

October 26, 2015

Chair and Members
Ethics Committee
City of Madison
210 Martin Luther King Jr. Boulevard
Madison WI 53711

Re: Legistar 39100
Second Alternative Draft to prohibit a person who is registered as a lobbyist under city ordinances from serving as a member of any permanent or temporary City board, commission or committee.

Dear Chair and Members:

As a follow-up to my letter of September 2, 2015, I submit this letter requesting consideration of a modification to subsection (4)(b) of the Second Alternative Draft.

As I noted in my letter of September 2, 2015, the power of the City committee structure is not that the members are dispassionate disinterested persons, either by membership designation or by membership appointment. To the contrary; the membership designations or the membership appointments are inherently for positions or persons who come from a specific background, expertise or job, and who are likely to hold contrary views or come from other life experiences from other committee members. It is this inherent built in "conflict" that is meant to provide the sifting and winnowing to provide the best result for the City.

Subsection (4)(b) provides "Why the matters the member or candidate for appointment attempts to influence as a lobbyist are unrelated those matters considered by the sub-unit to which the person is a member or a candidate for appointment. I believe that this subsection conflicts with the principle I stated above.

Subsection (4)(b) could be interpreted as to limit the appointment of persons to committees in their primary area of expertise. For example (using something from my own background to make the explanation easier, at least for me), consider a city committee which does not consider any applications for project approval but which is created for the purpose of general land use planning, including the comprehensive plan, neighborhood plans, or zoning code revisions. Section (4)(b) could be interpreted as preventing land use planners, land use attorneys, representatives from DMI, historic preservationists, low income housing advocates, and architects (although architects appear

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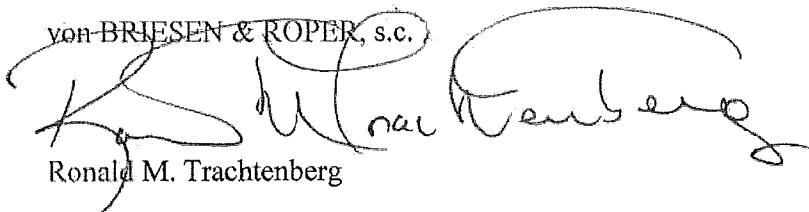
to be exempt from the lobbying ordinance) who had been lobbyists or who were lobbyists from serving on the committee.

To avoid the issue above, I would suggest that Section (4)(b) be rewritten to provide: "Why the employer or clients, present or potential, of the member or candidate for appointment are not likely to have applications for licenses, permits, grants or other action come before the sub-unit to which the person is a member or a candidate for appointment."

Thank you for your consideration.

Very truly yours,

~~von BRIESEN & ROPER, s.c.~~



Ronald M. Trachtenberg

RMT:kal