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**REPORT OF: President's Work Group to Review Applicable Administrative Procedure Memoranda (APMs)**

**TITLE: INTERIM REPORT**

**DATED: March 23, 2021**

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The President's Work Group to Review Applicable Administrative Procedure Memoranda (APMs) was created by [RES-19-00641](#) and adopted by the Common Council on September 3, 2019. Ald. Barbara Harrington-McKinney (Vice-Chair), District 1; Ald. Marsha Rummel (Chair), District 6; and Ald. Keith Furman, District 19, were appointed to serve on the Work Group. The charge of the Work Group was to review and make recommendations to the Common Council on the following:

1. Review the City's APMs and identify those that should be applicable to all members of the Common Council
2. Review and identify possible procedural and accountability steps

The Common Council adopted [RES-20-00154](#) on March 3, 2020 amending their deadline and revising the charge to include:

3. Recommending changes or additions to the Common Council Policy Guide

The Work Group used the "[Report of the City Attorney to the Common Council Executive Committee on the Application of the Administrative Procedure Memoranda to Members of the Common Council](#)" dated December 9, 2019 from City Attorney Michael May as a guide for their discussions and recommendations.

- a. Review applicable Administrative Procedure Memoranda to alders
- b. Discuss and review potential disciplinary process for alders
- c. Removal of an alder from office

The Work Group members reviewed the APMs, but were not able to discuss, review or make recommendations on the potential disciplinary process for alders or the removal of an alder from office (as outlined in former City Attorney's report). Due to the onset of the coronavirus pandemic in March of 2020, the Work Group was unable to meet for over a year. In the future, the Common Council Executive Committee may want to devise a process to take up these issues. State statutes regulate removal of alders and allow the Common Council to establish rules relating to removal consistent with those statutes.

The Work Group members were also not able to review and recommend changes or additions to the Common Council Policy Guide.

**The following is the list of Work Group APMs reviewed (as recommended by City Attorney Report) and their recommendations:**

NOTE: All APMs were reviewed prior to March 5, 2020, and, except as noted, the Work Group's recommendations in this report do not reflect modifications to APMs made after that date.

#### **1-4 Purchasing Policies**

Recommendation: No action needs to be taken. This APM governs Council staff. Any other issues with respect to alders should be covered in the Common Council Policy Guide.

Additional Recommendation: Alders do not need approval from Mayor's Office to purchase food.

#### **1-5 Travel at City Expense**

Recommendation: No action needs to be taken. This APM governs Council Office staff. Any other issues with respect to alders should be covered in the Common Council Policy Guide.

Additional Recommendation: Alders do not need approval from Mayor's Office to travel.

#### **2-12 Employee Assistance Program**

Recommendation: No action needs to be taken. The Employee Assistance Program is available to alders and Council Office staff and alders.

Additional Recommendation: Alders do not need to contact a supervisor to access the program. (Add to policy guide: EAP information and that the Council Office has an EAP Coordinator in Council Office available to assist with referrals.)

#### **2-13 CARS policies (if using a City Car)**

Recommendation: No action needs to be taken. This APM governs Council Office staff. Any other issues with respect to alders should be covered in the Common Council Policy Guide. Note: This APM has been updated since the Work Group disbanded.

#### **2-22 Workplace Accommodations**

Recommendation: No action needs to be taken. Any further requirements would need to be addressed in Common Council Policy Guide.

#### **2-32 Employer Health Insurance Contributions (if alder covered by city health insurance)**

Recommendation: No action needs to be taken. This APM governs Council Office staff. Any other issues with respect to alders should be covered in the Common Council Policy Guide.

#### **2-33 Rules of Conduct**

*(Note: This APM was updated on 2/18/21, after the Work Group had reviewed it)*

Recommendation: The Work Group generally views these items to be relevant, and requests further review and recommendation on the matter of how to enforce rules of conduct.

##### *Unacceptable Conduct:*

###### *A. General*

#1 - Discourteous or abusive behavior toward a client, co-worker, or member of the general public. Additional Note: amend to address civility towards residents, City employees and other alders.

#5 - Giving false information or falsification of any record, including but not limited to, timesheets, payroll, or itineraries.

#6 - Intentional and unauthorized disclosure of any confidential information or record (e.g. information discussed in closed session).

###### *B. Meeting Attendance*

#2 - Unexcused absence or excessive absenteeism on committees. (Comply with MGO 33.01(8)(b))

#3 - Failure to notify Council office of known absences from the city.

