



City of Madison

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

Thursday, September 22, 2016

5:00 PM

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

1. CALL TO ORDER / ROLL CALL

Others present: Katherine Hurrigen her attorneys, Jessica Kramer and Leslie Elkins, Gregg McManners and his attorney, Greg Everts and City Attorney Michael May.

Meeting called to order at 5:04 p.m.

Quorum present and meeting properly noticed.

Present: 5 - Mary Czyszczak-Lyne; David Albino; Joseph B. Baring; James D. Cobb and Drew Cochrane

Excused: 2 - Michael E. Verveer and William C. Keys

2. APPROVAL OF MINUTES

A motion was made by James Cobb and seconded by Joseph Baring to approve the minutes of the September 1, 2016. The motion passed by voice vote.

3. PUBLIC COMMENT

There was no public comment.

4. DISCLOSURES AND RECUSALS

Alder Mike Verveer recused himself for the reasons stated at the last meeting.

NEW BUSINESS

5. [44164](#)

Ethics Board Complaint:

Katherine M. Hurtgen, Associate Director Monona Terrace, Complainant
Gregg McManners, Executive Director Monona Terrace, Subject of Complaint

Hearing on the Motion to Dismiss Held in Abeyance. Following a ruling on the motion to dismiss, the Board will set a further date for a hearing on the merits, if necessary.

Attachments: [EB Memo Hurtgen Complaint.pdf](#)
[ETHICS BOARD COMPLAINT Katherine M Hurtgen v Gregg McManners.pdf](#)
[Ethics Board Meeting Minutes June 2, 2011.pdf](#)
[MOTION TO DISMISS COMPLAINT Hurtgen v McManners.pdf](#)
[PREHEARING BRIEF Hurtgen v McManners.pdf](#)
[BRIEF IN OPPOSITION TO MOTION TO DISMISS Hurtgen v McManners.pc](#)
[COMPLAINANT'S PREHEARING BRIEF Hurtgen v McManners.pdf](#)
[MICHAEL P MEMO TO ETHICS BOARD 9-21-16.pdf](#)
[AFFIDAVIT OF KATHERINE M. HURTGEN & EXHIBITS.10-3-16 \(2\).pdf](#)
[MICHAEL P. MAY MEMO TO ETHICS BOARD.10-14-16.pdf](#)
[DEPARTMENT REPORTS T THE ETHICS BOARD.pdf](#)

The Board first heard the motion to dismiss filed on behalf of Gregg McManners.

Attorney Greg Everts presented argument on behalf of Gregg McManners, and responded to questions from the Board. Attorney Everts argued that all the claims in the complaint were either (a) time-barred by the 12 month rule; (b) beyond the Board's jurisdiction in accord with earlier Board rulings that jurisdiction is not conferred by allegations of a violation of 3.35(4) alone; and (c) that the only item with a claim of a violation of other parts of the Ethics Code (the Friends of Monona Terrace claim) was not in fact a violation.

Attorney Jessica Kramer presented argument on behalf of Katherine Hurtgen. She argued the claims were within the Board's jurisdiction, as the Board had initially ruled at the last meeting. Attorney Kramer argued that the Board was bound to follow the language of sec. 3.35(4), and if it found a violation of law, it was a violation of the Ethics Code. She argued that none of the claims were barred by the 12 month rule.

The attorneys responded to each others' arguments and questions from the Board.

In response to a question from James Cobb, City Attorney Michael May indicated that he had failed to notice that some of the claims might be barred by the twelve (12) month rule until after the last meeting of the Board.

A motion was made by James Cobb, and seconded by Joseph Baring to again find jurisdiction. After discussion in which Drew Cochrane argued the Board lacked jurisdiction, the motion was withdrawn with the consent of the entire Board.

Following further discussion, James Cobb moved to hold the motion to dismiss in abeyance until the next meeting. In the interim, the City Attorney, Michael May was directed to contact relevant City agencies to obtain reports on whether the allegations showed a violation of any city ordinances. Agencies to be contacted were Finance (Purchasing), Affirmative Action, Human Resources, and agencies with Affiliated Organizations. Following receipt of the reports, the Board would reconvene. The motion was seconded by Joseph Baring and following discussion was passed unanimously.

6. ADJOURNMENT

Motion to adjourn by James Cobb, seconded by Joseph Baring. Passed unanimously. Meeting adjourned at 6:40 p.m.