



City of Madison

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

Wednesday, June 4, 2014

4:30 PM

210 Martin Luther King, Jr. Blvd.
Room 103A (City-County Building)

1. CALL TO ORDER / ROLL CALL

By Chair Mary Czyszczak-Lyne at 4:35 p.m.

Present: 5 - Michael E. Verveer; William C. Keys; Mary Czyszczak-Lyne; James D. Cobb and Drew Cochrane

Absent: 1 - Samuel L. Owens

Excused: 1 - David Albino

Alder Verveer arrived at 4:45 p.m. Also present were Alder Mark Clear and ACA Steve Brist.

2. APPROVAL OF MINUTES

Bill Keys moved to approve the minutes, Drew Cochrane seconded the motion. Motion passed on a voice vote.

3. PUBLIC COMMENT

There was no public comment.

4. DISCLOSURES AND RECUSALS

There were no disclosures or recusals.

NEW BUSINESS

5. [31253](#) Confirming and Ratifying Certain City Official and Employee Appointments to Outside Boards and Committees and Directing An Annual Update of Such Appointments

Attachments: [Exhibit A.pdf](#)

Relating to Confirming and Ratifying Certain City Official and Employee Appointments to Outside Boards and Committees and Directing an Annual Update of Such Appointments, was on the agenda after being referred from the previous Ethics Board meeting. ACA Brist distributed an email communication from City Attorney Michael May which addressed the reasons for Resolution #31253 and which stated that the City attorney would be responsible for

making the final decisions regarding whether an employee's service on a board or committee arose out of the duties with the City. Drew Cochrane indicated that he was satisfied with the City Attorney's response to the Ethics Board. Drew Cochrane moved that the Board recommend adoption of Item #31253. Bill Keys seconded the motion. There was no further discussion. Chair Mary Czyszak-Lyne called for a vote and the motion passed on a voice vote.

ADVISORY OPINION REQUEST

6. [34348](#) Alder Mark Clear is requesting an advisory opinion regarding disclosures or recusals by a City Official on matters where the official has a financial interest in a business, that has as a client, an organization that lobbies the City on the matter.

Attachments: [Alder Clear Advisory Opinion Request 6-4-14.pdf](#)

The next item on the Agenda, #34348, related to a request for an advisory opinion from the Ethics Board on behalf of Alder Mark Clear. Alder Clear was present and spoke to the Board. Alder Verveer arrived at 4:45 PM. Alder Clear stated that he was the sole owner of Clear Solutions, LLC. Clear Solutions has a contract to provide services to Accelerate Madison, Inc. a nonprofit corporation made up of digital technology companies. Alder Clear serves as Executive Director of Accelerate Madison, which is a 501(c)(6) corporation. As of May 5, 2014, Accelerate Madison, Inc has become a program or division of the Madison Chamber of Commerce.

Alder Clear stated he was seeking an Advisory Opinion from the Ethics Board because the Madison Chamber lobbies on city matters which come before the Common Council and he wanted advice on when he needed to disclose the connection or when he needed to recuse himself. Alder Clear had also prepared a written memorandum, dated June 2, 2014, which was part of the Board's packet.

Discussion followed. In response to a question, Alder Clear stated that services provided to Accelerate Madison constituted 30-40% of the total business done by Clear Solutions. Alder Verveer noted that his colleague, Alder Bidar-Sielaff, recuses herself on matters involving UW Hospital, where she is employed and that Alder King recuses himself on matters related to St. Mary's. James Cobb wondered if the situation might allow someone to curry favor with an employer, and that someone might ask their employer in advance of a vote if the employer would be angry if that person doesn't vote for an item. James Cobb also stated that the answer might be easy but it was common sense for someone to seek an advisory opinion. Alder Verveer asked if the contract amount was more than \$10,000. Alder Clear answered that it was more than that amount. Alder Verveer asked if there was a time constraint or if the Board's consideration of the matter could wait 30 days or so? Alder Clear indicated he could wait that long.

Drew Cochrane asked that the staff do research for the Board and prepare alternatives. Alder Verveer indicated that an opinion relating to the Zoning Board of Appeals from the early 2000s might be instructive on this matter.

7. ADJOURNMENT

There was no further business to come before the Board. Bill Keys moved to adjourn. Alder Verveer seconded the motion. Chair Mary Czyszak-Lyne declared the meeting adjourned at 5:20 p.m.