

**MINUTES
ADVISORY COMMITTEE
Thursday, May 3, 2007
City Hall, Council Chambers
6:00 P.M.**

MEMBERS PRESENT: Council President Chad Fradette, Council Vice-President Chris Wery, Ald. John VanderLeest, Ald. Tom Weber, Ald. Celestine Jeffreys, Ald. Jerry Wiezbiskie

OTHERS PRESENT: Ald. Tony Theisen, Ald. Steven Deneys, Ald. Thomas De Wane, City Staff, Members of the Media, members of the public

1. Call to order.

Chairman Chad Fradette called the meeting to order at 6:15 p.m. At the start of the meeting, all members were present with the exception of Ald. Tom Weber, who was out of town and arrived at 8 p.m. Ald. Theisen also arrived at this time, and had attended County committee meetings.

2. Request by Ald. Fradette to consider revising Green Bay Municipal Code Chapters 6, 11, 17, 19, and 33 to prohibit issuance of licenses and permits to illegal aliens, and prohibit businesses from employing the same, with penalties including, but not limited to, revocation.

Ald. Fradette reviewed the documents that were distributed to the Council members, which included: a copy of the proposed City of Green Bay Citizen and Legal Immigrant Protection Act ordinance, a letter from Ald. Fradette responding to a letter from the Mexican American Legal Defense Educational Fund, a letter from JOSHUA, and a statement on local immigration initiatives from Bishop David Zubik. He explained the order of the meeting which will be to decide if the Committee wishes to go forward with this ordinance, he will read through the ordinance and will have public comment, followed by committee member and aldermen comment. He stated that he will limit the time for comment to two to three minutes and asked that everyone be respectful.

Chairman Fradette said enforcement of this ordinance will be discussed at the Protection & Welfare Committee, if the committee chooses to go forward with this ordinance. He stated that this ordinance is as tough as the City can be, without being preempted by federal law and said that the City cannot propose fines, which many people have asked for.

Chairman Fradette read the proposed ordinance. He stated that the City will not allow businesses to discriminate based on race or country of origin and this will not be tolerated. Discriminatory practices will be basis to revoke a license of a

business. Ald. Fradette said this ordinance will only apply to employees and contracted companies who work within the City of Green Bay. He stated that they are strongly encouraging employers to screen their employees through the Basic Pilot Program, before hiring. He said in section 5.0 Revocation and Nonrenewal of Licenses, a license holder will have their day in court before the Protection & Welfare Committee, the same as the city uses for liquor licenses.

Motion made by Ald. Jeffreys, seconded by Ald. Wiezbiskie, to open the floor to allow interested parties to speak. Motion carried.

The following people spoke in opposition to the ordinance:

Matthew Hollenbeck, 1012 Winford Ave., Green Bay; Chairman of the Mayor's Hispanic Advisory Council
Helen Schwartz, 159 Apple Tree, Green Bay; League of Women Voters
Christina Ortiz, 1917 Lakeside Place, Green Bay
Dick Vogels, 2709 Nicolet Dr., Green Bay; owner of Vogels Appraisal Group; member of JOSHUA
Jeanette Dufleck, 440 Eliza St., Green Bay
Jairo Huilar, 600 Forest, Green Bay
Ann McLean, 1673 Twin Lakes Circle, Green Bay
Sr. Maria Drewiecki, 805 N. Chestnut St., Green Bay
Rosemary Hinkfuss, 1002 S. Monroe Ave., Green Bay
Tom Winske, 1611 Kalahari Dr., Green Bay
Jean Riquelme, 3625 Point Lane, Green Bay
Bob Forster, 770 E. Alberti, Manitowoc, UMOs
Fr. Kenneth DeGroot, 209 S. Adams St., Green Bay
Engracia Enriquez, 1508 Guns Rd., Green Bay
Paul Jadin, 2874 Lobelia Court, Green Bay, distributed a copy of an article he wrote for the Bay Business Journal which addresses the need for comprehensive immigration reform.
Kathy Lefebvre, 1731 E. Shore Circle, Green Bay
Marcelo Cruz, 100 W. Walnut St., Green Bay
Alem Asres, 3065 Westpoint Rd., Green Bay
Karen Johnston, 479 St. Bernard Dr., Green Bay
Taku Ronsman, 1688 Beaver Dam Dr., Green Bay
Chico Ramirez, 1933 Deckner Ave., Green Bay
Fr. Bill Ribbens, 1060 N. Broadway, DePere
Amy Olson Guillén, 1721 E. Shore Dr., Green Bay
Peter Kellogg, 3791 Grove Rd., Green Bay
Eulalia Riojas, 609 N. Ashland Ave., Green Bay
Veronica Castro, 1211 Sandstone, Green Bay
Ron Morris, 306 N. Clay, Green Bay

The following people spoke in favor of the ordinance:

Mike Thompson, 1000 Lime Kiln Rd., Green Bay
Glen Schwalbach, 1424 Harbor Springs Circle, Green Bay

Motion made by Ald. Vanderleest, seconded by Ald. Wery to return to regular order of business. Motion carried.

