



# City of Madison

City of Madison  
Madison, WI 53703  
www.cityofmadison.com

## Meeting Minutes - Approved ETHICS BOARD

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Wednesday, October 28, 2015

4:30 PM

215 Martin Luther King, Jr. Blvd.  
Room 313 (Madison Municipal Building)

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### 1. CALL TO ORDER / ROLL CALL

**Present:** 5 - Michael E. Verveer; William C. Keys; Mary Czyszczak-Lyne; Joseph B. Baring and James D. Cobb

**Excused:** 2 - David Albino and Drew Cochrane

**Others present:** Alder Maurice Cheeks, Assistant City Attorney Steven Brist

A quorum was present and the meeting was properly noticed. The meeting was called to order by Chair Mary Czyszczak-Lyne at 4:30 PM.

### 2. APPROVAL OF MINUTES

A motion was made by Bill Keys, seconded by James Cobb, to approve the minutes of the September 2, 2015. The motion passed by voice vote/other.

### 3. PUBLIC COMMENT

There was no public comment.

### 4. DISCLOSURES AND RECUSALS

There were no disclosures or recusals from members present.

### NEW BUSINESS

5. [39100](#) SECOND ALTERNATE Creating Sections 2.40(4)(h) and 3.30(4) of the Madison General Ordinances to prohibit a person who is registered as a lobbyist under City Ordinances from serving as a member of any permanent or temporary City board, commission or committee.

**Attachments:** [Version 3 - 2nd Alternate](#)  
[Version 2 - Alternate](#)  
[Alternate with handwritten notations](#)  
[Version 1](#)  
[Letter from Ron Trachtenberg to Ethics Board. 10-26-15.pdf](#)

Bill Keys moved adoption of Version 3 – 2nd Alternate as an amendment to the main motion (Version 1). Baring seconded the motion. Alder Verveer, the sponsor of Version 3- 2nd Alternate, spoke in favor of the amendment. It was noted that Ron Trachtenberg submitted written comments. Following additional discussion, the amendment passed on a voice vote. The Board then considered the main motion as amended by the adoption of Version 3-2nd

Alternate. Alder Verveer moved that the Board recommend the adoption of Item #39100, as amended by the adoption of Version 3-2nd Alternate. Joseph Baring seconded the motion. The motion passed on a voice vote.

Alder Verveer announced that he needed to leave to attend the meeting of the Vending Oversight committee, because he was needed to establish a quorum at that meeting. Alder Verveer then left the Ethics Board meeting at 4:50 PM.

**Present:** 4 - William C. Keys; Mary Czyszczak-Lyne; Joseph B. Baring and James D. Cobb

**Excused:** 3 - Michael E. Verveer; David Albino and Drew Cochrane

6. [40603](#)

Potential advisory opinion under Sec. 3.35 (11) MGO, by Alder Maurice Cheeks, relating to his employment by the Wisconsin Technology Council and future actions by the Common Council on the Judge Doyle Square Project

**Attachments:** [Submittal from Alder Maurice Cheeks 10-20-15.pdf](#)  
[MEMO to Ethics Board from Steve Brist, ACA. 10-28-15.pdf](#)  
[LETTER from Ron Trachtenberg to Ethics Committee 10-26-15.pdf](#)  
[CITY OF MADISON ETHICS BOARD Advisory Opinion 10-1-14.pdf](#)

The Board then considered Item #40603, a request for an advisory opinion under Section 3.35 (11) MGO by Alder Maurice Cheeks, relating to his employment by the Wisconsin Technology Council and future actions by the Common Council on the Judge Doyle Square Project. Alder Cheeks spoke to the Board. He stated that he is a full time employee of the Wisconsin Technology Council, a nonprofit organization. Exact Sciences Corporation is a member of the Wisconsin Technology Council and a representative of Exact Sciences serves on the Board of the Wisconsin Technology Council, although the Board is quite large. The Judge Doyle Square project, which is being considered by the Common Council, includes office space for Exact Sciences as part of the developer's project. Tom Still is the President of the Wisconsin Technology Council and is Alder Cheeks' immediate supervisor. Mr. Still authored two newspaper columns where he endorsed the Judge Doyle Square project, including the space for Exact Sciences. Alder Cheeks stated that he had recused himself from the votes taken by the Common Council to approve proceeding with the Judge Doyle Square project. He was now seeking advice as to whether he needed to continue to recuse himself on future actions relating to the Judge Doyle Square.

Bill Keys asked Alder Cheeks why he recused himself. Alder Cheeks stated it was based on his "gut feeling". Bill Keys complimented Alder Cheeks on his action.

The Board discussed the matter. Assistant City Attorney Brist discussed the memorandum entitled "Selected Provisions of Section 3.35 MGO, Code of Ethics". There was a consensus that that Alder Cheeks did not have a financial interest in the Judge Doyle Square Project, but had a personal interest under Section 3.35(2)(f) MGO, arising from his close business association with Exact Sciences as an employee of the Wisconsin Technology Council and because his supervisor had publically endorsed the project.

Under Section 3.35(5)(f)(1), an elected official who has a personal interest in any matter coming before the Common Council shall disclose on the records of the Common Council the nature and extent of such interest. An elected official shall disqualify herself or himself from discussing and voting if the matter

under consideration involves her or his personal interests to the extent that such interests conflict or appear to conflict with his or her official duties or would impair or reasonably be expected to impair her or his independence of judgment or actions.

James Cobb stated that he felt that Alder Cheeks did not have an interest that conflicted with or appeared to conflict with his duties as a member of the Common Council. James Cobb moved that that it is the opinion of the Ethics Board that Alder Cheeks is required to disclose his interest but that he is not required to recuse himself on Judge Doyle Square matters before the Common Council. Joseph Baring seconded the motion. James Cobb stated that he felt that this matter was not the same as prior situations considered by the Ethics Board involving Common Council Members. The motion passed on a voice vote.

## 7. ADJOURNMENT

Assistant City Attorney Brist announced that nominations were being sought for the Jeffery Clay Erlanger Award. A motion was made by Bill Keys, seconded by Joseph Baring, to adjourn. The motion passed by voice vote/other. The meeting was adjourned at 5:29 PM