

**CITY OF MADISON
CITY ATTORNEY'S OFFICE
Room 401, CCB
266-4511**

August 7, 2001

OPINION 01-005

TO: Hickory Hurie, CDBG

FROM: Eunice Gibson, City Attorney

SUBJECT: **APPLICATION OF STATE AND LOCAL CONFLICT OF INTEREST LAWS
TO ALDERWOMAN BRENDA KONKEL'S EMPLOYMENT WITH
TENANT RESOURCE CENTER**

You have asked my opinion as to whether state or local laws would be violated in the following fact situation: Alderwoman Brenda Konkel was elected to the Common Council in April of this year. Ms. Konkel is Executive Director of Tenant Resource Center, which applied for Emergency Shelter Grant (ESG) funds through the City's Community Development Block Grant (CDBG) office before her election to the Common Council. The funds are to be used for homelessness prevention activities. The CDBG Commission approved the application, and a resolution authorizing the allocation was adopted by the Common Council prior to Ms. Konkel's taking office. It is expected that Tenant Resource Center will apply for ESG funds through the City's CDBG office in 2002.

Such a situation may violate U.S. Department of Housing and Urban Development Conflict of Interest Regulations for the ESG program, at 24 CFR 576.57. I understand that you have requested HUD to grant an exception, as provided in Secs. 576.57(d) and 570.611(d) and (e) of the Regulations. This exception cannot be granted if the situation described above would constitute a violation of Wisconsin law or Madison Ordinance.

Section 946.13, Wis. Stats., entitled "Private Interest in Public Contracts Prohibited" forbids publ