



Legislation Text

File #: 21410, Version: 2

Fiscal Note

No expenditure is required.

Title

SUBSTITUTE Amending Sec. 3.35(9)(g) of the Madison General Ordinances to exempt all city employees from disclosing home address, phone, email and social security number on the Statement of Interests forms, exempting all filers from disclosing home address if the filer or immediate family member has requested or has in place a restraining order and disclosure of the address would pose a safety risk, and creating a new procedure for disclosure of other real estate owned in Dane County.

Body

DRAFTER'S ANALYSIS: This substitute ordinance amends the list of information to be provided on the Statement of Interests forms required of City employees, committee and commission members and other incumbents under the City's Ethics Ordinance and creates two exemptions relating to home address and other real estate. First, this amendment exempts all City employees from disclosing their home address, phone number, home email and social security number on the form, pursuant to Wis. Stat. § 19.36(10), the public records statute, which prohibits a municipality from releasing this information about municipal employees. This substitute also allows non-city employee filers to leave out their home address and phone number if the filer or immediate family member has a pending request for a restraining order, a current restraining order, or other no-contact order against a person and the filer has a reasonable belief that disclosure of their address/number would pose a safety risk. Secondly, this substitute changes the requirement that filers must disclose other real estate in Dane County owned by the filer. If a filer (other than an elected official or candidate for elected office) or immediate family member has a pending request or already has a restraining order or other no-contact order against someone, and has a reasonable belief that disclosure of such address would pose a safety risk, the identity of such real estate can be disclosed to the City on a separate form, rather than the Statement of Interest forms, which have been made public online. This procedure will not be available to elected officials or candidates for office, who will continue to disclose any such real estate on the Statement of Interest form. These amendments, if adopted, would result in changes to the format of the Statement of Interest form.

The Common Council of the City of Madison do hereby ordain as follows:

1. Subdivision (g) entitled "Form of Statement" of Subsection (9) entitled "Form of Statement" of Section 3.35 entitled "Code of Ethics" of the Madison General Ordinances is amended to read as follows:
 "(g) Form of Statement. The person filing any Statement of Interests required under this subsection shall file such Statement on the form approved by the Ethics Board and provided by the City Clerk, and shall supply the following information:
 1. Persons required to file under Secs. 3.35(9)(b)1., 2., and 4. shall supply the name and address of the filer and the City office held or sought. Persons required to file under Secs. 3.35(9)(b)3. and 5. (i.e. city employees) or shall provide the name of the filer and the position of City employment. Pursuant to Wis. Stat. § 19.36(10), City employees are not required to provide their home addresses, home electronic email addresses, home telephone numbers or social security numbers on the Statement of Interest form. Additionally, persons required to file under Secs. 3.35(9)(b)1., 2., and 4. need not provide a home address or home telephone number if the filer or immediate family member is the petitioner in an action seeking a restraining order or other court order to prohibit a person from having contact with the filer or immediate family member, or if such an order is in effect at the time of filing, and the filer has a reasonable belief that disclosure of such address would pose a safety risk.
 2. The name and address of all employers and positions of employment held as of the date the

- statement is filed.
3. The identity of every organization of which she or he or any adult member of her or his immediate family is an officer or director and the identity of every organization of which she or he or any member of her or his immediate family owns or controls, directly or indirectly, severally or in the aggregate, at least two percent (2%) of the outstanding equity; provided, however, that membership only in an organization need not be disclosed and that no identification need be made of any organization which is organized and operated primarily to influence voting at an election including support for or opposition to an individual's present or future candidacy or to a present or future referendum.
 4. The name of any creditor to whom she or he or a member of her or his immediate family owes ten thousand dollars (\$10,000) or more, except for credit card debt, student loans, health-related indebtedness, and mortgages on the principal residence of the person filing or of a member of her or his immediate family.
 5. The identity of all real estate within Dane County in which the person filing or any member of her or his immediate family has a direct or indirect interest, other than the filer's primary or principal residence. ~~and the identity of any person or entity not disclosed under subdivision (h), owning or controlling any real estate within Dane County in which the person filing or any member of her or his immediate family has a direct or indirect interest.~~ If a person required to file under Secs. 3.35(9)(b)2., 3., or 5. or his/her immediate family member is the petitioner in an action seeking a restraining order or other court order to prohibit a person from having contact with the filer or the immediate family member, or if such an order is in effect at the time of filing, the filer need not disclose the identity of such real estate on the Statement of Interests form if the filer has a reasonable belief that such disclosure would pose a safety risk. Instead, the identity of any such real estate shall be disclosed on a separate form created for that purpose, which will be maintained on file by the person receiving the form and not made available on the internet, as follows:
 - a. Persons required to file under Secs. 3.35(9)(b)3. and 5. (i.e. city employees); to the employee's department head.
 - b. If the filer is required to file under Sec. 3.35(9)(b)2., to the head of the department that staffs the committee, subcommittee, board or commission on which the filer serves.
 6. The identity of any person or entity not disclosed under sub. (h), owning or controlling any real estate within Dane County in which the person filing or any member of her or his immediate family has a direct or indirect interest."

Editor's Note: Sec. 3.35(9)(b)1.-5., MGO, is a list of all persons required to file a Statement of Interests form and reads as follows:

"(b) Disclosure of Interests; By Whom Required.

The following shall file a Statement of Interests as provided in this subdivision:

1. Elected and appointed officials;
2. Compensated and uncompensated members of all boards, committees, commissions, subcommittees and ad hoc committees unless any demonstrate to the Ethics Board that they are not involved in the regulation of economic activity, or the expenditure or granting of funds, or the entry by the city into contracts;
3. Mayor's assistants;
4. Candidates for elective office of the City of Madison;
5. All other City employees other than clerical staff who are involved on behalf of the City:
 - a. In negotiations relating to the sale or acquisition of personal property or real estate; or
 - b. In negotiations relating to economic development projects; or
 - c. In the appraisal or assessment of property for tax purposes; or
 - d. In regulation of activities pursuant to state or federal law or city ordinance or in

enforcement of state or federal laws or city ordinances."