

Ethics Board Minutes

June 3, 2016

A. CALL TO ORDER

Clerk Stamm called the meeting to order.

B. ROLL CALL

Members present at roll call were Dave Deininger, Gary Becker, and Alternate Mary Mezera. Brooke Bauman and Bridget Cooke were also present.

C. ELECT A CHAIRPERSON AND A VICE-CHAIRPERSON

Gary Becker nominated Dave Deininger as Chairperson. There were no other nominations. Mary Mezera made a motion to close the nominations. Gary Becker seconded the motion. Motion carried. (Dave Deininger was elected the Chairperson)

Dave Deininger nominated Gary Becker as Vice-Chairperson. There were no other nominations. Mary Mezera made a motion to close the nominations. Dave Deininger seconded the motion. Motion carried. (Gary Becker was elected the Vice-Chairperson)

D. CORRECTION OF MINUTES

None

E. DISCUSSION

Discuss and render advisory opinions regarding whether or not it may be a violation of the ethics code for certain alderpersons to deliberate and vote on the matter of hiring a new law firm for general attorney and prosecution services in conjunction with the appointment of a new city attorney.

1. Alderperson Michael Boyce (brother-in-law to Todd Schluesche)

Chairperson Deininger gave an explanation about concerns that were received from Alderperson Michael Boyce and explained the City Code. Alderperson Boyce arrived at the meeting. Vice-Chairperson Becker then questioned his participation because Alderperson Boyce and Todd Schluesche are related to the Brennan family (Brennan's Market) who purchase vehicles from Alphorn Ford. Becker said he has a financial interest in Alphorn Ford. He has been out of the day to day operations for over a year now, but was not sure if it would be an issue. Also, Dan Bartholf's father coached his son. Chairperson Deininger said the financial interest provisions of the code have to do with spending city money to benefit a personal interest. If it was the city's money then it would be a potential issue, but since it's selling cars in day to day business, it was okay. The Board generally agreed that this is not an issue. Discussion ensued. The definition of personal interest was discussed.

Chairperson Deininger asked Alderperson Boyce to give his interpretation and Alderperson Boyce said he was unsure of the interpretation and that's why he is here. Todd Schluesche is his brother-in-law so he fits the definition of a relative. He read part of the Code of Ethics where it

talked about support. Discussion took place. Since this is a relative, he is not financially obligated to support or is supporting him, then it does not apply. More discussion took place. The wording of an interest greater than nominal that would affect city business related by marriage could potentially be an issue. More discussion took place. It was decided that since Todd Schluesche is not immediate family and is not supported by or gives support to Alderperson Boyce, that this should not be an issue. Chairperson Deininger said it is important to disclose this information before the vote so that it is reflected in the minutes. He also said the State Ethics Board does not prevent him from voting, however, if Alderperson Boyce feels he is too close to Todd Schluesche to be objective, then he can choose not to vote. More discussion took place. Chairperson Deininger put to the board this decision; the city ethics code is not an obstacle to Alder Boyce participating in this decision due to his relationship with Mr. Schluesche.

Everyone was in agreement. Clerk Stamm commented that a motion needs to be made. Mary Mezera made the motion that there is not a violation of the ethics code for Alderperson Boyce to deliberate and vote on the matter of hiring a new legal firm. It was seconded by Vice-Chairperson Becker. The motion carried unanimously on voice vote.

2. Alder Brooke Bauman (a represented employee of the Monroe School District working at the library) Dan Bartholf serves on the Monroe Board of Education and is the representative on the Library Board of Trustees. The Monroe Board of Education is responsible for adopting the wages and job duties of the represented employees working at the library.

Chairperson Deininger explained the situation. Alderperson Bauman brought in a page of the school handbook showing that the school district decides pay based on the category she and others fall into, not her individually. The school board does not do her reviews or job description. It was asked who had hiring and firing power over her position. Alder Bauman said that person is the Library Director. Discussion took place.

Chairperson Deininger said the next step is to look at the provisions of the code that may apply. The provision regarding association with an organization is inapplicable. The only question is does Dan Bartholf have some sort of leverage over Alder Bauman because of his association with the school board and library board. Chairperson Deininger commented that Dan Bartholf is one of nine members of the school board, which is a governmental body and all decisions that he would make or participate in would be open and subject to scrutiny. More discussion took place. A motion was made by Vice-Chairperson Becker that it is not a violation of the ethics code for Alderperson Bauman to deliberate and vote on the matter of hiring a new firm for city attorney and related services. Motion seconded by Mary Mezera. Motion carried unanimously on voice vote.

3. Alder Jeff Newcomer (Athletic Director for Monroe School District). Dan Bartholf serves on the Monroe Board of Education and is a member of the compensation committee.

Chairperson Deininger explained the situation. The personal interest part of the code was looked at. Discussion took place. There was a question regarding how many people are on the

compensation committee for the school board. More discussion took place. Vice-Chairperson Becker said the school board is still a governmental body so subject to the same as Alderperson Bauman. The ultimate governance would be the nine person school board, not Dan Bartholf alone. More discussion took place. Chairperson Deininger said that he does not see any direct conflict. If Alder Newcomer feels he should not participate, that is up to him and he could recuse himself. Chairperson Deininger could not find anything in the code that he is violating. More questions and discussion took place. Mary Mezera made the motion that it is not a violation of the ethics code for Alder Newcomer to deliberate and vote on the matter of hiring a new firm for city attorney and related services. Motion seconded by Vice-Chairperson Becker. Motion carried unanimously on voice vote.

F. ADJOURNMENT

A motion was made by Mary Mezera and seconded by Vice-Chairperson Becker to adjourn. Motion carried on voice vote.

Carol J. Stamm, CMC/WCMC
City Clerk/Director of General Government