*C. Personal Actions and Appearance*

#1 - Engaging in unruly, abusive, violent, bullying, or other threatening or intimidating behavior or language during work hours or while on the work premises, as prohibited by APM 2-25. Additional Note: need examples in order to avoid being used for political purposes (e.g. threatening employee vs. individual alder's vote on legislation).

(Do not include #2 - Reporting to work under the influence of any drug, controlled substance, or alcohol, or using such during working hours, unless such drug can be safely taken and is prescribed by a physician - Note that EAP Services are available in Council Policy Guide.)

#3 - Knowingly making any false and malicious statement concerning any elected officials or city staff or a member of the general public.

#4 - Failure to follow a safety practice, rule, or procedure causing real or potential danger to self, others, or property.

(Do not include #10 - Engaging in political activity or other conduct as prohibited by Madison General Ordinance 3.35, Code of Ethics - Note that this was already part of orientation, but needs to be included in Council Policy Guide.)

*D. Use of City Equipment, Materials, and other Property*

Recommendation: Work Group reviewed this section and determined that it was already covered for alders by, and subject to, the Code of Ethics and the city's CARS Rules

**2-37 Change In Address or Telephone**

Recommendation: No action needs to be taken. This APM governs Council Office staff. Any other issues with respect to alders should be covered in the Common Council Policy Guide.

**2-44 Volunteers/Unpaid Interns**

Recommendation: No action needs to be taken. Any further clarification relative to volunteers/unpaid interns utilized by alders should be in Council Policy Guide and does not include volunteers working with neighborhood stakeholder groups.

**2-46 Prohibition of Weapons**

Recommendation: No action needs to be taken. Any further requirements would need to be addressed in Common Council Policy Guide.

**2-47 Form I-9 Verification**

Recommendation: No action needs to be taken. This APM governs alders and Council Office staff.

**2-50 Lactation Policy for Breastfeeding Employees and Visitors**

Recommendation: No action needs to be taken.

**3-1 CC, BCC Meeting Dates and Preparation of Reports**

Recommendation: No action needs to be taken. Governs staff. Any other issues with respect to alders should be covered in the Common Council Policy Guide.

**3-2 Meeting Notices**

Recommendation: No action needs to be taken. Request that CCEC review potential ordinance amendment would be needed if it changes to participating via conference call at Council (regular) meetings, voting by proxy.

### **3-5 Prohibited Harassment (BCC)**

The Work Group recommends referral of this APM to CCEC in a future process.

### **3-6 Records Management**

Recommendation: No action needs to be taken.

### **3-9 Appropriate Use of City Computers**

This issue will be addressed by the Common Council Social Media Policy.

Recommendation: No action needs to be taken. This APM governs alders and Council Office staff.

### **3-10 Payment for Attendance at Social Events**

Recommendation: No action needs to be taken. Alders are not governed by the APM. Any further requirements would need to be addressed in Common Council Policy Guide. Aldermanic Expense Account is used for social events (e.g. dinners)

### **3-13 Web Linking Policy**

This issue will be addressed in the Common Council Social Media Policy.

### **3-18 Use of City of Madison Logo**

Recommendation: No action needs to be taken. Any further questions about use of City logo will be addressed by the City Attorney.

### **3-20 Software Acquisition Policy**

Recommendation: No action needs to be taken.

### **4-4 Television and Video Production**

Recommendation: No action needs to be taken. This APM governs Council Office staff. Any other issues with respect to alders should be covered in the Common Council Policy Guide.

### **4-7 Policy for the Procurement and Disposal of Electronic Products**

Recommendation: No action needs to be taken.

### **5-2 Vehicle Accident Reporting (if using city car)**

Recommendation: No action needs to be taken. This APM governs Council Office staff. Any other issues with respect to alders should be covered in the Common Council Policy Guide.

### **6-1 All Hazard Evacuation Procedure**

Recommendation: No action needs to be taken.

### **6-5 City Owned Meeting Facilitation**

Recommendation: No action needs to be taken.

**A complete list of the Administrative Procedure Memoranda** may be found here:

<https://www.cityofmadison.com/mayor/apm>

The Work Group met five (5) times: December 16, 2019, January 15, 2020, January 30, 2020, March 5, 2020 and March 23, 2021.

In addition to the Work Group members, the following staff attended meetings:

City Attorney's Office

City Attorney Michael May (former)

City Attorney Michael Haas

Common Council Office

Kwasi Obeng, Council Chief of Staff (former)

Lisa Veldran, Legislative Services, Council Office

Karen Kapusta-Pofahl, Legislative Analyst, Council Office