Ald. Wiezbiskie thanked everyone for attending the meeting and said it was good to hear from those who spoke. He read excerpts from letters he received from his constituents which included “government policies must respect the basic human right of all people”, and “embracing our differences rather than rejecting them will lead to a better world”. The letters stated that the City Council should prepare a statement to enlist the help of our elected state and federal officials for immigration reform. One letter stated that they are opposed to using the laws, ordinances, and regulations of the city to enforce federal immigration rulings which will cause us to be potentially faced with violence and unnecessary police actions. He cited a CBS poll taken in May, 2006 which suggests that 77% of Americans would support a path for legalization for illegal immigrants who paid a fine, had been living in the country for five or more years, had no criminal record and paid back taxes and learned English. Two other polls were cited with much of the same language. One letter stated that Ald. Fradette needs to pay attention to his district and quit trying to be Mayor, Governor, and Congressman all rolled into one. The letters went on to say that they didn’t believe that illegal aliens are overcrowding our schools, overtaxing our emergency rooms and hospitals, are the cause of crime, or are taking jobs from Wisconsin residents.

Ald. Wiezbiskie addressed some of the comments made at the meeting such as “don’t waste our tax dollars on these issues” “wrong terminology used in the ordinance”, “get people out of Green Bay”, referred to Council making hurry up decisions regarding pawn brokers, sex offenders residency. He believes this is not the way to build a good city. He summed up by stating that his constituents demand that Council get back to doing what they were elected to do, not federal, not state issues, but city issues. Ald. Wiezbiskie stated that he agrees with Paul Jadin, who recommended that the Council get on board to urge our state and federal officials to deal with these issues. He said he does not support this proposal and never will.

Ald. Jeffreys stated that she and her husband came to Green Bay from California, because of the reputation of Wisconsin, its education, its progressive politics and its Midwestern family values. She stated that she has been opposed to this measure from the beginning and has not seen anything in the changed measure that would change her mind. She stated that the Immigration Control Act of 1986 took ten years and said the current proposed ordinance has gone through at least four revisions. She cited examples of Hazelton, Pennsylvania, Avon Park, Florida and Espidito, California, who tried a similar comprehensive ordinance and were either sued or backed off with the threat of being sued. She stated that if the City of Green Bay believes they can pull a license of a business

owner if the Federal Government finds that they have been found in violation of the law, we don't get off that easy. Ald. Jeffreys stated that she learned much about Federal Immigration law, adding that it's complicated. She said even with the current changes, she does not support this ordinance. She said from the beginning of our Constitution, there have been battles with discrimination and she does not believe one sentence in an ordinance will prevent that, adding that this measure is superfluous. She stated that the City has had the ability to take licenses since the Immigration Reform and Control Act of 1986, and said there is very interesting law that states if the Federal Government finds that you are in violation of the Immigration laws twice and if your violation is related to your license, then the municipality can revoke the license of the business owner.

Ald. Jeffreys feels this measure has a chilling effect on businesses in Green Bay. She said many aldermen have spoken eloquently on how we need to encourage both small and large businesses to develop in Green Bay. She stated that these kinds of measures are nothing but echoes because the Federal Government has devised a scheme to take care of this, adding that the Federal Government needs to do more. She said this is not the city's purview and said that she believes the way the ordinance is currently drafted, it does not absolve the City. She asked what precisely is the problem in Green Bay, other than the general national issues that we have of unauthorized aliens working in our community? In summary, Ald. Jeffreys said when we do things like this, we need information, research, position papers possibly, staff to provide written documentation. She said she wants a Council that is thorough, that thinks things all the way through with research ahead of time. She said she knows that she sits on a Council that understands complex social and political issues and who also understands that those complex social and political issues do not call for simple solutions.

Ald. De Wane thanked everyone who attended the meeting and gave testimony. He stated that he learned a lot at this meeting and said he attends the Improvement & Service Committee meetings and a couple of months in a row, businesses come forward and complained about being underbid because they felt the bids were unfair, adding that the illegal immigrants were being hired and the contractor could cut their cost. He indicated that he talked with a few of the immigrants who said they were afraid to attend the meeting tonight and speak, for fear of losing their job. Ald. DeWane admitted that he did not do his homework on this issue.

