



## Commissioner Code of Conduct

Community Development Authority  
of the City of Madison

March 10, 2021

# Contents

Section 1: CDA Code of Conduct .....	2
Section 2: Commissioner Conduct with Other Commissioners .....	2
Section 3: Commissioner Conduct with Residents, Tenants, and the Public in Public Meetings .....	4
Section 4: Commissioner Conduct with Residents, Tenants, and the Public outside of Public Meetings .	5
Section 5: Commissioner Conduct with CDA and City Staff .....	6
Section 6: Commissioner Conduct with Public Agencies .....	7
Section 7: Commissioner Conduct with the Media .....	8
Section 8: Enforcement of this Code of Conduct in a Board Meeting .....	8
Section 9: Enforcement of this Code of Conduct outside of a Board Meeting .....	10
Section 10: Commissioner Acknowledgement.....	11
Section 11: CDA Resolution on Equitable and Just Housing .....	12

## Section 1: CDA Code of Conduct

It is the policy of the CDA to promote and uphold the highest standards of ethics from its Board of Commissioners in pursuit of its mission. Accordingly, Commissioners shall maintain integrity, honesty, and fairness in carrying out their public duties, avoid any improprieties in their roles as public servants, comply with all applicable policies and laws, and never use their position or authority for personal gain.

The CDA and its Board of Commissioners share a commitment to ethical conduct and service to the residents of CDA housing, tenants of CDA commercial and business spaces, and the broader Madison community. While engaged in CDA business, Commissioners are expected to place their obligations to those that the CDA serves and their duties as stewards of public resources above the considerations of other positions that they may hold.

This Code of Conduct has been created to ensure that all Commissioners have clear guidelines for carrying out their responsibilities in their relationships with each other, staff, residents, tenants, the general public, and other private and governmental entities. Any questions about the Code of Conduct or ethics may be referred to CDA staff.

## Section 2: Commissioner Conduct with Other Commissioners

The Board of Commissioners is composed of individuals with a variety of backgrounds, personalities, values, opinions, and goals. Despite this diversity, all Commissioners choose to serve some of the most vulnerable and historically marginalized people in our community. In all cases, the mutual commitment to this common goal should be acknowledged and afforded due respect.

Further, as leaders of the CDA, the interactions between Commissioners sets the tone for organizational culture, is a model for staff behavior, and establishes the expectations of residents, tenants, and community members when interacting with the CDA. Commissioners have the responsibility to model taking the high road on conduct.

### A. Use Formal Titles

Commissioners shall refer to one another formally during public meetings as Commissioner or Chair followed by the individual's last name. If the Commissioner currently serves as a City of Madison Alder, the Commissioner shall be referred to as Alder followed by the individual's last name.

### B. Use Civility and Decorum in Discussions and Debate

Difficult questions, tough challenges to a particular point of view, and criticism of ideas and information are legitimate elements of free democracy in action. Every Commissioner has the right to an individual opinion, and the expression of that opinion should be respected by the other Commissioners. Commissioners should assume the other Board members have the appropriate motives and the public interest in mind. Commissioners should not criticize differing opinions because they believe them to be lacking in judgment or improperly motivated.

Commissioners are not permitted to make belligerent, slanderous, threatening, abusive, or personally disparaging comments in public meetings or during individual encounters. Commissioners shall not engage in or permit hostile, degrading, or defamatory discourse when debating a contentious issue. Shouting or physical actions that could be construed as threatening or demeaning will not be accepted.

If a Commissioner finds that the remarks of another Commissioner are unacceptable under this Code, the Commissioner should make a note of the exact words used and call for a “point of personal privilege.”

#### C. Support the Role of the Chair in Maintaining Order

Under the CDA Bylaws, meetings are governed by Roberts Rules of Order. This structure is intended to ensure that all Board members have an opportunity to express their opinion and to promote civil discourse. Commissioners shall follow Roberts Rules and respect the space of Commissioners who have the floor.

It is the responsibility of the Board Chair to keep the discussion on track during Board meetings. Commissioners should honor efforts by the Chair to focus discussion on current agenda items. If there is disagreement about the agenda or the Chair’s actions, those objections should be voiced civilly and with reason following parliamentary procedure.

