



City of Madison

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

Wednesday, November 3, 2010

4:45 PM

215 Martin Luther King, Jr. Blvd.
Room LL-120 (Madison Municipal Building)

CALL TO ORDER / ROLL CALL

Present: 7 -

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

Others Present: Steven Brist, Brenda Konkel, Davin Pickel, Rosemary Lee, Ald. Bridget Maniaci

Chair Michael Jacob called the meeting to order at 4:47 p.m. A quorum was present and the meeting was properly noticed.

APPROVAL OF MINUTES

The minutes for the October 7, 2010 meeting were approved on a motion by David Albino, seconded by Carol Weidel. Motion was passed by voice vote.

PUBLIC COMMENT

NEW BUSINESS

[20308](#)

Ethics Board Complaint Form

Brenda Konkel spoke relating to the Ethics Board Complaint Form. She noted the Complaint Form had out of date references to the proper Madison General Ordinance. She stated that she did not feel that the address of the subject should be necessary information on the form. She stated that she felt that the position/occupation listing on the Complaint form should be clarified, so that it is clear that it means the City position held by the subject of the complaint. She said that it was not clear why there were two sets of lines under nature of the complaint and then separate lines for the facts, on the Complaint Form. She stated that she thought there needed to be a date line for the Complainant, in addition to the date for the notary. She stated that legalese such as "on information and belief" should be defined somewhere so a layperson may understand it. She felt that the materials appeared to be designed by and for lawyers. She asked if it was appropriate to ask for a business telephone

number but that an email address should be requested.

Davin Pickell, a member of Local 60 representing himself, spoke on the complaint form and suggested that it be made into a form that could be filled out online and then printed. He expressed several concerns about what he perceived to be ethical issues related to the City process related to the purchase of the Overture Center.

The board members discussed the form of the Ethics Complaint Form. Assistant City Attorney Brist stated in response to a question that if the complaint form was used, a failure to fill out the form correctly should be liberally construed because compliance with the ordinance was necessary rather than correctly completing the form. Discussion was held regarding making the complaint form available to be filled out online and then printed and notarized.

It was the consensus of the Board that Assistant City Attorney Brist be directed to draft the changes that had been discussed for the Complaint Form and that the Board would consider the draft of the Complaint Form at the next meeting.

20309

Madison Ethics Board Policy Manual

Brenda Konkel also spoke on the following issues relating to the Ethics Board Policy Manual. She said that the Policy Manual refers to a document called "the Madison Ethics Code Simplified" but does not state where that document may be obtained. She suggested a guide to filling out the form and an example of a properly completed form should be included in the policy manual. She suggested comfort language in the Policy Manual, in Paragraph 7, in case the complainant cannot be present when the hearing is scheduled. She also suggested that perhaps the complainant should not bear the cost of subpoenas as stated in Paragraph 8, particularly if they prevail.

A question was raised about who was to inform the Subject, under Paragraph 5 of the Policy Manual. Assistant City Attorney Brist stated that it would be done by the Office of the City Attorney.

It was the consensus of the Board that Assistant City Attorney Brist be directed to draft the changes that had been discussed for the Policy Manual and that the Board would consider the draft of the Policy Manual at the next meeting.

Ald. Verveer requested that the "Ethics Code Simplified" be sent out with the next Board packet. It was requested that the date of creation of any forms be listed on the form.