Ald. DeWane state that we have a lot of Hispanic businesses opening and they come before the Protection & Welfare Committee, of which Ald. DeWane is a member, and said one young Hispanic woman stuck with the Committee until they successfully were able to approve her license, adding that the City does try. He cited an example of a young Hispanic couple whose license was coming up, and P&W went in closed session and did not deny their license. He indicated that he was surprised when the media brought up that Council was targeting the Hispanics, adding that if this issue had come up twenty years ago, it would have

been the Hmong population who felt they were being targeted. He stated that he has many Hispanic friends and this is not a racism issue, and said that he's willing to listen and to learn. He indicated that he received two negative emails regarding this issue, from Fr. Ken DeGroot and Sr. Melanie and the balance were positive. He summed up by stating that we have to listen and learn, and again said he didn't do his homework on this one.

Ald. Weber apologized for arriving late, as he was out of town. He said there were good discussions and said we tend to get emotional about issues such as this. He mentioned a few things he heard from citizen comments such as "election threats", denial of all statistics, that illegal immigrants have no impact on our economy, accusations of bigotry and racism, which are comments made and should have no place in this argument. He said the glaring fact that rears its head to him is in the terminology "illegal". He said it's fine to disagree with laws but how we do it in an organized society is we change the laws. He stated if the Federal laws are wrong, contact your senator or congressman. Ald. Weber said he took an oath to uphold the constitution of Wisconsin and the laws of Green Bay and said from that standpoint he has to support the ordinance. He agrees with Ald. Jeffreys that this is a Federal issue but said government doesn't want to tackle the federal issue or enforce its own laws sometimes. He disagrees that this issue is not in our purview. He said we are a country made up of 50 individual states and the states are supposed to have more rights than the Federal Government. He said in our society the power lies at the bottom, with the people, adding that it starts with the people and respects the gentleman who said he spoke for the silent majority who favor this action. He stated that the majority of people on the populous side of a decision often do not attend the meetings and he disagrees that the people who are here represent a microcosm of the population. Ald. Weber said the majority of the emails he received were in favor of the ordinance. He admitted that he did not have the time to research the item such as a few other aldermen have done. He said he supports the ordinance and feels it's the appropriate thing to do and welcomes and hopes that everyone who works in this city is here legally.

Ald. Vanderleest gave a general statement of support for comprehensive immigration reform, stating that the country needs it and said many social and economic issues have been ignored the past several years. He said many people who spoke against the ordinance tonight had an issue with the Purpose section and he feels that the entire first paragraph of that section, as well as the first sentence in the second paragraph, and the word "therefore" could be deleted. The wording would then start with..."The City of Green Bay expects that those who wish to be licensed to conduct business within the City"..... He said this would get away from the emotional items and would be more on fact. He said to continue to encourage illegal activity in Green Bay would not be good for the long term. He stated that we need support from the Federal Government from immigration officers in handling crimes that are committed by illegal immigrants and how they are released back into the community.

Motion made by Ald. Vanderleest, seconded by Ald. Weber, to amend the ordinance to delete the entire first paragraph, the first sentence of the second paragraph and the word “therefore” in the Purpose section.

He again stated that we should stick to facts, not feelings.

Ald. Weber agreed that the Council should stick to the facts. He asked Atty. Hanson if striking the lines that Ald. Vanderleest proposed, weakened the proposal. Atty. Hanson responded “no”. Ald. Fradette said he has no objection to striking these lines.

A roll call vote was taken on the motion to amend to the ordinance. The vote was as follows: Ald. Wery – aye, Ald. Vanderleest – aye, Ald. Wisbiskie – aye, Ald. Jeffreys – aye, Ald. Weber – aye. The motion was carried unanimously.

Ald. Wery stated that he also spent a lot of time studying these issues and said everyone admits that the Federal Government is not acting. He said this ordinance has nothing to do with racism, as everyone who knows him will tell. He stated that the vast majority of our City Council is very respectful of all people. Ald. Wery said this is not a simple issue of humanity, but a complex one of legality and the incredible burden that these undocumented immigrants force on U.S. citizens. He cited statistics from the Federation For Immigration Reform, which listed state studies done in California, listing the cost of medical, education and incarceration for illegal immigrants to be \$10.5 billion, Arizona \$1.3 billion, New York \$5 billion, Texas \$4 billion, Florida \$1.7 billion. He said the cost of medical care for uninsured immigrants is passed on to the taxpayer and strains the financial stability and healthcare of the community. He stated that illegal immigrants undergo no medical screening. According to an article from the Journal of American Physicians and Surgeons in spring, 2005, by default, health passes are granted to illegal immigrants yet, they harbor fatal diseases that American medicine fought and vanquished long ago, such as drug resistant tuberculosis, malaria, leprosy, plague, polio. He stated there is also something called Anchor Babies, where each year thousands of women enter the U.S. illegally to give birth, knowing that their child will have U.S. Citizenship and their child immediately qualifies for a slew of federal, state and local benefit programs.

