



# City of Madison

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

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Thursday, July 1, 2010

4:45 PM

210 Martin Luther King, Jr. Blvd.  
Room 103A (City-County Building)

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### CALL TO ORDER / ROLL CALL

**Present:** 6 -

Michael E. Verveer; Eric D. Hands; Carol A. Weidel; David Albino; Laura D. Rose and Michael B. Jacob

Others present were City Attorney Michael May, Brenda Konkell, and Rosemary Lee

The meeting was called to order at 4:56 p.m. by Vice Chair Carol Weidel.

### APPROVAL OF MINUTES

A motion was made by David Albino, seconded by Eric Hands, to approve the minutes of May 27, 2010. The motion passed by voice vote/other.

### ANNOUNCEMENTS

Michael May announced that Chuck Center would not be reappointed to the Board for the period between April 30, 2010 and his expected resignation in the fall. The Mayor was looking for another person to take Mr. Center's appointment.

Vice Chair Weidel asked that an item on the next agenda be the election of the Chair and Vice Chair of the Ethics Board.

### PUBLIC COMMENT

There was no public comment at the start of the meeting, but comments were made during consideration of specific items during the meeting.

**EXISTING BUSINESS**

1. [17881](#) SUBSTITUTE Amending Section 3.35(13)(e) of the Madison General Ordinances to increase the penalty in the Ethics Code.

**Sponsors:** Michael E. Verveer

Discussion on changes to the ordinance are in the draft substitute attached to Legistar File 17881.

A motion was made by Ald. Verveer, seconded by David Albino, to **RECOMMEND TO COUNCIL TO ADOPT - REPORT OF OFFICER.** The motion passed by voice vote/other.

2. [18557](#) Brenda Konkel Letter to Ethics Board

Brenda Konkel appeared and spoke to the Ethics Board. She indicated that it is difficult for a person to bring a complaint against colleagues. Because of that, she believed it was better to send her open letter.

She provided a copy of a story from Channel 27 which quoted the Mayor as indicating the Foundation had some relationship to his European Bike Trip. Ms. Konkel emphasized that she did not believe these issues of disclosure and recusal were adequately in the consciousness of a number of City boards. Ms. Konkel stayed at the table and joined in the discussion as the Ethics Board discussed the issues.

**A. Statements of Interest Online.** Carol Weidel indicated that she indicated that the Statements of Interest should be online from the Clerk's Office. The consensus of the body was that this would be a positive step. Ald. Verveer asked if the placement of SOI forms online would require an ordinance change or it would be a policy change. City Attorney May indicated that he believed it would only require a policy change.

Ald Verveer made a motion, seconded by Michael Jacobs, that the Ethics Board request the Clerk's Office put the Statement of Interest Forms online, as the lobbying forms and campaign finance forms were done, and to explore whether SOI forms could be submitted electronically with adequate electronic signature.

The motion passed by voice vote / other.

City Attorney May will forward the request to the Clerk's Office, and will also determine if there are any City ordinances that mandate certain items be maintained online.

**B. Disclosure and Recusal.** Ald. Konkel discussed, with some examples from the recent Edgewater Development, of confusion on when disclosure and recusal was required. Carol Weidel wondered about creating a FAQ or summary that could be handed out with the Statement of Interest forms by the Clerk's Office at the time those forms come out.

Michael Jacob suggested that Committee staff members should be instructed to examine the SOI forms of committee members. They then might be aware of potential conflicts and could flag them for committee members. City Attorney May agreed to add this to the training on the Ethics Code and to advise staff of the committees to take this step.

City Attorney May also agreed that he would discuss with the Clerk's Office the creation of a summary of the Ethics Code, with an emphasis on disclosure and recusal, which could be handed out with the Statements of Interest. He also agreed to talk to the Mayor's Office about doing training more often. Michael Jacob wondered about creating a shortened form that persons could file, simply stating that the SOI had not changed from the prior year. No specific direction was given on this suggestion.

Ald Verveer then raised discussion about creating an ordinance that would have a specific required agenda item regarding disclosure of conflicts of interest. He indicated it could be like the agenda requirement for a public comment. Ald. Verveer asked City Attorney May to draft such an ordinance and indicated he would sponsor it.

C. Close Political or Personal Relationship. There was some discussion about how to define this and how it was possible to raise these issues without a formal complaint. Michael Jacob indicated he was looking for some middle ground between a formal complaint and an advisory opinion and any action which would require disclosure of confidential legal opinions given by the City Attorney. There was some discussion of creating a quasi-complaint or a request for an advisory opinion related to others. Rosemary Lee spoke against any such item that was not either a formal complaint or a request for an advisory opinion by the person involved.

At this point, Ald. Verveer made a motion, seconded by Hands, to refer the balance of the discussion of the Issues raised in the Konkel letter to the next meeting of the Ethics Board. The motion was approved by voice vote / other.

A motion was made by Verveer, seconded by Hands, to Refer to the ETHICS BOARD. The motion passed by voice vote/other.

3. [18987](#)

Discussion on amendments per Borchardt complaint, re: Section 9.27 MGO.

The Ethics Board then considered the amendments to the Ethics Code relating to campaign use of City facilities. Ald. Verveer indicated he liked the County language, but was concerned that elected officials ought to be able to use some pre-existing or non-staged photos taken in the course of their regular, normal duties, in campaign materials. Michael Jacob indicated he wasn't certain he was willing to go that far. After further discussion, Ald. Verveer asked the City Attorney to draft such an amendment to the Ethics Code to be introduced and referred back to the Ethics Board for further discussion of the exact language might end up in a substitute.

4. Set further meeting dates for 2010.

**After our discussion, the next meeting was established for August 31 at 4:45 p.m. in Room 103A. The City Attorney was requested to send an email trying to establish further meetings for the rest of the year. It was suggested that using doodle.com would be a good way to do this.**

5. Set regular meeting dates

**See discussion under further meeting dates.**

#### **ADJOURNMENT**

**A motion was made by Laura Rose, seconded by Ald. Verveer, to Adjourn. The motion passed by voice vote/other. The Board adjourned at 6:36 p.m.**