

Chairperson: Supervisor Willie Johnson, Jr.
Clerk: Linda Durham, 278-4225
Research Analyst: Rick Ceschin, 278-5003

**SPECIAL MEETING OF THE
COMMITTEE ON JUDICIARY, SAFETY AND GENERAL SERVICES**

Thursday, June 24, 2008 - 9:00 A.M.

Milwaukee County Courthouse - Room 201-B

MINUTES

PRESENT: Supervisors Rice, De Bruiin, Cesarz, Broderick, Jursik, Sanfelippo and Johnson (Chair) – 7

SCHEDULED ITEMS:

1. 06-283 From the Ethics Code Study Committee, submitting a report and ordinance revision
(a)(a) with recommendations for existing and proposed provisions to the Milwaukee County Code of Ethics. **(6/12/08: Laid over for additional information)**

APPEARANCE (S):

Glenn Bultman, County Board Research Analyst
Bill Domina, Corporation Counsel
Bob Andrews, Deputy Corporation Counsel
District Attorney John Chisholm
Assistant District Attorney David Feiss
David Carr, Chairman, Director, Ethics Board
Charles Mulcahy, Code of Ethics Study Committee
Hannah Dugan, Code of Ethics Study Committee

MOTION BY: (RICE) Approve the Ethics Code Study Committee recommendations along with the recommended ordinance revisions.

Supervisor Broderick requested that the issues in the grid entitled, "Ethics Code Recommendations and Comments", be numbered 1-6 for purposes of clarity. There being no objection, it was so ordered.

Mr. Bultman advised that the recommendations he made were in response to the concerns raised by the Committee of the Whole.

Issue #1 – Declaration of Policy and Ethics Principles – Section 9.01

MOTION BY: (DE BRUIN) Approve the staff recommendation.

Mr. Bultman provided a brief synopsis relative to his recommendation.

SCHEDULED ITEMS (CONTINUED):

Mr. Domina reviewed and provided the reasons for Corporation Counsel's comments on the grid.

Discussion ensued.

Supervisor De Bruin withdrew her previous motion.

MOTION BY: (DE BRUIN) Add lines 24-31 and change the word "Policy" on line 32 to "Ethics Principles"; delete lines 47-73; further, that a new whereas clause be added to the authorizing resolution that restates lines 24-73; and further, that members of the public, upon asking for a copies of the Code of Ethics that the authorizing resolution be attached to the Code; further, change "shall" to "should" on lines 47 and 66, as recommended by Corporation Counsel.

Supervisor Cesarz requested that the Chairman rule to divide the motion. He stated that the reason for doing so is to move forward in a spirit of cooperation. There being no objection, it was so ordered

MOTION BY: (DE BRUIN) Add lines 24-31 and change the word "Policy" on line 32 to "Ethics Principles". (Vote 7-0)

AYES: Rice, De Bruin, Cesarz, Broderick, Jursik, Sanfelippo and Johnson (Chair) – 7
NOES: 0

MOTION BY: (DE BRUIN) Change "shall" to "should" on lines 47 and 66; delete lines 47-73 from the Code and put in a new "WHEREAS" clause in the accompanying adopting resolution; also, include lines 24-46 in the accompanying adopting resolution; and further, that the adopting resolution be attached to the Code for public dissemination. (Vote 2-5)

AYES: De Bruin and Broderick – 2
NOES: Rice, Cesarz, Jursik, Sanfelippo, and Johnson (Chair) - 5

Motion failed.

MOTION BY (DE BRUIN) Change "shall" to "should" on lines 47 and 66. (Vote 7-0)

AYES: Rice, De Bruin, Cesarz, Broderick, Jursik, Sanfelippo and Johnson (Chair) – 7
NOES: 0

SCHEDULED ITEMS (CONTINUED):

Issue #2 – Investigation Requests – Section 9.02 (10), Section 9.09(4), Section 9.10(1) (see District Attorney Involvement)

Supervisor Rice commented on the intent of the Code of Ethics study Committee's recommendation.

Mr. Bultman provided comments regarding his recommendation.

Discussion ensued.

