



Ethics Rules for Members of Boards, Committees, Commissions (BCCs)

Welcome!



HELLO
MY NAME IS

Amber McReynolds
(she/her/hers)

Learning Topics

1. What is the Ethics Code and why do we have it?
2. Review the basics of the City's Ethics Code and where to get more information after this introduction.





Ethics Rules Sources and Purpose

Where does it come from and why do we have it?

Sources of Ethics Rules

- Madison General Ordinance (MGO) 3.35
 - City of Madison Ethics Code
- Wisconsin State Statute Section 19.59 (Codes of ethics for local government officials, employees and candidates)
 - Authorizes cities to have their own ethics code
- Criminal Law, Wisconsin State Statute 946 (Crimes against the government)
 - Ex. Bribery



Purpose of Ethics Code

- Public officials and employees are independent, impartial, and responsible to the people
- Government decisions and policy are made in the proper channels
- Public office is not used for personal gain
- Public have confidence in the integrity of its government.





Ethics Code Basics

Who must follow the Ethics Code?

- Elected officials
- City employees
- Members of City boards, committees, commissions, subcommittees and ad hoc committees (BCCs)
- “Incumbents” = all of the above!



Definitions

- “Incumbent”
- “Associated”
- “Immediate Family”
- “Economic Interest” or “Financial Interest”
- “Personal Interest”





Which Parts of Ethics Code
Apply to BCC Members?

Which Parts of the Ethics Code Apply to Members of Boards, Committees, and Commissions?

- Read Madison General Ordinance (MGO) 3.35 carefully
- “Member of a City board, committee or commission”
- “Incumbent”
 - Anytime the code uses these terms, it could apply to you!



Standards of Conduct

- MGO 3.35(5)
- A key portion of the Ethics Code
- If you do one thing, read Standards of Conduct Section!



Standards of Conduct

An incumbent may NOT:

- Use or attempt to use office for financial gain for self, family or associated organization.
 - Accept, and no person may offer, anything of value if it could be considered as a reward or may influence action.
 - Take action or use office on a matter in which they, family or associated organization has an interest, or which might produce a benefit for them.
- MGO 3.35(5)(a)



Standards of Conduct

An incumbent may NOT:

- Use city property for advantage not available to the public. 3.35(5)(b)
- Have outside employment that appears to impair judgment. 3.35(5)(c)
- Receive anything of value, *except* as allowed under sub. (6). 3.35(5)(g).
- Represent private interests before the BCC to which you are appointed 3.35(5)(h).



Receiving Anything of Value Honoraria, Fees, Expenses, Food/Beverages, Transportation

Allowed to accept	NOT allowed
Things of value totally unrelated to your City position	
Nominal or commemorative	
Actual expenses reimbursed by outside entities (whether or not you are there due to City position)	Expenses <i>beyond</i> reimbursement (from City or others) on work done on behalf of the City
Ex: City or outside organization can pay for a conference registration fee if related to your City position and for the City's benefit.	Ex: an outside organization cannot choose you due to your City position and pay for your meal and drinks at an event that is <u>primarily for your private benefit or that organization's benefit.</u>



Help! I received something of value related to my City position! What do I do?

If allowed to receive	If NOT allowed to receive
Report to Clerk and Finance Director	Give it back!
	Can pay the value to the giver.
	If needed, can pay the value to the City Treasurer
	Try to avoid in the first place – if unsure contact Office of the City Attorney



Standards of Conduct

Post-Service Limits

- MGO 3.35(5)(i): good example of how different sections of Ethics Code apply to different roles
 - MGO 3.35(5)(i)(4) applies to former members of a board, committee, or commission
 - MGO 3.35(5)(i)(5) and (6) apply to former “incumbents”



Standards of Conduct

Post-Service Limits

12 month prohibition:

- dealing with your BCC
- dealing with matters that were your responsibility

Still allowed to:

- Represent yourself before any City entity in a non-commercial personal matter
- Appear before any City entity solely on their own behalf and without compensation to express views on a policy matter.



Other Standards of Conduct

- Disclosure of information MGO 3.35(5)(d)
- Contracts and leases MGO 3.35(5)(e)
- Disclosure and Disqualification MGO 3.35(5)(f)
 - Shall disclose nature and extent of financial or personal interest
 - Instead of disclosing, you can “disqualify” (or recuse) yourself and you cannot discuss or vote in the matter



Statements of Interest

- Annual Statement of Interests filed by candidates, elected or appointed officials, BCC members, and some employees.
- MGO 3.35(9)
- BCC Members File:
 - 10 business days before your name is submitted to Common Council for confirmation
 - Annually: No later than the first Tuesday in January
 - You get email reminders
 - Consequences for not filing



Ethics Board 3.35(10)-(13)

- 1 Alder, 6 residents appointed by Mayor and confirmed by Council
- Meets virtually as needed
- Advisory Opinions
 - Any “incumbent” can request
- Complaints
 - Recommend findings and sanctions to Council



City Ethics Complaints

- Who can make complaints?
 - Any person
- Who can complaints be against?
 - Anyone covered by the Ethics Code (including you as a BCC member!)
- How does someone make a complaint?
 - File complaint with City Attorney's Office within 12 months of alleged violation



Wisconsin Statute 19.59, Ethics Code for Local Government Officials

- Local officials (BCC Members are considered “local public officials”
- Similar to City’s ordinance
- Opinions by State Ethics Board
- Enforced by District Attorney or Attorney General



State Criminal Code

- Enforced by District Attorney
- Wis Stat 946.10 Bribery
- Wis. Stat. 946.12 Misconduct in public office, intentional failure to carry out duties
- Wis. Stat. 946.13: Interest in Public contract. May not seek public contract over \$15,000 if you HAVE THE AUTHORITY to participate in approval
 - Cannot get around this through recusal/disclosure



Key Take-Aways



- Ethics questions are fact specific
- Use common sense
- If you aren't sure whether you've got an ethics issue, ask!
- Sometimes, not only one "correct" answer
- There might be advantages in being more cautious than required
 - Media
 - Explanation
 - Public trust



Where can I find all this information?

City Attorney Office website:

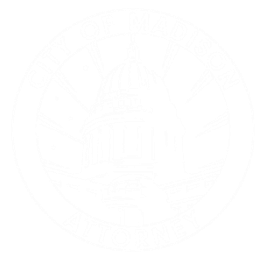
<https://www.cityofmadison.com/attorney/ethics-code>



Your Responsibilities



- ✓ Read MGO 3.35
- ✓ File your Statement of Interest Form by deadline
 - ✓ (1st Tuesday in January)
 - ✓ Amend as needed
- ✓ Contact Assistant City Attorney City with ethics questions/concerns
- ✓ Seek opinion from Ethics Board if needed



What we covered in this presentation

1. Ethics Code and why we have it.
2. Basics of the City's Ethics Code and where to get more information after this introduction.



Thank you!



ACA Amber McReynolds
amcreynolds@cityofmadison.com

City Attorney Mike Haas
mhaas@cityofmadison.com

www.cityofmadison.com/attorney/ethics-code