



AGENDA OF THE ETHICS BOARD

**THURSDAY, OCTOBER 10, 2019, 5:00 PM
CITY HALL, ROOM 207**

A. Roll Call.

- I. William Vande Castle, Chair; Alder Bill Galvin; Branka Bakovic, Chari Graham, Patricia Kiewiz--Director Green Bay Metro

B. Approval of the Agenda.

- I. Approval of the Agenda for Thursday, October 10, 2019.

C. Approval of Minutes.

- I. Approval of the Minutes for April 10, 2019.

D. Regular Business.

- I. Election of Vice Chair.
2. Hearing on Ethics Complaint against Alder Kathy Lefebvre, filed by Alder Andrew Nicholson, under the City of Green Bay Code of Conduct for Elected Officials.
3. Deliberations and action on the Ethics Complaint against Alder Kathy Lefebvre, filed by Alder Andrew Nicholson, under the City of Green Bay Code of Conduct for Elected Officials.

The Board may convene in closed session pursuant to Sections 19.85(1)(a), Wis. Stats., for purposes of deliberating concerning a case which was the subject of any judicial or quasi-judicial trial or hearing before that governmental body. The Board may thereafter reconvene in open session pursuant to Section 19.85(2), Wis. Stats., to report the results of the closed session and consider the balance of the agenda.

E. Adjournment.

- 1) THIS MEETING IS RECORDED: THE VIDEO OF THIS MEETING AND MINUTES ARE AVAILABLE ONLINE AT www.greenbaywi.gov

- 2) **ACCESSIBILITY:** Any person wishing to attend who requires special accommodation because of a disability, should contact the City Safety Manager at 920-448-3125 at least 48 hours before the scheduled meeting time so that arrangements can be made.
- 3) **QUORUM:** Please take notice that a majority or quorum of the Common Council will attend this Ethics Board meeting and will constitute a meeting of the Common Council for purposes of discussion and information gathering relative to this agenda.
- 4) **REPRESENTATION:** The party requesting the communication, or their representative, should be present at this meeting.

COMPLAINT

Complainant's Name: Alderman Andy Nicholson

Complainant's Address: 800 Venus Drive, Green Bay, WI 54311

Complainant's Phone: (920) 465-3564

Subject of Complaint: Alderwoman Kathy Lefebvre

Nature of the Alleged Violation: Alderwoman Kathy Lefebvre revealed confidential information that was discussed during closed session of the committee meeting to audience members. This is a violation of Wisconsin State Statutes. It is also in violation of the City of Green Bay Code of Conduct, Sections 1 and 4.

Date and Time of Alleged Violation: May 14, 2019 at approximately 20:20 hrs.

Parks Committee members present: Aldermen Wery, Johnson, Brunette, and Nicholson

Other Council Member present: Alderwoman Kathy Lefebvre.

Park & Rec Department members present: Dan Ditscheit, James Andersen

Agenda item:

Consideration with possible action on the purchase of 1705 East Shore Circle (Parcel 21-439) for the expansion of Bay Beach Amusement Park. The Committee may convene in closed session pursuant to Sections 19.85(1)(e), Wis. Stats., for purposes of deliberating or negotiating the sale of public properties, investing of public funds or conducting other specified public business as necessary for competitive or bargaining reasons. The Committee may thereafter reconvene in open session pursuant to Section 19.82(2), Wis. Stats., to report the results of the closed session and consider the balance of the agenda.

Statement of Facts

At the Parks Committee meeting on May 14, 2019 at approximately 20:20 hours, during the Committee's consideration of the above referenced agenda item, Alderwoman Kathy Lefebvre committed violations of the City of Green Bay Code of Conduct.

The Parks Committee met in closed session to discuss the above referenced agenda item. After closed session, the Parks Committee meeting reconvened. Alderwoman Lefebvre walked over to the audience members and revealed confidential information that had just been discussed in closed session. The audience included people from

COMPLAINT

Alderman's Lefebvre's neighborhood, as well as Mr. Charles from Friends of Bay Beach. Committee Chairman Wery immediately reprimanded Alderman Lefebvre. She responded with an apology, explicitly acknowledging her wrongful actions. This violation is clearly referenced by the videotape of the meeting proceedings.

Alderman Lefebvre broke the law and the trust of the people. She clearly violated State Statutes _____, as well as the City of Green Bay Code of Conduct Sections 1 and 4. Alderman Lefebvre should be reprimanded for her actions per Section 8 of the City of Green Bay Code of Conduct.