DISCUSSION

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

Alder Maniaci spoke on discussion item 19916. She noted that she was to attend another meeting and would not be available later in the meeting. She stated her concerns that the procedure for third party reimbursement contained in the proposal, would prevent her and others from attending conferences where the sponsor pays for hotel, meals and travel. She gave the example of a conference of young political leaders on foreclosure and neighborhood stability. She said the conference was funded by People for the American Way. She stated that the topic of the conference was useful and relevant information for the City and that participation in it should not be discouraged. She stated that she could not carry the costs on her debit card until she was reimbursed. In response to a question she indicated that she favored full disclosure as an alternative. She said the Committee should consider detailed disclosure forms and copies of the program or itinerary. She stated that she had spoken to Comptroller Brassler and that he was not aware of the proposal. She stated that if a host in a Sister City offered a toast with a glass of wine, that it might be an insult to refuse the wine. She said that if a bus were provided at a conference she felt she would have to decline to ride the bus. Carol Weidel stated that the heart of the matter was accepting something of value and asked Alder Maniaci if she felt that it would be alright to accept a \$100 meal if it is disclosed, when the City rules permit \$20 for that meal. Alder Maniaci stated she felt that disclosure was the proper method and was more functional. She stated that, under the proposed ordinance, a participant in a conference from the City of Madison would have to find out the cost of individual meals and bus transportation.

Chair Michael Jacob asked if there was any objection to dealing with Item 19916 before the other items on the agenda. There was no objection.

Alder Verveer stated that forms for honoraria are to be filed within 10 days, but that it does not always happen within 10 days. He stated that the forms filed by some with the City Clerk did not always give a detailed explanation of what happened at the conferences. He asked how transparency could be improved. Alder Maniaci suggested a comprehensive trip report, improving the form and possibly using a pre trip form. Alder Verveer explained to the Board that Item 19916 had not been formally referred to the Board because the Common Council lost its quorum before the referral could take place.

Rosemary Lee spoke on discussion item 19916. She spoke in favor of the proposal as recommended by the Ethics Board. She stated that she had been employed by the University and had to regularly fill out expense reports and felt it was not a burden. She stated it was a personal decision whether or not to have a credit card.

Davin Pickel spoke in favor of item 19916, on behalf of himself. He referred to methods he used to keep track of travel for his union and felt that the proposal did not create an unreasonable burden. He stated that if a union member purchased a meal while on union business, that the member was only entitled to the reimbursable amount and the member would have to pay the difference. He thought the same procedure should be used by the City.

Brenda Konkel spoke on item 19916, registering neither for or against the proposal and for information purposes. She circulated copies of honoraria forms filed by those who had attended the bicycle conference earlier in the

year as examples of current practice.

Assistant City Attorney Steven Brist stated that he had spoken to Comptroller Dean Brasser. Brasser could not attend tonight's meeting because of other city business. Brist stated that Brasser gave the example of an employee of the City being asked to give a speech or presentation at a conference out of town. Brist said that Brasser stated that his Department might not see any check but that a hotel or airline reservation might be made for the city employee and that it would not go through the city accounts. Brist stated that Brasser was not sure how his office would administer the ordinance under those circumstances.

Laura Rose stated that an airline ticket or a hotel room was an "actual and reasonable expense" but that it wasn't reasonable if the person flew first class to a conference or stayed in a suite rather than a standard room. She stated that disclosure was not the only goal of the ethics code, but that compliance with the sections regarding receiving things of value was also a goal. She stated that flexibility could be offered through such things as travel advances, but that an incumbent should not receive things of value from lobbyists and should not receive excessive value because of their position.

David Albino pointed out that the Ethics Code referred to "accept" and "retain" and that this needed to be considered in the context of prepayment.

Chair Michael Jacob discussed that such actions as accepting seating in a VIP area at a community event or accepting a lunch at a program would be currently prohibited by the Ethics Code, but that it might not be reported. He stated that in part, there were three possible outcomes that might be happening, incumbents violated the code but no complaint is filed, the incumbent skips the program or event, or the incumbent pays the actual value of the event or meal.

FUTURE MEETING DATES

Assistant City Attorney Brist noted that the next meeting was scheduled in February, but that an earlier hearing date would be needed because a formal complaint had been filed earlier that day and that the drafts could be discussed at that time.

ADJOURNMENT

A motion was made by Mike Verveer, seconded by Carol Weidel, to adjourn. The motion was approved on a voice vote. The Board adjourned at 6:42 p.m.