



AGENDA OF THE ETHICS BOARD

WEDNESDAY, JULY 22, 2020, 5:00 PM

Telephonic Meeting of the Ethics Board.

To listen to the meeting go to:

<https://www.youtube.com/CityofGreenBay>

A. Zoom Meeting Information.

- I. This item contains documents which provide call in information and instructions for the Zoom Meeting.

B. Roll Call.

- I. William Vande Castle, Chair; Alder Bill Galvin; Branka Bakovic, Chari Graham, Cheryl RenierWigg, Aaron Weinschenk

C. Approval of the Agenda.

- I. Approval of the Agenda for Wednesday, July 22, 2020.

D. Approval of Minutes.

- I. Approval of the Minutes from the February 26, 2020 Ethics Board Meeting.

E. Regular Business.

- I. Hearing on Ethics Complaint against Alder John VanderLeest , filed by Mr. Tarl Knight, under the City of Green Bay Code of Conduct for Elected Officials.
2. Deliberations and action on the Ethics Complaint against Alder John VanderLeest, filed by Mr. Tarl Knight, 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 will thereafter reconvene in open session pursuant to Section 19.85(2), Wis. Stats., to take action on items discussed in closed session, if appropriate, and to consider the remainder of the agenda.

3. For discussion with possible action on revising the City of Green Bay's Code of Conduct for Elected Officials, and the City of Green Bay's Code of Ethics to include provisions that detail what activities are proper and what activities should be prohibited for elected officials in regard to engaging in partisan politics through the use of their Green Bay elected offices.

F. 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.

Virtual Meeting Instructions



Ethics Board 7-22-20

Zoom Meeting Information

Join Zoom Meeting

<https://us02web.zoom.us/j/86888940933?pwd=aDUwRVVSejJ0cVVQWWloM0xRcmJ6UT09>

Meeting ID: 868 8894 0933

Password: 175848

One tap mobile

+13017158592,,86888940933#,,,,0#,,175848# US (Germantown)

+13126266799,,86888940933#,,,,0#,,175848# US (Chicago)

Dial by your location

+1 301 715 8592 US (Germantown)

+1 312 626 6799 US (Chicago)

+1 929 205 6099 US (New York)

+1 253 215 8782 US (Tacoma)

+1 346 248 7799 US (Houston)

+1 669 900 6833 US (San Jose)

Meeting ID: 868 8894 0933

Password: 175848

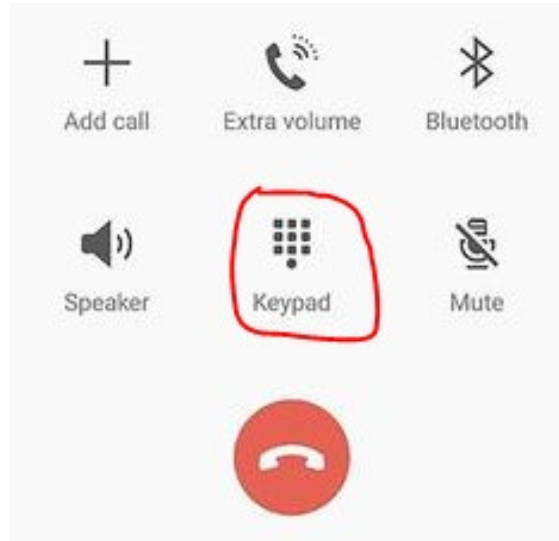
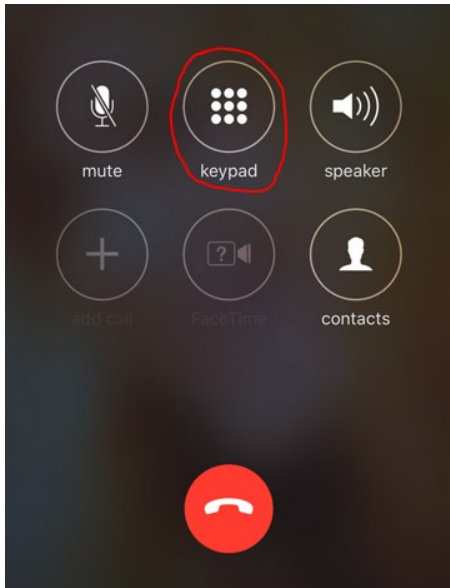
Find your local number: <https://us02web.zoom.us/j/86888940933?pwd=aDUwRVVSejJ0cVVQWWloM0xRcmJ6UT09>