Likewise, the same responsibilities vested in the Chair for Board meetings, are vested in the Subcommittee Chairs for Subcommittee meetings.

#### D. Communication Outside of Meetings

The State of Wisconsin has adopted strong public meeting laws to ensure transparency in government decision making. In general, the public should be able to see decisions being made and the discussions that lead to those decisions.

Commissioners should refrain from discussing or emailing questions, positions, or information on CDA business to each other outside of Board meetings. Discussions between Commissioners, particularly those that inadvertently occur by “replying all” on an email, can constitute a breach of public meeting laws.

Commissioners wishing to share information or opinions related to CDA policy or operations with other Commissioners should do so as part of a noticed agenda topic during a Board meeting. Commissioners may also communicate this information to the Executive Director so that it can be added to the public record in advance of the meeting.

Commissioners shall not attempt to circumvent this guidance by communicating with each Commissioner individually rather than as a group. This conduct may also constitute a breach of public meeting laws.

### Section 3: Commissioner Conduct with Residents, Tenants, and the Public in Public Meetings

Making the public feel welcome is an important part of the democratic process. No signs of partiality, prejudice, or disrespect should be evident on the part of individual Commissioners toward an individual participating in a public meeting. Every effort should be made to be fair and impartial in listening to public testimony. All Commissioners should convey to the public their respect and appreciation for their participation, input, and opinions.

#### A. Be Welcoming to Speakers and Treat them with Care and Respect

For many people, speaking in front of the Board is a new and difficult experience. Many may feel nervous under the circumstances or may find it difficult to share their opinions. Commissioners are expected to treat speakers with care and respect during public meetings. Commissioners should commit full attention to the speakers or any materials relevant to the topic at hand. Comments and non-verbal expressions should be appropriate, respectful, and professional.

#### B. Be Fair and Equitable in Allocating Public Hearing Time to Individual Speakers

The Chair will determine and announce time limits on speakers at the start of public comment. Generally, each speaker will be allocated no less than three minutes. Questions by the Commissioners are not subject to the three minute limit.

After the close of the public comments, no additional public comments will be accepted unless the Board reopens the public comment for a limited and specific purpose.

#### C. Ask for Clarification, but Avoid Debate and Argument with the Public

In most situations, it is preferable to allow a speaker to conclude their remarks before asking questions. Only the Chair, not other Commissioners, should interrupt a speaker during a presentation. Questions by Commissioners to speakers should seek to clarify or expand information, not to criticize or debate. It is not the role of Commissioners to correct, instruct, or persuade speakers during public comment.

#### D. Discontinuing a Speaker's Comments

In general, it is the responsibility of the Commissioners to hear public comment in the format that the speaker chooses to convey their meaning. Within the established time limit, a speaker may communicate their message through poetry, music, movement, visual media, or other expression.

It is the position of the Board to support wide latitude for a speaker's content and emotion. This latitude includes comments that are critical of the performance of the Board, CDA operations, and individual staff members.

Public testimony may also include comments that are subtly or overtly racist, sexist, homophobic, or otherwise discriminatory. Following such comments, the Chair is encouraged to read the CDA mission statement to reaffirm the CDAs position without providing additional rebuttal to the speaker's comments.

The following are examples of speaker conduct or testimony that would lead the Chair to interrupt or discontinue a speaker's comments:

- Exceeding the established time limit for testimony
- Intimidation of Commissioners, staff, or others present, which is generally accompanied by an implied threat to personal safety or well-being
- Overt or implied threats against the safety or well-being of any person or group
- Racist, sexist, homophobic, or otherwise discriminatory remarks against a specific individual or specific individuals
- Unwanted physical contact with any other person
- Nudity
- Vulgarity that would make the environment inappropriate for other speakers who have children present

Only the Chair may interrupt or discontinue a speaker's comments. Depending on the severity of the behavior or content, the Chair may choose to warn the speaker that their testimony is outside the conduct described above or may discontinue a speaker's content.

The Commissioners may overturn the Chair's decision to discontinue a speaker's comments by a simple majority vote if appealed by a Commissioner. Debate by the Commissioners is not permitted before the vote. If overturned, the speaker will be permitted to use the remainder of their time before their comments were discontinued.

