

**MINUTES
ADVISORY COMMITTEE
Wednesday, June 1, 2011
City Hall, Room 604
6:00 p.m.**

MEMBERS PRESENT: Council President Tom DeWane, Council Vice-President Amy Kocha, Ald. Chris Wery, Ald. Steve Deneys, Ald. Jerry Wiezbiskie

MEMBERS EXCUSED: Ald. Tony Theisen

OTHERS PRESENT: City Attorney Tony Wachewicz, Members of the Media

1. Call to Order.

The meeting was called to order at 6:00 p.m. by Chairman, Ald. Tom DeWane. Attendance was taken as noted above.

2. Approval of the agenda.

Motion made by Ald. Wery, second by Ald. Wiezbiskie to approve the agenda. Motion carried.

3. Approval of the minutes of the March 3, 2011 Advisory Committee.

Motion made by Ald. Wery second by Ald. Wiezbiskie to approve the minutes of the March 3, 2011 meeting of the Advisory Committee, as submitted. Motion carried.

4. Request made by Ald. Zima that the Council consider changing our City policy/ordinances to allow the right of reconsideration on all City matters including appointments by the Mayor.

Chairman De Wane requested a motion to hold this item until the end of the agenda to allow time for Ald. Zima to arrive. Motion made by Ald. Weizbiskie, second by Ald. Kocha to hold this item until the end. Motion carried.

5. Request by Ald. Dorff and Wery to capitalize on positive press, recent and current redevelopment, and cause the fewest problems for residents and businesses, the City shall select portions of Gregby and/or Washington Way as the sites for a potential "McCarthy's Way".

Ald. Wery stated he isn't certain why this went to both committees and believes this item is before the I&S Committee right now, but Ald. Kocha said it has not come before I&S. Ald. Wiezbiskie said it was also referred to Planning. Ald. DeWane inquired of Atty. Wachewicz if it would be a proper motion to receive and place on file since there was a pending referral to I&S. Atty. Wachewicz said this would be appropriate. Ald. Wery stated this item previously went to the Traffic Commission and Brad Hopp, Chair of the Traffic Commission called and said he does not want to see this downtown. Ald. Wery said Ridge Road was tossed around a lot but

many residents in his district are not in favor of renaming Ridge Road, which would cause them hardship. He suggested renaming another street around Lambeau Field instead. Ald. Wiezbiskie believes this deserves more thought and is not in favor of a small street like Gregby Way, or it isn't worthy of calling it McCarthy's Way. He feels we need to do more work on this and agrees with Brad Hopp. Ald. Deneys stated this needs to be put somewhere on the west side, possibly an off ramp or bypass from the highway. This would cause no hardship to residents or businesses.

Motion made by Ald. Deneys, second by Ald. Wiezbiskie to receive and place on file. Ald. DeWane said he agrees that residents on Ridge Way (Road) should not be placed in a hardship and we should take the time to look at another street. He said Ashland is one option and feels this is deserving of an appropriate street.

A vote was taken on the motion to receive and place on file. Motion carried.

6. Request by Ald. Kocha for an ordinance relating to registration of lobbyists.

Ald. Kocha said this started quite a while back when the City was trying to come forward with ideas related to open government. She believes any person who is hired to try to influence the posture of any legislation, ordinances or activity that is going on in the City, be on record as such. She indicated she worked with Atty. Decker to draft an ordinance, which is included in the packet.

Motion made by Ald. Kocha, second by Ald. Wery, to approve the ordinance relating to registration of lobbyists, as drafted.

Discussion: Ald. Deneys inquired if the ordinance pertains to use of City Hall for lobbying? Ald. Kocha responded it has nothing to do with City Hall but refers to anyone hired to talk to elected officials to influence the way government is going to act. They would need to register and pay a \$20 fee and indicate who they are lobbying for and how much they are being paid. The point is trying to make the public aware that someone is concerned enough about a certain issue that they are willing to try to engage with elected officials.

