

GOVERNMENT ACCOUNTABILITY BOARD

The Government Accountability Board convened at 10:00 a.m., on Thursday, August 23, 2007, in the Wisconsin Legislative Council Conference Room.

MEMBERS PRESENT: Honorable Michael Brennan; Honorable Thomas Cane; Honorable David Deininger; Honorable William Eich; Honorable James Mohr; and Honorable Gerald Nichol.

STAFF PRESENT: Terry C. Anderson, Government Accountability Board Interim Director; and Wendy Ulrich, Legislative Council Support Staff

GUESTS PRESENT: Kevin Kennedy, Executive Director, State Elections Board; and Roth Judd, Director, Jonathan Becker, Legal Counsel, Barton Jacque, Assistant to the Director, and Tommy Winkler Jr., Assistant to the Director, State Ethics Board.

Interim Director Terry C. Anderson stated that the first order of business was for the Government Accountability Board members to sign an official oath, required by statute for per diem and expense reimbursement. The oaths were signed, notarized, and delivered to the Government Records Division of the Secretary of State's Office.

The next order of business was drawing a name from all six members that would serve as chair until January 2008 when the process is repeated. Judge Brennan (the first nominated member) drew the name of Judge Cane as chair.

Chair Cane called the meeting to order and asked that the roll be called. The roll was called and a quorum was noted present.

Chair Cane asked that Mr. Anderson briefly review the agenda for the Board members.

Mr. Anderson reviewed the agenda and materials that had been distributed to the members in advance of the meeting.

**Overview of Act 1 and
Open Meetings and Records Law
Don Dyke and Ron Sklansky, Senior Staff Attorneys
of the Wisconsin Legislative Council**

Don Dyke and Ron Sklansky shared their observations on the legislative intent of Act 1 with the Board members.

A few questions were raised by Board members regarding when the Board takes effect, why six members were selected, and provisions for venue.

Judge Deininger asked if staff could put together the revised statutes that were affected by Act 1. It was agreed that this document would be distributed to the Board members.

Mr. Sklansky reviewed with the Board the Open Meetings Law and open records. His discussion addressed procedures for closing meetings to deal with personnel issues.

**Other States' Experiences in
Regulating Elections and Ethics
Carlos Montoya, Legislative Council Legal Intern**

Because Wisconsin is the first to bring ethics and elections regulation under one board, Legislative Council Carlos Montoya conducted a review of surrounding states (Illinois, Indiana, Iowa, Michigan, and Minnesota). Mr. Montoya briefly described his findings to the Board, comparing member selection, jurisdiction and powers of election, ethics, and lobbying boards of these surrounding states. Mr. Montoya also distributed a summary memorandum to the Board.

**Overview of Elections Board Rules and Policies
Kevin Kennedy, Executive Director, State Elections Board**

Mr. Kennedy presented the Board with a packet of materials regarding the required review of State Elections Board rules, orders, formal opinions, and certain internal operating procedures by the State Elections Board.

The Board questioned how many positions the Elections Board has. Mr. Kennedy responded that there were 41 authorized positions.

**Overview of Ethics Board Rules and Policies
Roth Judd, Director, State Ethics Board**

Mr. Judd explained the handout he distributed to the Board members describing the mission and statement of principles of the State Ethics Board. He completed his discussion with 10 goals he felt were the main goals of his staff's operations. He pointed out that Goals 3, 4, and 5 were the heart of the staff's operations:

- 3 Identify for the public the businesses, organizations, and individuals attempting to influence governmental decisions, the issues in which they have an interest, and other pertinent information
- 4 Provide information about governmental officials' financial interests to confirm for the public the absence of conflicting interests or to identify conflicts meriting attention
- 5 Identify for the public which state agencies are purchasing what services and products from whom, at what cost, and through what process

