



City of Madison

City of Madison
Madison, WI 53703
www.cityofmadison.com

Agenda - Amended COMMON COUNCIL

This meeting may be viewed LIVE on Charter Spectrum Channel 994, AT&T U-Verse Channel 99 or at www.madisoncitychannel.tv.

Tuesday, June 16, 2020

6:30 PM

via Virtual Meeting

ADDENDUM

LATE ITEMS

BUSINESS BY THE COUNCIL PRESIDENT

APPOINTMENTS

76. [60993](#) Report of the Common Council President submitting alder committee appointment to the President's Work Group to Review Council Communication Tools and Processes.
- Legislative History
- | | | |
|---------|----------------|--|
| 6/15/20 | Council Office | RECOMMEND TO COUNCIL TO CONFIRM UNDER SUSPENSION OF RULES 2.04, 2.05, 2.24, & 2.25 |
|---------|----------------|--|
77. [60994](#) Report of the Common Council President submitting alder committee appointments to the Ad Hoc Task Force on the Structure of City Government (TFOGS) Final Report Implementation Work Group.
- Attachments: [59671.pdf](#)
- Legislative History
- | | | |
|---------|----------------|--|
| 6/15/20 | Council Office | RECOMMEND TO COUNCIL TO CONFIRM UNDER SUSPENSION OF RULES 2.04, 2.05, 2.24, & 2.25 |
|---------|----------------|--|

REPORTS OF OFFICER

REPORT OF COMMON COUNCIL EXECUTIVE COMMITTEE

78. [59300](#) Creating Section 23.63 of the Madison General Ordinances to establish Surveillance Technology guidelines for Departments
- Sponsors: Rebecca Kemble, Samba Baldeh and Sheri Carter
- Legislative History

1/28/20	Attorney's Office/Approval Group Common Council Executive Committee, Public Safety Review Committee, Equal Opportunities Committee, Digital Technology Committee	Referred for Introduction
2/4/20	COMMON COUNCIL Additional referrals to Public Safety Review Committee, Equal Opportunities Committee, Digital Technology Committee.	Refer to the COMMON COUNCIL EXECUTIVE COMMITTEE
2/4/20	COMMON COUNCIL EXECUTIVE COMMITTEE	Referred to the PUBLIC SAFETY REVIEW COMMITTEE
2/4/20	COMMON COUNCIL EXECUTIVE COMMITTEE	Referred to the EQUAL OPPORTUNITIES COMMISSION
2/4/20	COMMON COUNCIL EXECUTIVE COMMITTEE	Referred to the DIGITAL TECHNOLOGY COMMITTEE
2/20/20	PUBLIC SAFETY REVIEW COMMITTEE	Re-refer to the PUBLIC SAFETY REVIEW COMMITTEE
3/11/20	PUBLIC SAFETY REVIEW COMMITTEE	Re-refer to the PUBLIC SAFETY REVIEW COMMITTEE
3/12/20	EQUAL OPPORTUNITIES COMMISSION	Return to Lead with the Recommendation for Approval to the PUBLIC SAFETY REVIEW COMMITTEE
3/31/20	COMMON COUNCIL EXECUTIVE COMMITTEE	Re-refer to the COMMON COUNCIL EXECUTIVE COMMITTEE
4/21/20	COMMON COUNCIL EXECUTIVE COMMITTEE Roll Call Vote: 5:1:2 - Ayes - Martin, Kemble, Evers, Carter, Foster; Noes - Harrington-McKinney; Non-Voting - Baldeh, Bidar	RECOMMEND TO COUNCIL TO ADOPT - REPORT OF OFFICER
5/5/20	COMMON COUNCIL	Refer to the PUBLIC SAFETY REVIEW COMMITTEE
6/10/20	PUBLIC SAFETY REVIEW COMMITTEE	Return to Lead with the Recommendation for Approval to the COMMON COUNCIL EXECUTIVE COMMITTEE

79. [60520](#)

SUBSTITUTE - Amending Section 33.01(10)(c) of the Madison General Ordinances to limit when City subunit meetings are not to be held and to allow the Common Council to permit exceptions.

Sponsors: Max Prestigiacombo, Syed Abbas, Tag Evers, Grant Foster, Zachary Henak and Michael E. Verveer

Attachments: [60520 Version 1.pdf](#)

Legislative History

5/13/20 Attorney's Office Referred for Introduction
Common Council Executive Committee

5/19/20	COMMON COUNCIL	Refer to the COMMON COUNCIL EXECUTIVE COMMITTEE
6/11/20	COMMON COUNCIL EXECUTIVE COMMITTEE	RECOMMEND TO COUNCIL TO ADOPT - REPORT OF OFFICER

ANNOUNCEMENTS & INTRODUCTION OF ITEMS FROM THE FLOOR

ADJOURNMENT



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File Number: 60993

File ID: 60993

File Type: Appointment

Status: Presidential
Business

Version: 1

Reference:

Controlling Body: COMMON
COUNCIL

File Created Date : 06/15/2020

File Name: Appointment to Pres WG on Council Communication

Final Action:

Title: Report of the Common Council President submitting alder committee appointment to the President's Work Group to Review Council Communication Tools and Processes.