If a speaker refuses to yield at the end of the established time limit, the Chair is encouraged to request a motion to recess for 10 minutes. If the situation cannot be de-escalated during the recess, the Chair may ask that City behavioral intervention staff respond.

#### Section 4: Commissioner Conduct with Residents, Tenants, and the Public outside of Public Meetings

##### A. Make no Promise on Behalf of the CDA in Unofficial Settings.

Commissioners may be asked to explain a Board action or to give their opinion about an issue as they meet and talk with residents or the public in the community. It is appropriate to give a brief overview of CDA policy and to refer to CDA staff for further information. Overt or implicit promises of specific CDA action or promises that CDA staff will take some specific actions shall be avoided.

Commissioners must ensure that in expressing their own opinions they do not mislead any listener into believing that their individual opinion is that of the entire Board, unless the Board has taken a vote on that issue and the Board's opinion is the same as the decision made by the Commissioner. Likewise, no Commissioner should state in writing that Commissioner's position in a way that implies it is the position of the entire Board.

A Commissioner has the right to state a personal opinion, and has the right to indicate that they are stating such as a member of the Board, but must always clarify that they are not speaking on behalf of the Board unless authorized by the Board to do so.

## Section 5: Commissioner Conduct with CDA and City Staff

The governance of the CDA relies on the cooperative efforts of the Commissioners who set policy and the CDA and City staff who implement and administer the policies. Therefore, it is necessary to maintain an effective relationship and to respect the contributions made by each other for the good of residents, tenants, and the community.

### A. Treat all Staff as Professionals

Commissioners should treat all staff as professionals. Clear, honest communication that respects the abilities, experience, and dignity of each individual is expected. Unprofessional behavior toward staff is not acceptable.

During staff presentations to the Board or to subcommittees, staff should be permitted to complete their presentations without interruption. Commissioners with questions for staff should be recognized by the Chair before asking their questions. Nothing in this section discourages or prohibits Commissioners from seeking additional information to make an informed decision on the matter before the Board.

Commissioners should refer to staff by their title (e.g., Director, Deputy Director) followed by the individual's last name in public meetings when first introduced.

### B. Never Publicly Demean or Personally Attack an Individual Employee

Commissioners shall never demean or personally attack staff regarding their job performance in public. All staff performance issues shall be communicated to the CDA Executive Director through private correspondence or conversation. It is not appropriate for Commissioners to engage in staff correction, instruction, or discipline.

Workplace bullying is usually seen as acts or verbal comments that could psychologically or emotionally injure or isolate a person in the workplace. Bullying usually involves repeated incidents or a pattern of behavior that is intended to intimidate, offend, degrade, or humiliate a particular person or group of people. It can also be described as the assertion of power through aggression. Bullying behavior, including the use of aggression to assert authority, is unacceptable conduct.

### C. Do Not Supersede Administrative Authority

Unless otherwise provided in this Code, neither the Board, nor any of its members, shall attempt to supersede the administrative powers and duties of the Executive Director. Neither the Board nor any Commissioner shall give orders to any subordinate of the Executive Director, either publicly or privately. In general, questions for staff should be directed to the Executive Director or Deputy Director.

Commissioners shall not attempt to unethically influence or coerce staff concerning either their actions or recommendations to the Board about personnel, purchasing, awarding contracts, selection of consultants, benefit eligibility, housing placement, or tenant contracting.

Nothing in this section shall be construed, however, as prohibiting the Commissioners in a public Board meeting from fully and freely discussing with or suggesting to the Executive Director anything pertaining to the affairs or interests of the CDA.

**D. Do Not Solicit Political Support from Staff**

Commissioners should not solicit any type of political support (financial contributions, display of posters or lawn signs, name on support list, collection of petition signatures, etc.) from CDA or City staff. This includes support for political candidates other than Commissioners themselves.

**Section 6: Commissioner Conduct with Public Agencies**

**A. Be Clear about Representing the CDA or Personal Interests**

If a Commissioner appears before another governmental agency or organization - including the City of Madison - to give a statement on an issue, the Commissioner must clearly state whether their statement reflects personal opinion or is the official stance of the CDA.