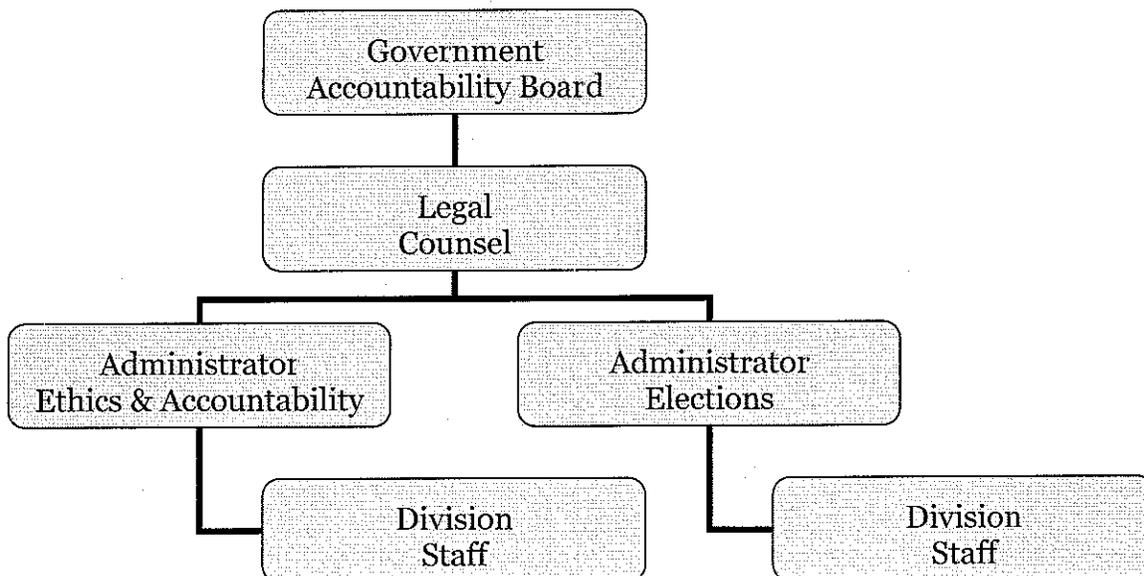
The Board asked how many staff positions the Ethics Board has. Mr. Judd responded there were six, including himself.

Board Discussion of Qualifications and Duties of Legal Counsel and Staff Organizational Structure

Mr. Anderson explained that the Elections and Ethics Boards continue to function until the Government Accountability Board has hired three key staff (Legal Counsel, Ethics and Elections Administrators). He referred the Board to the two organizational charts in the memorandum previously sent to Board members and reminded the members that they needed to decide on the structure they wanted. He explained to the Board the differences of these two structures.

A brief discussion among the Board members on the organizational structure ensued follow by:

It was moved by Judge Eich, seconded by Judge Nichol, to choose the hierarchical structure which would have the Legal Counsel act as Chief Executive Officer of the Government Accountability Board:



The motion was approved by unanimous voice vote.

Upon the decision that the Legal Counsel would act as the Chief Executive Officer of the Government Accountability Board, Mr. Anderson presented to the members a suggested job description of the position for the Board members' review. He stated that he would be happy to help in the recruitment process and act as the custodian of record for incoming applications.

After a brief discussion on how long this recruitment should last:

It was moved by Judge Nichol, seconded by Judge Eich, to advertise this position for two weeks. The motion was approved by unanimous voice vote.

Chair Cane suggested that the Board members take the description for the Legal Counsel with them and over the next week review and make any changes to this description they deem necessary. Suggestions would be e-mailed to Mr. Anderson who, in turn, would e-mail them to all the Board members. Upon receipt of all the members' suggestions, the description would be redrafted and submitted to Board members for further review. During this process, copies of all e-mail documents are available for public inspection at the Legislative Council offices during regular business hours.

After further discussion, it was brought up by Board members that perhaps the two-week advertisement period would not be long enough.

Judge Nichol amended his earlier motion of advertising for two weeks to three weeks. The motion was approved by unanimous voice vote.

The Board members also decided that this search should be statewide.

Mr. Anderson recommended to the Board members that there is considerable merit in first recruiting and selecting the Legal Counsel and then have that employee's involvement in the selection of the two division administrators, as well as the organization of the office prior to the merger of the two existing boards. The Board members agreed with this recommendation.

Board Directives for Next Meeting

The Board members agreed that once the description was decided on for the Legal Counsel position, the advertisement would be posted and that all applications would be sent to Mr. Anderson. Prior to the next meeting, copies of the applications would be sent to all members for their review. It is the Board's intent to have these interviews conducted at the next meeting of the Government Accountability Board.

Judge Nichol asked if it was possible to schedule all the Board's meetings for the next year. Chair Cane said that in fairness to all members, they would set up the next

meeting and ask that all members bring their calendars with them at the next meeting and set up all future meetings at that time.

The next meeting is scheduled to be held on Thursday, November 1st, at 10:00 a.m., in the Legislative Council Conference Room.

Judge Mohr asked Mr. Kennedy and Mr. Judd to put together their transitional issues and submit them to the Board. This would be on the agenda for the next meeting.

Judge Nichol said that if Mr. Kennedy and Mr. Judd wanted to start exploring some office space areas, to do so and also report to the Board at the next meeting. It was agreed by the Board that this should be private, not state, owned office space. They could also look for space that would house all employees or as suggested by Mr. Judd, two different locations, one located on and one located off the square.

In response to budgetary issues during the transitional period, Mr. Anderson and Chair Cane were directed to visit with the Joint Finance Committee Co-Chairs.

The committee adjourned at 2:35 p.m.

Respectfully submitted,

Terry C. Anderson
Interim Director
Government Accountability Board

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