Following the close of discussion, a member of the Council may make a motion for removal, including the cause or causes for which removal is made. The hearing examiner shall conduct a roll call vote on such motion in sequential order by District number, starting with District 1. The Alder-respondent is permitted to vote and if the Complainant is also an alder, that alder is also permitted to vote.
 4. Removal requires an affirmative vote of $\frac{3}{4}$ of the members of the Council, or 15 votes. If the motion to remove passes, the Alder-respondent immediately ceases serving as an alder.
 5. Following the vote regarding removal, the Council shall determine whether the complaint was willful and malicious and without probable cause and if it so finds, all expenses incurred by the Council in conducting the hearing shall be paid by the Complainant, pursuant to Wis. Stat. s. 17.19(9).
 6. In the case of removal, a certified copy of the order, a complete transcript of the testimony and proceedings and a statement of the cause or causes for which removal is made shall be filed with the City Clerk.



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File Type: Miscellaneous

Status: In Committee

Version: 1

Reference:

Controlling Body: COMMON
COUNCIL
EXECUTIVE
COMMITTEE

File Created Date : 05/28/2023

File Name: Future Agenda Items

Final Action:

Title: Future Agenda Items

Notes:

Sponsors:

Effective Date:

Attachments: Future Agenda Items updated 8-30-23.pdf, Future Agenda Items updated 9-19-23.pdf, Future Agenda Items updated 9-29-23.pdf, Future Agenda Items updated 10-10-23.pdf, Future Agenda Items updated 11-30-23.pdf, Future Agenda Items updated 2-7-24.pdf, Future Agenda Items updated 6-26-24.pdf, Future Agenda Items updated 10-21-24.pdf

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Text of Legislative File 78125

Title

Future Agenda Items

CCEC Future Agenda Items
(Updated 8/30/23)

Upcoming

Presentation of information on standing BCCs (9/5/23)

Alder Social Media Pilot (October)

Increased Alder Pay (9/19/23)

Inviting the Performance Excellence Coordinator

Progress update on hybrid BCC meeting possibilities

Inviting Department of Civil Rights to present on the RESJ analysis process

Completed

Security training discussion (7/11/23)

Alder-Intern Matching Program (7/25/23)

CCEC Future Agenda Items
(Updated 9/19/23)

Upcoming

Alder Social Media Pilot (October)

Inviting the Performance Excellence Coordinator

Progress update on hybrid BCC meeting possibilities

Inviting Department of Civil Rights to present on the RESJ analysis process

Completed/Recurring

Security training discussion (7/11/23)

Alder-Intern Matching Program (7/25/23)

Presentation of information on standing BCCs (9/5/23)

Increased Alder Pay (9/19/23)

CCEC Future Agenda Items
(Updated 9/29/23)

Upcoming

Alder Social Media Pilot (10/3)

Inviting the Performance Excellence Coordinator (10/3)

CARES update (10/17)

Debrief of Council YWCA Experiential Retreat (10/17)

Update on the discussion of history of street names

Collaboration with MMSD

In-person introduction of Council Office staff to CCEC

MPD presentation on human trafficking

Discussion of reducing the size of Council

Progress update on hybrid BCC meeting possibilities

Inviting Department of Civil Rights to present on the RESJ analysis process

Completed/Recurring

Security training discussion (7/11/23)

Alder-Intern Matching Program (7/25/23)

Presentation of information on standing BCCs (9/5/23)

Increased Alder Pay (9/19/23)

CCEC Future Agenda Items
(Updated 10/10/23)

Upcoming

CARES update (10/17)

Debrief of Council YWCA Experiential Retreat

Update on the discussion of history of street names

Collaboration with MMSD

In-person introduction of Council Office staff to CCEC

MPD presentation on human trafficking

Discussion of reducing the size of Council

Progress update on hybrid BCC meeting possibilities

Inviting Department of Civil Rights to present on the RESJ analysis process

Presentation on MPD transport pilot

Discussion on ways to reduce Council meeting length

Repeating

Presentation of information on standing BCCs (9/5/23)

Increased Alder Pay (9/19/23, 10/17/23)

Completed

Security training discussion (7/11/23)

Alder-Intern Matching Program (7/25/23)

Inviting the Performance Excellence Coordinator (10/3)

Alder Social Media Pilot Update (10/3)

CCEC Future Agenda Items
(Updated 11/30/23)