Brief discussion ensued regarding the draft ordinance. Ald. Wiezbiskie would like to see added that City Council members be notified when lobbyists register for an entity. He suggested either via email or a phone call. Ald. Deneys and Kocha agreed with notifying Council members. Atty. Wachewicz said this could be added in sub (2) under the registration process and add (f) that would require the City Clerk to provide copies of any registrations by lobbyists to City Council members. Ald. Kocha inquired about adding it as sub (5), with Atty. Wachewicz stating he would add the item as sub (4) and move penalties down to (5). After further discussion, it was agreed to amend the Ordinance to require the City Clerk to provide notification to any elected officials via mail and phone, when a registration is received for a lobbyist.

A vote was taken to approve the ordinance as amended. Motion carried.

7. Request by Ald. Wiezbiskie to review the resignation process for aldermen to assure immediate dismissal upon resignation.

Ald. Wiezbiskie stated in the normal business world, it is customary when a person decides they are leaving, he is gone immediately. Usually an officer of the company walks them to the door and they pack up the employee's belongings and deliver to them. He state in some incidents, the locks on the doors are changed. In a recent incident in the city, a city official wavered back and forth that he was leaving and when and was still involved in city business, making decisions. He suggested referring to the Mayor's staff to come up with a policy. Atty. Wachewicz responded that the question in the situation referred to by Ald. Wiezbiskie, was what was going on exactly, and said the unique perspective is there was a question if the individual was still living in the district and when the resignation was to become effective. If there is a question whether someone has moved out of the district, he indicated it may be necessary to file a writ and go through the court process and let the court decide if the person has vacated their district and are acting in their lawful authority. Another example would be having an alderperson say they are resigning effective immediately. Atty. Wachewicz said when you have the question of a date that is out there, it's difficult to declare the person as vacated from that office.

Ald. Kocha questioned if we are bound statutorily in any way when it comes to elected officials when it comes to a resignation date? She would support the idea of sending this to staff to research and provide clarification on what our options are. She expressed concern with making a distinction between a verbal expression of leaving or asked if it has to be in writing? She wants to eliminate this gray area of if a person is or is not in office. Atty. Wachewicz responded this goes back to another question of having something definitive. Ald. Wiezbiskie would like this to include all city employees. Ald. Kocha said employment law will dictate those things, under Human Resources. Ald. Wiezbiskie will send communication to Human Resources. After further brief discussion, Atty. Wachewicz said they could refer to staff to put something more definitive together. He will contact Ald. Wiezbiskie before the final draft to be certain he is satisfied with the content.

Motion was made by Ald. Wiezbiskie, second by Ald. Kocha to refer to staff. Motion carried.

8. Referral from Council to discuss voter fraud in Green Bay.

Ald. DeWane inquired if any action is needed with the Governor's Voter ID Bill, which may have been signed today. Ald. Deneys indicated he initially brought this up and would like to keep this on hold to be kept to updated. Atty. Wachewicz said it sounds like passage of the Voter ID bill is imminent. Ald. Kocha suggested asking for an update at Council since the Advisory Committee meets infrequently and since the City Clerk is not present to address this item. Ald. Deneys wants to keep this item active.

Motion made by Ald. Kocha, second by Ald. Wiezbiskie to request the City Clerk to address this item at Council and to give an update. Motion carried.

9. Request by Ald. Wiezbiskie to review policies referencing use of City Hall by outside parties and set some reasonable guidelines to ensure normal business use.

Ald. Wiezbiskie stated he brought this up due to some minor disruptions in normal city business when the recall issue was happening. He asked for something more firm in the form of a policy as to what activities are acceptable in City Hall. He indicated Parks is in charge of policing what happens at City Hall. He stated he was a bit offended by the actions when he came to city hall during this time. Atty. Wachewicz distributed a draft of scheduling procedures for City Hall meeting rooms. He indicated some of the procedures date back to 1990 and said the committee could have a discussion and decide if there is anything they would like to add. He recommended that any guidelines that might be set, the committee keep in mind people's right to express themselves. He said they have the right to set guidelines based on time, place and manner, reasonable type restrictions. He cautioned against regulating any meeting based on what the group's content or view point might be.

