

CITY OF MADISON, WISCONSIN

AN ORDINANCE _____

PRESENTED
REFERRED

Ethics Board, CCOC

Creating Sec. 3.35(9)(b)7., amending Sec. 3.35(9)(i), and creating Sec. 3.35(9)(j) of the Madison General Ordinances to modify procedures and penalties with respect to statements of interests under the Ethics Code.

Drafted by: Michael May

Date: December 14, 2009

SPONSORS: Aids. Bruer & Schumacher

DRAFTER'S ANALYSIS: This ordinance modifies certain procedures and penalties regarding the required statements of interests (SOI) under the Ethics Code.

Withholding pay is removed as a penalty for employees failing to file the SOI under the Ethics Code. Instead, the City Attorney may bring a forfeiture action in municipal court. The Clerk will now give both potential filers of the SOI and the staff to committees a notice 45 days before the SOI is to be filed. Committee staff are to place the filing on agendas to assist filers in timely compliance. If a filer fails to timely file, they receive another notice from the Clerk. A further failure to file results in removal from the committee, but the person may continue to count toward a quorum in the interim.

This ordinance also provides an exemption from filing a new SOI with the City for elected officials of other governmental units who have a similar requirement under that unit's laws; they are simply to file a copy of the SOI they filed with the other governmental unit.

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

1. Paragraph 7. of Subdivision (b) entitled "Disclosure of Interests; By Whom Required" of Subsection (9) entitled "Disclosure of Interests" of Section 3.35 entitled "Code of Ethics" of the Madison General Ordinances is created to read as follows:

"7. If any employee required to file a Statement of Interest form under this ordinance fails to do so, the Clerk shall send a notice of such failure to the employee and to the City Attorney. If the Statement of Interest form is not filed within 10 days of the date of the notice, the City Attorney is authorized to bring an action on behalf of the City in municipal court seeking the penalties set out in Sec. 3.35(13)(e) of this ordinance without prior consideration or report by the Ethics Board."

2. Subdivision (i) of Subsection (9) entitled "Disclosure of Interests" of Section 3.35 entitled "Code of Ethics" of the Madison General Ordinances is amended to read as follows:

"(i) 1. The Clerk shall send Statement of Interests forms to known filers ~~at least 45 days before the filing deadline~~ and a filing reminder to all City department heads and staff of all boards, committees and commissions at least ~~45~~ forty-five (45) days before the filing deadline. Staff to all boards, commissions and committees shall place the Statement of Interest form completion on the agenda for the next meetings of the board, commission or committee and shall seek to have all members complete and file the Statement of Interest.

Approved as to form:

2. The Clerk shall notify any person who fails to timely file the required Statement of Interests. ~~The Clerk shall notify the Comptroller of the name of any person who has not filed the Statement within 10 days of the mailing of the Clerk's notice. The Comptroller shall withhold the compensation of any such person until the Statement is filed. The Clerk shall also notify the appropriate staff of the failure to file by any member of the board, commission or committee. Upon receipt of such notice, the member is no longer allowed to participate in or vote on any matter before the body, but may be counted toward a quorum if necessary to conduct business. If the member fills out a Statement of Interest form prior to the revocation of appointment by the Common Council set out below, the member is automatically reinstated. The Statement of Interest shall promptly be filed with the Clerk.~~
3. The Clerk shall report to the Common Council the name of any member of any board, committee, commission, subcommittee or ad hoc committee who has not filed the Statement within 10 days of the mailing of the Clerk's notice. A copy of the report shall be sent to the appropriate staff of the body on which the member serves. The Common Council shall, at the second meeting after receipt of the Clerk's notice, revoke the appointment of any such member. ~~who has not filed the required disclosure statement by the time of such Council meeting, provided, however, that the Council may, by a two-thirds vote, refer the revocation of any such member to the next Council meeting, at which time the revocation shall be made.~~

3. Subdivision (j) of Subsection (9) entitled "Disclosure of Interests" of Section 3.35 entitled "Code of Ethics" of the Madison General Ordinances is created to read as follows:

- "(j) For any bodies that include appointees of governmental units other than the City of Madison, and such appointees are required by the laws or regulations of that other governmental unit to file a disclosure substantially similar to the Statement of Interest required by this ordinance, the requirements of this ordinance are fulfilled if such appointees file with the Clerk a copy of the disclosure mandated by the other governmental unit."