Additional Information

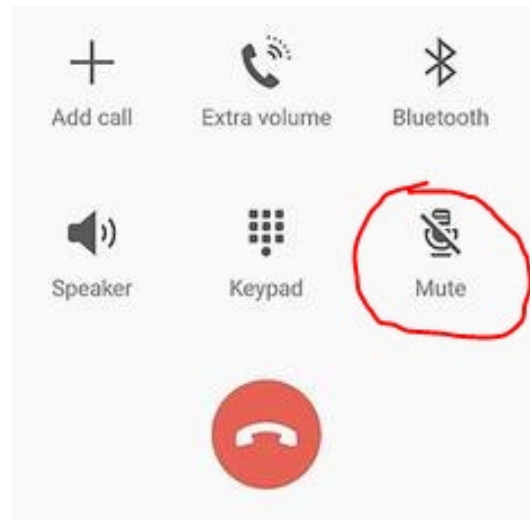
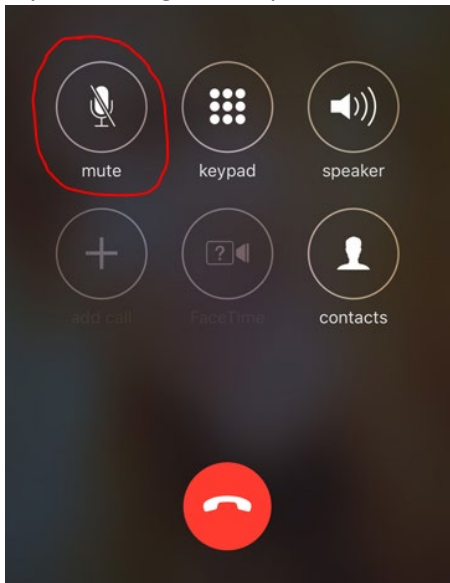
1. Wisconsin Open Meetings Law still applies
 - a. Persons interested in speaking to an item must give their name and address
 - b. Committee/Commission/Board members will still follow *Roberts Rules of Order*
2. All zoom meetings will have a password in the instructions. Please enter when prompted.
3. Please log into the Zoom meeting 10 minutes before the meeting starts to ensure proper technology is working.
 - a. If you are a Board Member, please log into [CivicClerk](#) with a computer, laptop, or tablet device.
4. Once you are in the meeting please mute yourselves.
 - a. You may unmute yourself when you are called upon to speak.
5. Waiting room
 - a. When you call in, all callers/participants will be placed in a “waiting room.”
 - b. Persons on the agenda will be admitted to the meeting, and then once the item is concluded, the host will permanently mute you from the meeting (you can still hear the meeting).
6. Using Zoom with a tablet or computer
 - a. Tablet—you will be asked to sign in. Download the app either with the Apple Store or the Play Store
 - b. Computer—you will be asked to sign in. You may download the app or click on the link to open Zoom in your browser.
7. Registering
 - a. The host may ask you to register for the meeting. A registration link will be sent to you along with the invite. You’ll receive another email confirming that you’re registered for the meeting.
 - b. If you’re using a phone, your registration will still be tied to an email.
8. Raising your hand
 - a. Committee members—you can either use CivicClerk and request to speak or you can “raise your hand” in the zoom meeting (you’d need to use a computer or tablet) to let the host know you’d like to speak. You can also un-mute yourselves and start speaking.
 - b. Persons on the agenda—you can “raise your hand” but you’d need to use a computer. You will be allowed to speak, per Wisconsin Open Meetings Rules, once the committee has “opened the floor for interested parties to speak.” Once the committee is finished with your agenda item, the host will mute you permanently, unless the committee opens the floor again.
9. What devices should I use?
 - a. Smart phone (please see more detailed instructions on page 3)
 - b. Land line
 - c. Tablet—well in advance of the meeting, please download the Zoom Meeting app before you join a meeting by using either the Apple Store or the Play Store. You will be asked to input your name, thus identifying you for the meeting. You’ll also be asked to verify your email.
 - d. Computer—well in advance of the meeting, please download the Zoom Meeting app, but you can also click on a link to open the Zoom Meeting in your browser. You will be asked to input your name, thus identifying you for the meeting.
 - e. For tablet and computer users--if you download the app you will be asked to verify your email.
10. Zoom etiquette
 - a. Muting yourselves when you’re not talking will prevent your background noise from interfering with others’ ability to listen to and participate in the meeting.
 - b. If you’re using a telephone, please identify yourself with your phone number and name before you speak. Zoom meeting hosts can see only your telephone number and will ask you to identify yourselves.
11. Closed session
 - a. Persons in the Zoom meeting will be put into a waiting room while the committee meets in Closed Session. Participants will be admitted back into the Zoom meeting once the committee reconvenes in Open Session.
 - b. Persons watching live on YouTube will see a gray screen with the City logo during closed session.
12. Persons interested in listening to the meeting can go to www.youtube.com/CityofGreenBay