Notes:

Sponsors:

Effective Date:

Attachments:

Enactment Number:

Author: Council President Sheri Carter

Hearing Date:

Entered by: lveldran@cityofmadison.com

Published Date:

History of Legislative File

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	Council Office	06/15/2020	RECOMMEND TO COUNCIL TO CONFIRM UNDER SUSPENSION OF RULES 2.04, 2.05, 2.24, & 2.25				
	Action Text:	This Appointment was RECOMMEND TO COUNCIL TO CONFIRM UNDER SUSPENSION OF RULES 2.04, 2.05, 2.24, & 2.25					
	Notes:						
1	COMMON COUNCIL	06/16/2020					

Text of Legislative File 60993

Title

Report of the Common Council President submitting alder committee appointment to the President's Work Group to Review Council Communication Tools and Processes.

Body

I hereby submit, for your consideration and approval, the following alder committee appointment:

PRESIDENT'S WORK GROUP TO REVIEW COUNCIL COMMUNICATION TOOLS AND PROCESSES

ALD. MAX PRESTIGIACOMO, District 8 - appointed to position of Common Council member replacing Ald. Barbara Harrington-McKinney who resigned.
TERM EXPIRES 4/20/21

Respectfully submitted,

Ald. Sheri Carter
Common Council President



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File Number: 60994

File ID: 60994

File Type: Appointment

Status: Presidential
Business

Version: 1

Reference:

Controlling Body: COMMON
COUNCIL

File Created Date : 06/15/2020

File Name: TFOGS Final Report Implementation Work Group.

Final Action:

Title: Report of the Common Council President submitting alder committee appointments to the Ad Hoc Task Force on the Structure of City Government (TFOGS) Final Report Implementation Work Group.

Notes:

Sponsors:

Effective Date:

Attachments: 59671.pdf

Enactment Number:

Author: Council President Sheri Carter

Hearing Date:

Entered by: lveldran@cityofmadison.com

Published Date:

History of Legislative File

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	Council Office	06/15/2020	RECOMMEND TO COUNCIL TO CONFIRM UNDER SUSPENSION OF RULES 2.04, 2.05, 2.24, & 2.25				
Action Text: This Appointment was RECOMMEND TO COUNCIL TO CONFIRM UNDER SUSPENSION OF RULES 2.04, 2.05, 2.24, & 2.25							
Notes:							
1	COMMON COUNCIL	06/16/2020					

Text of Legislative File 60994

Title

Report of the Common Council President submitting alder committee appointments to the Ad Hoc Task Force on the Structure of City Government (TFOGS) Final Report Implementation Work Group.

Body

I hereby submit, for your consideration and approval, the following alder committee

appointments:

AD HOC TASK FORCE ON THE STRUCTURE OF CITY GOVERNMENT (TFOGS) FINAL REPORT IMPLEMENTATION WORK GROUP

ALD. SYED ABBAS, District 12 - appointed to position of Chair, Ad Hoc Task Force on the Structure of City Government (TFOGS) Final Report Implementation Work Group.
TERM EXPIRES 4/20/21

ALD. GRANT FOSTER, District 15 - appointed to position of alderperson.
TERM EXPIRES 4/20/21

ALD. MICHAEL TIERNEY, District 16 - appointed to position of alder who serve on CCEC.
TERM EXPIRES 4/20/21

ALD. REBECCA KEMBLE, District 18 - appointed to position of alderperson.
TERM EXPIRES 4/20/21

ALD. KEITH FURMAN, District 19 - appointed to position of alder who served on TFOGS.
TERM EXPIRES 4/20/21

Respectfully submitted,

Ald. Sheri Carter
Common Council President



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File Number: 59671

File ID: 59671	File Type: Resolution	Status: Passed
Version: 2	Reference:	Controlling Body: Council Office
		File Created Date : 02/20/2020
File Name: Creating the Ad Hoc Task Force on the Structure of City Government (TFOGS) Final Report Implementation Work Group.		Final Action: 03/17/2020

Title: Creating the Ad Hoc Task Force on the Structure of City Government (TFOGS) Final Report Implementation Work Group.

