

# MILWAUKEE COUNTY ETHICS BOARD

Wednesday, November 5, 2008

3:00 P.M.

Courthouse, Room 201-B

---

Present: David Carr, Chairman  
Rebecca Blemberg, Vice Chair  
Brother Bob Smith- by telephone  
Paul Hinkfuss  
Reverend Trinette V. McCray

Also present: Robert Andrews, Deputy Corporation Counsel

---

## 1.0 Roll Call

Roll call was taken. All were present, and there was a quorum. Brother Bob was present by conference telephone.

## 2.0 Approval of the Minutes for the Meeting of September 16, 2008

Brother Bob moved, Rev. McCray seconded, and the Board, by vote (5-0), approved the minutes for the meeting of September 16, 2008 as written.

## 3.0 Report of the Chairman

### 3.1 Ethics Board letter about the Use of County Resources by a County Official (for Closed Session)

Rev McCray moved, Brother Bob seconded and the Board voted (5-0), pursuant to Section 19.85(1) (f), Wis. Stats, to meet in closed session to discuss Item 3.1. Upon reconvening in open session, Chairman Carr stated that he had sent a follow-up letter with the clarifications sought by the Board and was awaiting a response from the official within 30 days.

### 3.2 Consideration of a Lobbying Manual

The Board was reminded that the preparation of a lobbying manual had been referred to Corporation Counsel's Office some time ago. Upon completion of the work on the Ethics Study Committee of the County Board, Corporation Counsel Andrews was able to prepare the manual. The manual was referred at the last meeting to the Ethics Board Independent Counsel for further review and to incorporate changes made to the manual by Supervisor Rice.

*MOTION: Brother Bob moved, and Ms. Blemberg seconded, and the Board voted (5-0) to adopt the lobbying manual as revised.*

The Ethics Board Director noted that the manual would be posted on the Ethics Board website and a copy forwarded to the County Clerk as well.

### 3.3 Request to Add and Change Lobbying Forms

3.3. A. *Principal Lobbyist Termination Form.* County Supervisor Rice had asked that the Ethics Board add a lobbying form for situations in which the principal lobbyist terminated their activities. A form existed for lobbyists to terminate their activities with the principal, but not one for the principal. Corporation Counsel Andrews had prepared a termination form for the principal, which was similar to that of the lobbyist.

*MOTION: Ms. Blemberg moved, Rev. McCray seconded, and the Board voted (5-0) to adopt the principal termination form as prepared by Corporation Counsel.*

3.3. B. *Revision to the Adopted Lobbyist Registration Form.* County Supervisor Rice had asked that the Ethics Board revise its adopted lobbyist registration form to provide more information about the lobbyists businesses. Specifically, he requested the Board revise its form to provide a notification of the ordinance language requiring registration and more information about the occupation of the lobbyist, their telephone number; whether they were a shareholder, officer or employee of the principal; the economic interest of the principal in the lobbying matter and a certification/attestation by the lobbyist. Supervisor Rice said that the old form used by the County Clerk's Office had asked for more information than the current form.

The current form had been prepared by Corporation Counsel's Office according to the requirements of the current lobbying ordinance, Section 14.03 (1). The current ordinance requires the full name, occupation and principal place of employment for the lobbyist/s; the identity of the legislative or administrative matter for which the lobbyist had been retained or which the lobbyist supported or opposed; the name, occupation and principal place of business or the person or any other form or informal

group which is directing the lobbying activities and whose interests the lobbyist is representing; and applicable fees.

Ethics Board members discussed the proposed form changes and expressed concern that the form was now in use by the County Clerk and that changes might pose administrative problems for that office. The Board generally favored the idea of a certification/attestation statement which would give notice to the lobbyist of possible penalties and saw no harm to adding the telephone number for ease in contacting the lobbyist by the County Clerk. The Board noted they had not heard of nor received complaints from anyone other than Supervisor Rice with regard to adding more information than the ordinance required. They noted Supervisor Rice provided no explanation as to why the additional information was necessary for the County Clerk to make lobbyist registrations, which was the purpose of the form. The Board decided not to take action on changing the form at this time.

Staff was directed to send a letter to Supervisor Rice asking why he preferred the old lobbyist form and why he thought the additional information was necessary, beyond the current Ch. 14 requirements, for the County Clerk to register lobbyists.