Calling into the Zoom meeting using a smartphone

1. Dial the phone number listed at the beginning of this document.
2. When prompted, enter the Meeting ID number followed by #
 - a. If you're using a smartphone, you can access the keypad by clicking "Keypad" on your screen



3. Once you are in the meeting, notify the meeting host that you are in and state your name.
4. If you do not need to talk, please make sure your phone is on **Mute**
 - a. If you're using a smartphone, look at your screen and click the Mute button



- b. If you're using a computer, you should see a Mute button in the Zoom application





MINUTES OF THE ETHICS BOARD

**WEDNESDAY, FEBRUARY 26, 2020, 5:00 PM
CITY HALL, ROOM 310**

A. ROLL CALL.

I. William Vande Castle, Chair; Alder Bill Galvin; Branka Bakovic, Chari Graham, Cheryl RenierWigg, Aaron Weinschenk

William VandeCastle, Alder Galvin, Cheryl Renier-Wigg, and Aaron Weinschenk--present; Chari Graham and Branka Bakovic--excused

B. APPROVAL OF THE AGENDA.

I. Approval of the Agenda for Wednesday, February 26, 2020.

Moved by Ald. Bill Galvin, seconded by Staff Cheryl Renier-Wigg to approve. Motion carried.
Yes- Bill Galvin, William VandeCastle, Cheryl Renier-Wigg, Aaron Weinschenk, No- None,
Abstain- None

C. APPROVAL OF MINUTES.

I. Approval of the Minutes from the December 16, 2019 Ethics Board Meeting.

Moved by Staff Cheryl Renier-Wigg, seconded by Aaron Weinschenk to approve. Motion carried.
Yes- None, No- None, Abstain- None

D. REGULAR BUSINESS.

I. Consideration with possible action on request for confidential advisory opinion from employee pursuant to Wis. Stat. 19.59 (5) and Green Bay Municipal Code 1.90 (9).

The Board may convene in closed session pursuant to Sections 19.85(1)(h), Wis. Stats., for purposes of considering a request for confidential written advice. 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.

Moved by Ald. Bill Galvin, seconded by Board Member William VandeCastle to go into closed session. Motion carried.

Yes- Bill Galvin, William VandeCastle, Cheryl Renier-Wigg, Aaron Weinschenk, No- None, Abstain- None

Moved by Ald. Bill Galvin, seconded by Board Member William VandeCastle to return to open session. Motion carried.

Yes- Bill Galvin, William VandeCastle, Cheryl Renier-Wigg, Aaron Weinschenk, No- None, Abstain- None

E. ADJOURNMENT.

Moved by Staff Cheryl Renier-Wigg, seconded by Ald. Bill Galvin to adjourn. Motion carried.