Notes:

Sponsors: Grant Foster, Rebecca Kemble, Shiva Bidar and Keith Furman
Attachments: 59671 v1.pdf
Author: Ald. Grant Foster, District 15
Entered by: lveldran@cityofmadison.com

Effective Date: 03/20/2020
Enactment Number: RES-20-00209
Hearing Date:
Published Date:

Approval History

Version	Date	Approver	Action
2		Elizabeth York	Approve

History of Legislative File

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	Council Office	02/20/2020	Referred for Introduction				
	Action Text:		This Resolution was Referred for Introduction				
	Notes:		Common Council Executive Committee				
1	COMMON COUNCIL	02/25/2020	Referred	COMMON COUNCIL EXECUTIVE COMMITTEE		03/03/2020	
	Action Text:		This Resolution was Referred to the COMMON COUNCIL EXECUTIVE COMMITTEE				
2	COMMON COUNCIL EXECUTIVE COMMITTEE	03/03/2020	RECOMMEND TO COUNCIL TO ADOPT - REPORT OF OFFICER				Pass

Action Text: A motion was made by Kemble, seconded by Martin, to RECOMMEND TO COUNCIL TO ADOPT - REPORT OF OFFICER.

Ald. Grant Foster was present for discussion on this item. He noted that the resolution created a work group to organize the recommendations contained in the Task Force on Government Structure's (TFOGS) final report into actionable proposals. The work group will be staffed by the Common Council Chief of Staff with assistance from other City staff.

The motion passed by voice vote/other.

2 COMMON COUNCIL 03/17/2020 Adopt Pass

Action Text: A motion was made by Bidar, seconded by Harrington-McKinney, to Adopt. The motion passed by voice vote/other.

Notes:

Text of Legislative File 59671

Fiscal Note

The proposed resolution creates a work group to organize the recommendations contained in the Task Force on Government Structure's (TFOGS) final report into actionable proposals. The work group will be staffed by the Common Council Chief of Staff with assistance from other City staff as necessary using existing resources.

Title

Creating the Ad Hoc Task Force on the Structure of City Government (TFOGS) Final Report Implementation Work Group.

Body

WHEREAS, the Common Council created the Task Force on Government Structure ("TFOGS") by Resolution (RES-1700714, Legistar File 47707) to consider, address and make recommendations related to the City's Common Council; Office of the Mayor; Boards, Commissions and Committees; and resident participation and engagement; and,

WHEREAS, on November 20, 2019 the TFOGS issued a Final Report identifying characteristics of the City's current government structure that pose challenges to resident representation and engagement; and,

WHEREAS, it is anticipated that the Common Council will accept the TFOGS Final Report by passing a separate resolution accepting the TFOGS Final Report (Legistar Ffile # 58656); and,

WHEREAS, pursuant to M.G.O. § 2.27(4) accepting a Final Report means that the Common Council agrees with the report but does not automatically adopt it or any part of it as the policy of the City; and,

WHEREAS, the Resolution creating the TFOGS did not charge the Task Force with creating specific work plans for the implementation of recommendations contained in the Final Report; and,

WHEREAS, in the Conclusion of the TFOGS' Final Report the Task Force strongly encourages the Mayor and Common Council to consider its recommendations as a way to pursue meaningful, measurable ways to address the fundamental issues raised by the Final Report regarding resident representation and engagement; and,

WHEREAS, the Ad Hoc TFOGS Final Report Implementation Workgroup ("Workgroup") will be responsible for organizing the recommendations contained in the TFOGS Final Report into actionable proposals; and,

WHEREAS, the Workgroup shall start its work by creating a work plan that includes a proposed sequence of implementation for each TFOGS recommendation; and,

WHEREAS, the Workgroup shall consult with the Mayor while developing the work plan; and,

WHEREAS, the work plan shall be approved by the Common Council Executive Committee ("CCEC"); and,

WHEREAS, once the work plan is approved by the CCEC, the Workgroup shall use the work plan to create specific actionable proposals for each recommendation; and,

WHEREAS, when complete, the actionable proposals shall be introduced for debate and decision by the full Common Council prior to actual implementation; and,

WHEREAS, in developing the work plan and actionable proposals, the Workgroup shall follow these guidelines:

1. Proposals should be developed in accordance with the recommendations made in the TFOGS Final Report;
2. The Workgroup should only create proposals that are directly related to recommendations made in the TFOGS Final Report;
3. The Workgroup should request and compile additional information as necessary in order to convert the TFOGS recommendations into actionable proposals, including conferring with TFOGS chairs and subcommittee chairs, city staff, and current and former elected officials;
4. The Workgroup should seek input from the Office of Mayor and City Department and Division Heads on proposals it develops;
5. The Workgroup may put forward alternative proposals for consideration on any given TFOGS recommendation. If it does so, the Workgroup shall state in detail why it believes the alternative proposal is preferable to the recommendation made in the TFOGS Final Report;
6. If the Workgroup has difficulty understanding a proposal contained in the TFOGS Final Report, it should seek guidance from the CCEC; and,

