

**LEGISTAR #51740 – Version 2 - Substitute Body**

DRAFTER'S ANALYSIS: This ordinance adds a new paragraph to the Ethics Code, Sec. 3.35, MGO. In the subdivision on use of city equipment or facilities, it adds a new prohibition on City employees using such facilities to engage in or conduct a grass-roots effort on any matter pending before the City. It also prohibits City employees from engaging in such activities on City time, and prohibits supervisors from directing employees to do so. The Council could waive the prohibition for certain employees or certain efforts. As drafted, the prohibition would cover employees in the Mayor's office and Council office. This amendment also breaks out the prohibitions in Sec. 3.35(5)(b) into three separate paragraphs.

This Substitute was recommended by the Ethics Board and adds that the definition of City employee does not include elected officials for this section.

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

Subdivision (b) entitled "Privilege and Advantage" of Subsection (5) entitled "Standards of Conduct" of Section 3.35 entitled "Code of Ethics" of the Madison General Ordinances is amended to read as follows:

"(b) Privilege and Advantage.

1. No incumbent shall request or permit the use of City-owned vehicles, equipment, materials, or property for personal convenience or profit, or for that of another, except when the same are available to the public generally or except where otherwise authorized by the Common Council. No incumbent shall grant any privilege, anything of value, special consideration, treatment or advantage to any person beyond that which is available to every other person except as may be specifically provided for by law.
2. The use of City equipment and property including City-owned vehicles, cameras, projectors, audio systems, copy machines, fax machines, computers, telephones, software and uniforms is prohibited for both partisan and non-partisan political activity. Use of City property which is available and accessible to the general public is not considered a violation of this ordinance, nor is it a violation for an incumbent to use photographs existing before the first date that nomination papers may be circulated and taken during the regular course of the incumbent's duties. For the purposes of this ~~Subdivision~~ Paragraph (b)2., political activity has the meaning found in Section 3.35(8), MGO.
3. No City employee shall use or allow the use of City equipment or property, including vehicles, cameras, projectors, audio systems, copy machines, fax machines, computers, telephones, software, and uniforms, to engage in, organize, or conduct a grass-roots campaign to lobby any incumbent on any matter pending before the City. No City employee, while on duty for the City, shall engage in, organize, or conduct a grass-roots campaign to lobby any incumbent on any matter pending before the City, nor shall any incumbent direct an employee to do so. By resolution, the Council may waive this prohibition as to specific employees or for a specific matter.

As used in this section:

- a. "Lobby" has the meaning in Sec. 2.40(2)(i), MGO, except it applies to any incumbent, not just covered officials."
- b. "City employee" does not include elected officials."