Yes- Bill Galvin, William VandeCastle, Cheryl Renier-Wigg, Aaron Weinschenk, No- None, Abstain- None

The Office of Tarl Knight
405-409 West Walnut Street
Green Bay, WI 54303

Dear City Clerk Kris Teske,

I'm Tarl Knight. I live at 1341 Taylor Street #B, Green Bay, WI 54303. As you know, I'm a local Green Bay business and property owner and I also participated as a candidate for Green Bay's City Council. I am available both at (920) 562-5612 and tarlknight@tarlknight.com.

I'm writing with a formal complaint against Alderman John S. Vanderleest of the City of Green Bay's 11th District.

As a candidate for local office, I have had the opportunity to visit with several hundreds and thousands of constituents across the west side. Constituents always have various concerns, but none greater than their own alderperson not contacting them back, screening their calls and texts, and blocking them through their official media accounts, such as Facebook.

As public forums, citizens are provided the freedom of speech and the freedom of assembly to speak out and correspond with their alderperson. But over the last year, several constituents have come out with complaints about having been blocked or their posts and comments having been deleted. They have complained about being turned away by message or by phone if they admit to supporting another candidate for alderperson. And I, along with several others, have very serious concerns about the limiting of citizens' First Amendment freedoms, particularly by a local official.

Constituents have complained about being blocked or their posts and comments being deleted since 2016, several of whom continue to be blocked as of 2020. I trust an alderperson to advocate for their constituents, not turn them away and block them if they have concerns. But Alderman John S. Vanderleest continues to prove similar behaviour to be habitual.

The Supreme Court has confirmed social media as a "modern public forum", and as of last year, U.S. Circuit Court of Appeals affirmed public officials' Facebooks, Instagrams, and other media accounts to indeed constitute public forums, citing *Davison vs. Randall*:

"Public officials may not retaliate against speech they dislike by suppressing expression on social media."

Federal courts also stated:

"The suppression of critical commentary regarding elected officials is the quintessential form of viewpoint discrimination against which the First Amendment guards."

Alderman Vanderleest's public Facebook account titled "Green Bay City Council – John S. Vanderleest" is, for all intents and purposes, a public forum. Alderman Vanderleest has consistently and intentionally challenged constituents' freedoms of speech and assembly, not only unconstitutional behaviour but also un-American.

As a member of the City Council of the City of Green Bay, Alderman Vanderleest is mandated to abide by the City's Code of Conduct:

"No signs of partiality, prejudice, or disrespect should be evident on the part of individual Council members toward an individual participating in a public forum. Every effort should be made to be fair and impartial... The Council members are expected to demonstrate, both publicly and privately, their honesty and integrity, and to be an example of appropriate and ethical conduct. All Council members should convey to the public their respect and appreciation for the public's participation, input, and opinions."

Blocking opposing points of view at public forums automatically and categorically violates the City of Green Bay's Code of Conduct. But besides the Code of Conduct, the City's social media policy states:

"City social media sites shall adhere to applicable federal, state, and local laws. This includes any applicable open records requirements. Any content maintained in a social media format that is related to City business is public record. Content must be able to be managed, stored, and retrieved to comply with applicable laws."

Without their original posts and comments, constituents cannot provide the proper proof or information as to their specific content. But several are available to provide proof of having been blocked. I have attached a list of constituents available to testify with means to contact them. Please contact them if necessary.

Please also consider the formal complaint a warning of potential further litigation by the affected parties against Alderman John S. Vanderleest and the City of Green Bay.

As per Section 8 of the City of Green Bay's Code of Conduct:

"Information contained in the complaint is true and correct, or the 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."

Thank you for the attention to the matter.

Sincerely,


Tarl Knight



Brown County
21st of April, 2020
Victoria A Holmes
VICTORIA A HOLMES
Exp: 03-28-2021

(Attachment)

Mark Zahn, 1100 Chantel Street, Green Bay, WI 54304, (920) 403-0403
Abbey Vizelka, 1009 Chantel Street, Green Bay, WI 54304, (920) 639-0150
Bethe Lane, 1841 7th Street, Green Bay, WI 54304, (920) 362-4684
Jon Schultz, 1755 Chateau Drive, Green Bay, WI 54304, (920) 819-1441
Jennifer Jacobson Carew, 1696 Forest Glen Drive, Green Bay, WI 54304