WHEREAS, the Workgroup shall be comprised of five (5) alders, to be appointed by the President of the Common Council, with at least one (1) alder who served on the TFOGS and at least one (1) alder who serves on the CCEC,

NOW, THEREFORE BE IT RESOLVED, that the Common Council of the City of Madison creates the Ad Hoc TFOGS Final Report Implementation Workgroup consisting of five (5) alders, including one (1) alder who served on the TFOGS and one (1) alder who serves on the CCEC, to be appointed by the President of the Common Council; and,

BE IT FURTHER RESOLVED; that the Workgroup shall be staffed by the Common Council Chief of Staff with assistance from other City staff as necessary; and,

BE IT FURTHER RESOLVED, that the Workgroup shall develop a work plan and actionable proposals that are directly related to the recommendations contained in the TFOGS Final Report in accordance with the guidelines stated above; and,

BE IT FINALLY RESOLVED, that the Workgroup shall be dissolved upon completion of the work plan and actionable proposals as detailed above.



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File Number: 59300

File ID: 59300

File Type: Ordinance

Status: Items Referred

Version: 1

Reference:

Controlling Body: COMMON
COUNCIL
EXECUTIVE
COMMITTEE

File Created Date : 01/28/2020

File Name: Surveillance technology

Final Action:

Title: Creating Section 23.63 of the Madison General Ordinances to establish Surveillance Technology guidelines for Departments

Notes: 6325surveillance

Sponsors: Rebecca Kemble, Samba Baldeh and Sheri Carter

Effective Date:

Attachments:

Enactment Number:

Author: Marci Paulsen

Hearing Date:

Entered by: dalthaus@cityofmadison.com

Published Date:

History of Legislative File

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	Attorney's Office/Approval Group	01/28/2020	Referred for Introduction				
	Action Text:	This Ordinance was Referred for Introduction					
	Notes:	Common Council Executive Committee, Public Safety Review Committee, Equal Opportunities Committee, Digital Technology Committee					
1	COMMON COUNCIL	02/04/2020	Refer	COMMON COUNCIL EXECUTIVE COMMITTEE		04/21/2020	Pass
	Action Text:	A motion was made by Harrington-McKinney, seconded by Verveer, to Refer to the COMMON COUNCIL EXECUTIVE COMMITTEE. The motion passed by voice vote/other.					
	Notes:	Additional referrals to Public Safety Review Committee, Equal Opportunities Committee, Digital Technology Committee.					
1	COMMON COUNCIL EXECUTIVE COMMITTEE	02/04/2020	Referred	PUBLIC SAFETY REVIEW COMMITTEE		06/10/2020	
	Action Text:	This Ordinance was Referred to the PUBLIC SAFETY REVIEW COMMITTEE					
	Notes:						
1	COMMON COUNCIL EXECUTIVE COMMITTEE	02/04/2020	Referred	EQUAL OPPORTUNITIES COMMISSION		03/12/2020	

Action Text: This Ordinance was Referred to the EQUAL OPPORTUNITIES COMMISSION
Notes:

1 COMMON COUNCIL 02/04/2020 Referred DIGITAL
EXECUTIVE COMMITTEE TECHNOLOGY
COMMITTEE

Action Text: This Ordinance was Referred to the DIGITAL TECHNOLOGY COMMITTEE
Notes:

1 EQUAL OPPORTUNITIES 02/13/2020
COMMISSION

1 PUBLIC SAFETY REVIEW 02/20/2020 Re-refer PUBLIC SAFETY 03/11/2020 06/10/2020
COMMITTEE REVIEW
COMMITTEE

Action Text: Combined for discussion with item number 59242. The committee referred both of the items (59242 and 59300) for further discussion at the March 11, 2020 meeting.

This Ordinance was Re-refer to the PUBLIC SAFETY REVIEW COMMITTEE due back on 3/11/2020

1 PUBLIC SAFETY REVIEW 03/11/2020 Re-refer PUBLIC SAFETY 04/09/2020 06/10/2020
COMMITTEE REVIEW
COMMITTEE

Action Text: Anglim made a motion to defer to the April PSRC meeting. Alder McKinney seconded the motion. The committee was unanimous with the motion.

Notes:

1 EQUAL OPPORTUNITIES 03/12/2020 Return to Lead with PUBLIC SAFETY 06/10/2020 Pass
COMMISSION the Recommendation for Approval REVIEW
COMMITTEE

Action Text: A motion was made by Dieringer, seconded by Madden, to Return to Lead with the Recommendation for Approval to the PUBLIC SAFETY REVIEW COMMITTEE. The motion passed by voice vote/other.