### 3.3 Ethics Board Staffing Reorganization as Recommended by the Ethics Work Study Committee

Chairman Carr indicated that he understood that Supervisor Rice was upset that the Ethics Board had not proceeded to implement a staffing reorganization to accommodate increased education on the ethics code. The report from the Ethics Work Study Committee of the County Board suggested, as a general recommendation under Item 2.2.8, that ethics education resources be expanded. Chairman Carr stated his understanding, based on the Board's review of the report when it came out in the fall of 2007, was that the purpose of the study committee was to recommend changes to the ethics code. Supervisor Rice now wanted the Ethics Board to take a lead role in requesting staff changes, which would require the reorganization of the existing staff structure.

Rev. McCray expressed concern that the Ethics Board was being asked to take responsibility for recommendations made by a study committee of the County Board. She recalled that the last time the Ethics Board was asked to take the initiative to request more funding for the conduct of and hearing of the Holloway matter, the Ethics Board's request was rejected by the County Board and the Ethics Board received controversial publicity to which she was sensitive.

Mr. Hinkfuss stated that if the Ethics Board was understaffed and the County Board wanted the education component to be more robust and had allocated

\$200,000 in the allocated contingent fund in 2008, for that purpose, the Board could proceed.

Rev. McCray asked about the county budget cycle and how likely the County Board was to use \$200,000 for ethics when key quality of life components of the budget were being cut to meet the tax levy. The Executive Director indicated, as the Board was aware, a fund transfer request was made for \$12, 234 for the website and education tutorial at the September 2008 meeting of the Committee on Finance. Supervisor Rice was irate at the meeting of the Committee on Judiciary that the full \$200,000 was not requested in a fund transfer and that the funds would lapse into the general fund if not used by the end of the year. However, even if the fund transfer had been made, it would not have been possible to expend \$200,000 within the three months remaining in 2008, and it would have lapsed into the general fund in any event. Subsequently, Supervisor Rice submitted a budget amendment for the 2009 budget to have \$175,000 placed in the allocated contingent fund for the implementation of the adopted changes to the ethics code. Attorney Andrews stated that he believed Supervisor Rice was upset that funding was approved in 2008 and that the Ethics Board did nothing to go after it.

Ms. Blemberg stated that the Ethics Board could use increased staffing with the numerous increases in the requirements that the Board had to enforce, even apart from what happened when a full investigation was underway.

Rev. McCray said she did not object if the Board was not asking for new dollars and the money had already been appropriated and was being continued into the next year.

*MOTION: Rev. McCray moved, Brother Bob seconded, and the Board voted (5-0) to support and fully implement the recommendations adopted by the Ethics Work Study Committee using the \$175,000 in the allocated contingent fund as approved by the County Board of Supervisors.*

#### 4.0 Report from the Executive Director

##### 4.1 Status Report for 2009 Statement of Economic Interests Filers

The Executive Director stated that notices had been sent out to department administrators as to who they wished to have file in 2009 and preparations had begun for the annual mailing. Because of the revisions recently made to the code, the SEI form and instruction sheet had to be changed and the new forms had to be printed. The changes to the form related mostly to increased reporting of spouse's finances and associations and code numeral changes. In order to complete the mailing timely, the Board was asked to adopt the form as revised by Corporation Counsel's Office. Corporation Counsel and the Department of Audit would have to send a letter for the December 3, 2008 meeting of the Board to formalize their approval of the changes as required under the code.

stating that they approved of the changes

*MOTION: Ms. Blemberg moved, Brother Bob seconded, and the Board voted (5-0) to adopt the revisions to the Statement of Economic Interests form as proposed.*

#### 4.2 Progress Report on Ethics Board Website with Tutorial

The Ethics Board was in receipt of the status report made by the Executive Director to the Committee on Judiciary at their meeting of October 23, 2008. The report listed the activities made to date to accomplish an increased educational emphasis which the Ethics Study Committee had recommended. The website was to be completed and available to county employees by April of 2009 and was to have many of the features of the State Ethics website. Input from county officials and administrators would be sought and integrated into the final document. The Ethics Board could expect to review the content at its meeting in February 2009.

#### 4.3 E-Mail Notice of Ethics Code changes to all County Employees

The Ethics Board was asked to approve a letter that would be sent out to all county employees to let them know about the recently enacted code changes before the new SEI forms are sent to them. Chairman Carr asked that the letter of explanation also be amended to refer to the changes that would be made relative to confidentiality under the revised code.

#### 5.0 Adjournment

Chairman Carr reminded the Board that they had set the next meeting for Wednesday, December 3, 2008 at 3:00 p.m.

Mr. Hinkfuss moved, Brother Bob seconded and the Board voted (5-0) to adjourn the meeting.

Respectfully Submitted,

Susan C. Shields

Susan C. Shields, Executive Director