Commissioners must inform the CDA of their involvement in an outside organization if that organization is or may become involved in any issue within the CDA's jurisdiction. If an individual Commissioner publicly represents or speaks on behalf of another organization whose position differs from the CDA's official position on any issue, the Commissioner must clearly communicate the organization upon whose behalf they are speaking and must withdraw from voting as a Commissioner upon any action that has bearing upon the conflicting issue.

**B. Attendance at Board, Committee, or Commission Meetings**

Commissioners should be mindful of the attendance of other Commissioners at Board, Committee, or Commission meetings. If more than four CDA Commissioners may be present, the meeting should be appropriately noticed to indicate that a quorum of the CDA Board may be present. If the topic of a meeting is specific to the purview of a CDA subcommittee, members should be mindful that two members constitute a quorum of the subcommittee.

CDA members should seek legal guidance before attending a private meeting where multiple CDA Commissioners will be present.

**C. Limit Contact with Other Boards, Committees, and Commissions**

Commissioners shall not contact members of another Board, Committee, or Commission to lobby on behalf of an individual, business, or developer for personal gain. CDA Commissioners are subject to the City's Code of Ethics, which governs personal conflicts of interest. " For additional guidance, please consult Section 3.35 of the Madison General Ordinances.

Commissioners may contact members of another Board, Committee, or Commission in order to clarify a position taken by the Board, Committee, or Commission or a member thereof. Commissioners may respond to inquiries from Board, Committee, and Commission members.



Communications should be for information only.

D. Representation of the CDA on Intergovernmental Commissions and Other Outside Entities  
Commissioners serving on committees or boards as a CDA representative for outside entities or agencies shall properly communicate with other Commissioners on issues pertinent to the CDA.

E. Be Respectful of Diverse Opinions

A primary role of Boards, Committees, and Commissions is to represent many points of view in the community and to create recommendations based on a full spectrum of concerns and perspectives. Commissioners serving in a capacity as a representative of the CDA must be fair and respectful to all people serving on Boards, Committees, and Commissions.

## Section 7: Commissioner Conduct with the Media

A. Expression of Positions on Issue

When communicating with the media, Commissioners should clearly differentiate between personal opinions and the official position of the CDA. Each Commissioner represents one vote and until a vote on any issue is taken, the position of a Commissioner is merely their own.

B. Discussions Regarding CDA and City Staff

Commissioners should not discuss personnel issues or other matters regarding individual staff in the media. Any issues pertaining to staff should only be addressed by the Executive Director or legal counsel.

## Section 8: Enforcement of this Code of Conduct in a Board Meeting

A. General Enforcement Principles

By accepting a position of community service and leadership on the CDA Board, Commissioners acknowledge the expectations in this Code of Conduct and agree to comport themselves to the standards described above. When the conduct of a Commissioner does not meet the standards, the Board relies on education as its first intervention. If the conduct is repeated or sufficiently grave, the Board will follow progressively greater measures of enforcement outlined below.

B. Interjection by the Board Chair

If a Commissioner's behavior is not consistent with the Code of Conduct, the Board Chair may interrupt and remind the Commissioner about the relevant section of the Code of Conduct. The Chair may also make a specific recommendation for the Commissioner to bring their behavior to order.

C. Point of Personal Privilege

If a Commissioner finds that a speaker's behavior is not consistent with the Code of Conduct, they may rise to a point of privilege. If the Commissioner finds that the speaker's behavior was directed to the Commissioner themselves, the Commissioner may rise to a point of personal privilege. The Commissioner may use a phrase similar to "Chair, I rise on a question of [personal] privilege." A question of privilege cannot interrupt a vote.

Except in grave cases, a Commissioner should avoid interrupting the current speaker. If a question of privilege is raised while someone is speaking, the Chair must decide if the matter is sufficiently grave to interrupt the current speaker. If so, the Commissioner may speak to the matter immediately. If not, the Commissioner may speak immediately after the speaker has concluded. The decision of the chair may not be debated or appealed to the Board.

