



## **AGENDA OF THE ETHICS BOARD**

**WEDNESDAY, JANUARY 6, 2021, 5:00 PM**

**Virtual Meeting. Public may join via Zoom.**

**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; Cheryl Renier-Wigg; Aaron Weinschenk

**C. Approval of the Agenda.**

- I. Approval of the Agenda for the January 06, 2021 Ethics Board meeting.

**D. Approval of Minutes.**

- I. Approval of the minutes from the December 10, 2020 Ethics Board Meeting.

**E. Regular Business.**

- I. Hearing on a second Ethics Complaint against Alder John Vander Leest, filed by Mr. Tarl Knight, received on December 04, 2020, under the City of Green Bay Code of Conduct for Elected Officials.

2. Deliberations and action on the second Ethics Complaint against Alder John Vander Leest, filed by Mr. Tarl Knight, received on December 04, 2020, 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 governing 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. Consideration with possible action on a request for a confidential advisory opinion from an official pursuant to Wis. Stat. s. 19.59(5) and Green Bay Municipal Code 1.90(9).

The Board may convene in closed session pursuant to Wis. Stat. s. 19.85(1)(h) for purposes of considering a request for confidential written advice. The Board may thereafter reconvene in open session pursuant to Wis. Stat. s. 19.85(2) to report the results of the closed session and consider the balance of the agenda.

## **F. Adjournment.**

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

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Ethics Board 1-6-2021

## Zoom Meeting Information

### Join Zoom Meeting

<https://us02web.zoom.us/j/85684107317?pwd=L0haSDI4Ym5UUmYxQ0hMTVZTVTN0QT09>

**Meeting ID: 856 8410 7317**

**Passcode: 608077**

One tap mobile

+13126266799,,85684107317#,,,,,0#,,608077# US (Chicago)

+19292056099,,85684107317#,,,,,0#,,608077# US (New York)

### Dial by your location

+1 312 626 6799 US (Chicago)

+1 929 205 6099 US (New York)

+1 301 715 8592 US (Washington D.C)

+1 346 248 7799 US (Houston)

+1 669 900 6833 US (San Jose)

+1 253 215 8782 US (Tacoma)

Meeting ID: 856 8410 7317

Passcode: 608077

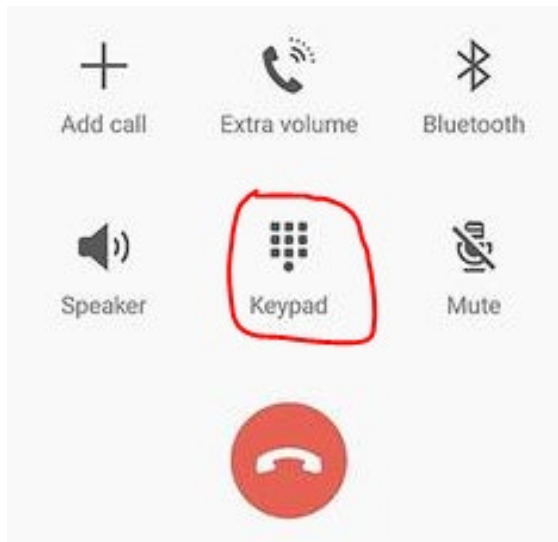
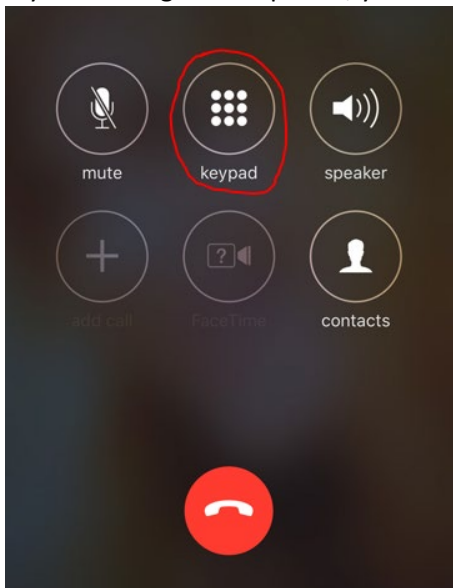
Find your local number: <https://us02web.zoom.us/j/85684107317?pwd=L0haSDI4Ym5UUmYxQ0hMTVZTVTN0QT09>

## Additional Information

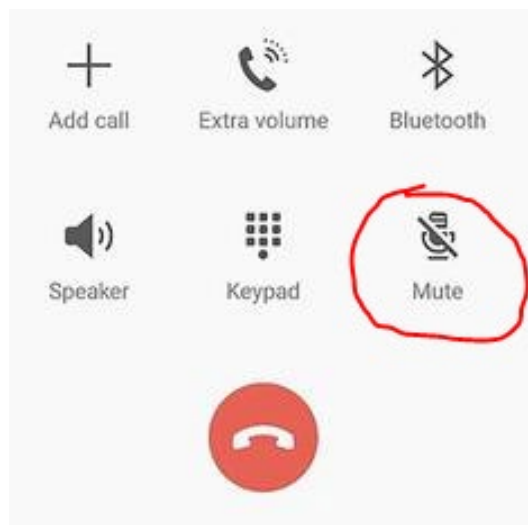
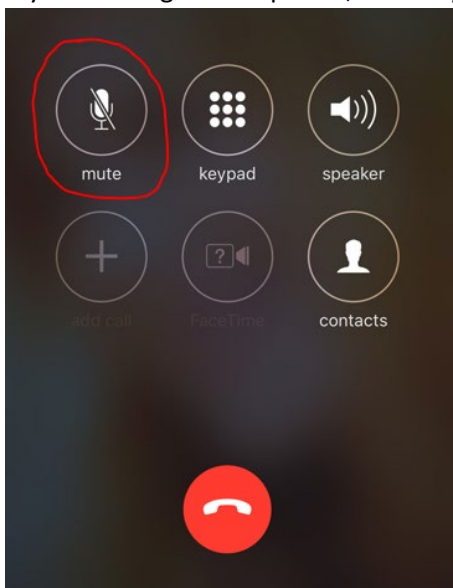
1. Wisconsin Open Meetings Law still applies
  - a. Persons interested in speaking to an item must give their name and address
  - b. Committee/Commission/Board members will still follow *Roberts Rules of Order*
2. All zoom meetings will have a password in the instructions. Please enter when prompted.
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 attending anonymously or listening to the meeting may call in by dialing \*67 followed by the phone number above.

