

MINUTES
Ethics Board
Tuesday, June 2, 2015
Committee Room 207
5:00 p.m.

Members Present: Alderman Brian Danzinger, Dawn Foeller, Bill Vande Castle, Wa Yia Thao, Mark Olsen

Others Present: City Attorney Jim Mueller, members of the media

1. **Call to order.** The meeting was called to order by Ald. Danzinger at 5:00 pm. All members are present.
2. **Approval of the agenda.** Ald. Danzinger asks for motion to approve, B. Vande Castle motions, seconded by D. Foeller to approve the agenda. Motion carried.
3. **Election of officers.**

B. Vande Castle volunteers to be nominated as committee chairman. He has been on the Ethics Board since he believes 1998. He told the Mayor's office he'd accept a re-appointment to the board if they actually have a meeting since they have never had one before. He's thankful to the Mayor's office for getting this meeting set up. He'd be happy to get this started.

Atty. Mueller asks if there are any other nominations. No one responds.

Ald. Danzinger motions to approve B. Vande Castle as Ethics Board Chairman, seconded by D. Foeller. All are in favor. Motion carried.

Atty Mueller turns the meeting over to B. Vande Castle for nominations of the Vice Chairman.

D. Foeller makes a motion to nominate M. Olsen for Vice Chairman. B. Vande Castle seconds her motion. All are in favor. Motion carried.

4. **Set scheduled.**

Ald. Danzinger states that with most of the advisory boards they are not necessarily policy making boards. They provide insight; discuss relevant issues for the sake of the city. What he has seen is a schedule based on an as needed basis. Try to give each member at least a 2 or 3 week notice prior to any pending issue or item. If an emergency meeting needs to be called they would need a 4 person quorum. At least that's what he's seen of boards of this type. He's open for more opinions.

B. Vande Castle would like to see them meet at least once a year. At least to elect officers and get an update from Atty Mueller's office if there are any ethics opinions or anything new that's come up. Find out what their duties and responsibilities are.

D. Foeller states that she did make a copy of our code of ethics to hand out to the committee, which she hands out to the members.

Ald. Danzinger states that since the term of the committee members is 3 yrs he agrees with B. Vande Castle that they should meet at least once per year, to at least know who each other are and confirm their roles. Similar to what they do with committees. The best time to meet would be right after elections since that seems to be when most nominations occur.

Atty. Mueller suggests the meeting be annually in the spring then as needed.

Ald. Danzinger motions that they set a meeting schedule of annual meeting then meetings as needed. Seconded by D. Foeller. All approve. Motion carried.

5. Staff report.

Atty. Mueller tells the committee he will give them a brief update of what their jurisdiction is, what type of things they'll go over. There is an issue he does want to talk a little bit about since it will likely come back to them. Their jurisdiction is under our ordinance. It's really for things like financial interest, conflicts of interest at this point it has nothing to do with behavior issues by staff or elected officials. There are 2 specific clauses. What would happen is, someone would file a complaint, it would be forwarded to the ethics board and they would hold a meeting to discuss. They would have a hearing similar to one for liquor licenses. They would then forward their recommendation to one of 3 places; City Attorney's office, DA's office or the Common Council for

them to make the final determination on what is going to happen. That is currently where this board sits right now.

Something they are working on that they are probably aware of is a code of conduct for our elected officials. Speaking with Ald. Scannell and Ald. Danzinger, he thinks right now it could change but this board could also be the hearing body for those types of things. The way he sees it the complaint would be filed with the clerk's office, the clerk's office would forward to the ethics board, the chairman would scan it to make sure it is a valid complaint and it fits into a criteria where there may be a violation. It would then go before the board and they would hold a hearing. The parties would present the facts; the committee would then make a recommendation to common council, whom then would make a final decision.

In order to do this they need to have the code of conduct and amend the ordinance to give the committee the right to do this. It would be simple amended. He wants their thoughts on that.

D. Foeller asks if the code of conduct would be more about behavior and not financial and personal interest issues. Atty. Mueller states that is correct.

Atty. Mueller states most municipalities have the same type of code of ethics; they typically copy the state statute. State statutes don't deal with a lot of behavioral issues.

Ald. Danzinger states as an advisory board, they would not be the ones issuing any type of punishment or actions. They would simply be making a recommendation. The recommendation would then go to the Common Council for them to vote. Atty. Mueller states that is correct.

Atty. Mueller states that the Common Council would see their recommendation and make the final determination.

Ald. Danzinger asks the committee if they would want to have input on the disciplinary level should the need arise since he's seen this with other municipalities that have similar codes of conduct.

B. Vande Castle feels they should be the hearing body then let the Common Council impose discipline if necessary. This is because it's a peer review. He could see them sending it back to them if they had more questions. He's

concerned about the committee being the ones imposing the actual discipline.

Atty. Mueller states ultimately the Council will determine the code of conduct. They would be most likely the ones to choose the discipline.

M. Olsen states he just wants to be clear that they would be doing a finding of fact, with a recommendation for next steps. That it would be up to the council to accept or reject that. He agrees that it belongs at the peer level.

D. Foeller asks if there is any time frame as to when the code of conduct will be drafted that way they can reconvene. Atty. Mueller states he'd like to have it to council in July or possibly August. It will be some time over the summer.

Ald. Danzinger motions to receive and place on file the Staff report. D. Foeller seconds. All in favor. Motion carries.

There being no further business, motion by M. Olsen to adjourn, seconded by D. Foeller. Motion carried.

Respectfully submitted,

Deanna DeBruler