

MILWAUKEE COUNTY ETHICS BOARD

Thursday, September 17, 2009

3:00 P.M.

Courthouse, Room 203-R

Present: David Carr, Chairman
Rebecca Blemberg, Vice Chair, present by speakerphone
Paul Hinkfuss
Henry Hamilton
Christian Flores

Excused: Helen Sobehart

Also present: Robert Andrews, Deputy Corporation Counsel

1.0 Roll Call

Roll call was taken. All were present, except for Helen Sobehart, who was excused, and there was a quorum.

2.0 Approval of the Minutes for the Meeting of April 28, 2009

Mr. Hinkfuss moved, Mr. Flores seconded, and the Board, by vote (5-0), approved the minutes for the meeting of April 28, 2009 as written.

3.0 Report of the Chairman

3.1 Approval of the County Executive's New Appointee-Helen Sobehart

Chairman Carr informed the Board that the County Executive had nominated Helen Sobehart as a member of the Ethics Board and the County Board of Supervisors had approved the appointment in their July legislative cycle. Ms. Sobehart was filling the vacancy created by the resignation of Rev. McCray. Ms. Sobehart could not attend her first meeting due to a prior commitment to host an education seminar in Germany.

3.2 Request by Supervisor Weishan to Speak on the Ethics Advisory relating to the County Executive's June 2009 Motorcycle Tour

Chairman Carr indicated that he had received a written request from Supervisor Weishan concerning the Ethics Board advisory that had been given to the County Executive and his June 2009 Motorcycle Tour. The county executive released the advisory to the public. Supervisor Weishan asked to address the Board regarding his concerns. Chairman Carr welcomed his comments. Supervisor Weishan noted that under the recent ethics code revisions, any advisory request to the Ethics Board had to be in writing per Section 9.09 (1)(c) 1. Supervisor Weishan said he had requested a copy of the County Executive's advisory request and none could be provided because the County Executive did not make his request in writing. Supervisor Weishan stated that the Board should be cognizant that they needed to follow the procedures in the ordinance and that exceptions should not be made because of elected position. Chairman Carr responded that he was contacted by Deputy Corporation Counsel, Robert Andrews, about the County Executive's request and that he received a complete assessment of the facts before signing the letter.

Supervisor Weishan also pointed out, that it was known well in advance of the June event that the County Executive would be making his annual motorcycle ride, and yet the County Executive waited until June, just before the event, to ask for the Ethics Board's advice. As a consequence, the full Ethics Board could not review and give its approval until its September meeting, well after the event took place. Supervisor Weishan noted that the difference between the County Executive's 2009 advisory request and past advisory requests was the proposal by Air Tran Airways to pay the County \$2,800 for the opportunity to advertise on the ride. Supervisor Weishan believed the \$2,800 was a thinly disguised campaign contribution to County Executive Walker and his campaign for Wisconsin governor. Supervisor Weishan noted that Air Tran had a contractual proposal before the County Board, adopted March 19, 2009, and surmised that the delay in submitting the advisory request to the Ethics Board was deliberately done to avoid compliance with Section 9.05(2)(k) of the ethics code which prohibited campaign contributions to county officials with approval authority during the period of consideration of the contract. This was a manipulation of the ethics code and the process.

Chairman Carr stated that he responded to the County Executive's request on June 4, 2009, which was before the event occurred. The Ethics Board had delegated authority to him to act on their behalf in such situations to avoid after-the-fact advice. Chairman Carr stated that he was not aware that Air Tran had a contract before the County Board in March of 2009, but that no action was taken during the period of consideration, which is what the ordinance required. The ordinance did not ban campaign contributions by vendors or contractors. Further, he was not aware that Air Tran made a contribution to the County Executive's campaign for Governor. His understanding was that the \$2,800 was a donation that went to Milwaukee County as part of the business development and promotion of county business. The money was used for Air Tran brochures and advertisements.

Supervisor Weishan stated that he understood that the money was sent to the County Executive's Office and he took the check. The difference between this year and previous years is that the County Executive was a declared candidate for Governor.

Lastly, Supervisor Weishan stated that he made an open records request to the County Executive's Office for the Air Tran's e-mails and was denied. He was told that they were private transmissions between Dorothy Moore, a Coordinator in the County Executive's Office, and Air Tran, which were made on her private computer. Supervisor Weishan did not see how the County Executive could claim that the \$2,800 was for county business, but all the transactions were conducted in private. He saw this as a red flag that the Ethics Board should note. The Ethics Board needed to look more closely to resolve many of the questions he raised. Deputy Corporation Counsel Robert Andrews stated that the open records issue was before the Wisconsin Supreme Court. Supervisor Weishan stated that it set a bad precedent to deny access to e-mails from the County Executive's office and for the County Executive to conduct behind-the-scenes, private transactions for county business or to use his county office to further his political campaign.

3.3 Requests for Confidential Advisories

Mr. Hamilton moved, Mr. Hinkfuss 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- Requests for Confidential Advisories." Upon reconvening in open session, Chairman Carr stated there was no further action for the Board to take at this time.

3.4 Reports on Lobbyists

3.4. A & B Reports on Lobbyists

The Board reviewed the Lobbyist Expenditure Report from County Clerk Czarnecki dated January-June 2009, and Lobbyist Registration Report for the 2nd Quarter of 2009. The reports were received and placed on file. No action was required.

4.0 Report from the Executive Director

4.1 Progress Report on Ethics Board Website

The Executive Director reported the Website Subcommittee, consisting of David Carr, Rebecca Blemberg, and Christian Flores, with the Executive Director and Deputy Corporation Counsel Andrews in attendance, met twice in May and June 2009 to review the content of the website tutorial questions and made modifications. The full content of the website, as revised, was submitted to IMSD mid June. The County Executive prepared a video insert in July. It was expected that the website would be completed in three to four weeks, but the project was delayed because of other IMSD priorities. The Ethics Board Director was assured by the project manager that the website would be online by the beginning of October 2009.

4.2 Progress Report on Ethics Board Request-for-Proposal

The Executive Director informed the Board that a request-for-proposal for outside professional services for ethics education and training had been let on July 30, 2009 and posted on the County procurement website. There were two responses and an evaluation committee reviewed and scored the proposals and would be making a recommendation for approval of a professional services contract for Centofanti Phillips, S.C. to the Committee on Judiciary on October 22, 2009. A fund transfer request would be submitted to the Committee on Finance for their October 29, 2009 meeting to transfer the full \$170,000 from the Allocated Contingent Fund into the Ethics Board budget for expenditure on the contract over a three-year period. A new contract would have to be made for Centofanti Phillips, S.C, which would have to get the standard approvals by Corporation Counsel, MBE/DBE, and Risk Management.

5.0 Adjournment

Chairman Carr reminded the Board that a meeting schedule had been set for the year. The next meeting was Thursday, November 12, 2009 at 3:00 p.m. A reminder notice would be sent to all Board Members to mark the meeting on their schedules.

Mr. Hamilton moved, Mr. Flores seconded and the Board voted (5-0) to adjourn the meeting.

Respectfully Submitted,

Susan C. Shields

Susan C. Shields, Executive Director