



City of Madison

City of Madison
Madison, WI 53703
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Meeting Minutes - Approved ETHICS BOARD

Thursday, October 7, 2010

4:45 PM

Parks Conference Room 108, City-County Bldg

CALL TO ORDER / ROLL CALL

Present: 6 -
Michael E. Verveer; Carol A. Weidel; David Albino; Laura D. Rose;
Michael B. Jacob and Drew Cochrane

Excused: 1 -
Eric D. Hands

Others Present: Steven Brist, Brenda Konkel

Chair Michael Jacob called the meeting to order at 4:50 p.m. A quorum was present and the meeting had been properly noticed.

APPROVAL OF MINUTES

The minutes for the August 31, 2010 Ethics Board meeting were approved with the following correction. Mr. Jacob noted that on page 4 of the minutes Brenda Konkel was listed as Ald. Konkel.

ANNOUNCEMENTS

None

PUBLIC COMMENT

Brenda Konkel addressed the Board and stated that she expected 8 or 9 formal complaints to be filed by her and others. She addressed issues she perceived in the filing process. She stated that the City website provided the email address of City board members but did not provide the street address or the telephone number. She stated that those on City Committees are not required to update their statement of interest forms when there are changes during the year. Konkel said that she would like to see a guide to filling out the complaint form. She asked if a person needed to disclose a potential conflict more than once, or if once was sufficient if the person had disclosed the potential conflict last year. She stated that she would be making a complaint about a person who serves on a board and voted on funding for an employer. She asked if notarization was necessary or if a person could take an oath when

they appear before the Board. She offered to write her comments in a memo if the Board members so wished. In response to her testimony, Ald. Verveer requested that a review of the Ethics Board Policy Manual and a Review of the Complaint Form be placed on the Board's November Agenda. He also stated that this discussion should include whether instructions should be created on how to file a complaint.

NEW BUSINESS

19335

Creating Section 33.01(9)(f) of the Madison General Ordinances to require all sub-units to include an agenda item at each meeting for ethics disclosures and recusals.

Sponsors: Michael E. Verveer and Thuy Pham-Remmele

Ald. Verveer moved to recommend adoption of Item 19335. Laura Rose seconded the motion. Carol Weidel stated that this item would address one of Brenda Konkel's concerns as to when a conflict was to be disclosed. Following additional discussion, the Chair called for a vote and the motion passed on a voice vote.

19916

Creating Section 3.35(6)(i) of the Madison General Ordinances to establish conditions and procedures for a third party to pay for incumbent's permitted expenses.

Sponsors: Michael E. Verveer and Thuy Pham-Remmele

Ald. Verveer moved to recommend adoption of Item 19916. Carol Weidel seconded the motion. Following an explanation of the proposal and discussion, the motion to recommend adoption was passed on a voice vote.

19922

SUBSTITUTE Amending Section 3.35(5)(a)2. of the Madison General Ordinances to allow an incumbent to solicit funds under certain provisions.

Sponsors: Michael E. Verveer and Thuy Pham-Remmele

Ald Verveer offered substitute language for the version of Item 19922 that was in the Board packet. He moved to recommend adoption of the substitute ordinance and the motion was seconded by Carol Weidel. Ald. Verveer stated that the difference in the language that he had proposed was that under new language the solicitation itself would have to be approved rather than the event. He stated that under the version that was included in the packet, because Freakfest had been approved by the Council, the original language might permit a council member to make solicitations for that event without further approvals. Michael Jacob said that he wondered if the report required under the proposal should also include who was asked as well as those who gave. Jacob stated further that perhaps such a disclosure would create pressure to donate and perhaps should not be included. Attorney Brist stated that if a mailing were done by a City official to solicit donations pursuant to the proposal, that the mailing list would be a public record. Drew Cochran stated that the report under the proposal should also include the date of the contribution and the total amount raised, whether or not the donation was a

result of the solicitation. By unanimous consent, the members amended the substitute proposal to include the date of the donation and the total amount of all donations for the project or conference. Laura Rose stated that she wondered if the proposal would discourage anonymous contributions to city projects. David Albino said he wondered if the decision in the recent Citizens United case would have an impact on the proposal, in that donations might be able to be anonymous. Following the discussion, the Chair presented the question and the motion passed on a voice vote.

DISCUSSION ITEMS

19536

Request for Ethics Board Advisory Opinion RE: Issues in Soliciting Funds for Congress for New Urbanism Convention

The Board reviewed the draft advisory opinion prepared by City Attorney Michael May. The Board felt that the draft generally reflected their opinion. Drew Cochrane suggested that he felt that on page 3 in the fourth paragraph, in the third line, that the word "would" ought to be changed to "could reasonably be expected to influence" and that in the fourth line the word "would" should be changed to "could". The Board unanimously agreed by consent to make those changes to the draft. Ald. Verveer then moved to approve the draft as amended and Carol Weidel seconded the motion. The draft advisory opinion was approved on a voice vote.

It was noted the next meeting of the Board would be on November 3, 2010. Ald. Verveer requested that the Policy Manual and the complaint form be included in the Board packet.

ADJOURNMENT

A motion was made by Drew Cochrane, seconded by Laura Rose, to adjourn. The motion was approved on a voice vote. The Board adjourned at 6:04 p.m.