Notes:

1 DIGITAL TECHNOLOGY 03/12/2020
COMMITTEE

1 COMMON COUNCIL 03/31/2020 Re-refer COMMON 04/21/2020 Pass
EXECUTIVE COMMITTEE COUNCIL
EXECUTIVE
COMMITTEE

Action Text: A motion was made by Ald. Sheri Carter, seconded by Ald. Rebecca Kemble, to re-refer to the COMMON COUNCIL EXECUTIVE COMMITTEE. The motion passed by voice vote/other.

1 COMMON COUNCIL 04/21/2020 RECOMMEND TO COUNCIL TO Pass
EXECUTIVE COMMITTEE ADOPT - REPORT
OF OFFICER

Action Text: A motion was made by Kemble, seconded by Carter, to RECOMMEND TO COUNCIL TO ADOPT - REPORT OF OFFICER. The motion passed by the following vote:

Notes: Roll Call Vote: 5:1:2 - Ayes - Martin, Kemble, Evers, Carter, Foster; Noes - Harrington-McKinney; Non-Voting - Baldeh, Bidar

Ayes: 6 Arvina Martin; Rebecca Kemble; Tag Evers; Sheri Carter; Sheri Carter and Grant Foster

Noes: 1 Barbara Harrington-McKinney

Non Voting: 3 Shiva Bidar; Shiva Bidar and Samba Baldeh

1 COMMON COUNCIL 05/05/2020 Refer PUBLIC SAFETY 06/10/2020 Pass
EXECUTIVE COMMITTEE REVIEW
COMMITTEE

Action Text: A motion was made by Skidmore, seconded by Harrington-McKinney, to Refer to the PUBLIC SAFETY REVIEW COMMITTEE. The motion passed by voice vote/other.

Notes:

1	PUBLIC SAFETY REVIEW COMMITTEE	06/10/2020	Return to Lead with the Recommendation for Approval	COMMON COUNCIL EXECUTIVE COMMITTEE	Fail
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Action Text: A motion was made by Heck, seconded by Rickey, to Return to Lead with the Recommendation for Approval to the COMMON COUNCIL EXECUTIVE COMMITTEE. The motion passed by voice vote/other.

1 COMMON COUNCIL 06/16/2020

Text of Legislative File 59300

Fiscal Note

The proposed resolution accepts recommendations from the President's Work Group to Development Citywide Surveillance Equipment and Data Management Practices. The report includes five recommendations outlined on page two of the report. In general, these recommendations call for Common Council approval to purchase new surveillance equipment. The recommendations also call for an Annual Surveillance Technology Report from City agencies detailing how surveillance technology is being used, shared, and protected, along with any complaints received and how those complaints were mitigated.

Currently, installation and maintenance of the City's camera system is managed by IT and Traffic Engineering. Three positions within IT spend a portion of their time (approximately 5-10% per position) managing the IT infrastructure for the current camera program. There are no positions in the City fully allocated to managing the camera network. The 2020 Operating Budget includes \$25,000 in IT's purchased service budget for maintenance costs associated with the existing system. The 2020 Capital Improvement Plan anticipates \$150,000 in 2021 to replace the IT infrastructure for the existing camera system (program-Enterprise Business Solutions). Following the upgrade, it is anticipated the annual maintenance cost will increase.

Traffic Engineering spends approximately \$55,000-\$60,000 annually on the installation and maintenance of the actual cameras.

Based on the recommendations contained in the report, impacted City agencies may require additional staff for implementation. Any new positions may be considered as part of future budget deliberations.

Title

Creating Section 23.63 of the Madison General Ordinances to establish Surveillance Technology guidelines for Departments

Body

DRAFTER'S ANALYSIS: This ordinance requires all Departments to provide notification to the Mayor and Common Council before obtaining or using new surveillance technology. The ordinance requires all Departments to provide an annual report on its use of surveillance technology to the Common Council and public. The ordinance creates several exceptions for the approval process outlined within the ordinance, including when there is an emergency or when the surveillance technology involves information that must remain confidential. This ordinance establishes several definitions including surveillance data and surveillance technology.

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

1. Section 23.63 entitled "Use of Surveillance Technology" of the Madison General Ordinances is created to read as follows:

"23.63 USE OF SURVEILLANCE TECHNOLOGY.

Intent and Purpose. City of Madison Departments have identified a wide variety of legitimate business reasons to use surveillance technology. The Common Council recognizes the need to carefully balance the need for surveillance for gathering data, public safety and the prosecution of crimes with the public's right to privacy. The Common Council desires to adopt a City-wide surveillance technology and surveillance data management policy that is consistent for all City Departments and covers all types of surveillance equipment usage and surveillance data management.

Definitions.

"City-wide Network" means the City's IT infrastructure which is connected using high speed fiber optic connections which allows City employees to share communications, software, hardware devices, and data and information.