MOTION BY: (JURSIK) Insert the words "and signed" on line 117 after the word "written" and on line 671 after the word "WRITING".

Discussion continued.

Vote on the motion by Supervisor Jursik: 7-0

AYES: Rice, De Bruin, Cesarz, Broderick, Jursik, Sanfelippo and Johnson (Chair) – 7
NOES: 0

Issue #3 – Political Activity – Section 9.06

Supervisor De Bruin requested an opinion from Corporation Counsel as to whether or not the Milwaukee County Code of Ethics applies to the Sheriff's Office. She wanted to know if any Milwaukee County employees are exempted from the Code. She also would like a copy of the opinion forwarded to the Ethics Board. There being no objection, it was so ordered.

Supervisor Rice provided comments relative to the Code of Ethics Study Committee's recommendation.

Discussion ensued at length.

MOTION BY: (JURSIK) On line 379, insert "at his or her place of employment"; delete "during established hours"; delete part of line 381 "of influencing the outcome of any referendum; keep in (a); keep in (b); delete "or referendum position" from (c); delete "of any referendum position" from (d); keep in (e); keep in (2) COERCION PROHIBITED; keep in (3) PROHIBITION ON REWARDS; delete (4) LAW ENFORCEMENT BILL OF RIGHTS and (5) LIMITATIONS ON FEDERALLY FUNDED EMPLOYEES.

Considerable discussion continued.

SCHEDULED ITEMS (CONTINUED):

Supervisor De Bruin requested a written opinion from Corporation Counsel on what is adopted today pertaining to section (9.06 Political Activity) - making it clear which components under 9.06 are currently covered in other existing statutes or if by adopting the foregoing amendments, the County Board would be creating new statutes governing Milwaukee County. She would like this information before Board Day (June 26, 2008).

Vote on the motion by Supervisor Jursik: 7-0

AYES: Rice, De Bruin, Cesarz, Broderick, Jursik, Sanfelippo and Johnson (Chair) – 7
NOES: 0

MOTION BY: (RICE) Approve the revised ordinance and recommendations, as amended, specifically with the information requested from Corporation Counsel.

Supervisor Rice thanked the Committee for their cooperation, time and patience.

Supervisor Broderick commended Corporation Counsel and Mr. Bultman.

Chairman Johnson also thanked the Committee.

Vote on the motion by Supervisor Rice: 7-0

AYES: Rice, De Bruin, Cesarz, Broderick, Jursik, Sanfelippo and Johnson (Chair) – 7
NOES: 0

Issue #4 – Ethics Board – Section 9.07

Mr. Mulcahy provided comments supporting the Code of Ethic Study Committee's recommendation.

Supervisor De Bruin expressed concerns regarding diversity of the nominating entities (lines 422-515 of the staff recommendation). She believes that there should be some guidelines for the nominating entities, i.e. diversity.

MOTION BY: (RICE) Insert "shall reflect the ethnic and racial diversity of Milwaukee County" on line 438 after "members".

Questions and comments ensued.

SCHEDULED ITEMS (CONTINUED):

Vote on the motion by Supervisor Rice: 7-0

AYES: Rice, De Bruin, Cesarz, Broderick, Jursik, Sanfelippo and Johnson (Chair) – 7
NOES: 0

MOTION BY: (BRODERICK) Approve staff recommendation.

Questions and comments ensued.

Mr. Bultman suggested deleting the words “up to” on lines 452 and 463 to accomplish the Committee’s intent for submitting the names of nominees to the County Executive.

MOTION BY: (DE BRUIN) Delete the words “up to” on lines 452 and 463.

Supervisor Broderick withdrew his motion to approve the staff recommendation.

Vote on Supervisor De Bruin’s motion to add the words “up to” on lines 452 and 463: 7-0

AYES: Rice, De Bruin, Cesarz, Broderick, Jursik, Sanfelippo and Johnson (Chair) – 7
NOES: 0

MOTION BY: (DE BRUIN) Amend lines 503 and 504 to read as “The Ethics Board shall meet at least four times per year.” The rest of the sentence should be deleted.