Documentation:

Transcript of the Minutes of the Parks Committee meeting from May 14, 2019 -- pages 1, 22 and 23. (attached)

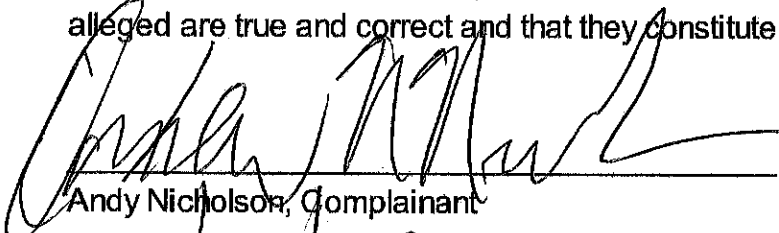
Resource:

Videotape of the Parks Committee meeting from May 14, 2019, published on the City of Green Bay website

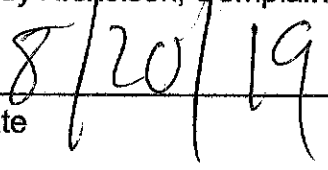
Witnesses:

Ald. Chris Wery, Ald. Jesse Brunette, Ald. Brian Johnson, Ald. Andy Nicholson, Dan Ditscheit, James Andersen

Affidavit: Complainant has good reason to believe and does believe that the facts alleged are true and correct and that they constitute a violation of the Code.



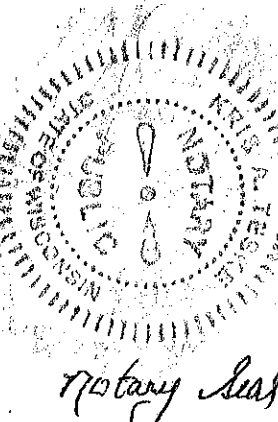
Andy Nicholson, Complainant



Date

*State of Wisconsin
County of Brown*

*Signed and sworn to before me by Andy Nicholson on
August 20, 2019.*

 *Notary Signature: Kris A. Tuske
Notary Expiration Date: May 25, 2022*



MINUTES OF THE PARKS COMMITTEE

**TUESDAY, MAY 14, 2019, 7:00 PM
CITY HALL, ROOM 310**

A. ROLL CALL.

Ald. Chris Wery, Ald. Jesse Brunette, Ald. Brian Johnson, Ald. Andy Nicholson
Others Present: Dan Ditscheit, James Andersen, Ald. Kathy Lefebvre

B. APPROVAL OF THE AGENDA.

Moved by Ald. Andy Nicholson, seconded by Ald. Jesse Brunette to approve. Motion carried.
Yes- Chris Wery, Andy Nicholson, Jesse Brunette, Brian Johnson, No- None, Abstain- None

C. APPROVAL OF MINUTES.

Moved by Ald. Andy Nicholson, seconded by Ald. Brian Johnson to approve. Motion carried.
Yes- Chris Wery, Andy Nicholson, Jesse Brunette, Brian Johnson, No- None, Abstain- None

D. REGULAR BUSINESS.

1. Consideration with possible action on the review of the bids and budget for the Colburn Pool Renovations.

Moved by Ald. Andy Nicholson, seconded by Ald. Jesse Brunette to receive and place on file. Motion carried.

Yes- Chris Wery, Andy Nicholson, Jesse Brunette, Brian Johnson, No- None, Abstain- None

2. Consideration with possible action on the approval of allocating \$170,000 from the existing beach funding for an amendment to the scope of work for Patrick Engineering to complete the engineering associated with the beach, pier and boardwalk project at Bay Beach Amusement Park.

- Opposed, motion carried. Why don't you read it.
- The Committee may convene in closed session pursuant to Sections 19.85, subsection subsection , which is , Wisconsin Statutes, for purposes of deliberating or negotiating the sale of public properties, the investing of public funds, or conducting other specified public business, as necessary for competitive or bargaining reasons. The Committee may thereafter reconvene in open session pursuant to 19.82, subsection Wisconsin Statutes to report the results of the closed session and consider the balance of the agenda.
- All in favor?
- [Together] Aye.
- Opposed?
- No.
- Motion carries, we'll go to closed session, three, one.
- I just want, before we go and discuss--
- Let's buy two more properties.
- Are we in closed session?
- We're off, in closed session.
- We're in closed right now, right. Okay, Kathy, did you?
- What.
- What did you just say?
- [Kathy] No, I just--
- She just told them it was a three to one vote again.
- Kathy, you're out of order.
- [Kathy] I'm sorry, I shouldn't have.
- No, that is not.
- That's really illegal, Kathy, you could get in big trouble with the law.
- [Kathy] Yeah, I did the wrong thing, I do apologize, I did.

- This has to come up, do you do this in other closed sessions?
- [Kathy] No, no I don't, I'm sorry.
- So three to--
- [Andy] How do we know that?
- All right, I'm just warning you, what you do in closed session is closed session for a reason.
- [Kathy] You gotta be careful, yeah..
- All right.
- [Kathy] I'm sorry.
- All right, we're back in open session, and what are the Committee's wishes?
- I move that--
- Sorry, we just need a motion to go back into open session.
- You made the motion.
- I move to go back into open session.
- Second.
- Second, Alder Brunette, those in favor?
- [Together] Aye.
- I make a motion that we move forward as directed in closed session.
- [Andy] Second.
- There is a motion by Alderman Johnson, a second by Alderman Nicholson to move forward as discussed in closed session. Do we need more detail about that, or .
- I would leave it like that. I think there was enough said tonight.
- Any discussion from the Committee? All right, those in favor?
- [Together] Aye.
- Opposed?
- No.

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