"Information Technology Director" means the head of the City Information Technology Department.

"Department" means any agency, department, or division of the City.

"Sensitive Surveillance Technology Information" means any information about Surveillance Technology of which public disclosure would unreasonably expose or endanger City infrastructure; would adversely impact operations of City agencies; or may not be legally disclosed.

"Surveillance" means observation of a place, person, group, or ongoing activity in order to gather information.

"Surveillance Data" means any electronic data collected, captured, recorded, retained, processed, intercepted, analyzed, or shared by Surveillance Technology.

"Surveillance Technology" means any hardware, software, electronic device, or system utilizing an electronic device, owned by the City or under contract with the City, designed, or primarily intended, to collect, retain, process, or share audio, electronic, visual, location, thermal, biometric, olfactory or other personally identifiable information of members of the public for the purpose of surveillance. Surveillance Technology includes but is not limited to the following: cell site simulators; automatic license plate readers; gunshot detection systems; facial recognition software; gait analysis software; video cameras that record audio or video and can transmit or be remotely accessed; and unmanned aircraft systems equipped with remote video capabilities. Surveillance Technology does not include the following devices:

Office hardware, such as televisions, computers, credit card machines, copy machines, telephones and printers;

Audio/video teleconference systems;

City databases and enterprise systems that contain information, including, but not limited to, human resource, permit, license and business records;

City databases and enterprise systems that do not contain any data or other information collected, captured, recorded, retained, processed, intercepted, or analyzed by surveillance technology, including payroll, accounting, or other fiscal databases;

Information technology security systems, including firewalls and other

curity systems;

Systems or databases that capture information where an individual knowingly and voluntarily consented to provide the information, such as applying for a permit, license or reporting an issue;

Physical access control systems, employee identification management systems, and other physical control systems;

Infrastructure and mechanical control systems, including those that control or manage street lights, traffic lights, or water or sewer functions;

Manually-operated technological devices used primarily for internal City and Department communications and are not designed to surreptitiously collect surveillance data, such as radios, cell phones, personal communication devices and email systems;

Manually-operated, non-wearable, handheld cameras, audio recorders and video recorders that are not designed to be used surreptitiously and whose function is limited to manually capturing and manually downloading video and/or audio recordings;

Devices that cannot record or transmit audio or video or electronic data or be remotely accessed, such as vision-stabilizing binoculars or night vision goggles;

Computers, software, hardware or devices used in monitoring the work and work-related activities involving City buildings, employees, contractors and volunteers or used in conducting internal investigations involving City employees, contractors and volunteers;

Medical equipment and systems used to record, diagnose, treat, or prevent disease or injury and are used and/or kept in the course of providing City services;

Parking Ticket Devices;

Equipment used on a temporary basis during active investigations and in accordance with City policies;

Cameras intended to record activities at City facilities in nonpublic areas;

Police Department interview rooms, holding cells, and Police Department internal security audio/video recording systems;

Police Department records/case management systems, digital fingerprinting systems, Computer Aided Dispatch (CAD); and

Fire Department equipment and technology used for Emergency Medical Services, Hazardous Material, Lake Rescue and Heavy Urban Rescue, such as tunneling cameras, sonar, and thermal imaging.

Applicability. This ordinance applies to all Departments that do any of the following:

Currently uses or has access to any Surveillance Technology

Seeks funds for new Surveillance Technology including applying for or accepting grants, state or federal funds or other donations;

Acquires new Surveillance Technology, with or without a cost;

Enters into a contract or agreement with any other entity to share Surveillance Technology or Surveillance Data; and

Changes the use of existing surveillance technology for a purpose substantially different than originally approved.

Approval Process. Within ninety (90) days of adoption of this ordinance, all

nents must comply with this section prior to any use of new Surveillance Technology or any substantial change of use of existing Surveillance Technology.

All Department requests to purchase, acquire or contract for the use of new Surveillance Technology or substantially change the use of existing Surveillance Technology that will connect to the City-wide Network will be referred to the Common Council via the budget process or through a resolution. The resolution or budget request will include at least the following information:

The circumstances which necessitate the use of the Surveillance Technology;

The training protocols on Surveillance Technology use, including access to data and images, the Department will utilize;

The staff position responsible for the account management and administration of the Surveillance Technology;

The staff position responsible for receiving complaints regarding the Department's use of Surveillance Technology;

The process for determining staff roles and access to Surveillance Technology;

The process to ensure access to Surveillance Technology is revoked when the employee no longer has a job related need to said access;

The personnel responsible for training staff and reviewing staff access and use of the Surveillance Technology;

The process for providing the Madison Police Department with immediate access to all data recordings that may constitute evidence of a crime, unless otherwise prohibited by law;

The time period that recorded audio and video will be retained, in accordance with the Department's record retention policy;

The prohibition of using Surveillance Technology to visually or audibly monitor the interior of private dwellings where a reasonable expectation of privacy exists, absent a court order or other lawful justification; and

Procedures for ensuring that records are not destroyed during the pendency of any public records request, investigation or civil or criminal litigation.

