

DRAFT

MADISON ETHICS BOARD

POLICY MANUAL

I. Purpose and Responsibilities of the Ethics Board

The purpose of the Ethics Board is to see that the purpose of the code of Ethics as outlined in Section 3.35 of the Madison General Ordinances is uniformly applied to all City of Madison Officials and Employees.

The areas of responsibility include but are not limited to:

- A. Fair and Equal Treatment
- B. Conflict of Interest
- C. Incompatible Employment
- D. Disclosure of Confidential Information
- E. Gifts and Favors
- F. Political Activity
- G. Campaign Contributions
- H. Disclosure of Interests
- I. Real Estate Disclosure

The Ethics Board stands ready to hear and advise on all questions within its scope of authority brought to it by any City Official, Employee, or Citizen.

This includes the reviewing of actions which have occurred in the past, as well as giving opinions on activities contemplated in the future. Board opinions shall be based solely on the applicable provisions of Section 3.35 of the Madison General Ordinances (“MGO”).

(For further reference to purpose and responsibilities -- See Section 3.35(11), MGO.)

II. Members and Officers of the Board

- A. The membership of the Ethics Board shall consist of four (4) citizen members; and one (1) representative of the Mayor; the Common Council President or her/his designee who shall be an alderperson; and one (1) representative of Labor. The Office of the City Attorney shall provide necessary staff assistance to the Board, shall serve as its Secretary, but s/he shall not vote. The City Attorney shall furnish the Board whatever legal assistance necessary in the carrying out of its function.

- B. The Ethics Board shall elect its own Chair~~man~~ and Vice Chair~~man~~ and shall develop written rules of procedure which shall be submitted to the Mayor and Common Council for approval.

III. Meeting Agenda and Notices for the Board

NOTICES:

The following notices are prepared, mailed, and posted as necessary.

- A. Notices of the date of the meeting and the agenda are sent to all of the members of the Ethics Board.
- B. Notice of all meetings are submitted to the City Clerk pursuant to the Wisconsin Open Meetings Law.
- C. Notice of the Public Hearings are distributed in the manner prescribed by law.

AGENDA:

The agenda is a statement of the City Ethics Board Chair, on its items of interest to the Board and contain a preliminary listing of the items of business to be discussed at the meeting. The following list shows the order and type of business items to be discussed that appear on the Agenda:

- A. Approval of minutes of previous meeting.
- B. Public Hearings.
- C. Communications not requiring personal appearances.
- D. Special staff reports requested by the Board at previous meetings or related to important new business.
- E. Reports concerning items of general interest to the Board such as changes in state or federal laws which affect operations.
- F. Referrals from Council for action.

IV. Procedures for Hearing Complaints and Rendering Opinions

- A. Rules of Procedure (Complaints).
 - 1. All complaints shall be made in writing, indicating the provision of the Ethics Code believed to have been violated, and shall be notarized prior to filing. No action may be taken on any complaint which is filed later than

twelve months after a violation of the Ethics Code is alleged to have been violated.

2. All written complaints shall be submitted to the Office of the City Attorney and shall be public documents.
3. The complaint shall contain the following:
 - (a) The name and address of complainant.
 - (b) The name, address (if known), and position of the individual with the City who is the subject named in the complaint.
 - (c) The facts constituting the alleged breach of ethics set forth in detail and with clarity and certainty.
4. The complaint may be made upon information and belief.
5. The person named in the complaint shall be notified in writing by the City Attorney that a complaint has been filed and the parties shall be supplied with a copy of the complaint, of the Policy Manual and of the Ethics Code, and shall be notified of the date of the jurisdictional hearing.
6. The Board Chairman or Vice-Chairman shall present the complaint to the Board for further action.
7. The Board shall convene as expeditiously as possible to determine if it has jurisdiction over the subject matter of the complaint. The complainant shall be present, and the Board shall endeavor to schedule the hearing when the parties are available. If the complainant does not personally appear, the Board may dismiss the complaint without prejudice.
8. The Board may issue subpoenas and administer oaths. Fees associated with the issuance of subpoenas shall be paid by the person requesting the subpoenas.
9. If the Board finds it has jurisdiction over the subject matter, both the complaining party and the party or parties who are the subject matter of the complaint shall be given at least 10 days notice to appear before the Board for a hearing on the matter, unless both parties waive this time limit.
10. All hearings shall be conducted under oath or affirmation, with a record being made thereof.

11. The parties may make a brief opening statement to acquaint the Board with the nature of the complaint.
12. The parties shall be allowed to question each other and present pertinent witnesses on their behalf, consistent with the subject matter before the Board.
13. The voting members of the Board may direct questions to any party or witness.
14. The Board may deliberate in closed sessions.
15. Upon completion of the Board's inquiry into the subject matter, a written report consisting of the Board's findings and its recommendation shall be submitted to the Common Council, such report to be made a public document.
16. A minority opinion may be provided to the Common Council on all recommendations submitted.

B. Rules of Procedure (Requests for Opinions).

1. a. When an incumbent or a candidate for City elected office has doubt as to the applicability of a provision of this code to a particular situation in which she or he is or may become involved or definitions of terms used in the code, she or he should apply to the Ethics Board for an advisory opinion and be guided by that opinion when given. The applicant shall have the opportunity to present her or his interpretation of the facts at issue and the applicable provision(s) of the code before such advisory decision is made. It is prima facie evidence of intent to comply with the section when a person refers a matter of the Ethics Board and abides by the advisory opinion, if the material facts are stated in the opinion request.
- b. When a request for an advisory opinion is made, the name of the requester and the nature of the request may, at the requester's choice, be kept confidential. When confidentiality is requested, the Board shall hear and determine the request in closed session. The agenda for the meeting shall identify the session as a closed session to hear a request for a confidential opinion pursuant to Sec. 3.35(11)(f) of the Madison General Ordinances and Sec. 19.59, Wis. Stats. When confidentiality is requested, the report of the Board shall also be kept confidential, but the Board shall prepare a redacted summary of the report as a public document; however, if the requester requests in writing that the full report be made public,

it shall become a part of the public record. If the requester makes public any portion of the opinion or report, all confidentiality is waived by the requester and the Board shall release the un-redacted report.

2. All requests shall be made in writing.
3. All requests shall be submitted to the Office of the City Attorney.
4. The requests for opinions shall state:
 - (a) The name, address, and occupation or position of person submitting request.
 - (b) A particular, factual situation upon which the request is being predicated.
 - (c) Particular questions arising out of the factual situation submitted, upon which opinions are requested.
5. Upon receipt of the request for an opinion, the Board shall meet as expeditiously as possible and determine if it has jurisdiction over the subject matter of the request. If the Board finds it has jurisdiction, it may hear the merits of the request at the same meeting.
6. The person requesting an opinion may be present at the meeting at his or her option.
7. Upon completion of its considerations, the Board shall make a written determination of the matter and its opinion thereon as provided in Sec. IV, B., 1., above.
8. One or more members of the Board may issue a minority opinion which shall be appended to the majority opinion, subject to the requirements of Sec. IV, B., 1., above.

V. Code of Ethics

(See copy attached of entire Section 3.35 of Ordinance; or Ethics Code Simplified)

The “Ethics Code Simplified” may be found on the website of the Office of the City Attorney.