Requested

Debrief of Council YWCA Experiential Retreat (1/9/24)
Presentation on/by League of Wisconsin Municipalities
Update on the discussion of history of street names
Collaboration with MMSD
In-person introduction of Council Office staff to CCEC
MPD presentation on human trafficking
Discussion of reducing the size of Council
Progress update on hybrid BCC meeting possibilities
Inviting Department of Civil Rights to present on the RESJ analysis process
Discussion on ways to reduce Council meeting length

Repeating

BCC Streamlining Project (9/5/23)

Completed

Security training discussion (7/11/23)
Alder-Intern Matching Program (7/25/23)
Inviting the Performance Excellence Coordinator (10/3)
Alder Social Media Pilot Update (10/3)
CARES update (10/17)
Presentation on MPD transport pilot
Increased Alder Pay (9/19/23, 10/17/23, 11/7/23, 11/21/23)

CCEC Future Agenda Items
(Updated 2/7/24)

Requested

Debrief of Interim Alder Appointment Process (2/13/24)
Debrief of Council Policy Retreat (3/5/24 planned)
Debrief of Council YWCA Experiential Retreat
Presentation on/by League of Wisconsin Municipalities
Update on the discussion of history of street names
Collaboration with MMSD
In-person introduction of Council Office staff to CCEC
MPD presentation on human trafficking
Discussion of reducing the size of Council
Progress update on hybrid BCC meeting possibilities
Inviting Department of Civil Rights to present on the RESJ analysis process
Discussion on ways to reduce Council meeting length

Repeating

BCC Streamlining Project (9/5/23, 2/13/24)

Completed

Security training discussion (7/11/23)
Alder-Intern Matching Program (7/25/23)
Inviting the Performance Excellence Coordinator (10/3)
Alder Social Media Pilot Update (10/3)
CARES update (10/17)
Presentation on MPD transport pilot
Increased Alder Pay (9/19/23, 10/17/23, 11/7/23, 11/21/23)

CCEC Future Agenda Items
(Updated 6/26/24)

Requested

A discussion on community notification on very controversial items scheduled to come before Council

Presentation on misgendering/gender identity education

Presentation on/by League of Wisconsin Municipalities

Collaboration with MMSD

In-person introduction of Council Office staff to CCEC

MPD presentation on human trafficking

Discussion of reducing the size of Council

Progress update on hybrid BCC meeting possibilities

Inviting Department of Civil Rights to present on the RESJ analysis process

Discussion on ways to reduce Council meeting length

Debrief of Council YWCA experiential retreat

Update on the discussion of history of street names

Repeating

BCC Streamlining Project (9/5/23, 2/13/24)

Completed

Security training discussion (7/11/23)

Alder-Intern Matching Program (7/25/23)

Inviting the Performance Excellence Coordinator (10/3/23)

Alder Social Media Pilot Update (10/3/23)

CARES update (10/17/23)

Presentation on MPD transport pilot

Increased Alder Pay (9/19/23, 10/17/23, 11/7/23, 11/21/23)

Debrief of Council Policy Retreat

Debrief of Interim Alder Appointment Process (2/13/24)

CCEC Future Agenda Items (Updated 10/21/24)

2024-2025 CCEC Requests

Overview of the public records request process

A discussion on community notification on very controversial items scheduled to come before Council

Presentation on misgendering/gender identity education

Presentation on/by League of Wisconsin Municipalities

2023-2024 CCEC Requests

Collaboration with MMSD

In-person introduction of Council Office staff to CCEC

MPD presentation on human trafficking

Discussion of reducing the size of Council

Progress update on hybrid BCC meeting possibilities

Discussion on ways to reduce Council meeting length

Debrief of Council YWCA experiential retreat

Update on the discussion of history of street names

Completed

Security training discussion (7/11/23)

Alder-Intern Matching Program (7/25/23)

Inviting the Performance Excellence Coordinator (10/3/23)

Alder Social Media Pilot Update (10/3/23)

CARES update (10/17/23)

Presentation on MPD transport pilot

Increased Alder Pay (9/19/23, 10/17/23, 11/7/23, 11/21/23)

Debrief of Council Policy Retreat

Debrief of Interim Alder Appointment Process (2/13/24)

Inviting Department of Civil Rights to present on the RESJ analysis process (presented on Language Access & Bilingual Community Connector Program 8/6/24)

BCC Streamlining Project (9/5/23, 2/13/24)