He stated that illegal immigrants undermine legal immigration and said there is a list of several million eligible people waiting to be legally admitted as immigrants to this country. He stated that some of them have been on the waiting list for many years waiting for one of the numerical visas to become available. Ald. Wery stated there are many studies available on the cost of medical, education, law enforcement and said these costs are not offset by the taxes paid by illegal immigrants. He stated that these taxes would be paid anyway by the citizens that they are displacing. He stated that this issue has no easy solution but that does not mean they give up, but try harder. Ald. Wery said more and more cities

are exploring this type of legislation because the system is broken. He said we can address it one city at a time until the Federal Government acts and he said the purpose as stated, he believes was factual but is o.k. with taking it out. In summary, he stated that we are a welcoming country, a welcoming city and are the most generous nation. He said apply and come here legally and fully enjoy all our benefits freely, and said we have welcomed the legally entered Hmong community. He said we have compassion and the Statue of Liberty does not say give us ALL your poor, or it would collapse our nation. He said the vast silent majority knows there is a problem and they are thankful that Council is trying to do something about it.

Motion made by Ald. Wery to approve the ordinance as amended. Motion seconded by Ald. Vanderleest.

Discussion: Ald. Theisen apologized for arriving late due to county standing meetings, and said he will review the audio of the public testimony. He stated that he's going to focus on the motion before the committee and was told that the ordinance was available to the aldermen and the public only at the start of this meeting. He agrees that it was good to narrow down the purpose section of the ordinance. He expressed disappointment that the Police were not brought in from the beginning to tell Council what they could or could not do. He recalled the original language with much discussion was amended by Ald. Zima to such that he thought it was going to be automatic and wasn't sure there would be a quasi judicial hearing. Ald. Zima's amendment stated that if this stipulation is violated, the license should be pulled. He said in several venues he heard that because the Federal Government isn't doing anything, we have to do it, with the belief that we could pass something and do something and the Federal Government would have no say. He stated that this is not true and the City Attorneys corrected the last sentence to reflect this. Ald. Theisen said he believes the City has always had the right to revoke a license without having an ordinance; therefore he doesn't believe this ordinance adds anything to the local toolbox. He further understands that the local Police may provide information to the Federal Government that a Federal law is being broken, which Atty. Hanson confirmed. The Police cannot bring this information to a city committee and request action, however. He said nothing is going to happen unless the Federal Government makes a determination. He believes the Police can decide whether they want to report violations to the Federal Government, and this can be done without an ordinance, adding that he doesn't believe the ordinance legally changes anything. Atty. Hanson said the ordinance emphasizes that as a condition of these licenses the Council is making a determination that if we believe there is a violation, it would ultimately affect that license. Ald. Theisen said this still cannot be accomplished without the Police Dept. and the Federal Government acting on it.

Ald. Theisen said he would be in favor of tabling this issue until the Police Department can handle enforcing this ordinance. He stated that the comments

he has heard from the public regarding this ordinance could be placed in three categories: 1) people who strongly feel that something needs to be done about illegal immigrants in this country 2) others who feel "whatever is, is and let's close the borders now" and document whoever is here and 3) people who feel we should have open borders. He stated that he is in favor of enforcing the law but given the fact that everyone just received a copy of this ordinance tonight, he would like to research this further and get the specifics and not base a decision on opinions. He again stated that he is in favor of finding out what the Police and the Federal Government are willing to do. He read excerpts from Bishop David Zubik's statement, "the Church advocates legalization opportunities for the maximum number of undocumented persons, particularly those who have built equities and otherwise contributed to their communities". Ald. Theisen questioned what about those who have not built equities and are not contributing? He summed up by stating that he would like to see what the city can do, and what the Federal Government will do.

Motion made by Ald. Weber, seconded by Ald. Wery to table the issue until the next Advisory Committee meeting. Motion carried.

Motion made by Ald. Weber, seconded by Ald. Jeffreys to adjourn. Motion carried.

The meeting adjourned at 9:40 p.m.

Respectfully submitted,

Mary Haupt
Recording Secretary