## Calling into the Zoom meeting using a smartphone

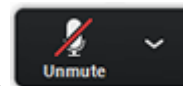
1. Dial the phone number listed at the beginning of this document.
2. When prompted, enter the Meeting ID number followed by #
  - a. If you're using a smartphone, you can access the keypad by clicking "Keypad" on your screen



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



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

DEC 04 2020

Dear City Clerk Kris Teske,

I'm Tarl Knight. I live at 1341 Taylor Street #B, Green Bay, WI 54303. 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.

During a recent session of Green Bay's Common Council, which occurred 1 December 2020, Alderman Vanderleest personally urged the City Council to support a recommendation made by city officials to dismiss a formal complaint made against him for violating the City of Green Bay's Code of Conduct by blocking constituents' social media accounts and deleting their posts and comments. The formal complaint and material at issue directly and personally concerned him, yet Alderman Vanderleest further chose to vote about the matter instead of being recused.

As was recorded by the City and made publicly available, Alderman Vanderleest addressed a motion to continue proceedings by holding the items until the next Common Council session and reviewing written arguments by stating:

"I accept what [items] 1 and 2 says: to dismiss the ethics complaint against Alder Vanderleest. And I'm thinking that, you know, that they had enough time to look it all over and what they're presenting... In other words, they voted to dismiss it and I think that's, you know, that's fine. You know, dismiss it and let's move on."

Alderman Vanderleest urges other members of the City Council to support the recommendation to dismiss the formal complaint made against him – a clear conflict of interest. The mayor then reminded Alderman Vanderleest the proposed motion was a matter of procedure according to the Code of Conduct, which prompted Alderman Vanderleest to reply:

"I'm not willing to accept it, so I'm going to vote 'nay' on that. Mark me down as a 'nay' ... I'm not supporting that."

Alderman Vanderleest then continued to vote against the motion rather than being recused of the matter – committing another clear conflict of interest.

Section 1 of the City of Green Bay Code of Conduct states:

"It is the policy of the City of Green Bay to uphold, promote, and demand the highest standards of ethics from its elected officials... [M]embers of the Common Council and Mayor shall maintain the utmost standards of personal integrity, trustfulness, honesty, and fairness in carrying out their public duties, avoid any improprieties in their roles as public servants, comply with all applicable laws, and never use their City position or authority improperly or for personal gain."

Section 4.D. of the City of Green Bay Code of Conduct, titled "Follow Parliamentary Procedure In Conducting Public Meetings", states:

"Final rulings on parliamentary procedure are made by the Mayor or Committee Chair, subject to the appeal of the full Council or Committee per Robert's Rules of Order."

The section titled "Voting Procedure" of Robert's Rules of Order states:

"No member should vote on a question in which he has a direct personal or pecuniary interest not common to other members of the organization."

Section 5.A. of the City of Green Bay Code of Conduct, titled "Be Clear About Representing the City Or Personal Interests", states:

"If an individual Council member publicly represents or speaks on behalf of another organization whose position differs from the City's official position on any issue, the Council member must clearly communicate the organization upon whose behalf they are speaking and must withdraw from voting as a Council member upon any action that has bearing upon the conflicting issue."

Although not an organization, the formal complaint and material at issue names and affects him personally. Alderman Vanderleest still chose not to "withdraw from voting as a Council member upon any action that has bearing upon the conflicting issue".

Section 6.B. of the City of Green Bay Code of Conduct, titled "Attendance At Board Or Commission Meetings", states:

"Council members may attend any Board or Commission meeting, which are always open to any member of the public. However, they should be sensitive to the way their participation is viewed, especially if it is on behalf of an individual, business, or developer, which could be perceived as unfairly affecting the process."

Again, the formal complaint and material at issue names and affects him personally. Alderman Vanderleest still chose not to "be sensitive to the way [his] participation is viewed, especially if it is on behalf of an individual which could be perceived as unfairly affecting the process."

Alderman Vanderleest clearly abused the position of City Council to attempt to convince other City Council members and City of Green Bay staff members to support the dismissal of the formal complaint made against him for violating the City of Green Bay's Code of Conduct. The formal complaint and material at issue directly and personally concerned him, yet Alderman Vanderleest then further chose to vote regarding the matter.

I argue Alderman Vanderleest's actions were not only a serious conflict of interest but also a clear violation of the Code of Conduct.

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*  
Tarl Knight

BROWN, WISCONSIN  
BY TARL KNIGHT

*Michael R Marciniak*

12-8-2020

EXP: 08/26/2024