Ald. DeWane inquired if they could include no political lobbying? Atty. Wachewicz said this would involve a political candidate using the building for their own political gain, which is prohibited. The case in point is a general kind of organization doing something. Ald. DeWane questioned if Council members are considered City employees? Atty. Wachewicz said more or less, yes. Ald. DeWane inquired about Alderpersons collecting signatures, Atty. Wachewicz said alderpersons have a right to their own personal rights and political views. Ald. Kocha said it's important to distinguish whether they are collecting signatures for their own election or acting as a citizen and supporting someone else. She also said that while they are city employees, they are in a different category as elected officials. She commented that the group not act in haste because we didn't like a group collecting signatures for their cause in City Hall, but said she supports not limiting how City Hall should be used.

Ald. Wiezbiskie made a motion to refer this item back to the next Advisory Committee meeting with committee members to bring back ideas, including use of the hallways. Ald. Kocha seconded the motion. Motion carried.

10. Request by Ald. Wery that, should Brown County decide to decrease the number of Green Bay supervisors from 12 to 11, that the City of Green Bay maintain our current 12 Council members.

Ald. Wery said this wasn't an issue and then it was. He said the County Board decided we were going to have 12 but the County Executive is challenging the plan and it's in legal limbo right now. He inquired if we should hold this item until the County resolves it or we can move ahead with what the County Board approved. Ald. DeWane gave an update, as a County Board Supervisor stating that the County Executive and Director

Lamine are in the process of making their own district mapping. He said it's never been done that way and he believes it will end up going to court. He feels we can hold this item until we know what the decision will be. Ald. Wiezbiskie stated we all have the right to draw up our own maps and present them for the court case, as he understands it. He said he has been told by the Mayor's Office we have the right to set up our Aldermanic people as we see fit. Ald. DeWane agreed with Ald. Wiezbiskie stating this won't need to be brought back to Advisory because the city has their choice. Atty. Wachewicz commented that the tentative supervisory district plan is in limbo and June 6th is the deadline for any resident or municipality to submit their own plan and at that point it's up to the court to make a decision. Once the city receives the tentative supervisory plan, that kicks in our 60-day time limit to draw our own wards and go about our process.

Ald. Wery made a motion, second by Ald. Deneys to refer this item to Planning with the recommendation to keep 12 aldermen. Motion carried.

11. Request by David and Brenda Nichols for a review of the actions of Ald. Wery in matters related to them that are or have been before the Green Bay City Council and its committees.

The Council may convene in closed session pursuant to Sections 19.85(1)(g), Wis. Stats., to confer with legal counsel with respect to litigation in which it is or is likely to become involved. The Council 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.

Ald. DeWane stated that he didn't receive a call from David or Brenda Nichols or the attorney's office. Ald. Deneys inquired what this is all about, with Atty. Wachewicz stating he doesn't know. Motion was made by Ald. Deneys, second by Ald. Kocha to receive and place on file. Ald. Kocha said there is no one here to discuss this item and she agrees with the motion. Ald. Wiezbiskie suggested convening in closed session if further discussion was necessary. Ald. DeWane indicated there was no need to convene in closed session.

A vote was taken on the motion to receive and place on file. Motion carried with Ald. Wery abstaining.

4. Request by Ald. Zima that the Council consider changing our City policy/ordinances to allow the right of reconsideration on all City matters including appointments by the Mayor.(Held up pending arrival of Ald. Zima)

Ald. Zima did not arrive for this item. Ald. Kocha stated attached is information from Atty. Kail Decker, which is a good informational piece as to how the law pertains to this. She supports a motion to receive and place on file. Ald. DeWane stated he likes to give the person another chance to discuss the item, with Ald. Kocha said the item could be pulled at Council and discussed. Ald. Wiezbiskie said this information is included in the manual that Alderpersons are given when they are elected.

Motion by Ald. Kocha, second by Ald. Wiezbiskie to receive and place on file. Motion carried, with Ald. DeWane voting No.

There being no further business, a motion was made by Ald. Deneys, second by Ald. Wiezbiskie to adjourn. Motion carried.

Respectfully submitted,

Mary Haupt, Recording Secretary

