



City of Madison

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

Meeting Minutes - Approved ETHICS BOARD

Thursday, May 27, 2010

4:45 PM

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

CALL TO ORDER / ROLL CALL

The meeting was called to order at 4:52 p.m.

Others in attendance included City Attorney Michael May, and two registrants, Thomas Mertz and Mary Anglim

Present: 4 -
Eric D. Hands; Carol A. Weidel; David Albino and Charles G. Center

Absent: 2 -
Michael E. Verveer and Michael B. Jacob

Excused: 1 -
Laura D. Rose

ROLL CALL

Michael Jacob arrived at 4:52 p.m.

Present: 5 -
Eric D. Hands; Carol A. Weidel; David Albino; Michael B. Jacob and Charles G. Center

Absent: 1 -
Michael E. Verveer

Excused: 1 -
Laura D. Rose

APPROVAL OF MINUTES

<http://legistar.cityofmadison.com/calendar/#current>

A motion was made by Hands, seconded by Weidel, to Approve the Minutes of October 1, 2007. The motion passed by voice vote/other.

Absent: 1 -
Michael E. Verveer

Excused: 1 -
Laura D. Rose

<http://legistar.cityofmadison.com/calendar/#current>

A motion was made by Hands, seconded by Weidel, to Approve the Minutes of

March 1, 2010. The motion passed by voice vote/other.

Absent: 1 -

Michael E. Verveer

Excused: 1 -

Laura D. Rose

Ayes: 4 -

Eric D. Hands; Carol A. Weidel; David Albino and Michael B. Jacob

Abstentions: 1 -

Charles G. Center

ANNOUNCEMENTS

1. Charles Center, Ethics Board Chair

Charles Center, Ethics Board Chair, indicated that he would be resigning his position in November, 2010. Mr. Center now spends 4-5 months each year in Florida and does not feel it is appropriate for him to remain a member of the Ethics Board under those circumstances. He will remain in office until November, 2010. Mr. Center asked City Attorney May to notify the Mayor so that a replacement may be found.

PUBLIC COMMENT

2. Thomas Mertz, commenting on Item 3 on the Agenda

He indicated he believed some of the items in the Konkel letter need to be looked at in spite of the memo from the City Attorney indicating that they need not be examined. He also asked the committee to refer further discussion to a later meeting when Ms. Konkel could be present.

EXISTING BUSINESS

3. SUBSTITUTE Amending Section 3.35(13)(e) of the Madison General Ordinances to increase the penalty in the Ethics Code.

Sponsors: Michael E. Verveer

City Attorney May discussed the genesis of the amendment and that forfeitures under the Ethics Code are rarely used. Chair Center expressed concern about the \$500 minimum forfeiture. He thought it would make the Ethics Board more reluctant to recommend that a forfeiture be sought. He preferred simply raising the maximum potential forfeiture.

He also suggested adding the language about "sanctioning, censoring, or expelling" to subsection (b) of 3.35(13) and adding the word "reprimanding" to both subs (a) and (b). City Attorney May explained the procedure where the recommendations for the Ethics Board would go to the Council.

Because Ald. Verveer had not yet arrived at the meeting and he was a sponsor of the ordinance, the following motion was made.

A motion was made by Weidel, seconded by Jacob, to table this matter until Mr. Verveer arrives. The motion passed by voice vote/other.

ROLL CALL

Mike Verveer arrived at 5:15 p.m.

Present: 6 -

Michael E. Verveer; Eric D. Hands; Carol A. Weidel; David Albino; Michael B. Jacob and Charles G. Center

Excused: 1 -

Laura D. Rose

DISCUSSION ITEMS

4. Potential Changes to Ethics Code Arising out of Borchardt's Complaint

Chair Center opened the discussion by noting what he believes to be a difference between taking a photo or having a press conference in front of the City-County Building, and making active use of City property or personnel.

There is some general discussion on where the Ethics Board wanted to go with any potential amendments. Ald. Verveer asked City Attorney May if he knew what Dane County had done on this issue. May said he did not know, but agreed to take a look at what might be on the Dane County ordinances. Verveer stated that he believed the problem was that staging of events, as opposed to events that may occur in their natural course of one's employment or campaigning. Several members noted that we have to be careful in dealing with City employees, because they were out of uniform or on their own time, the City really had no right to limit their political activities.

A motion was made by Verveer, seconded by Weidel, to ask the City Attorney to look at this potential distinction between active and passive use or staging the use of City equipment, material, vehicles, or personnel for political purposes and to propose language to bring back to the board for further discussion. Seconded by Weidel. The motion passed by voice vote/other.

5. SUBSTITUTE Amending Section 3.35(13)(e) of the Madison General Ordinances to increase the penalty in the Ethics Code.

Sponsors: Michael E. Verveer

After dealing with Agenda Item #2, relating to the Borchardt Complaint, a motion by Weidel and a second by Verveer to resume the discussion on this matter now that Verveer was in attendance. Motion was approved on a voice vote.

Chair Center reiterated his concerns about the language regarding the minimum forfeitures. Ald. Verveer said he did not have a concern about the added language in subs (a) and (b), he also thought that removal of the minimum might be alright, but did not believe the proposed maximums should be reduced.

A motion was made by Verveer, seconded by Hands, that the City Attorney is to draft a substitute ordinance to incorporate the language with respect to reprimanding, censoring, expelling, or sanctioning in both subs. (a) and (b), and to include only a maximum forfeiture of \$2500, and to clarify the use of municipal court, the motion was approved on a voice vote. The substitute ordinance will be rereferred to the Ethics Board.

6. Brenda Konkel Letter to Ethics Board

Ms. Weidel suggested that any expanded discussion of this item wait until Ms. Konkel was available. Mr. Jacob agreed with that, but did have several questions. He discussed the item on page 4 of the City Attorney's memo about a more transparent system for any reimbursement of employee expenses by a third party. He also had questions regarding the potential of a City Attorney's report on inquiries made about Ethics issues. He believes that those inquiries might show patterns that the Ethics Board needs to know about, although he recognizes the concern about confidentiality of City Attorney opinions. Ms. Weidel had some questions on a portion of the City Attorney memo on page 5. Mr. Center was concerned about expanding the quasi-judicial role of the Ethics Board into a more proactive role, making it more like other City committees. Verveer asked the City Attorney to check on the availability of Ms. Konkel for the next Ethics Board meeting.

A motion was made by Verveer, seconded by Albino, to Refer to the ETHICS BOARD. The motion passed by voice vote/other.

7. Future Agenda

Chair Center asked that the agenda for the next meeting include a separate item on regular meetings of the Ethics Board.

ADJOURNMENT

A motion was made by Verveer, seconded by Hands, to Adjourn at 6:18 p.m. The motion passed by voice vote/other.