The Department's request for Surveillance Technology will be approved only upon the determination that the benefits to the community members and residents of the City outweigh the potential privacy interests and that, in the judgment of the Common Council, there is not an effective alternative with a lesser impact upon privacy interests nor is there an alternative with equivalent impact on privacy interests but with a lesser economic cost.

As part of the annual budget request, all Departments will notify the Information Technology Director, the Mayor and Common Council leadership of any request to purchase, acquire or contract for the use of new Surveillance Technology that is not connected to the City-wide Network. The Department will post on the Department's website notice to

lic of its intent to obtain or use new Surveillance Technology. If the Mayor or Common Council leadership request that a Department notify residents, the Department will work with IT to create a process for residents to submit feedback and comments. The Department will hold a public meeting if requested by the Mayor or Common Council Leadership.

If a Department needs to move a camera location on the City-wide enterprise camera system, or activates new functions not previously approved, or adds a new camera of a previously-approved type, the Department will notify the Mayor and Common Council Leadership and the Alder(s) of the affected district(s). The Mayor, Common Council Leadership, or Alder(s) of the affected district(s) will coordinate with the Department to notify the residents, including creating a variety of notification and outreach mechanisms for residents to submit feedback and comments. The Department will hold a public meeting if requested by the Mayor, Common Council Leadership, or the Alder of the district where the camera is located.

(5) Reporting Process.

Each Department will conduct an annual review of its Surveillance Technology and ensure compliance with this ordinance.

Each Department will complete an Annual Surveillance Technology Report which will be submitted to the Common Council through a resolution. The Annual Surveillance Technology Report will include:

- An inventory of current Surveillance Technology and the applicable policies;
- How the Department has used the data collected by its Surveillance Technology;
- How any Surveillance Data is being shared with other entities;
- How well Surveillance Data management protocols are safeguarding individual information; and
- Whether the Department has received any complaints or concerns about its Surveillance Technology use and the resolution of said complaints.

The Common Council shall review and take action on the resolution accompanying the Annual Surveillance Technology Report.

(6) Exceptions. This ordinance does not apply to the following:

Federal Property Disposition Programs. If the Surveillance Technology is available through federal property disposition programs and/or the purchase or acquisition decision must be executed quickly, such acquisition may be made. However, if the Surveillance Technology is obtained under this subdivision, the Department must apply for approval as described in subsection (4) within thirty (30) days and before installation or use of said equipment.

Emergency Situations. In the event of an emergency, that poses an imminent and serious risk of death or substantial bodily harm, a Department may acquire Surveillance Technology without prior Common Council approval, for the sole purpose of preventing or mitigating such risk, if the Department reasonably believes the acquisition of such Surveillance Technology will result in reduction of said risk. The Department's use of the Surveillance Technology must cease when such risk no longer exists or the use of the Surveillance Technology can no longer reasonably reduce the risk. The Department shall apply for approval of the

ance Technology per subsection (4) of this ordinance within thirty (30) days of cessation of the risk that prompted purchase of said Technology. The use of the Surveillance Technology must be documented in the Department's Annual Surveillance Technology Report.

Technical Patch or Upgrade. A Department, in consultation with the City Information Technology Department, may apply a technical patch or upgrade that is necessary to mitigate threats to the City's infrastructure, even if the patch or upgrade materially alters the surveillance capabilities of the technology. However, if such patch or upgrade does materially alter the surveillance capability of the technology, it must be highlighted in the Annual Surveillance Technology Report.

Sensitive Surveillance Technology Information. Sensitive Surveillance Technology Information is exempt from the requirements in the ordinance. Departments will provide the basis for exemption to the Information Technology Director. The Information Technology Director will notify the Mayor and Common Council Leadership of the exemption for mayoral approval."



City of Madison

City of Madison
Madison, WI 53703
www.cityofmadison.com

Master

File Number: 60520

File ID: 60520

File Type: Ordinance

Status: Report of Officer

Version: 2

Reference:

Controlling Body: Attorney's Office

File Created Date : 05/13/2020

File Name: Limit when city subunit meetings are not to be held

Final Action:

Title: SUBSTITUTE - Amending Section 33.01(10)(c) of the Madison General Ordinances to limit when City subunit meetings are not to be held and to allow the Common Council to permit exceptions.