After the Commissioner has explained why they have risen, the speaker has an opportunity to respond. The Chair may then make a decision on the matter raised or refer the matter to the Board as a whole. The Board may affirm the point of privilege based on a simple majority vote.

The speaker or Commissioner may appeal the Chair's decision to the Board. The Board may affirm the Chair's decision on a simple majority vote. The appeal may not be debated.

#### D. Censure

The Board may make a resolution to censure a Commissioner for repeated or grave noncompliance with the Code of Conduct. It is preferred that a resolution to censure be taken up by the Board at the following meeting or a special meeting of the Board as an agenda item.

The resolution to censure should detail the specific behavior being censured, the relevant sections of the Code of Conduct, and an affirmation of the Board's expectations for Commissioner conduct. The resolution may not include other sanctions like suspensions, fines, or community service.

The resolution to censure must have a simple majority of Commissioners in attendance to pass.

#### D. Recommendation for Removal from Office

Under City of Madison Ordinance 3.17, a Commissioner may be removed from office by the Mayor. The Board may recommend the removal of a Commissioner to the Mayor through a resolution. The resolution should detail the incompetence, inefficiency, neglect of duty, or misconduct in office considered in making the recommendation. Consideration of the recommendation must occur in a public meeting as part of the agenda.

The resolution to recommend the removal of a Commissioner to the Mayor must have a simple majority of Commissioners in attendance to pass.

The Mayor shall follow the provisions of City of Madison Ordinance 3.17 and Wis. Stat. §17.16, as applicable, in the process to remove a Commissioner.

#### E. Criminal Prosecution

The CDA Board is a steward of public funds, resources, and assets that support many of the most vulnerable in our community. Waste, fraud, abuse of those that the CDA serves, and other ethical violations may be subject to criminal prosecution. It is the position of the CDA Board that Commissioners and staff shall fully comply with any criminal investigation.

## Section 9: Enforcement of this Code of Conduct outside of a Board Meeting

### A. Filing of Complaints

Any person who believes a Commissioner in their official capacity has violated the Code of Conduct may file a complaint with the Board Chair and Executive Director. The complaint would ideally include 1) the complainant's name, address and contact information; (2) the name of the Commissioner who is the subject of the complaint; (3) the nature of the alleged violation, including the specific provision of the Code allegedly violated, and (4) a statement of facts constituting the alleged violation and the dates on which, or period of time during which, the alleged violation occurred.

However, a complaint may be made anonymously to the Board Chair and Executive Director. An anonymous complaint may be acted upon when sufficient supporting information, as outlined above, is present.

Allegations of Housing Discrimination may also be made to the federal Housing and Urban Development (HUD) hotline at (800) 669-9777. Allegations of possible fraud may be made through the HUD website at <https://www.hudoig.gov/report-fraud/hotline-report-form>.

### B. Investigation of Complaints

It is the responsibility of the Executive Director to provide the necessary resources to investigate complaints against Commissioners. The Executive Director shall confer with legal counsel to establish an investigation strategy appropriate to the complaint.

If the nature of the complaint reasonably indicates that a Commissioner is a clear threat to the safety of CDA residents, staff, or Commissioners, the Executive Director shall consult with law enforcement and may restrict the Commissioner's access to residents, staff, or other Commissioners until the investigation has concluded.

### C. Findings

The Executive Director shall report their findings, if any, to the Board's Executive Committee. The Executive Committee may take any and all of the following steps, depending on the gravity of the complaint:

- Direct the Board Chair to send a letter of correction to the Commissioner
- Recommend to the Board a resolution to censure the Commissioner
- Recommend to the Board a resolution to recommend removal of the Commissioner
- Direct the Executive Director to engage law enforcement

## Section 10: Commissioner Acknowledgement

I have read the Community Development of the City of Madison's (CDA) Code of Conduct, and I understand the expectations that the CDA has of me as a Commissioner. I understand violations of this Code of Conduct will be taken seriously and will be subject to appropriate enforcement action which could result in removal from the CDA Board and/or criminal prosecution.

---

CDA Commissioner Signature

---

Date

---

Print First and Last Name

## Section 11: CDA Resolution on Equitable and Just Housing

DRAFT