Ms. Dugan expressed concerns. She advised that the annual meeting of the Ethics Board should continue to be held in February.

Discussion ensued about the annual meeting.

Supervisor Cesarz suggested that the word “the” be deleted and the word “A” be inserted on line 506, after the word “MEETING”.

Supervisor De bruin accepted Supervisor Cesarz’s suggestion as a friendly amendment and added it to her motion.

MOTION BY: (DE BRUIN) Amend lines 503 and 504 to read as follows: “The Ethics Board shall meet at least four times per year.” The rest of the sentence should be deleted. Also delete the word “the” from line 506 and insert the word “A after the word “MEETING:”

AYES: Rice, De Bruin, Cesarz, Broderick, Jursik, Sanfelippo and Johnson (Chair) – 7
NOES: 0

SCHEDULED ITEMS (CONTINUED):

Issue #5 – Advisory Opinions and “Safe Harbor” – Section 9.08(1), Section 9.09

Ms. Dugan provided comments relative to the Code of Ethics Study Committee’s recommendation.

Supervisor De Bruin stated that this is an issue that she couldn’t disagree with the Code of Ethics Study Committee more.

MOTION BY: (DE BRUIN) Amend the Code of Ethics Study Committee’s report by deleting lines 648-652, add lines 660-667 (as proposed by staff); on line 519, delete the word “sole” and insert “primary”; on lines 592 and 593 retain language, “Or an advisory opinion may be requested from the Governmental Accountability Board by the Corporation Counsel as provided in 9.09(3).” on line 663; insert the word “written” after “Counsel’s”.

Discussion ensued.

AYES: De Bruin, Broderick, Jursik, Sanfelippo and Johnson (Chair) – 5

NOES: Rice and Cesarz – 2

The Committee took a lunch break at approximately 12:10 p.m. and reconvened at approximately 1:00 p.m. with the same members present as before. Issue #3 – Political Activity – Section 9.06 was the next and last issue to be heard.

Issue #6 – District Attorney Involvement – Section 9.09(4)(c) and (d), Section 9.10(1)(b)

Supervisor Rice provided comments relative to the Code of Ethics Study Committee’s recommendation.

Discussion ensued.

District Attorney Chism and Assistant District Attorney Feiss provided comments and answered questions raised by Committee members relative to complaints coming into the Ethics Board.

Mr. Bultmann reviewed his recommendation.

Mr. Domina provided comments.

SCHEDULED ITEMS (CONTINUED):

MOTION BY: (DEBRUIN) amend the Code of Ethic Study Committee's recommendation by adding on line 694, after the word "ATTORNEY", The District Attorney's Office shall respond in writing within 10 days after receiving a copy of the investigation request or verified complaint.

Questions and comments ensued.

Supervisor De Bruin amended her motion as follows:

MOTION BY: (DEBRUIN) amend the Code of Ethic Study Committee's recommendation by inserting "within 10 days" after the word "writing" on line 689.

MOTION BY: (BRODERICK) Approve the staff recommendation.

Vote on the motion to insert "within 10 days" on line 689: 7-0

AYES: Rice, De Bruin, Cesarz, Broderick, Jursik, Sanfelippo and Johnson (Chair) – 7
NOES: 0

Mr. Carr answered questions raised by Committee members regarding the referral of verified complaints to the District Attorney.

STAFF PRESENT: Rick Ceschin, County Board Research Analyst
Glenn Bultmann, County Board Research Analyst
Bill Domina, Corporation Counsel
Bob Andrews, Deputy Corporation Counsel
District Attorney John Chisholm
Assistant District Attorney David Feiss

This meeting was recorded on a tape. Committee files contain copies of communications, reports and resolutions, which may be reviewed upon request to the Chief Committee Clerk. The official copy of these minutes, along with the audio recording of this meeting, are available in the County Board Committee Services Division.

Adjourned: 2:10 p.m.

Linda K. Durham

Linda K. Durham, Committee Clerk

ADA accommodation requests should be filed with the Milwaukee County Office for Persons with Disabilities, 278-3932 (voice) or 278-3937 (TTY), upon receipt of this notice.