



City of Madison

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

Meeting Minutes - Draft ETHICS BOARD

*Consider: Who benefits? Who is burdened?
Who does not have a voice at the table?
How can policymakers mitigate unintended consequences?*

Monday, November 25, 2024

5:00 PM

Virtual

The City of Madison is holding the Madison Ethics Board meeting virtually.

1. Written Comments: You can send comments on agenda items to ethicsboard@cityofmadison.com

2. Register for Public Comment:

- Register to speak at the meeting.
- Register to answer questions.
- Register in support or opposition of an agenda item (without speaking).

If you want to speak at this meeting you must register. You can register at <https://www.cityofmadison.com/MeetingRegistration>. When you register to speak, you will be sent an email with the information you will need to join the virtual meeting.

3. Watch the Meeting: If you would like to join the meeting as an observer, please visit <https://www.cityofmadison.com/watchmeetings>.

4. Listen by Phone:

(877) 853-5257 (Toll Free)

Webinar ID: 873 6914 2410

CALL TO ORDER / ROLL CALL

Chair Joseph Baring calls the meeting to order with a quorum present.

Staff present: Assistant City Attorney Amber McReynolds (Office of the City Attorney), City Attorney Michael Haas (Office of the City Attorney), Rebecca Braselton (Office of the City Attorney), Karen Kapusta-Pofahl (Office of the Common Council Office).

Present - Travis R. Austin, Chair Joseph B. Baring, Heather Daniels, Joanna E. Frasch, Vice Chair Mary Eileen Harrington, Alder Michael E. Verveer

Excused Absent - Nadine C. Mobley

APPROVAL OF MINUTES

Motion to approve October 1, 2024 Ethics Board meeting minutes made by Eileen Harrington. Motion seconded by Heather Daniels. Motion to approve minutes passed by voice vote. All present members vote to approve, no

objections.

PUBLIC COMMENT

1. Public comment

No public comment.

DISCLOSURES AND RECUSALS

No disclosures or recusals.

NEW BUSINESS

2. Introduction of Board Members and Staff

3. Advisory Opinion re: Barbara Harrington-McKinney - Use of Alder Account to pay for a fiscal sponsorship fee

Chair Joseph Baring and Assistant City Attorney Amber McReynolds summarize the Advisory Opinion: It would be against the Ethics Code of the City of Madison to use funds from the Alder account for a private project without approval from Common Council.

ACA McReynolds clarifies that the draft opinion is based on the Ethics Board's Motion at the Oct 1, 2024 meeting. ACA McReynolds points out two minor changes to the draft opinion: 1. Clarification of the name of the group that applied for the original grant as "West District Saturday reading Project", and 2. The request by Alder Harrington-McKinney was withdrawn before any denial of use of the funds by Common Council Chief of Staff could be issued. Corrections will be made in the final Advisory Opinion.

Motion was made by Eileen Harrington to adopt the draft Advisory Opinion ACA McReynolds sent as amended. Motion seconded by Travis Austin. All present members vote to approve, no objections.

4. Hearing re: Ethics Board Complaint filed by Emily Samson against Shadarya Kilfoy-Flores

Shadarya Kilfoy-Flores, complaint respondent, sent email on November 25, 2024 to ACA McReynolds requesting a continuance of the hearing. ACA McReynolds clarified to Kilfoy-Flores that she does not have the authority to grant a continuance and forwarded the request to the Ethics Board Members to be heard at the meeting.

Eileen Harrington questions the timeliness of the request, and that the details of the reasons for the continuance request go beyond the scope of what the Board is to consider when deciding about the complaint. Harrington also wants to know when Kilfoy-Flores' term ends, questioning whether that might be the respondent's motivation in requesting to delay the hearing. ACA McReynolds says Kilfoy-Flores' term ends Dec 30, 2024.

ACA McReynolds and City Attorney Michael Haas review possible outcomes if a person is found in violation the Ethics Code but no longer is serving in their City-affiliated position.

Joseph Baring agrees with Eileen Harrington that the information Kilfoy-Flores seeks does not impact the two questions before the Board: Is there a violation of the Ethics Code during the actual incident? Should there be sanctions?

Alder Micheal Verveer says Kilfoy-Flores' term on the Police Civilian Oversight board expires upon the confirmation of her successor at the Nov. 26, 2024 Common Council meeting. City Attorney Micheal Haas confirms the that if the replacement is confirmed on 26th, Kilfoy-Flores' term would be completed prior to the end of December.

Board hears from complaint parties: Respondent Shadarya Kilfoy-Flores, Shadrya Kilfoy-Flores' attorney, Damon Etawlyah, and Complainant Emily Sampson.

Ethics Board members decline to enter closed session discussion. All in agreement to continue in open session discussion.

Motion was made by Travis Austin to deny request for continuance. Motion seconded by Eileen Harrington.

Roll call vote on Motion to deny continuance.

Heather Daniels – No. Agrees to grant continuance.

Alder Michael Verveer – No. Agrees to grant continuance.

Joanna Frasch – No. Agrees to grant continuance.

Vice Chair Eileen Harrington – Yes. Does not agree to grant continuance.

Travis Austin – Yes. Does not agree to grant continuance.

Chair Joseph Baring – Yes. Does not agree to grant continuance.

Motion was made by Travis Austin to grant continuance with new hearing date between 7 and 14 days from current meeting. Motion seconded by Eileen Harrington.

City of Madison Media Team needs at least two weeks to prepare for facilitation of virtual meetings. Discussion of earliest availability of Media Team, Board Members, and complaint parties.

Motion to grant continuance of 7 to 14 days withdrawn by Travis Austin.

Motion was made by Travis Austin to grant continuance to a virtual meeting on Dec 17, 2024 at 4:00 p.m. Motion seconded by Joanna Frasch. Motion approved by voice vote: all present members vote to approve, no objections.

5. DISCUSSION ITEMS

ADJOURNMENT

Motion to adjourn made by Travis Austin. Seconded by Joanna Frasch. Motion approved by voice vote: all present members vote to approve, no objections.

Adjourned at 6:40 p.m.