Notes: 5359inpersonmeetings.SUB

Sponsors: Max Prestigiacomio, Syed Abbas, Tag Evers, Grant Foster, Zachary Henak and Michael E. Verveer

Effective Date:

Attachments: 60520 Version 1.pdf

Enactment Number:

Author: Michael May

Hearing Date:

Entered by: smautz@cityofmadison.com

Published Date:

History of Legislative File

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	Attorney's Office	05/13/2020	Referred for Introduction				
	Action Text:		This Ordinance was Referred for Introduction				
	Notes:		Common Council Executive Committee				
1	COMMON COUNCIL	05/19/2020	Refer	COMMON COUNCIL EXECUTIVE COMMITTEE		06/11/2020	Pass
	Action Text:		A motion was made by Carter, seconded by Abbas, to Refer to the COMMON COUNCIL EXECUTIVE COMMITTEE. The motion passed by voice vote/other.				
	Notes:						
2	COMMON COUNCIL EXECUTIVE COMMITTEE	06/11/2020	RECOMMEND TO COUNCIL TO ADOPT - REPORT OF OFFICER				Pass
	Action Text:		A motion was made by Ald. Syed Abbas, seconded by Ald. Rebecca Kemble, to RECOMMEND TO COUNCIL TO ADOPT - REPORT OF OFFICER. The motion passed by voice vote/other.				
2	COMMON COUNCIL	06/16/2020					

Text of Legislative File 60520

Fiscal Note

No appropriation required.

Title

SUBSTITUTE - Amending Section 33.01(10)(c) of the Madison General Ordinances to limit when City subunit meetings are not to be held and to allow the Common Council to permit exceptions.

Body

DRAFTER'S ANALYSIS: This ordinance changes the recently enacted 33.01(10)(c) so that the ban on subunit meetings only applies to in person meetings rather than all meetings. It also changes the description of the types of orders that limit gatherings to emergency orders that limit face-to-face meetings that include the sub-unit. In-person meetings may be held if the emergency order has an exception for governmental functions, and the meeting is approved either by the Mayor and Council President, or by the Common Council. The ordinance does not impact the ability to hold virtual meetings, so as long as the City has technical capacity and other requirements for such a meeting-are met.

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

1. Subdivision (c) entitled "Emergency Situation" of Subsection (10) entitled "Meetings Not to be Held" of Section 33.01 entitled "Boards, Commissions, And Committees Procedures" of the Madison General Ordinances is amended as follows:

"(c) Emergency Situation. No Sub-unit shall hold a an in-person meeting whenever there has been an officially declared city, county, state or federal emergency or when the public Health-Madison and Dane County has determined it is reasonable and necessary for the prevention or suppression of disease health emergency or other emergency that is applicable to the City of Madison and that limits or prohibits face-to-face gatherings of a group the size of the sub-unit to limit public gatherings, unless the emergency order(s) allows meetings for governmental functions, and either (1) the Mayor and Common Council President, or (2) the Common Council, determine the meeting is necessary to provide essential functions or support the operations of the City. This provision does not impact the City's ability to conduct meetings by telephone, or the internet, which may occur as technical capacity and other relations requirements allow."



City of Madison

City of Madison
Madison, WI 53703
www.cityofmadison.com

Master

File Number: 60520

File ID: 60520	File Type: Ordinance	Status: Items Referred
Version: 1	Reference:	Controlling Body: COMMON COUNCIL EXECUTIVE COMMITTEE
Lead Referral: COMMON COUNCIL EXECUTIVE COMMITTEE	Cost:	File Created Date : 05/13/2020

File Name: Limit when city subunit meetings are not to be held

Final Action:

Title: Amending Section 33.01(10)(c) of the Madison General Ordinances to limit when City subunit meetings are not to be held and to allow the Common Council to permit exceptions.

Notes: 5359inpersonmeetings

Code Sections:

CC Agenda Date: 05/19/2020

Indexes:

Agenda Number: 7.

Sponsors: Max Prestigiacomio, Syed Abbas, Tag Evers, Grant Foster and Zachary Henak

Effective Date:

Attachments:

Enactment Number:

Author: Michael May

Hearing Date:

Entered by: smautz@cityofmadison.com

Published Date:

Approval History

Version	Date	Approver	Action
1		Michael May	Approved as to Form
1		Elizabeth York	Approve

History of Legislative File

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	Attorney's Office	05/13/2020	Referred for Introduction				
Notes: Common Council Executive Committee							

1	COMMON COUNCIL	05/19/2020	Refer	COMMON COUNCIL EXECUTIVE COMMITTEE	Pass
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Notes:

1	COMMON COUNCIL EXECUTIVE COMMITTEE	06/02/2020			
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Text of Legislative File 60520

Fiscal Note

No appropriation required.

Title

Amending Section 33.01(10)(c) of the Madison General Ordinances to limit when City subunit meetings are not to be held and to allow the Common Council to permit exceptions.

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