

**CITY OF MADISON
OFFICE OF THE CITY ATTORNEY
Room 401, CCB
266-4511**

Date: June 11, 2009

MEMORANDUM

TO: Common Council Organizational Committee

FROM: Michael P. May, City Attorney

RE: Ethics and ALRC Amendments

At its last meeting, the CCOC asked that I prepare draft amendments in accordance with my memorandum of March 2, 2009, to the Mayor and the Alders.

Attached is a draft of such amendments for further discussion by the CCOC before we prepare a formal ordinance amendment for consideration by the Common Council. I have asked Lisa Veldran to put this matter on the CCOC agenda for July 7, 2009.

CC: Lisa Veldran
Janet Piraino

MPM DRAFT (061109)

A. AMENDMENTS TO ETHICS CODE:

1. Amend 3.35(9)(i) as follows:

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 ~~15-45~~ 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.~~

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. (Am. by ORD-05-00167, 11-8-05; Renum. by ORD-07-00048, 4-12-07)

2. Amend by adding a new 3.35(9)(j):

(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.

3. Amend by adding a new subsection 3.35(9)(b)7:

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.

B. AMENDMENTS RELATED TO ALRC:

1. Create a new sec. 33.02(4) to read:

(4) Reporting of Contacts. At each meeting of the Alcohol License Review Committee, members of the Committee will report on any contacts with them by licensees or applicants for licenses related to the license. Contacts at publicly noticed meetings are not included in this requirement. The member shall report the date of the contact, by whom the contact was made, and any substance of the contact. The report may be verbal or in writing. The Committee shall include an agenda item for the reporting of contacts.

2. Create a new sec. 38.13 to read:

38.13 Licensees and Applicants to File Written Report of Contacts.

- (1) Every licensee or applicant for a license shall file a report with the City Clerk of any contacts with members of the Alcohol License Review Committee. The report shall be filed within thirty (30) days of any contact related to the license or application, and shall include the date of the contact, the member contacted, and the substance of the contact.
- (2) The Clerk shall, on a monthly basis, include the reports with the agenda and minutes of the meeting of the Committee, and shall include an agenda item related to the reports on the Committee's agenda.
- (3) Any licensee or applicant for a license who violates this section is subject to a forfeiture not to exceed \$100 for each violation.
- (4) Nothing in this section relieves a licensee, applicant for a license, or an agent of either from compliance with the City's lobbying ordinance, sec. 2.40, MGO.